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Senate

The Senate met at 10:30 a.m. and was called to order by the Honorable BEN RAY LUJÁN, a Senator from the State of New Mexico.

PRAYER

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

Let us pray.

Eternal God, we thank You for Your great blessings. Lord, we are grateful that though the arc of the moral universe is long, it bends toward justice.

Continue to use our lawmakers to permit justice to roll down like waters and righteousness like a mighty stream.

May our Senators trust Your prevailing providence as they realize that behind the dim unknown, You stand within the shadows, keeping watch above Your own.

Lord, be with all the families affected by the Derek Chauvin trial. Be also with the many brave men and women who faithfully serve You in law enforcement.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 21, 2021.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BEN RAY LUJÁN, a Senator from the State of New Mexico, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 60; that the nomination be confirmed; that the motion to reconsider be considered made and laid upon the table with no intervening or debate; that no further motions be in order to the nomination; that the President be immediately notified of the Senate's action; and that the Senate resume legislative section.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Adm. John C. Aquilino

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. The Senate will now resume legislative session.

TRIAL OF DEREK CHAUVIN

Mr. SCHUMER. Mr. President, yesterday, a jury of former police officer Derek Chauvin's peers determined that he was guilty of murdering George Floyd, confirming what was plain to the millions of Americans who watched his murder on video—9½ excruciating minutes that documented the senseless and unnecessary loss of one man's life in broad daylight.

Our country was forever changed by the horrendous video of Derek Chauvin killing Mr. Floyd. His searing final words, screaming for air, calling for his mother, are etched in our memory. This guilty verdict serves as an official proclamation of what so many of us have known for nearly a year: George Floyd was murdered by an officer who was sworn to protect and to serve but who, obviously, didn't.

The brutality of George Floyd's murder, yet another in a seemingly endless string of tragedies, sparked a summer of protest unlike any we have seen in American history, elevating a long-building movement for more justice in policing. Americans of every age, color, and creed took to the streets in peaceful protest—from Minneapolis to Maine and Los Angeles to Atlanta, and including in my own home city of New York. A community of global citizens would soon join them in protest. In foreign capitals—from Rome, Paris, and London to Amsterdam, Berlin, and Mexico City—the name George Floyd would echo through the public square. This was not only a fight for justice but a fight against the mistreatment, discrimination, and outright bigotry that Black men and women suffer at the hands of State power, not just here in America but around the globe.

The death of George Floyd provoked such a reaction because folks in those

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

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communities knew a George Floyd of their own. Names of friends and colleagues who were tragically killed or suffered the brutal sting of racism sprang to their tongues. They still do.

Philando Castile, Ahmaud Arbery, Breonna Taylor, Trayvon Martin, Eric Garner, Daniel Prude, Sandra Bland—each circumstance different, the underlying tragedy much the same. Their names, and countless others, serve as a reminder that a single verdict in a single trial will never be enough.

It wasn't long ago that excessive force by police was never caught on iPhones or body cameras. It was out of sight and often beyond the reach of the law, which gave almost reflexive deference to police officers who were brought to trial, if they were ever brought to trial.

So this was an important event for the American justice system. Not only were the events concerning George Floyd caught on camera, but the offending officer was tried and convicted in a court of law. Let it serve as the proper deterrent—a deterrent that should have existed long ago—to the kind of egregious misconduct that led to George Floyd's death.

However, and most certainly, we should not mistake a guilty verdict in this case as evidence that the persistent problem of police misconduct has been solved or that the divide between law enforcement and so many of the communities they serve has been bridged. It has not.

We must remain diligent in our efforts to bring meaningful change to police departments across the country, to reform practices and training, and the legal protections that grant too great a shield to police officers guilty of misconduct.

We also must remain diligent in striving to root out the racial bias in our society: in our healthcare system, in jobs, in housing, in the economy, in the boardroom and at the ballot box, on our streets, and in our schools.

This goes way beyond party or political faction. Racism strikes at the very core of this country. Justice—true justice—will not come until we finally banish the ancient poison of racism from the American soul.

The Senate will continue that work as we strive to ensure that George Floyd's tragic death will not be in vain. We will not rest until the Senate passes strong legislation to end this systemic bias in law enforcement.

NOMINATION OF VANITA GUPTA

Mr. SCHUMER. Mr. President, now on a related subject, part of that effort, though modest, is installing committed, experienced, compassionate civil rights leaders in positions of power in the Justice Department, our Nation's top law enforcement Agency. It just so happens that, today, the Senate will vote on the confirmation of Ms. Vanita Gupta to be the next Associate Attorney General.

Not only is Ms. Gupta the first woman of color to ever be nominated to the position, she is the first civil rights attorney ever to be nominated to the position—the third ranking official in the Justice Department. That is shocking, really. We never have had a former civil rights attorney serving in such a position of prominence at the Justice Department. In that sense alone, Ms. Gupta would bring a long overdue perspective to our Federal law enforcement Agency.

Just to give you a sense of Ms. Gupta's commitment to civil rights and racial equity, in her very first case after law school, she won the release of several African Americans who had been wrongly convicted by all-White juries in Texas. Her clients later won a full pardon from Texas Governor Rick Perry.

At a time when our country needs to make strides against racial injustice, how can we not install one of the Nation's top civil rights lawyers at the Department of Justice? How can our colleagues not rise to the occasion—our colleagues on the other side of the aisle—and vote for her? I am so, so troubled by the fact that they are virtually unanimously against such a fine person who is needed so much at this time.

Yes, but, unfortunately, Ms. Gupta might be the first nominee in this Congress where the vote falls entirely down on party lines. I hope it doesn't come to that. The effort to elevate highly qualified civil rights attorneys like Ms. Gupta should be bipartisan.

I urge my colleagues—all of them, and particularly my friends on the other side of the aisle—to vote in favor of Ms. Gupta's nomination today.

ENDLESS FRONTIER ACT

Mr. SCHUMER. Mr. President, on a different matter here, for nearly a century, America's national security and economic security has been grounded in our scientific and technological superiority, often supported by smart investments by the Federal Government. But in recent years, countries like China have closed the gap with the United States. If we fail to respond, they will overtake us, with drastic consequences for our workers, businesses, allies, and partners around the world.

It is long past time for the United States to make the next wave of investments to fix dangerous weak spots in our economy and preserve our place as the world leader in science and technology, which then leads to millions of good-paying jobs here in this country.

So, today, I am proud to join with my friend the Republican Senator from Indiana, Senator YOUNG, and several of my colleagues from both sides to reintroduce the Endless Frontier Act. It is a big, bold, and bipartisan initiative to propel American science and technology into the 21st century. Let me stress that last point. This bill is bipartisan.

As Senator YOUNG and I have worked on the bill over the past several months, several Senators from both sides have been added as original cosponsors: six Democrats and six Republicans. That is because there is a bipartisan consensus that the United States must invest in the technologies of the future to outcompete China. Whichever nation develops new technologies first, be they democratic or authoritarian, will set the terms for their use. The stakes for personal privacy and personal liberties, as well as for national security, economic security, and minority rights around the globe, are simply enormous.

So at the center of this legislation is a $100 billion investment in research, commercialization, and workforce training in the kinds of technology that will play an outsized role in the future—semiconductors, artificial intelligence, quantum computing, and 5G, to name a few.

Another $10 billion would foster the development of technological hubs around the country. We want to see Silicon Valleys across the country, from my home State of New York and upstate to communities in the South, to the Midwest, to other places that rarely get the attention they merit despite the potential of their workforces, their institutions, and their links to the global economy.

Technological growth in jobs should not be limited to a few centers in America, and this bill attempts to spread it to other communities as well. It will also strengthen the critical supply chains in the United States and with global allies and partners. The Endless Frontier Act is exactly what we need to reinvigorate American science and technology, to promote our national security, and to create the jobs of the future.

I have committed to put a bipartisan, competitive-related bill on the floor of the Senate. The Endless Frontier Act will be a central part of that legislation. We will also push for emergency spending to implement the bipartisan semiconductor manufacturing provisions in last year's Defense bill.

Another potential component, led by Senators Menendez and Risch, is being marked up in the Senate Foreign Relations Committee this week. This is exactly what our Republican colleagues have asked for when it comes to regular order.

We are marking up bipartisan bills in committee and considering bipartisan amendments here on the floor. We have just seen this back process play out on the anti-Asian hate crimes bill this week, and next week we are going to follow it up with a water infrastructure bill that is also thoroughly bipartisan.

Our efforts to cement another century of American economic leadership should be no different—thoroughly bipartisan.

I yield the floor.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

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

BIDEN ADMINISTRATION

Mr. MCCONNELL. Mr. President, early on, a major theme of the Biden administration has been false advertising. We have the so-called COVID relief bill that broke a long bipartisan streak on pandemic response and only spent 1 percent of the money on vaccinations.

We have the reintroduction of a sprawling election takeover bill that Democrats wrote years ago under the guise that it is a commonsense voting rights bill.

We have a President who ran on protecting norms flirting with proposals to hot-wire the Senate rules and pack the Supreme Court. And then we have the latest example, where even one Ivy League expert says Democrats' spin ''does a bit of violence to the English language.'' They have assembled a patchwork of leftwing social engineering programs and want to label it ''infrastructure.''

Now, as I pointed out before, the first notable thing about the Biden administration's plan is what it doesn't focus on. Less than 6 percent of the alleged infrastructure bill would invest in roads and bridges. The total amount of funding it would direct to roads, bridges, ports, waterways, and airports combined—all together—adds up to less than what it would spend just on electric cars.

The far left sees a strong family resemblance between these proposals and their socialist Green New Deal. Yesterday, the House and Senate authors of that manifesto reintroduced it, while noting and boasting that the DNA of the Green New Deal is all over President Biden's legislative proposals. No wonder that White House's document rolling out the President's bill mentioned the words ''climate'' and ''union'' more often than ''roads'' and ''bridges.''

It would pick winners and losers in automotive manufacturing. It would force-feed the electrical grid some of the least reliable forms of energy. It would hector school cafeterias to stop using paper plates and force new standards and mandates on family homes.

And the relative pittance this proposal does allocate to actual infrastructure would have to creep through a tangled environmental review process. Without serious permitting reform, it won't build back better; it will build back never.

But at least some of these bad ideas have a tangential relationship to the actual concept of infrastructure, not so for some other statements we have heard from actual Democrats in recent days:

Climate action is infrastructure.
Police accountability is infrastructure.
Caregiving is infrastructure.
Supreme Court expansion is infrastructure.

Now, unsurprisingly, this liberal omnibus is not exactly an efficient engine for driving our economy. The White House's inflated claims of expected job creation have been fact-checked and received Pinocchios from the Washington Post.

Even under the rosiest scholarly assumptions—the rosiest assumptions—the White House's own favored estimates, taxpayers would pay more than $800,000 for each job the plan might create. Now, I know a lot of small businesses that could create more than one job if we handed them $800,000.

And then there are the tax hikes. This proposal is a Trojan horse to roll back the historic 2017 tax reform plan that helped spur big-time wage growth and the best job market in a generation before COVID–19. So the administration's proposal bears little resemblance to the bipartisan infrastructure bill Americans need and deserve. It just reads like customer service for the radical fringe.

NOMINATION OF VANITA GUPTA

Mr. MCCONNELL. Mr. President, now on another matter, over the past few months, Senate Republicans have made clear we believe a President is entitled to choose qualified, mainstream nominees to staff the executive branch and receive prompt and fair treatment from the Senate. I would say the 50 Senate Republicans have treated President Biden's nominees considerably more fairly than Senate Democrats treated the last President's, but the nominee we are considering this week is way outside the mainstream.

I will strongly oppose confirming Vanita Gupta to serve as Associate Attorney General, and I would urge colleagues to do the same. Ms. Gupta has spent her career, in large part, as an activist for leftwing causes. Her work for high-profile liberal interest groups and the Obama Justice Department have left a record of astoundingly radical positions. Those far-left positions were loud and proud until this prospect of promotion seemed to change the nominee's tune.

Previously, this nominee stated that ''states should decriminalize simple possession of all drugs.'' She said ''states should decriminalize simple possession of all drugs.'' Ah, but now Ms. Gupta claims her position has ''evolved.''

At her confirmation hearing, she refused to say she would accept any—any—limitation on abortions, up to and including partial-birth. That puts her at odds with nearly 70 percent of Americans across the political spectrum.

Recently, Ms. Gupta has insisted she can be trusted to oppose efforts to defund law enforcement, but she told the Judiciary Committee just last year that State and local leaders should ''heed calls'' from groups demanding that they decrease—decrease—police budgets.

This nomination has revealed a lengthy trail of radical claims and hasty backtracks, but there are also questions of temperament. The nominee has repeatedly amplified leftwing fearmongering toward judicial nominees and sitting Federal judges. She has levied ad hominem attacks on Members of this body. And during the confirmation process, she employed the loosest possible interpretation of her oath to deliver honest testimony, even drawing the ire of the liberal Washington Post for transparent flip-flops and misleading Senators about her own public statements.

This nominee contrasts sharply—sharply—with the resume and reputation of Attorney General Garland, whom I voted to confirm. The White House needs to make a better choice for this key post. The Senate should create that opportunity by voting no today.

RESERVATION OF LEADER TIME

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

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session and resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Vanita Gupta, of Virginia, to be Associate Attorney General.

The ACTING PRESIDENT pro tempore. The majority whip.

INFRASTRUCTURE

Mr. DURBIN. Mr. President, before making a comment related to Vanita Gupta, which is before the Senate, I would like to respond briefly to the minority leader Senator MCCONNELL's remarks.

The Senate is a venerable institution, but when it comes to defining infrastructure in the 21st century, what we are hearing from the other side of the aisle is not venerable thinking. It

isn't even old-fashioned thinking. It isn't in tune with the times in America. It doesn't reflect reality.

For the Republicans to argue that unless it is bricks and mortar, the government shouldn't be involved in building it for the good of the economy and the strength of business and good-paying jobs really is sinking their head deep into the sand.

And I think we ought to make a record, at least for the moment, that in the last 4 years of the last Presidential administration, there were no infrastructure bills—none. After all the promises of the Trump campaign and what he would bring, nothing happened—nothing. So to be lectured by the Republicans about what infrastructure is all about is to suggest to them that they missed a golden opportunity to help America, and we are not going to miss it.

To think that the Republican definition of infrastructure in America does not include the expansion of broadband coverage across this Nation—what are they thinking? Their minds are back 10 and 20 years ago.

Is broadband coverage for all Americans in every corner of this country a socialist idea to the Republicans? I think it is a commonsense idea to the people of America. They know it when their kids have laptops, and they have to sit in the parking lot of a library or next to a McDonald's or Starbucks in order to get access. They know what that means to their child, to their student in terms of their progress. Businesses know it too.

Try to advertise some section of America without access to broadband coverage to locate a new business. It is a laughing matter, and we know it.

So when President Biden suggests that broadband is part of infrastructure in America and then he is mocked as being a socialist by the Republicans, we have a clear definition of where the party values are today.

When it comes to other basic things, the Senator from Kentucky just doesn't empathize with what families go through to put people on the job. It isn't just a matter of finding a good job and being qualified to fill that job. There is also a family concern—a family concern that can literally make a difference as to whether you take that job.

The Democrats believe that childcare—affordable quality childcare—is part of the equation in terms of good-paying jobs being filled by Americans, where families want to be sure their kids are safe.

Is that socialism? Is that another example of socialism for the Republicans—quality daycare, affordable for families? It is not socialism in my book. It is a family value. That is why I think the efforts of the Republicans to run down President Biden's attempts to strengthen this economy really are antiquated and perhaps not in the best interest of this country.

NOMINATION OF VANITA GUPTA

Mr. President, we will be voting in a few minutes on Vanita Gupta.

Yesterday was a day that many Americans will never forget with the decision in a trial in Minnesota, carefully watched by millions across America and around the world. The death of George Floyd was a stark moment, when one piece of videotape has been emblazoned in the minds of people in the United States and around the world.

Under the knee of Officer Chauvin, George Floyd lost his life on a street in Minneapolis. Whether there would be accountability and justice as a result was an unanswered question until yesterday, and the answer came through loud and clear. The jury spoke, and justice was served. And now we have a responsibility to move forward.

The reason I make reference to that in light of the nomination of Vanita Gupta is the fact that the path to civil rights progress in America is often difficult and, for those who try to lead, often a lonely battle.

Vanita Gupta has taken more than her fair share of criticism from the Republican side of the aisle. I sometimes find it hard to believe that this amazing, outstanding, remarkable young woman is being degraded by so many Republicans when she comes to the floor for consideration by the Senate.

She has a record that is incredible. She is the right person for this job in the Department of Justice as Associate Attorney General. She is unquestionably well-qualified. She would be the first civil rights attorney and the first woman of color to be an Associate Attorney General. And, you know, I think that is at the heart of the problem as far as some Republicans are concerned. They are just not ready for that kind of change. Well, they should be.

Anybody who has turned on the news in the last week has seen that we need police reform in this country. We need to repair the relationship between law enforcement and the communities they serve.

Vanita Gupta has a proven track record of doing just that. As head of the Justice Department's Civil Rights Division, she led efforts to reform police departments across the Nation, and she did it in a way that brought people together: civil rights advocates, community leaders, and police and law enforcement. As a result, she has incredibly broad support.

When I hear them talk about defunding the police and how she is anti-police, how in the world do the Republicans explain the fact that she has the support of every major law enforcement group in this country? They just conveniently ignore that fact. If anything they said were true—really true—do you think that the Fraternal Order of Police would be standing behind her, as well as the civil rights community?

Consider this statement from the Federal Law Enforcement Association. They said: ''Ms. Gupta has a proven history of working with law enforcement agencies, corrections officials, advocates, stakeholders, and elected officials across the political spectrum.''

That is an incredible statement for an attorney—a civil rights attorney—who has not shied away from the battle, has walked into the most controversial situations in her time, and has proven over and over that she can not only just get the job done but she can do it to the satisfaction of both sides believing she was fair in the process.

She has the support of outstanding conservatives like Grover Norquist, Michael Chertoff, and Mark Holden, former counsel of Koch Industries.

I listened to the Republicans' baseless charges and smears against Ms. Gupta last week, and I find it amazing that they can ignore every law enforcement group that supports her and every leading conservative spokesman who has come out for her.

She has been the head of the Department's Civil Rights Division. She led efforts to prosecute human trafficking, combat religious discrimination, protect the rights of men and women in uniform, and to ensure that members of our military are not taken advantage of.

She has a career as a civil rights lawyer. This book tells the story. Six months out of law school, working for the Legal Defense Fund, she ended up taking an assignment in Tulia, TX. Why did she take this assignment? Because, when she did, there were some 40 people who had been arrested in this town. One out of every five Black adults in town was behind bars, all accused of dealing cocaine to the same undercover officer, Tom Coleman.

Coleman, the son of a well-known Texas ranger, had been named ''Officer of the Year'' in Texas. Not until after the trials in which Coleman's uncorroborated testimony secured sentences as long as 361 years—that is not a typo, 361 years—did it become apparent that Mr. Coleman had misrepresented his own qualifications and, sadly, misrepresented all of the cases before him.

Two dozen people were in prison, most of them African Americans. The town of Tulia had become a battlefield in the national debate over the war on drugs. And who was sent into this to represent the civil rights of those sitting in jail, who had been wrongly convicted? Vanita Gupta. Six months out of law school, she went down to Texas.

I would imagine that, 6 months out of law school, I was still searching for the right place to eat lunch with a partner in a firm—but not her. She went down there and became an outstanding advocate. And what happened as a result? As a result of her efforts and the efforts of other civil rights attorneys and the courage they showed, the determination they showed, the Republican Governor of Texas, Perry,

ended up pardoning every one of these criminal defendants and authorized the payment of millions of dollars in compensation for their damages.

And so when we hear from the Republicans that she is not ready for prime time, she is too radical, she can't handle this job, we are all going to vote against her—and they have—you think to yourself: Did they ever take a minute to read what she has done with her life, time and time again?

I will tell you, it is incredible to me that we are at this moment in history that a woman of color with an extraordinary civil rights record wants to make history in the Department of Justice, wants to continue to serve this Nation, representing our government and prosecuting cases for the American people, that she is prepared to take her experience and expertise and sit down and try to help us solve these monumental challenges we currently face and can't get a single Republican to stand in support—not one. It is hard to imagine.

Well, as I mentioned before, she has tackled tough assignments before successfully in the cause of the name of justice. The Justice Department, her service there, the Tulia case, which many don't want to talk about, has been true throughout her career. She is guided by an unshakable belief in upholding the rule of law and vindicating the rights of those who are too frequently taken advantage of, marginalized, and forgotten.

To Vanita Gupta, the people who have suffered discrimination in this country matter. She has dedicated her life to that. It troubles some. It wrangles them. It makes them angry, but the fact of the matter is, she is an extraordinary, essentially amazing woman in my estimation.

She has demonstrated already what kind of leader she is, what kind of courage she had 6 months out of law school to go to Tulia, TX, and to represent people already serving time in jail, who were ultimately released.

She also has a proven record of bipartisanship, a record of working with law enforcement and community leaders, and a record of upholding the rule of law.

In just a few minutes—3 or 4 minutes—the Senate will get a chance to advance her nomination, and perhaps several hours after that, we will finally give her the vote of confidence she deserves to join the Department of Justice, Merrick Garland, and now Lisa Monaco, who is being sworn in today, and be part of the team that heard the message in Minnesota yesterday and is prepared to move forward to make America a better place for all, a better place for opportunity and equality and real justice.

We need the right people in the Department of Justice at this moment in history more than ever in current memory, and we have the beginnings of that team with our Attorney General and with Lisa Monaco. Vanita Gupta should join them. She should be able, the day after tomorrow or even sooner, if possible, to be sworn into office and have this opportunity to continue her service to the Department of Justice and the cause of justice. That, to me, is indicated by her background and by the endorsement she has faced.

When you hear the bad comments about her from the other side of the aisle, pause and think for a moment: But, Senator, if she is so bad, why did all of the law enforcement groups in America support her? Why do all the civil rights organizations support her? Why does she have the support of so many conservatives, even in the business community, if she is as bad as you say she is?

The honest answer is she is not. She is a quality individual with remarkable credentials and a remarkable wealth of experience that she wants to continue to bring to our government. I hope the Senate will give her that opportunity.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican whip.

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

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

FOR THE PEOPLE ACT

Mr. THUNE. Mr. President, it is another day and another manufactured crisis. Yesterday, I came down to the floor to talk about the supposed crisis of confidence in the Supreme Court that requires us to immediately add four additional Democrat-chosen Justices.

Today, I want to talk about another manufactured crisis, and that is the supposed election crisis that requires us to pass H.R. 1, a Democrat piece of legislation designed to increase Democrats' chances of maintaining their current tenuous hold on power.

H.R. 1 is not new legislation. Democrats introduced a nearly identical version of this bill in the last Congress as well. Back then, we were told that we needed this bill to address profound electoral problems in our democracy—in other words, Democrats didn't like the results of the 2016 elections.

Then, of course, last year, we had an election with record voter turnout—the highest voter turnout since 1900—an election that gave Democrats the Presidency and paper-thin majorities in Congress, and the story changed. Now we are told that we need to pass H.R. 1 and federalize elections because legislatures around the country are passing ''voter suppression'' laws.

The State of Georgia recently passed an election reform measure—a law that keeps Georgia squarely in the mainstream when it comes to State election laws.

The Speaker of the Georgia House of Representatives noted yesterday in testimony before the Senate Judiciary Committee that while Georgia has made its no-excuse absentee voting more secure with this law, States like Delaware and New York—among many others—don't even allow no-excuse voting.

Delaware, of course, is the home State of the President of the United States. New York is the home State of the Democratic leader. I haven't noticed the President or the Democratic leader criticizing their home States for voter suppression. Nevertheless, Democrats decided that the Georgia measure would serve as a useful rallying cry for H.R. 1, so they spread a web of misinformation and outright lies, attempting to get people worked up by portraying Georgia's fairly ordinary election reform laws as a radical attempt to suppress voters and to suppress votes.

President Biden irresponsibly described the law as ''Jim Crow on steroids,'' as if the Georgia Legislature had decided to reinstate the evil of segregation. The President has been repeatedly rebuked by none other than the Washington Post for repeating a completely false claim about the Georgia law. In fact, the Washington Post gave the President four Pinocchios—a rating that the Post reserves for ''whoppers''—for his false claim that the law is designed to keep working Americans from voting. In fact, as the Post's Fact Checker piece makes clear, there is reason to think the law might actually—wait for it, Mr. President—expand access to early voting.

A fair-minded piece in the New York Times, hardly a newspaper that carries water for Republicans, concluded that the voting provisions of the Georgia law are ''unlikely to significantly affect turnout or Democratic chances.'' But that hasn't stopped Democrats from using Georgia's law as the poster child for supposed voter suppression and the pressing reason to pass H.R. 1.

Let's talk about the substance of H.R. 1. To start with, this legislation would transfer control over elections from States to the Federal Government despite the fact that the Constitution gives primary control over elections to the States. Under this law, States' ability to develop election systems that address the needs and challenges facing their States would be substantially limited.

Of course, Democrats would like us to believe that this Federal power grab is urgently needed since, they argue, States are contemplating voter suppression laws, but as I pointed out, the last election, with its record turnout—the largest turnout since 1900—did not exactly suggest that States are incapable of setting their own election rules.

Ironically, H.R. 1, which purports to be an election integrity bill, would actually undermine election integrity. The bill takes aim at State voter ID laws—a longtime obsession, I might add, of the Democrats. I have always been at a loss to understand Democrats' passionate opposition to requiring people to provide identification before voting.

Democrats, of course, present voter ID laws as an attempt to suppress votes by forcing people to go through a challenging process of obtaining a government ID. I have to ask if Democrats also think laws requiring ID to drive are somehow discriminatory. We constantly require photo identification in our society to drive, to board planes, to enter many government buildings, to pick up tickets to Major League baseball games. These requirements are pretty universally accepted. It is difficult to understand how requiring identification to vote is so outrageous. The American people don't seem to think so. Polls show that a majority of Americans support voter ID laws.

In addition to effectively eliminating State voter ID requirements, H.R. 1 also requires that States allow ballot harvesting, the controversial practice of allowing political operatives to collect and submit ballots. Needless to say, ballot harvesting opens up a lot of questions about voter fraud and election integrity, but the Democrats' bill would require it.

As I mentioned, Democrats introduced an almost identical version of H.R. 1 in the last Congress, and—get this—the ACLU opposed it. The ACLU opposed it. That is right. The American Civil Liberties Union opposed it. Why? Because the bill would ''unconstitutionally burden speech and associational rights.'' Unconstitutionally burden speech and associational rights. H.R. 1 would impose a vast new array of restrictions on political speech and issue advocacy, and it would impose disclosure requirements for organizations that would open up donors to retaliation and intimidation.

I could fill up several speeches with a discussion of all the bad provisions in this bill. H.R. 1 would turn the FEC, the Federal Election Commission, into a partisan body. It would require taxpayer funding of political campaigns. Taxpayer dollars would go to fund bumper stickers and political ads. It would allow the IRS to deny tax-exempt status to organizations whose positions it doesn't like and on and on.

Then there is the fact that on a purely practical level, this bill would be a disaster. A recent Daily Beast article highlighted the onerous and impossible-to-meet requirements the bill imposes on conducting elections. To quote the Daily Beast, another media outlet not exactly known for its favoritism toward conservative Republicans, the bill ''was written with apparently no consultation with election administrators, and it shows . . . it comes packed with deadlines and requirements election administrators cannot possibly meet without throwing their systems into chaos.''

The article goes on to say:

> The sections of the bill relating to voting systems . . . show remarkably little understanding of the problems the authors apply alarmingly prescriptive solutions to. Many of the changes the bill demands of election administrators are literally impossible to implement.

That, again, is from the Daily Beast.

Like the Democrats' Supreme Court power grab, H.R. 1 is a solution in search of a problem. Protecting the right to vote and preserving the integrity of our election systems are essential. While we are fortunate that our electoral system by and large seems to be operating well, there are certainly measures that we can take up to further enhance election integrity. H.R. 1 is not one of those measures. This legislation is an unacceptable Federal takeover of elections that would undermine election integrity and substantially curtail First Amendment rights. Every single Member of Congress should be opposing it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority whip.

CLOTURE MOTION

Mr. DURBIN. I ask unanimous consent that the mandatory quorum call with respect to the Gupta nomination be waived.

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

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 62, Vanita Gupta, of Virginia, to be Associate Attorney General.

Charles E. Schumer, Richard J. Durbin, Mazie K. Hirono, Tammy Baldwin, Tammy Duckworth, Alex Padilla, Maria Cantwell, Sheldon Whitehouse, Cory A. Booker, Debbie Stabenow, Brian Schatz, Tim Kaine, Kirsten E. Gillibrand, Benjamin L. Cardin, Gary C. Peters, Patrick J. Leahy, Christopher Murphy.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Vanita Gupta, of Virginia, to be Associate Attorney General, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 51, nays 49, as follows:

[Rollcall Vote No. 159 Ex.]

YEAS—51

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

NAYS—49

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

(Mr. KELLY assumed the Chair.)

The PRESIDING OFFICER (Mr. HICKENLOOPER). On this vote, we have 51 yeas and 49 nays.

The motion is agreed to.

The Senator from Texas.

NOMINATION OF VANITA GUPTA

Mr. CORNYN. Mr. President, as my friend the Republican leader likes to remind us, the Senate is not just a legislative body; we are also in the personnel business. One of the Senate's core responsibilities is to provide advice and consent for the President's nominees for a range of important jobs throughout the Federal Government. In fact, it is a constitutional duty of the Senate to perform that function.

When the President is of the opposing party, there is all but a guarantee that you will not see eye to eye with every nominee, but the process isn't just about politics or judging nominees based on whether their opinions align with your own. As I see it, we are charged with evaluating these individuals to see if they are qualified not only to carry out the duties of their position but will also do so with honor and integrity.

Take Attorney General Merrick Garland, for example. When the Senate considered his nomination, it became clear that he had both the experience and the temperament to lead the Department of Justice. Do we agree on everything? No. But he committed to do everything in his power to keep politics out of the Department of Justice, and I have no reason to doubt his credibility.

The same could be said of the President's nominee for Deputy Attorney General, Lisa Monaco, who was confirmed yesterday by the Senate. Ms. Monaco is a longtime public servant who previously served for 15 years at the Department of Justice. Throughout her career, she has earned the respect of folks on both sides of the aisle, and I believe she will bring a wealth of experience and institutional knowledge to the Department.

So my point is, I have supported the majority of President Biden's nominees thus far, and every single nominee has received bipartisan support at some level. But unfortunately, it looks like we are about ready to break that record of bipartisanship.

Today, the Senate will vote on the nomination of Vanita Gupta to serve as

Associate Attorney General, the third highest official at the Department of Justice. Unlike previous nominees who have received bipartisan support, there is not a single person on this side of the aisle who believes that Ms. Gupta is fit to serve as the third in command at the Department of Justice.

I can't predict what the final vote will be. It will be at 2:30. But I hear nobody on this side of the aisle saying she is an exemplar of the type of person who should serve in the Department of Justice.

As I said, this is not about politics; nor are those of us who are opposed to her nomination opposed because of her gender or race. To the contrary, those are irrelevant. Instead, the lack of support for Ms. Gupta is a result of her radical record far outside the mainstream and her career as a partisan activist. In fact, she has championed radical policies basically all of her professional career.

In addition, throughout the confirmation process, Ms. Gupta was asked about the long, long list of controversial, misleading, and sometimes outright false public statements that she has made in the past—her statement before the Judiciary last summer, for example, that we should effectively defund the police; her op-ed that argued we should effectively revoke qualified immunity for law enforcement in civil lawsuits; but worst of all were her prior statements on drug policy.

In 2012, Ms. Gupta wrote in an op-ed in the Huffington Post that ''States should decriminalize simple possession of all drugs.'' ''All drugs.'' This is obviously an incredibly controversial statement and way out of step with most Americans' views, for good reason. What she said is, as long as they were small amounts, she would legalize heroin, fentanyl, cocaine, ecstasy, methamphetamine, you name it.

When Ms. Gupta tried to distance herself from these previous positions that are published in black and white, here is what the Washington Post Fact Checker said:

> For this tango of previously unacknowledged flip-flops, Gupta earns an Upside-Down Pinocchio.

Now I have seen a one Pinocchio, two Pinocchio, three Pinocchio, even a four, but I have never seen an upside-down Pinocchio for a ''tango of previously unacknowledged flip-flops.'' The Fact Check examined Ms. Gupta's confusing then and now statements on police budgets, qualified immunity, and drug policy, and that is what they found.

Now, I understand and respect the fact that people's opinions can change over time. As we learn new information or have different experiences in life, we all understand that one's views can change. But there is a big difference between honestly forming a new opinion and undergoing a confirmation conversion to bury radical views on controversial subjects. After all, how could anyone support a nominee who advocated the decriminalization of all drugs, especially for the No. 3 spot at the Department of Justice? I am not sure anyone in this Chamber, Republican or Democrat, could support someone to serve in the upper echelon of the Justice Department who supported the legalization of heroin, fentanyl, and other dangerous street narcotics. That is why she attempted to whitewash it. She knew she couldn't get nominated, much less confirmed, if she didn't.

But here is what we know about drug abuse in America. This is a map of national opioid death rates in America. As you can see, they go from the dark colors, which is where the death rate is 29 to 43 per 100,000 population, to the slightly lighter range, which is 20 to 29, roughly, people per 100,000, and then the lighter ones, obviously, until you get to the lowest one, which is 3.5 to 10.9.

Every community in America has felt the pain and anguish from the opioid crisis. In 2019, there were more than 70,000 overdose deaths in America. There were 70,000 Americans who lost their lives. We are still waiting on complete figures from 2020, but preliminary data shows things are trending in the wrong direction. From June 2019 through May 2020, more than 81,000 Americans have died from drug overdoses.

Fighting the opioid epidemic is a cause every person in this Chamber can get behind because, as you can see, each of our States has been impacted. In 2016, thanks to the hard work of a bipartisan group of Senators, we passed what became known as the CARA Act—the Comprehensive Addiction and Recovery Act—to help more Americans break this devastating cycle of drug use, drug abuse, and overdose, and we appropriated tens of billions of dollars to fight this scourge.

As I said and as you can see, no State has been spared the pain and suffering from the opioid epidemic, but we do know some have been hit harder than others. For example, one of the States, with the darkest color, with the highest rate of overdose deaths is Ohio. And we can see here what had happened in the period, roughly, from 2009 to 2019.

From 2009 to 2019, 10 years, there were more than 33,000 drug overdoses and deaths in Ohio alone—33,000 Ohioans, each with their unique value, contribution, and story. It is an absolutely heartbreaking number of deaths that should have been prevented.

Another one of those States with the worst problems with opioids was New Hampshire. In 2013, the drug overdose deaths per capita were slightly above the national average, at 15 deaths per 100,000. In New Hampshire, in 2016, just 3 years later, the death rate increased 158 percent.

First responders across New Hampshire experienced a dramatic increase in the calls they got for overdoses so they started carrying Narcan, a medication used to reverse an overdose if you get there in time before the overdosed individual dies. They carry them in their emergency gear because these overdose calls became so common.

Another one of those States hit particularly hard is West Virginia. In 2019, West Virginia had the highest overdose deaths per capita. For every 100,000 population, more than 52 were from an overdose, double the national figure. That is 21.6 per 100,000 that went up—that is the national—and the West Virginia number is double, as you can see.

Our friend Senator CAPITO has been a tireless advocate for West Virginia families, many of whom have felt the pain of this crisis firsthand. She recently wrote an op-ed about this nominee and the contradictory and confounding statements she has made in the past, particularly on drug policy.

Senator CAPITO wrote:

> It's hard to imagine the level of devastation [that] we would see if all of these drugs actually were legalized. And, it's even harder to imagine that a nominee for a critical law enforcement position would hold this view.

I completely agree with our friend from West Virginia. Given the ruin that the opioid epidemic has dealt in communities across the country, I can't even begin to imagine how much worse it would be had the States heeded Ms. Gupta's call to decriminalize all drugs for personal use. If fentanyl, heroin, methamphetamine, and other highly addictive drugs were decriminalized, how many more Americans would become addicted? How many more would have died? How many more families would suffer the loss of a child? a sibling? a parent?

I am profoundly concerned by Ms. Gupta's prior statements on drug policy, as well as her radical statements on defunding the police, disarming the police in civil lawsuits by eliminating qualified immunity, abolishing the death penalty for the most heinous crimes, and so much more.

Worse, though, is her inability to be honest about her position on issues that would directly fall within her purview at the Department of Justice. The American people deserve to know that leaders at any government Department or Agency—but especially the Department of Justice—they deserve to know that these public servants are honest and will tell them the truth. As Ms. Gupta's upside-down Pinocchio indicates, no Senator can have the confidence that Ms. Gupta would be honest with them or tell them the truth.

We hold hearings. We put witnesses under oath promising to tell the truth, the whole truth, and nothing but the truth, so help me God, and we don't expect people will come into those hearings and lie. We ask followup questions. Perhaps there was some misunderstanding that you would like to clear up.

Believe it or not, Ms. Gupta answered a written question under oath stating that she had never advocated for the decriminalization of all drugs, even

though in 2012, in an op-ed she published in the Huff Post, she did exactly that. But then, for some reason, she decided to lie about it under oath to the U.S. Senate Judiciary Committee. If she would lie to us, she would lie to you. And I fail to see how, for some reason, we think she will change the way she acts or behaves or improve her standard of behavior when it comes to honesty and truthfulness. We hold these hearings and ask these questions to understand the opinions and the character and the motivation of these nominees. But based on what the Senate has learned about Vanita Gupta, I don't believe she is fit to serve as the Associate Attorney General.

The Department of Justice, perhaps more than any other Department or Agency, must be led by men and women of honesty and integrity, people like Merrick Garland and people like Lisa Monaco who received overwhelming bipartisan votes here on the Senate floor. High-ranking public officials at the Department of Justice cannot be motivated by partisanship. They must pursue no other agenda other than fair and impartial justice.

In contrast, Ms. Gupta has shown she is a partisan activist with a penchant for skirting the truth. If confirmed as Associate Attorney General, I believe she has the potential to use the powerful tools at the Department of Justice to wage partisan warfare that has been part of her professional career to this point. If we can't trust her to be honest with us, how can we expect her to fulfill her duty of candor in courtrooms, including all aspects of the legal process that depend on honest, truthful answers and communications.

If we can't depend on her to tell the truth at the Senate Judiciary Committee in the confirmation hearing, how can we depend on her to exercise her duty of candor when applying for a warrant from the Foreign Intelligence Surveillance Court, for example.

Sadly, I believe Ms. Gupta will be a clear and present danger to the American people if she is given the muscle and might of the Department of Justice, as well as the entire Federal Government of the United States of America.

I cannot support her nomination, and I would urge all of my colleagues to do likewise.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

Mr. DURBIN. Mr. President, it has been many years ago that I went to law school, and I still remember some of the courses and some of the teachers and certainly some of my grades. One of the most interesting courses that should have been required of every student in every law school in America basically was about this document, this Constitution, because in its simplicity, you are sometimes put off by the fact that there is real wisdom behind the words, and applying them in real life can take twists and turns. I found one way, a quick course in constitutional law, where average people come to understand the Bill of Rights better than most, and I found this when I was practicing law in Springfield, IL.

I would get a telephone call from a parent who would say to me: Durbin, you have got to help me. They arrested my 17-year-old son for possession of marijuana. What are his rights under the Constitution? Did they give him a Miranda warning?

I started hearing things from parents coming back to me about this document, which I was surprised—surprised to hear. The point I am trying to make is this: The many years ago when I was practicing law in Springfield, IL, we were going through a learning process about drugs and addiction, and it has continued to this day. In fact, I don't believe there is a single Senator on either side of the aisle who would say: You know, I have been here 20 years or plus, and I have never changed my views on drugs. Maybe some feel that way. I am not one of them.

There have been dramatic changes in the American attitude toward drugs. I think we know that, obviously. There have been changes in many States. In my State of Illinois, I think about that parent who called so many years ago—in a State where the sale and possession of marijuana and products made with marijuana is now legal and taxed.

Things have changed dramatically when it comes to drugs. There are very few people who hold to the old school, which says: Simple possession of one marijuana cigarette, and we are going to put you in jail and throw away the key.

No, it has changed a lot. In fact, it has changed in Washington so much so that there was a bill called the FIRST STEP Act. The FIRST STEP Act was a bill that I worked on with Senator GRASSLEY and Senator LEE and Senator BOOKER, who is here today, that basically said: We are changing our attitude toward drugs. Simple possession of a small amount of drugs will not require a mandatory minimum sentence because we have seen the terrible outcome otherwise.

We put that bill together on a bipartisan basis, and President Donald Trump signed the bill into law. He not only signed it but came before us in the State of the Union Address and was proud of the fact that he had changed and reformed drug laws.

So when I hear the arguments made on the floor that perhaps some nominee coming before us may have changed her or his opinion on drugs as, say, America has, by and large, think about what has happened with this opioid crisis now that it is no longer just an—I say ''just,'' underlined—an inner-city crime but a crime that affects families who live in wealthy suburbs. We now are looking at addiction so differently.

So let's go to this issue of Vanita Gupta and her positions on drugs. In questions for the record, Senator CORNYN, the senior Senator from Texas, asked Vanita Gupta what research, books, studies, and other material did you rely on before concluding that ''all drugs should be legal''?

Gupta said that she has never said that all drugs should be legal or completely decriminalized.

In his floor speech last week, Senator CORNYN claimed 15 times that Gupta had lied in response to this question. Senator CORNYN held up a poster purportedly showing that Gupta had denied ever making a 2012 statement in favor of decriminalizing the simple possession of small amounts of drugs. The Senator said: If you publish an op-ed saying the sky is purple and now you say the sky is blue, don't tell us you never thought the sky was purple.

Senator CORNYN's claim, I am afraid, is false. Vanita Gupta was completely honest and forthright. Cornyn's poster left out the very next sentence of Gupta's response, in which she clearly acknowledged her past position on decriminalizing the simple possession of drugs. Gupta stated, and I quote: ''I have never advocated for the decriminalization of all drugs, and I do not support the decriminalization of all drugs. In 2012, nine years ago, I coauthored an article that advocated for states to decriminalize and defelonize simple possession of all drugs, particularly marijuana, and for small amounts of other drugs.''

Does this sound like a person who is on a crusade to promote fentanyl, opioids, heroin? It sounds like a person who might have voted for the FIRST STEP Act, signed into law by President Donald Trump, who said we have to take an honest look at what arrest and imprisonment for simple possession of drugs has done to America. When one out of three Black adult males, has, unfortunately, a history of incarceration, it raises a question about overincarcerating for possession—possession—of drugs. So I think this argument that she cannot be trusted on the issue of drugs falls apart when you read what she actually said.

Then there is the question of defunding the police. I don't know who dreamed up that phrase. I don't think much of it. I have never espoused it nor argued for it because I think it is so misleading, and, in many respects, it has been exploited.

Republicans like to claim that Vanita Gupta supports efforts to defund the police. She has never called for defunding the police. Suggesting she has done so, including an ad by the conservative, dark money-funded Judicial Crisis Network—they pop up around here whenever mysterious groups want to spend millions of dollars to discredit someone. These claims in that ad are patently false.

A Washington Post editorial wrote of the Judicial Crisis Network claim: ''Awkwardly, there's zero proof of that, including in the ad's own footnoted citation.'' The Washington Post called Judicial Crisis Network's ad a ''baseless smear campaign,'' ''categorically

dishonest,'' and ''mainly notable for the magnitude of lies and distortions it crams into 30 seconds.''

And listen to the response and the source. The executive director of the National Fraternal Order of Police, Jim Pasco, called this ad that claimed that Gupta wanted to defund the police—do you know what he called it?—''partisan demagoguery.'' And yet we still hear it on the floor of the Senate as if it is gospel truth.

The Fraternal Order of Police supports Vanita Gupta's nomination to this position in the Department of Justice, and they aren't the only ones. Virtually every major law enforcement group supports Vanita Gupta. You wouldn't know that, would you, when you hear on the floor that she wants to legalize all drugs and take the money away from police. Those simplistic statements belie the truth and the fact that these organizations support her.

The Republicans, starting with Senator MCCONNELL and continuing to this moment, will not acknowledge the obvious. These are hard-nosed organizations that don't give their endorsement out easily, and they weren't fooled by Vanita Gupta. They know Vanita Gupta.

In a letter to the Senate endorsing Gupta's nomination, the president of the Major County Sheriffs' Association of America—that is a pretty hard-nosed group. Here is what they wrote: ''During our meetings, Ms. Gupta emphasized that she does not support efforts to defund the police.'' They addressed it directly. They didn't beat around the bush. You don't expect them to; do you?

During her tenure at the Justice Department, Vanita Gupta worked closely for law enforcement, which is why the Senate has received numerous letters of support for her nomination from law enforcement groups. I can go through the list, and it is long. I won't. Trust me, it has all been entered into the RECORD. Every Senator—Democrat and Republican—has had a chance to see it.

But I think there is something more fundamental to this nomination, which we are considering Wednesday, April 21, in the year 2021. Late yesterday afternoon, a verdict in a trial in Minnesota captured the attention of America and other places around the world. We all know what it was about. It was about the death of George Floyd and the culpability of a law enforcement officer in his death. It was a trial that was followed as closely as any trial that I can remember, and the verdict against the police officer gave some people the hope that we are finally going to walk down that path again of civil rights and be honest about it and demand equality under the law for everyone in this country in the enforcement of law.

I hope that happens, and I hope that we can be a part of it—and we should be—in the U.S. Senate. But I will tell you, and I can predict with certainty, that it is going to be a rocky path for those advocates for asserting civil rights. History has shown it, and many of us have lived it, at least as witnesses, that those who step out and speak out for civil rights and human rights often pay a heavy price.

One of the people in our history—our recent history—who has done just that is Vanita Gupta, the nominee who is before us today.

I mentioned earlier, and I want to commend to my colleagues and anyone else, this book ''Tulia,'' written by a man named Nate Blakeslee. It is a story of a town in Texas. I want to briefly describe to you why they would write a book about this town in Texas.

Mr. CORNYN. Mr. President, at the appropriate time, I would ask the Senator to yield for a brief question. But I don't want to interrupt him in his train of thought.

Mr. DURBIN. Sure.

Let me read the summary of this book and the book cover. I have had a chance to read parts of it but not in its entirety. Here is what it says: ''Early one morning in the summer of 1999, authorities in the tiny West Texas town of Tulia began a roundup of suspected drug dealers. By the time the sweep was done, over 40 people had been arrested and one out of every five black adults in town was behind bars, all accused of dealing cocaine to the same undercover officer, Tom Coleman. Coleman, the son of a well-known Texas Ranger, had been named Officer of the Year in Texas. Not until after the trials, in which Coleman's uncorroborated testimony secured sentences as long as 361 years, did it become apparent that Coleman was not the man he claimed to be. By then, two dozen people were imprisoned, and the town of Tulia had become a battlefield in the national debate over the war on drugs.''

And there they sat, dozens of them, in prison, accused of serious drug crimes.

And then a young lady graduated from law school and went to work in the area of civil rights. Six months out of law school, she traveled to Tulia, TX. Her assignment? Bring justice to the situation. I can't imagine, 6 months out of law school, barely having passed some State's bar exam, to be given that assignment. The woman, of course, was Vanita Gupta, and she got on a plane from New York. Her civil rights organization sent her to Tulia, TX, to take on this injustice.

By then, they were all sitting in jail. Most of them were African American. And she was sent to Tulia, TX, to rescue them and try to help them.

Well, she quickly assessed the situation, decided writs of habeas corpus would have to be filed to try to get reconsideration of the charges against these individuals, and then she quickly realized she was in over her head. She couldn't do this alone. There were too many cases.

So she went back to New York and started calling law firms, saying: I need your help. I need pro bono attorneys, volunteer attorneys who will help me do this case. She tackled it and took it on, and at the end of the day, this brave young woman, whom we are about to vote on in an hour and a half, was responsible for leading a team that liberated these prisoners.

The Republican Governor of the State of Texas officially pardoned them for the drug crimes they had been charged with, and the State of Texas offered damages to them for what they had suffered.

I can't imagine Vanita Gupta, fresh out of law school, heading down to this town of Texas and tackling this. How about that for your first assignment? Most new lawyers are stuck in a library looking up footnotes and cases. She didn't waste any time but to go down there.

The reason I raise that is, at this moment today, not even 24 hours after the verdict in the trial in Minneapolis, we are going to need people just like her who have the courage to stand up for civil rights, against what seem to be insurmountable odds, to bring back this Nation of ours—Black and White and Brown—together in moving forward.

I don't believe she should be discredited, dishonored by what is said on the floor of the Senate. She should be praised for her courage and determination.

She went on to serve in the Department of Justice as the head of the Civil Rights Division. She took that responsibility, and that is not an easy assignment. Many times, that division is called on to deal with police departments and law enforcement and to tell them the bad news that sometimes they had done things that are just plain wrong and unacceptable. She did it. She did it with class, with integrity, and the same law enforcement organizations have endorsed her today.

The Republicans who criticize her and they have come to the floor and called her a ''radical cultural warrior''—''radical cultural warrior.'' Recently, she was just called on the floor ''a clear-and-present danger.'' I find it hard to imagine that anyone could read or know of any section of what she did in this book and describe her as a ''radical cultural warrior.''

She brought justice to a situation where few people could have done it and did it fresh out of law school. She is an extraordinary person. She is a courageous person. She is a person of integrity and honesty and dedication to public service. I am happy to support her nomination.

I will yield for a question.

Mr. CORNYN. Mr. President, will the Senator yield for a question?

Mr. DURBIN. I yield for a question.

Mr. CORNYN. This is the quote from the article that Vanita Gupta wrote on November 4, 2012. It says: ''States should decriminalize simple possession of all drugs, particularly marijuana, and for small amounts of other drugs.''

And then in her sworn testimony, in response to written questions, she said: ''I have never advocated for the decriminalization of all drugs, and I do not support the decriminalization of all drugs.''

In 2012, support for the decriminalization of all drugs; in 2021, ''I have never'' supported ''the decriminalization of all drugs.''

I wonder if my colleague—I just simply can't reconcile those two statements, both given under oath to the Judiciary Committee.

Can you reconcile those statements?

Mr. DURBIN. Thank you, Senator.

I will reconcile it in the words of Vanita Gupta: ''In 2012, I coauthored an article that advocated for states to decriminalize and defelonize simple possession of all drugs, particularly marijuana, and for small amounts of other drugs.''

How much more clarity do you need?

Now, you and I know that we live by our words. And many times, even as Senators, people find statements and speeches that we have made and come back and challenge us. And I would just say, her statement is not only clear, it is a mainstream statement. To argue that this woman is for legalizing all drugs, as someone has suggested, is ridiculous. She has never said that, and she had made it clear what her position is, and it is a position which most Americans share.

Mr. CORNYN. Mr. President, I would ask the Senator to yield for one last question.

We can all understand how people's views change over time, but there is no way to reconcile these two statements, 2012 and 2021, which is the reason I believe that Ms. Gupta, for some reason lost to me, decided to tell the Senate Judiciary Committee two inherently conflicting statements under oath.

She could have gotten out of it the easy way and said: ''Well, I made a mistake'' or ''I forgot'' or ''My views changed over time.'' I would have accepted that. But to come back on questions for the record and to state something that is 180 degrees opposed to her views in 2012—I have not heard her, I have not heard the distinguished majority whip, I have not heard anybody be able to reconcile those two statements.

Mr. DURBIN. Mr. President, I reclaim my time, if the Senator is finished.

So do you believe that the Fraternal Order of Police thinks that she wants to decriminalize and legalize all drugs? Do you think the county sheriffs association believes that? Do you think they ever would have endorsed her nomination if they believed that for 1 minute?

They don't. I don't. Her words are clear.

The Senator from New Jersey had a question.

Mr. BOOKER. Mr. President, I appreciate that. I want to acknowledge my speaking time was far earlier. I am supposed to be presiding right now, but I did not want to get between. I am but a mouse in the U.S. Senate, as a junior person. Those are two elephant titans over there.

Mr. DURBIN. Let me stipulate, Mr. President, a pretty large mouse.

Mr. BOOKER. I appreciate the indulgence of the Presiding Officer. I wanted to just give general remarks about Vanita Gupta, but I would love to weigh in and maybe pick up exactly where Senator DURBIN left off.

Mr. DURBIN. Mr. President, I will tell you what, let me end my remarks, then, and just say to the Senator from New Jersey, I am here to listen to him as well and to close by saying this extraordinary woman is presenting her credentials for approval by the U.S. Senate at exactly the right moment in history.

We need, in the Department of Justice, Vanita Gupta, who has given a lifetime of courageous service in the pursuit of justice and in the pursuit of civil rights.

Is there a lesson from Minnesota that we should bring to the floor of the Senate? It is the fact that we need people like her who can communicate effectively with law enforcement and civil rights groups and resolve our differences, more at this moment in history than ever.

If you can still remember that verdict—and I will remember it for a long, long time, as others will—when you cast your vote on the Senate floor today, vote for Vanita Gupta to be part of this Department of Justice team.

At this moment in American history, never have we needed a person with her qualifications more than at this moment.

I yield the floor.

Mr. BOOKER. Mr. President, I appreciate Senator DURBIN quickly wrapping up his remarks and indulging me. I had some prepared remarks, but I want to break away from them.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BOOKER. Mr. President, thank you very much for the recognition.

I think—I am not sure, but I think I am the only Senator here who lives in a low-income, Black and Brown community in the U.S. Senate. I live in a beautiful neighborhood in the beautiful Central Ward of Newark, NJ.

We don't mistake wealth with worth. In fact, I went off to get a fancy education. I may have gotten my B.A. from Stanford, but I got my Ph.D. on the streets of Newark, learning from some of the most incredible people I have ever encountered in my life.

If there is one lesson that I have learned early in my days, in the 1990s, living in the Central Ward of Newark at the height of the drug war, it is that this War on Drugs was not a War on Drugs; it was a war on people—and not all people but certain people. It was a war on poor people. It was a war on Black people.

And it was destroying lives. People were getting criminal convictions for doing things that two of the last four Presidents admitted to doing—simple possession, getting criminal convictions for it.

And here is what is even more anguishing at a time in the opioid addiction where everybody now is on the same page that people who are addicted deserve to have treatment. Back in those days, churned into the criminal justice system were African Americans, for simple possession, who were in desperate need of compassion and care and love and treatment.

And this gets me to Vanita Gupta. I watched the two statements that my friend and colleague from Texas put up, there—screaming—the difference between those two statements: I don't support the legalization of all drugs, but I do support the decriminalization of small amounts of drugs and getting people help and not a lifetime scarlet letter of being a convicted criminal.

She does not support the decriminalization of all drugs. I am glad to see that she is looking at the challenge that we have in this country of arresting people who need help.

And my friend Senator DURBIN, with great patience and not relying on raising his voice like I do, a real gentleman, said it simply: Vanita Gupta is not a partisan. She is a patriot.

Look at her career. I mean, my mom used to tell me: Who you are speaks so loudly I can't hear what you say. In other words, judge a person by what they have done in their life, how they have lived, where they have sacrificed, what commitments they have made.

You chart Vanita's career, from her activism in law school to defend the Constitution, from her very first assignment as a lawyer in Texas defending an outrage of injustice—and winning. Where are the people lining up to criticize her in those days working in her nonprofit work?

And then, for the great high salaries of Department of Justice workers, she goes to lead the Civil Rights Division. Are there people coming forward from their experiences? Are there police officers, are there police agencies, are there police groups coming forward to say: When she had that high and vaunted position in the Department of Justice, did she do something that so showed her partisanship?

Not one. In fact, quite the contrary to that, group after group of police organizations are coming forward and saying: She is not a partisan; she is a patriot. I stand by her. She is not a Democrat or a Republican; she is an honest broker, a fair actor who pursues justice.

She has conservatives who are partisans supporting her. I mean, that is the thing that gets me. We see partisan appointees all the time in here, but here is a woman who actually got people—Mark Holden from the Koch brothers organization is supporting her.

So I understand that maybe people are taking words and twisting them. There is not a Member of this body who

hasn't had that experience, when the intention, the good will, the honesty behind the words is distorted and twisted by millions of dollars from outside organizations that somehow want to destroy this woman.

I know Vanita Gupta. She is not just somebody I have a professional relationship with. I confess to the floor of the U.S. Senate, she has been my friend for years. I had occasion to talk to her dad, not during this time when she was nominated—months ago.

God, the stories he related about her, the pride that beamed through the telephone about her, about how he came from India with $8 in his pocket, with an immigrant's dream, and now he gets to see his daughters living lives of service, and how his children were wired this way, to so appreciate this Nation as immigrants, to know that this Nation was formed around the highest ideals of humanity, and to see his two daughters pursuing the cause of our country to make this a more perfect Union around the ideals of liberty and justice. That is Vanita Gupta's life.

I have had private conversations with her for years about these issues that now she is being accused on. And she is not some radical partisan. She has a heart and a compassion for human beings that, to me, inspires my actions.

And this is what hurts the most because somehow I have seen it in our society, when a woman stands up and is strong and defiantly dedicated to ideals that are not made real in reality, they are attacked again and again and again. I have seen it in my own party between Presidential candidates. The treatment that the public and the press gives one who is the woman is far different than the same standards they put to the man.

And then—God bless America—there is something about women of color that seems to really get them outrageous attacks. I have seen it through my culture's history. They hunted Harriet Tubman. They despised Sojourner Truth. They belittled Rosa Parks.

There seems to be something about strength, something about talent, something about being willing to tell the truth that generates something, that tries to relegate Black women and women of color to be hidden figures in history.

I see it in every element of our country—even in the medical profession, for God's sake. Even when you control for income and education, Black women giving birth, their pain is not attended to; they are underestimated for the struggles they are in; and they die four times more often than White women.

So with this woman I have known for years, I have seen her in private and public. I have seen her go to work with Republicans, join arm in arm with them in bettering our country. I have seen her serve from her twenties and thirties. I have seen her be, in every step of her career, committed to our country, sacrifice for it.

Here we stand on the Senate floor. And I tell you, on the day after the verdict of George Floyd, where I saw other patriots tell the truth on the stand, police officers break with the waves of history, the streams and currents, to tell the truth, this is a moment that I have to tell the truth.

This is a good American, a great American, honest, committed, who has sacrificed for her country. And in a time of injustice still, where our jails and our prisons are filled with people who are hurt, when we, the land of the free, have one out of every four incarcerated people and, get this, one of out of every three incarcerated women on the planet Earth in our jails and prisons—where almost 90 percent of them are survivors of sexual assault—this is the time we need more compassion; this is the time we need more empathy; this is the time we need more civic grace toward one another.

And Vanita embodies that. She stands for that in every fiber of her being. Her career echoes with that spirit. Should we confirm her to this position, I promise you here on the Senate floor before the flag of my country, she will do this Nation proud, committed. She will never mistake popularity for that purpose. She will never be distracted by the partisan games going on in the Capitol. She will be committed to the higher calling.

I ask my colleagues to step back for a moment and see the truth of who she is, who police organizations say she is, who prominent conservatives say she is, to see the person her dad says she is and elevate this incredible person, this incredible woman of color, to a position that desperately—to a nation that desperately needs this kind of leader.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I didn't come to the floor to speak to the nominee who is before us this afternoon, but following the very impassioned comments by my colleagues, in fairness, on both sides of the aisle and recognizing the vote that I just took about an hour ago to advance Vanita Gupta to this position, I will take just a moment to explain where I am coming from and why I will be supporting her final confirmation in just an hour.

I have looked at her record. I have had an extensive sitdown with her. I am impressed with not only her professional credentials but really the level of experience, but more to the comments that we just heard on the floor, the passion that she carries with her in the work that she performs.

I think it is fair to say we will all agree her confirmation has been very challenged. She has had significant back-and-forth in committee. She has been elevated with very strong rhetorical words in favor and, equally, words of condemnation.

I asked her point blank: Why do you want this? Is this worth it? Because this has been, clearly, very hard on her as a nominee. She paused and reflected a moment and just spoke to how she feels called to serve in a very personal way that I thought was impactful.

We had a long discussion about some of the issues that I care deeply about in my State as they relate to justice, access to justice, public safety, and the real tragedy that we face when it comes to women, primarily our Native women, who experience rates of domestic violence and sexual assault that are shocking, disturbing, and wrong. Despite all that we have as a State, the resources we have, the opportunities we have, we have not been able to turn the corner as we have needed to in confronting what I believe is a true scourge.

It is going to take more than resources. Jurisdictionally, it is very complicated in Alaska. We don't have reservations. We don't have similar law enforcement presence in many parts of the State that you might have in the lower 48.

We have a great deal of work to do as a State. But as we discussed these issues, I felt that I was speaking to a woman who had not only committed a professional life to try to get to the base of these injustices, to try to not just direct a little bit of money, put a program in place, walk away, and call it a day, but to truly try to make a difference.

So there are some statements that she has made in some other areas that, in fairness, I find troubling and concerning, and part of my job will be to ensure that she understands clearly how this translates into issues in my State and with our particular issues. But I am going to give the benefit of the doubt to a woman who I believe has demonstrated through her professional career to be deeply, deeply committed to matters of justice. So I will be casting my vote in support of her in about an hour here.

SEMI ACT

Ms. MURKOWSKI. Mr. President, I came to the floor today to talk about something that has been top of my mind for a period of time, and I wanted to bring it to Members' attention today because of some recent articles of late as it relates to national security and global competitiveness, particularly as they relate to domestic resource development.

In recent months, since the beginning of this administration, I have spoken out in concern at the direction that I have seen the new administration take with regard to energy security and how that relates to Alaska. I have spoken out at length about my opposition to several of these Executive orders that were very early on relating to leasing and permitting moratoria in my State. In fact, there were eight specific orders that were directed to one State and to one State only. That is a pretty hard hit for Alaska.

In other areas, I don't believe that additional Federal lands and waters in Alaska should be placed off-limits. We

already as a State hold more public lands than any other State, and by considerable degree. I don't believe our public land order removal process should be paused.

This was an announcement that just came out of the Department of the Interior last week. They say they are pausing it, but effectively, it could be delayed or abandoned not just for these next 2 years going forward but permanently. What this effectively does is it creates almost de facto wilderness, if you will, because you have placed land in a limbo, in a purgatory for decades. Nobody can do anything with it as these PLOs, these public land orders remain in place.

I note—no great secret around here—like most Alaskans, I strongly support our resource development industry and the men and the women who work within it. They are my friends. They are my neighbors. I fish with them. I recognize the importance and the value of what they do. I have worked hard here in the Senate and for a long time to ensure that the industry's continued centrality is allowed to prosper, not only because of them, the people I know, but because of what it means for our country, for our economy, our State's budget, our prosperity, and also for our environment.

After years of lagging behind, the United States has come to a better place on energy in recent years. We have seen domestic production rising. We have seen our emissions falling. We have created jobs. We have generated revenues. We have changed the world geopolitically even as we have lessened our impact on the climate. But these kinds of gains can't be taken for granted. They can't be actively ignored. They certainly should not be discarded.

We have to acknowledge that this energy renewal has not been even across the country. It has taken place largely on State and private lands. We have very limited private land in Alaska. And instate activity—we have been proudly producing for a while. But we also have, again, much land that is federally held, and we have only seen help arrive with any kind of activity and production on Federal land in the past few years. I would suggest that we cannot afford that forward progress to be reversed, but unfortunately that is the way it feels right now. The threat is that this administration is going to take an approach that is going to take us backwards.

So the question, I think, is a fair one for us to ask, to discuss here. It is an important question. What happens if we just decide we are going to turn our backs on this, our American energy? What happens if we really do move in this direction of just keeping it in the ground? What happens if we really do close our eyes to our domestic energy sources, these assets, if we close our eyes to the contributions that they provide?

I will suggest to you that there are a few warning signs that we have up on the horizon. Oil prices are back up above $60 a barrel. This actually helps my State; I will be honest there. We will accept that for budgetary purposes. But we all talk about what happens typically around Memorial Day. We have driving season coming on. We are still in the midst of a pandemic. But if the United States artificially restricts its supplies and demand rebounds rapidly, where does this put us?

I mentioned that there have been some articles of late that just really kind of struck me. It is interesting because I thought they were pretty significant, but it seems they are relatively unnoticed here in Washington.

According to Bloomberg, Russia has now supplanted Saudi Arabia to become the third largest supplier of crude oil in the United States. Canada is our No. 1. But there has been a series of circumstances. As our domestic production is falling, the Saudis have also reduced theirs, and it has been Venezuela. Venezuela is subject to sanctions. Their production has pretty much gone offline to the United States.

Part of what we are seeing, though, is the refusal on the Federal Government's side to approve cross-border pipeline infrastructure. Canada, again, is our largest—we import more from Canada than anywhere else, and they have greater capacity to help us out here so that we don't have to take it from Russia. But, instead, we haven't been able to take more from Canada to fill in that gap because of pipeline capacity. So what happens is, we are sending more of our money to Russia at a time when we are not on very good terms with Russia. Need we say elections? Need we say SolarWinds? Need we say what we are seeing from Putin?

This is what is happening: We are sending more of our dollars to Russia, and they are sending us more of the resources that we could produce here at home or perhaps at least import them from some friendlier nations.

U.S. crude oil production fell from an average high of 12.2 million barrels per day in 2019 to an average of 11.3 million in 2020. According to the Energy Information Administration, this loss in domestic production will return the United States to being a net petroleum importer in 2021 and 2022. By all accounts, a sizable chunk of this will come from Russia.

What is going to happen is, we are going to move from this position where we have been in these past few years where we have had some real energy security here because we have been producing, and we have been producing to the point that we have been able to even supply to our friends and allies. But now, with policies that are taking us in a different direction and still knowing that we need the resource, we are turning to Russia.

This is what really galls me so much: In 2020, the United States imported 538,000 barrels of oil per day from Russia. In Alaska—we recognize Alaska is a great producing State. Despite our immense potential and desire to bring it to market, in 2020, we were producing an average of 448,000 barrels per day.

It just begs the question: Is this what we really want? Is this what we really want, for Russia to account for more of America's energy supply than Alaska? We both have similar environments, both big, but oil production goes on in areas that are tough to produce in. I will hold Alaska's environmental record over that of Russia any day—in fact, over most countries and even most States any day.

One article put it this way. They said: ''America's increasing reliance on Russian oil is at odds with U.S. energy diplomacy.''

Let's kind of put it in context. The position that we have taken with Nord Stream 2—basically what we have said is that we are asking those in Europe who need Russia's gas—we are saying we need to be tough on this. We need to break Russia's hold here. For all the years—it has been 7 years since Russia annexed Crimea and demonstrated to the world that they are not afraid to flex their muscles when it comes to energy exports in order to achieve their geopolitical goals.

So we have been saying on Nord Stream 2: Europe, you guys, don't go there. Yet we have to look at ourselves here because we are telling Europe ''Limit your reliance on Russia for gas,'' but over here, we are happy to step up our imports from Russia on oil.

The President has just recently imposed tougher sanctions on Russia, as he absolutely should, but I think we need to be eyes wide open here, folks, in terms of what it means when we need that resource.

I do recognize that much of this discussion on Russia and how Russia has supplemented Venezuelan crude—I recognize that most of the oil that is being imported is heavy and that this is a situation with our gulf coast refineries that are specifically geared for that. I do recognize that they have fewer options right now, but I do think this is a conversation that we need to be talking about. We just can't sit back and say: Well, this is just the way it is.

Congress and the administration need to be taking the steps necessary to ensure that we in this country have a strong, stable supply of domestic energy to meet our current demand, our future demand, and, to the greatest extent possible, the demand from our allies.

Russia is positioning itself to capitalize on all of that. They produce from wherever they want, and they are going to sell to wherever they can.

The least that we can do here at home is to support our own responsible production from States like Alaska, so that we have our supply—our own supply—and can provide a diversified commercial alternative.

Moving from oil and gas briefly here, Alaska is also ready to help in another increasingly crucial area and that is

with mineral development. Our history of tectonic events has created a geological environment that fosters deposits of a wide variety of minerals that are critical to both our current and our future economies.

Back in 2018, the Department of the Interior designated 35 ''critical'' minerals based on their importance to our economy and security, as well as their susceptibility to supply and disruption. These minerals are essential for everything. They help us with our advanced missile systems, solar panels, batteries for electric vehicles, your cell phones—everything. Our military is certainly aware of this. They recognize the vulnerable position that we are in. Our manufacturers recognize the vulnerability. These are products that we use on a daily basis.

Right now, the United States is import-reliant on 31 of the 35 minerals designated as ''critical.'' We have relatively no domestic production. We rely completely on imports to meet our demand for 14 of these. And, of course, most of where we are importing these materials are from China. That is not OK. That shouldn't be acceptable to us. I think we all should agree on the need to rebuild our domestic mineral supply chains. There has been good, positive conversation about what we can do.

I feel this is one of those areas that is a growing vulnerability. It used to be that we would talk about our vulnerability on the Middle East for our oil, and then policies changed and we reduced our reliance on that. That is why I am anxious. I am concerned about what I am seeing translate going forward. But I think we need to be, again, with eyes wide open when it comes to our mineral dependence and our reliance on these important materials for what we need to be a strong nation.

I think this is a pressing and long-term security threat that we face in this country. We have seen it play out in light of the COVID pandemic. We have seen the vulnerability of international supply chains. I thought it was great. It was so important that the administration really focused in on this. The new administration is focusing on this in a good way, and I appreciate that.

When President Biden released the first part of his infrastructure proposal, focusing on international domestic supply chains, he has one section there about electric vehicles. In the White House fact sheet, it says the plan ''will enable automakers to spur domestic supply chains from raw materials to parts, retool factories to compete globally, and support American workers to make batteries and EVs.''

This is the type of policy that we should all want to get behind, broadened out to every industry, not just to a select few. But the question here, though, is whether the administration is willing to accept what is going to be necessary in order to achieve this goal to have these secure supply chains, especially when it comes to expanding our domestic supply of raw materials. It is going to require approval of mining projects, and that has been a challenge for us. That has been a challenge for us.

This is where I go to another article that came up a few weeks back. This is from Reuters. It appears to me that rather than looking within our own borders, the administration is looking beyond. In this article from Reuters, it states that the United States looks to Canada for minerals to build electric vehicles. It provides:

> The U.S. Government is working to help American miners and battery makers expand into Canada, part of a strategy to boost regional production of minerals used to make electric vehicles and counter Chinese competitors.

It goes on further to talk about the different ways that the Department of Commerce is discussing with many how we can boost Canadian production of EV materials. It goes on further to say:

> But Washington is increasingly viewing Canada as a kind of ''51st State'' for mineral supply purposes.

I am a big fan of Canada. They are our neighbor, but if we are going to be adding Canada as a 51st State to help us with our minerals and access to minerals, let's not forget the 49th State, because Alaska has good, strong resources. Where we seem to have problems is in gaining access, whether it is in the permitting process or just the ability to move forward with some of our mineral potential.

Again, I am not suggesting that we shouldn't be looking to our friends to build these alliances, particularly with our neighbors directly to the north and to the south. This is good. I am not suggesting: Let's not be talking to Canada.

That is an important part of how we really work to build these secure supply chains. All I am suggesting is that we here in America need to also look to the strength of our resource assets.

There are some—again, the issue of mining in this country sometimes can be a controversial one. I am going to suggest to folks that if we really want to do more to build out not only our national security but if we want to build out our clean, diverse energy infrastructure, moving toward the President's vision of greater renewable opportunities, which I want to do, let's acknowledge that we are going to need these minerals. We don't really have a choice here.

The World Bank recently released a report looking at ''The Mineral Intensity of the Clean Energy Transition.'' They found that ''large relative increases in demand of up to nearly 500 percent are estimated for certain minerals, especially those concentrated in energy storage technologies, such as lithium, graphite, and cobalt.'' The report also found that ''even with large increases in recycling—including scenarios where 100 percent end of life recycling is achieved—there is still likely to be strong demand for primary minerals.''

We know we are going to need it. People like Elon Musk last year said: ''Please mine more nickel.'' He promised: ''Tesla will give you a giant contract for a long period of time if you mine nickel efficiently and in an environmentally sensitive way.''

I am with you on that.

Look at the analysis from Goldman Sachs, which found that increasing demand for electric car batteries is causing automakers to brace for a surge in prices in lithium, cobalt, and nickel.

In order for us to get there from here, in order to achieve a transition to renewable and cleaner technologies, we have to acknowledge that there is going to be a mineral footprint. It will be impossible to establish a robust domestic supply chain for EVs and batteries if we continue to import the raw materials from other nations, including some that continue to dramatically outcompete us in these areas every year.

I think we need a rational, clear-headed, eyes-wide-open approach to energy and mineral development. We don't want to go backward on energy, and we can't be caught flatfooted on minerals. We have the resources. We have the highest labor standards in the world and the highest environmental standards in the world. Our energy workers and our miners will hold themselves to those standards. Instead of importing more from places like Russia and China, we need to free ourselves from them to the extent that we can establish ourselves as this global alternative.

I have kind of taken that—actually, it is not something new. In the beginning of the 116th Congress, I prepared a white paper. We called it ''The American and Global''—well, what we called it was a pretty cool title. It is a great little publication that should have gotten more notice, but like a good wine, it comes with time: '''With Powers So Disposed,' America and the Global Strategic Energy Competition.''

I outline in this a strategic energy initiative designed to sharpen and direct our tools of energy related to economic statecraft and to enhance the geopolitical position of the country.

From that or as a jump-off from that, I am introducing my Strategic Energy and Minerals Initiative Act, which we call the SEMI Act. This legislation will enable U.S. companies to better compete in global markets, and it promotes the responsible domestic production of our oil, gas, and minerals. I think these are initiatives that are good for us to be looking critically at, again, as we move forward with this administration's priorities on not only how we can build infrastructure—build it better, build it cleaner, build it with a renewable future—but we have to recognize that when we build things, we need base elements.

Know that Alaska is ready, willing, and able to play a role on all of these fronts. We have tremendous stores of

resources, but equal to those tremendous stores of resources is the responsibility that I believe Alaskans feel to be good stewards as we access those resources to allow for a level of sustainability, whether it is with our fisheries or whether it is with the subsistence, the livelihoods of those who rely on the food and animals on the land. We believe that we can contribute to our national security and our global competitiveness, while at the same time working to protect the environment, but what we need is a chance to be able to do that.

I yield the floor.

The PRESIDING OFFICER (Mr. BOOKER). The Senator from Iowa.

INFRASTRUCTURE

Ms. ERNST. Mr. President, when you hear the word ''infrastructure,'' what comes to mind? For folks across Iowa, it is roads; it is bridges, locks and dams, ports, waterways, and broadband. But according to the Biden administration, infrastructure is now a buzzword that encompasses just about every item on the progressive wish list. As a result, the President's infrastructure proposal takes a very sharp left turn by including everything from elements of the socialist Green New Deal to higher taxes on American workers.

Some of my Democratic colleagues are even urging the President to include a pathway to citizenship for millions of undocumented immigrants in the infrastructure package.

How about we make the wall on our southern border infrastructure?

Probably to no one's surprise, once again, the Senate majority leader is plotting to pass the bill in a totally partisan process.

Folks, we really need to pump the brakes. The Democrats are steering us the wrong way on this issue. Infrastructure is an issue that has always enjoyed broad bipartisan support in Congress.

We may disagree on how much to spend or how to pay for the costs, but we all agree that maintaining and improving our roads, bridges, ports, and waterways is one of the most important roles of the Federal Government's. There is no reason to drive us apart on such an important issue that typically brings us together and impacts all of our States.

But President Biden is on a one-way street to more gridlock. Only about 5 to 6 percent of the $2.2 trillion of the Biden proposal is dedicated to roads and bridges. The Biden plan spends less fixing potholes and repairing roads than it does on promoting electric vehicles and perks for the coastal elites who drive them, and you had better believe that this could have a devastating impact on Iowa's ethanol and biodiesel industries, which support our States' local economies. Even the liberal Washington Post is taking issue with the Democratic administration's claim that 19 million jobs will be created by the proposal. The real number is less than 3 million. Each job created by this so-called American Jobs Act will cost our taxpayers $865,000, and because American workers will bear the brunt of the higher taxes in the Biden plan, that will mean lower wages. These costs are sure to give taxpayers road rage.

There is no reason to take this radical left turn. Last Congress, the Democrats and the Republicans on the Senate's Environment and Public Works Committee, which I serve on, worked together to unanimously pass out of committee an important infrastructure bill to help fix our roadways. This highway bill provides us with a great starting point to move us forward in the right direction—toward a bipartisan infrastructure plan. This 5-year, $287 billion bill was the largest highway bill in history, and it was supported by Senators from across the political spectrum who represented States from Vermont and New York to Alabama, Mississippi, and, of course, Iowa.

In hailing from a very rural part of Iowa, I am all for looking at ways to invest in broadband expansion, to support our roadways, and to make sure we have the right infrastructure in place to combat flooding in my home State. Those are true infrastructure needs and are the ones that I believe would get strong bipartisan support in a 50–50 Senate, but by throwing in progressive policy wish list items and non-infrastructure-related provisions, the Biden plan is headed down a dead-end street.

The President needs to do a U-turn and start working with the Republicans on a bipartisan roadmap for America. By putting aside the partisan pet projects—projects like the Honolulu High-Capacity Transit Corridor Project—and picking up where we left off, with the unanimously bipartisan highway bill, we can steer the infrastructure bill into the passing lane under the Senate's regular order.

So, folks, let's come together and literally start building some bipartisan bridges.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, I want to talk also about infrastructure and associate myself with the interest that the country has in infrastructure.

In fact, one of the things that the government has done the longest has been roads and bridges and canals. I think, initially, the term ''internal improvements'' was, in the early 19th century, what they would have talked about when they talked about what we began to talk about later as ''infrastructure.'' During almost the entire history of the country, there was an understanding of what ''infrastructure'' meant in America.

Infrastructure is pretty popular, and infrastructure is definitely something that you generally can't do for yourself. You can't, on your own, provide the waterline that connects your house to the next house. On your own, you can't provide the road that gets you from home to work. On your own, you can't do a lot of things that we did early on and up until right now and call them infrastructure. Normally, they were seen as things like roads and bridges and dams—big projects that sometimes crossed State lines—or big projects that sometimes were just too big for a State or a town to handle, like water systems that needed to be improved.

When we did that—and I will talk later about the way we did that—the bipartisan agreement also largely led to figuring out ways that infrastructure would pay for itself, in that the people who used the infrastructure would pay for the infrastructure, and we looked at that in a number of different ways.

Now, in the package that the administration has proposed, the $2.3 trillion package, there are lots of things in there that I don't disagree that the Senate should debate or I don't even rule out of hand that the country might want to do. Yet I think they are not infrastructure, and the funding way to get to them makes it harder to have the kind of bipartisan agreement that, I think, we could have in an infrastructure bill. The Republicans are for it, and the Democrats are for it in the House, in the Senate. Let's talk about how to get there.

Let's also make the point, of the $213 billion in this plan that is for Green New Deal building makeovers, there may be a place to do that, and it is something that we could clearly debate, but it is not the same thing as infrastructure. I was, at one time, the chairman of the Missouri Housing Development Commission. We did a lot of things to make it possible for people to have houses or for people to have buildings that they could have an opportunity to be a part of, but we never really called it infrastructure, and we did it in a different way.

On surface transportation, generally, for decades, that was paid by the highway trust fund. How did you fund the highway trust fund? You funded the highway trust fund by people pulling up to service stations and putting fuel in their cars, and when they did that, they paid into the highway trust fund. The more miles you drove, the more you paid into the highway trust fund, and Americans thought that was fair. We haven't raised the highway gas tax since 1993, and that could very well be a debate we should have as part of an infrastructure package. If not the gas tax, what other kind of user fee could there be? Lots of people use the highways, the roads, the bridges, and the Interstate Highway System who don't pay a gas tax now because they are transitioning to vehicles like electric vehicles that don't fill up at that gas pump.

That is a debate I think we should have as part of an infrastructure debate. Just last year, it was predicted

that the highway trust fund would run out of money before the year was over, and it did. Because we collect less money every year than we spend every year, we decided to subsidize that out of general revenue, but nobody in that debate ever thought that it should be the permanent solution.

For other kinds of projects, we look for ways to help the end user make a project possible both in urban communities and rural communities. There are programs in which you can replace your water system or your stormwater system with something that works and price it appropriately. What we have done there is say: Well, we are going to figure out how we can either guarantee your bonds or write down your loans or both so that the users in those systems over, maybe, 30 years would pay back in amounts they could afford—what happened when you turned the lead water pipe into an appropriate water pipe. I am in favor of replacing every lead water pipe in America, but I think you can do that in a way that the users of those systems pay for those systems just like all of their neighbors in neighboring communities are paying for their systems. We could help them do that, and we have proven we can help them do that.

We could also create an infrastructure bank. Senator WARNER and I have worked on that for years. I think we are going to reintroduce the REPAIR Act, which would really be a nonpartisan financing authority whereby the government guarantees a certain amount of that money, and maybe government assistance in putting together a public-private partnership creates another way that a little bit of Federal money creates a lot more infrastructure activity.

You could look at these and other issues like asset recycling, where the government leases or sells some existing public infrastructure and uses the proceeds of that to fund new projects. In Australia, they used that system to help pay for an expansion of subway systems and other things. In fact, the Federal Government would encourage local governments to privatize one of their local government assets that had customers. Then they would take that money, maybe, and build sidewalks that don't have customers, and the water systems that would have customers would have helped to build the sidewalks as it would be managed by a private company, but all of those private companies would be regulated in a way that people who would be customers would know they were protected.

We have had a lot of bipartisan infrastructure bills over the last decades and more than decades. Infrastructure bills are not new to America. Figuring out how you have an infrastructure bill that meets the definition of ''infrastructure'' and a system where the infrastructure goes as far as it possibly can to pay for itself by those people who use it has always involved Republicans and Democrats reaching an agreement. I don't know that there has ever been a partisan infrastructure bill. It has always involved reaching agreement on what would be in the bill and reaching agreement on finding ways to pay for it.

New definitions can really confuse ideas that the American people think they understand. People are for infrastructure. They think that it is something the government should do. They can pass a test on what they believe ''infrastructure'' means if they have ever watched an infrastructure debate before. Let's find a way that we can move forward in a bipartisan way with an infrastructure bill that meets the standards of infrastructure and meets the standards of doing everything we can to be sure the system is fairly paid for by the people who use it and can afford to pay for it.

I yield the floor.

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

Mrs. LUMMIS. Madam President, I rise to echo and augment the remarks of the gentleman from Missouri and to call on President Biden and the Democrats in Congress to work with the Republicans on a bipartisan infrastructure bill. As the only Senator in the unique position of sitting on all three committees with jurisdiction over transportation, I have a particular interest in making sure we are adequately funding our roads and bridges.

I have had many conversations with my colleagues on both sides of the aisle since I have joined the Senate, and everyone agrees that we have real infrastructure and transportation needs that must be addressed. The American Society of Civil Engineers recently gave our roads a D-minus rating, noting our $786 billion backlog on roads' and bridges' capital needs. They gave our bridges a C-minus rating and a repair tag of $125 billion.

We also need to take another look at how we fund our highway system. Right now, we have a highway trust fund that we can't actually trust. Since 2008, we have been relying on general fund transfers to pay for our roads and bridges instead of fixing our user fee model to keep the trust fund solvent. User fees give users the benefit of seeing where their money is going, and they allow those people deriving the most benefit from the system to give the most in support. This is a very fair, American way of doing things, and the certainty we get from a functioning user fee model is important for rural States, like my home State of Wyoming.

While much divides Congress these days, infrastructure, as that term is understood by most Americans, is a bipartisan issue. As such, one would assume that President Biden would want to find some common ground in order to build relationships in Congress and address the needs of every citizen. So it is perplexing that President Biden, who campaigned on bringing our Nation together, is now pushing a blatantly partisan infrastructure bill.

Let me show you why partisanship is unnecessary in the infrastructure space. I recently helped my Democratic colleagues on the Environment and Public Works Committee pass a bipartisan water and wastewater infrastructure bill out of committee with unanimous support. This is clear evidence that Democrats and Republicans can come together on infrastructure issues and find common ground. In 2019, the EPW Committee, under the leadership of my fellow Senator from Wyoming, JOHN BARRASSO, unanimously passed a bipartisan 5-year highway funding bill. This would be a great place to start for any infrastructure bill in Congress.

But this barely scratches the surface of bipartisan infrastructure legislation. Honestly, I am hard-pressed to remember a time when infrastructure was not bipartisan. The American Water Infrastructure Act of 2018? Bipartisan. The Water Infrastructure Improvements for the Nation Act of 2016? Bipartisan. The Highway Transportation Funding Act of 2015? Bipartisan. The Fixing America's Surface Transportation Act of 2015? Bipartisan. The Water Resources Development Act of 2014? Bipartisan. This isn't even a full decade of congressional action, and all of these things happened in partisan environments, when Americans were divided on a host of issues. But despite our divisions, we have always come together to address American infrastructure. In 2021, this should be no different.

If President Biden wants to truly unite the Nation, he can start by working with Republicans on the most basic bipartisan issues, and he might be surprised which Members of Congress are there to join him.

I will use myself as an example. I have opposed many of President Biden's actions to date, but I support his decision to bring our troops home from Afghanistan, and I am doing so publicly. I have also supported several of President Biden's nominees, including Secretary Buttigieg.

I can promise President Biden that if he comes in good faith to work with Republicans and Democrats on a bipartisan infrastructure bill, I will be there to work with him every step of the way. I know my colleagues feel the same. All we are asking is for the ''unity'' President to come to the table.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CRAMER. Madam President, I am pleased to have joined my Republican colleagues on the floor today. I associate myself with all of their comments, especially the speech just delivered by my friend from Wyoming, and demonstrate my strong support for a significant investment in America's infrastructure.

You know, as my colleagues have said, infrastructure has been one of the most bipartisan policy areas in Congress over the decades, and rightfully

so. I mean, we are obligated to provide for the national infrastructure.

As the lead Republican on the EPW Subcommittee on Transportation and Infrastructure, I am committed to doing my part. I am confident we can accomplish this on a national level and in a strong bipartisan fashion.

As has been said, 2 years ago, under the leadership of Chairman BARRASSO, EPW unanimously passed America's Transportation Infrastructure Act. It was the most substantial highway bill yet in our history. It authorized hundreds of billions of Federal dollars to maintain and repair America's roads and bridges, and it made reasonable regulatory changes—very important regulatory changes—so that projects wouldn't get derailed by endless bureaucracy.

It also maintained the current formula for deciding how States will receive the Federal funds. This funding formula ensures that States with small populations but expansive road systems, like North Dakota and Wyoming and Oklahoma, receive sufficient resources to update their roads and bridges within their borders. It is States like ours that feed and fuel the country. So not only does the traditional funding formula protect the interests of rural America, it protects all of America.

The movement of goods and services in support of our economy and the consumers cannot reserve a few thousand miles here and there of interstate for gravel. Interstate commerce requires a transportation system that is safe and sufficient for every mile. The pavement can't end in Minneapolis and get picked up in Seattle. For food to get to your table requires thousands of miles of safe, reliable roads, bridges, rails, and waterways.

My State of North Dakota is literally the center of the North American continent and is a top producer of dozens of crops and other food items. For example, we are the very top producer—by a long ways, by the way—of durum. Durum is the wheat that is ground into semolina flour, which is the main ingredient in pasta. So if you love cooking spaghetti in your kitchen or ordering penne at your favorite restaurant, you have to get the durum off the field in North Dakota to the elevator, where a train or a truck will pick it up and take it to the mill, where it will be ground into semolina before getting on another truck or train to the pasta plant, then to the grocery warehouse in another State, where it catches a ride to a distribution company or a retailer before it gets put into a pot of boiling water on its way to your plate in your Manhattan apartment or your favorite Los Angeles restaurant.

That is why we included the formula in the last highway bill when I was in the House. It is why we kept it in the highway bill at the committee level last Congress. And there is every good reason why we ought to include it now.

Under the leadership of Chairman CARPER and Ranking Member CAPITO, EPW has had two hearings reiterating the importance of investing in America and dealing with the solvency of the highway trust fund.

It was disheartening to read a news story earlier this week and see how many of my colleagues are urging the President to not work with Republicans and to go it alone on infrastructure. One even said he was worried that Republicans would ''never show up.'' Well, here we are. We have shown up.

Like I told Chairman CARPER just last week, I believe we should go big. We should aim high. This is a tremendous opportunity to pass a major bill that will benefit our country as a whole and the States we represent. We cannot let one of the most bipartisan policy areas in Washington get derailed now because a narrow majority in the Senate decided to pursue a partisan, shortsighted goal instead.

I am committed to advancing an infrastructure package that is bold, bipartisan, and meets the demands of the moment, and I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. LANKFORD. Madam President, let me read to you a section of the proposal on infrastructure that has been put out by the White House, just one section of many sections that are there. This particular section on national critical infrastructure reads this way:

> Funds for schools to reduce or eliminate the use of paper plates and disposable materials.

I don't know what your definition of ''infrastructure'' is, but I don't meet a lot of Oklahomans who, when I say ''infrastructure,'' they think school lunch trays.

We need to work on infrastructure, and I would tell you, I don't meet a Republican who is not engaged in this issue of infrastructure. And it is not the first time for any of us to work on infrastructure; we have had multiple bills. I remind people around my State that every time you are driving around my State and you see an orange construction zone and a flashing sign, that is a previous infrastructure bill that was done. In every direction that you go in my State, you are going to see infrastructure that is already happening and working because working on infrastructure is a common part of what we do.

Republicans have stepped to the table and have said: Let's work on infrastructure together. In fact, it was interesting—President Trump over and over again talked about working on infrastructure and tried to be able to get a major infrastructure proposal.

Our definition of ''infrastructure,'' though, doesn't include school lunch trays. We would like to work on highways. This particular package that the White House has sent us, we have just raised our hands and said: We have a few questions before you want to be able to move this forward.

This particular proposal spends $174 billion for electric vehicles but only $115 billion for the highways that they will drive on. We just believe we need to spend more on highways. We don't mind incentivizing electric vehicles, but, quite frankly, there have been a lot of incentives out there already.

Every Tesla that you pull up next to, when you turn over and see them at a stoplight, you should ask for your turn to drive because every one of those beautiful Tesla vehicles, the Federal taxpayers also kicked in $7,800 in Federal tax subsidies for that beautiful $60,000 automobile that someone else is driving.

There have been tax incentives that have been out there for electric vehicles; we just believe we need to spend more on actually dealing with our roads and bridges because they have major problems.

So what can we do? For those of us in Oklahoma, we know full well. I–35, Interstate 44, Interstate 40 all cross in my beautiful State. We are the center of the country in trucking. We are the center of the country in railways. We have the farthest, northernmost inland port that is actually in Oklahoma, where a lot of wheat and fertilizer move through our State, coming from the north to get into the ports to be able to get out.

We understand the significance of what it means to be able to work on our ports, our waterways, our highways, our bridges; to deal with clean water, to deal with sewage water; to be able to deal with even broadband. All those things are essential for every farm to be able to operate and for every section of our economy to be able to function.

Let's work on this together. Let's find a way that we can actually hit common ground and agree that working on airports and working on highways and working on bridges is vital to us, and then let's talk about the rest of the other things on this because we have a lot of debt as a country, and adding another $2.5 trillion and having a debate about a corporate tax change that—quite frankly, in 2017, when we made that corporate tax change, 70 percent of the difference in those companies went to employees' wages. Now to go back and to raise that corporate tax again, we know exactly what that is going to mean for employees of those companies and future raises that they may or may not get.

So let's actually talk about this, and let's work on infrastructure together, but let's actually work on what is truly infrastructure.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Madam President, first, I ask unanimous consent that Senator BOOZMAN, Senator MARSHALL, and Senator DURBIN all be permitted to speak for up to 5 minutes prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BARRASSO. Madam President, I come to the floor today to associate myself with the remarks from the Senator from Oklahoma.

We are here as Republicans who believe in free markets, and so do the American people. The Democrats, on the other hand, are running a 100-yard dash towards socialism. They have decided to redistribute America's wealth. President Obama used to call this ''spreading the wealth around.'' Democrats are taking the wealth of our Nation and they are gathering it up in Washington, DC, and deciding then how they want to spend it.

In March, President Biden signed a big payoff to the people who run the Democratic Party—the union bosses, the DC bureaucrats, and bankrupt blue States. He said it was a coronavirus relief bill. Yet only 9 percent of the money actually went for healthcare.

Just weeks later, President Biden came back again, now requesting $2.7 trillion under the namesake of ''infrastructure.'' When you read through it, it looks like once again he is trying to spread the wealth around, gathering it not for what we consider traditional infrastructure—roads, bridges, ports, highways, airports, waterways, all of those things, dams, reservoirs, you name it—it seems that once again it is going for the Democratic elites. It looks to me to be a slush fund for liberal spending, going to union bosses, climate activists, and the Silicon Valley contributors to the party.

Where is the money coming from? The last bill went on the credit card. The next one is coming out of the wallets of the American people. President Biden is proposing the largest tax increase in a generation. Working families and small businesses are going to be on the hook. They will put the American worker at a disadvantage.

Look, there hasn't been a proposed tax increase of this size in this century. It is going to affect everyone in this country, and it is going to be a rude awakening for the many small businesses that are finally reopening after living the past year with the coronavirus pandemic. Now, in addition to the struggle they have been through, they are going to be hit with a big tax increase. Now, in addition to the struggles they have been through, they are going to be hit with a big tax increase.

Now, we know who is going to end up footing the bill for the President's tax hikes. He may say that it is just corporations. The American people are going to be hit with this tax increase. You can call it a tax hike on corporations, but that absolutely just ricochets back onto the people who work for those businesses and who buy the products of those businesses.

President Biden is going to try to spin it another way, but the highest costs of all of this is going to be borne by American families.

Higher taxes, of course, mean fewer jobs. One estimate says that the bill is going to kill a million jobs. These aren't CEO jobs. These are middle-class jobs. These are the jobs of hard-working families in my state of Wyoming and in States all around the country.

Prices across the country are already going up under President Biden. The cost of energy went up 9 percent just last month. Gasoline prices are up over 50-cents a gallon since President Biden took office and started his Executive orders attacking American energy.

If this bill that is being proposed now under the name of infrastructure becomes law, well, we will know that the price increases are just beginning. Because of President Biden, more wealth is about to be taken from places all across middle America and certainly in my home State of Wyoming. It will be sent to the Democrat elites in Manhattan and Silicon Valley and, of course, here in Washington, DC.

Democrats are focused on redistributing our wealth. They want to take it from working families and give it to their liberal donors. It is a bad law. It is bad economics. And I urge my colleagues to stand for jobs, for higher wages, and for the working men and women of our Nation, who know what infrastructure really means and the kind of infrastructure they need for their communities.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BOOZMAN. Madam President, I join my colleagues today to address the ongoing discussions taking place in Congress among the executive branch and in communities across the country about the state of our Nation's infrastructure and how to improve it to propel our economy forward and enhance the quality of life in Arkansas and every State.

As a member of the Senate Environment and Public Works Committee, I understand the importance of infrastructure investment. I have been a constant advocate for water resources development, surface transportation investments, and the expansion of rural broadband.

President Biden recently released a plan that claims to rebuild America, claims to rebuild its crumbling infrastructure. While I agree that infrastructure investment must be a top priority, I have serious concerns about this particular proposal. The President should look to the successful example of the Senate Environment and Public Works Committee as a starting point for this critical bill. There are a number of bipartisan infrastructure-related bills in the Senate which have been thoroughly vetted and are ready to be passed. Instead, the administration is trying to reinvent the wheel.

My advice to President Biden is simple. The path to achieve long-term infrastructure improvement is through bipartisanship. Just weeks ago, the Environment and Public Works Committee unanimously passed the Drinking Water and Waste Water Act.

Last Congress, the Committee unanimously passed America's Transportation Infrastructure Act to provide resources and long-term certainty for States and local governments to build safer and more modern highways, railroads, and bridges.

These bills are just two examples of the good work the Senate has been doing to invest in our Nation's crumbling infrastructure. I am pleased to hear this Chamber may begin consideration of the Drinking Water and Waste Water Infrastructure Act this month.

Unlike the House of Representatives and the Biden administration, which continue to undermine bipartisanship by developing and advancing a progressive policy agenda, the Senate has been working in a bipartisan manner to find solutions for our transportation challenges.

If President Biden is listening, my message to him is this: Work smarter, not harder. There is no reason we need to start at the beginning of this process. The Senate EPW Committee has done the work which can and should be the basis for any infrastructure proposal.

I have always said that if you take the ''E'' out of EPW, we actually get a lot done in our committee. For a good example of the type of cooperation that can be achieved, look no further than the work of Senator INHOFE and former Senator Boxer. These two colleagues had little in common. However, they agreed on the importance of infrastructure investment, and they were able to usher major legislation through Congress through a collaborative and deliberative process.

The same is true for Chairman CARPER and Ranking Member CAPITO. While these two have ideological differences, they have demonstrated their ability to work together to create a bipartisan product.

We want to work with the Biden administration on infrastructure to update basic public services, such as safe roads and bridges. With innovative financing and private sector investment, we will be creating jobs and keeping commodity prices low while remaining competitive in the global marketplace. However, we will not tolerate a partisan process where only one side gets to offer input with the end result being a liberal wish list of projects and priorities that have nothing to do with infrastructure investment.

Infrastructure is about as ripe as any area that we have to actually get something done of a major nature in a bipartisan, cooperative way.

I am back in Arkansas almost every week, and I can tell you what Arkansans want. They want us to be able to disagree while also being able to create a good commonsense policy. A bipartisan infrastructure bill is a way to demonstrate the President's willingness to work across the aisle. I am ready to create a path forward to update and modernize our Nation's infrastructure needs as well as make wise

investments in our water systems, energy grids, and broadband deployment, where there is bipartisan agreement on the urgent need to act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MARSHALL. Madam President, simply stated, President Biden's so-called infrastructure plan helps China and hurts hard-working Americans. Let me say it again. This bill helps China and hurts hard-working Americans. Less than 5 percent—that is how much of this $2 trillion infrastructure proposal actually goes toward building roads and bridges in the United States. Instead, this partisan proposal is loaded with Green New Deal pet projects and an abundance of spending that stretches far beyond recognition of what hard-working Americans define as infrastructure.

This is not the first time we have seen Democratic attempts to redefine the traditional meaning of words. In recent weeks, the White House has also moved to change how people perceive bipartisanship in Congress. No longer do our colleagues across the aisle need to secure Republican votes in order to successfully pass a so-called ''bipartisan'' bill. One obscure poll with cleverly worded questions that helps to garner bipartisan support from the respondents will do the trick. It is a manipulation of words that would allow President Biden to try to ram through this radical agenda and sell it to the American people as fulfilling his campaign promise of unity.

President Lincoln once said: ''You can fool all the people some of the time and some of the people all the time, but you cannot fool all the people all the time.''

The American people won't be duped by Washington doublespeak. I hosted five townhalls this past weekend, and Kansans have their eyes open to what is in this bill. Kansans understand that while this bill provides $115 billion for roads and bridges, more than half of over $2 trillion is devoted to green energy projects and the elimination of fossil fuels.

Among these green provisions is $170 billion for electric car chargers and tax incentives for purchasing electric cars. It also calls for electrifying one-fifth of the Nation's school buses and all 650,000 of the U.S. Postal Service's delivery trucks, which will result in driving up costs to Americans.

When unveiling this infrastructure plan, President Biden mentioned China six times as he attempted to sell it as a way to compete with China. However, this rapid jump to electric vehicles does the opposite and will benefit China more than many hard-working Americans. That is because China leads the world in manufacturing 80 percent of the materials needed for batteries and will continue to do so. Of the 136 lithium-ion battery plants in the pipeline between now and 2029, 101 are based in China.

China mines 64 percent of the world's silicon and makes 80 percent of the world's polysilicon with coal-generated electricity—the key component to solar panels. This bill will serve as a boon for China while decimating our domestic oil and gas industry, which helped us achieve our long-held goal of energy independence in 2019.

This bill will harm our general economic output by taking $2 trillion out of the private sector. We should really be calling this package the ''grab your wallet bill'' or ''raise your taxes bill.''

The legislation calls for the largest corporate tax increase in decades and will put the tax burden on American companies toward the top of the developed world list. This will make American companies less competitive in the global market. It is a recipe to kill the economy at a time when our Nation is still recovering from COVID. It will also negatively impact our economy in the long-term.

According to projections from the Penn Wharton Budget Model, as a result of this partisan legislation, overall GDP will be decreased 0.9 percent lower in 2031 and 0.8 percent lower in 2050. Hourly wages would be down by 0.7 percent in 2031 and 0.8 percent in 2050.

Perhaps what is most disappointing is that this bill demonstrates that gone are the days when infrastructure packages were an opportunity to build bipartisan bridges. Thanks to Republicans' control of the Senate and reaching across the aisle, the two most recent bills governing spending on roads and bridges both passed with overwhelming bipartisanship support before they were signed into law.

So in case there is still an opportunity for bipartisanship, let me tell you what I am for. I am for a package that, No. 1, reaches across the aisle and rebuilds our aging roads and bridges; next, incentivizes innovation, invests in future generations, ensures high-speed internet for all Americans, and reforms our permitting process so that when we say ''shovel-ready,'' we really mean shovel-ready, as opposed to going through years of permitting and driving up the cost of the project.

Look, pre-COVID, we had the strongest economy in my lifetime, thanks to Republican-led policies put in place over the last 4 years. Lower taxes and deregulation resulted in historically low unemployment rates, as well as energy independence and affordable energy costs. We need to get back to these policies and not continue the onslaught of harmful redtape, proposed tax increases, and unprecedented spending sprees.

The future of our children and grandchildren depends on it.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

NOMINATION OF VANITA GUPTA

Mr. DURBIN. Madam President, I would guess if the American people could give us a word of advice in the Senate, they would suggest that we do our best to work together and to try to establish priorities and meet them, and that we try to bring to the new administration of President Joseph Biden the most competent and qualified people that we can to help our Nation through this pandemic and our economic recovery. It is in that spirit that I close the debate on Vanita Gupta to be the next Associate Attorney General of the United States.

Yesterday's verdict in Minnesota certainly caught the attention of many in America and across the world. The killing of George Floyd was resolved in a court of law. Sadly, he will not be with us, but his legacy lives on, and it depends on us to use that legacy to make America a better nation.

Can we really come together and put law enforcement at the table with community leaders and civil rights leaders and find common ground?

Can we keep our streets and communities and neighborhoods safe and do it without discrimination against any person or group in America?

These are big challenges—tough challenges. But to meet them, we need the right people in positions of leadership. Vanita Gupta is one of those people.

As a former civil rights advocate, she did extraordinary things—in Tulia, TX, and many other places—to show progress in the area of civil rights.

As a former acting Assistant Attorney General in charge of civil rights, she worked with law enforcement organizations to try to resolve the very problems that we have seen in Minnesota and Illinois and virtually in every other State. She is a dedicated professional with an extraordinary resume who wants to continue to serve this Nation.

Will she be able to work with law enforcement groups? Well, they think so because they support her. There is a long litany: National Sheriffs' Association, Major County Sheriffs of America, International Association of Chiefs of Police, Major Cities Chiefs, 53 former police chiefs or sheriffs, the Police Executive Research Forum, the Federal Law Enforcement Officers Association. The list goes on and on.

But the simplest statement that was made comes from a pretty hard-nosed group, the Fraternal Order of Police, and those who are in politics know you have to work to earn their support. Here is what they said about Vanita Gupta: ''Gupta always worked with us to find common ground, even when that seemed impossible.''

Isn't that exactly what we want at this moment in American history as we cope with the civil rights challenges of our age? This is our chance.

I hope the Senate, with its vote—I hope it is a bipartisan vote—will give Vanita Gupta the chance to serve America again.

I yield the floor.

VOTE ON GUPTA NOMINATION

The PRESIDING OFFICER. All postcloture time is expired.

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

Mr. DURBIN. 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.

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 160 Ex.]

YEAS—51

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

NAYS—49

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

The nomination was confirmed.

The PRESIDING OFFICER (Ms. BALDWIN). The majority leader.

Mr. SCHUMER. Madam President, first I just want to say, before I move on a motion to discharge, it is really so good to have Vanita Gupta now installed as Associate Attorney General. To have someone with such a background in civil rights at this time in American history is so important and so vital to the country.

I am so glad that the Senate has now approved her and she can do her vital job, including dealing with the systemic bias we have seen in policing and in law enforcement throughout the country. So it is very good news for the forces of equality and justice in the country.

The PRESIDING OFFICER. The majority leader.

Mr. SCHUMER. Madam President, I ask that the motion to reconsider be made and laid upon the table with no intervening action or debate and that the President be immediately notified of the Senate's action.

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

MOTION TO DISCHARGE

Mr. SCHUMER. Madam President, pursuant to S. Res. 27, the Committee on Armed Services being tied on the question of reporting, I move to discharge the Committee on Armed Services from further consideration of the nomination of Colin Hackett Kahl, of California, to be Under Secretary of Defense for Policy.

The PRESIDING OFFICER. Under the provisions of S. Res. 27, there will now be up to 4 hours of debate on the motion, equally divided between the two leaders or their designees, with no motions, points of order, or amendments in order.

Mr. SCHUMER. I ask unanimous consent that the time be equally divided during the quorum call.

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

Mr. SCHUMER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

The senior Senator from Oklahoma.

NOMINATION OF COLIN HACKETT KAHL

Mr. INHOFE. Let my start by urging my colleagues in the Senate to vote against the motion to discharge from the Senate Armed Services Committee the nomination of Colin Kahl for Under Secretary of Defense for Policy. This is not a decision I take lightly. I have always felt that any new administration should have his team or her team, and I have generally been very supportive.

When President Biden nominated Dr. Kahl for this position, my expectation was that, if confirmed, he and I would often disagree on policy, but we would actually get along together; we could coexist together. I quickly learned that this would really be impossible with Dr. Kahl. I don't think I have ever said that about any nominee for any position that I can recall.

My Republican colleagues in the Senate Armed Services Committee—all 12 of them—reached the same conclusion. We opposed his nomination unanimously. That is very unusual.

Before I explain why not a single Republican was able to support Dr. Kahl's confirmation in committee, I want to emphasize how rare this is. The Senate Armed Services Committee, as everyone knows, is extremely bipartisan, certainly in the years that I was chairing that committee with Ranking Member JACK REED. We got along famously. We got things done that other people couldn't get done.

The Senate Armed Services Committee has always been bipartisan. We have disagreements, of course, but Republicans and Democrats on the committee have a legacy of consensus. National security and taking care of our troops are bipartisan concerns. This is how we succeeded in passing the National Defense Authorization Act.

The National Defense Authorization Act is the largest bill every year. It is the one where it sets out the guidelines for the coming year, and it is the one where we always have gotten along. We passed it every year for 60 consecutive years. It shows and demonstrates very clearly how well we get along.

The Department deserves a nominee with bipartisan credibility. You have to keep in mind this position is the No. 3 position in the Pentagon. It represents our shared bipartisan vision of effective national security and healthy civil-military relations.

This position demands a nominee who can carry out the President's policies while engaging those who disagree in good faith. That isn't the case with this nominee. That is why we are faced with this vote today.

I also want to clear up a common misunderstanding. Republicans on the committee did not vote against Dr. Kahl simply because we disagreed with his policy views. Policy is what that position is. It is the policy position of the Pentagon. This should be obvious to anyone who paid attention to the confirmation of President Biden's nominees for Secretary of Defense and Deputy Secretary. We got through both of them quickly. I don't remember a time when any new administration got the two very significant positions of Secretary of Defense and Deputy Secretary of Defense so fast. We got them in record time. There are some things that we disagree with policywise, but we supported their confirmation, as did most of my Republican colleagues, for one reason: They were eminently qualified. I am talking about the Secretary of Defense and the Deputy Secretary. Both of them were eminently qualified, with long track records of bipartisan cooperation and strong professional judgment. I have dealt with both of them for many, many years.

In fact, we expedited the nomination to give the President his national security team just about as quickly as we could. Republicans may disagree with him, but we can work with them very well.

Unfortunately, the same cannot be said of Colin Kahl. The national security problems we face are wicked and complex. We wrestle with them constantly on this committee.

What I cannot support are nominees who reduce complex national security conversations to partisan sound bites. For instance, as many of my colleagues will recall, back in October of 2019, Republicans and Democrats disagreed about our policy in Syria. When President Trump announced a full U.S. troop withdrawal from northeastern Syria, some of our colleagues worried about extended deployments. This is a reasonable concern because here is how Dr. Kahl chose to characterize it: Republicans are ''the party of ethnic cleansing,'' he wrote. He actually said that. He said that publicly.

Good and kind people can disagree with each other. They don't have to resort to name-calling and accusations of war crimes.

That is not an isolated example, as we discovered during our review of Kahl's writings and public statements. He often embraces conspiracy theories. For example, he alleged a ''Kushner-Kremlin quid pro quo'' referring to the President's son-in-law. And when given the opportunity to correct this type of conspiracy theory during his confirmation hearings, he refused to do it. He stood by those statements.

Dr. Kahl also has a long history of claiming every policy decision with which he disagrees will lead to war. Thankfully, he has never been right.

Dr. Kahl predicted that President Trump's decision to withdraw from the Iran deal would lead to war. It didn't. He said by sanctioning Iran's Foreign Minister, President Trump was boxing ''himself into war.'' There was no war. It didn't happen.

At one point, Dr. Kahl suggested that President Trump might ''start a war with Iran for political diversionary purposes.'' This is a ridiculous claim. Obviously, it didn't happen.

According to Dr. Kahl, the strike on Iranian terrorist leader Soleimani, the appointment of John Bolton as National Security Advisor, and the events of the Korean Peninsula, among others, were going to lead to war. And none of the wars happened.

His public declarations and policy judgment are consistently partisan and consistently wrong. The Under Secretary of Defense for Policy serves as the Defense Secretary's top national security advisor. It requires a leader with sound judgment and even temperament, and Colin Kahl simply doesn't possess either one of these qualities.

Even worse, Dr. Kahl has a long track record of maligning people whom he disagrees with. I mentioned the Syrian example earlier. He also said that the Republican Party has a ''death cult fealty'' to Trump. That is seriously what he said.

The bare minimum for the Defense Department's top policy position is good judgment and even temperament. Dr. Kahl lacks both of these qualifications. It would set a terrible precedent if we confirm someone like him for the job.

I have a history of working so well with people on both sides, which is why I can and have supported many nominees whose policy views differ from mine. That goes with the job.

We have someone who is elected President of the United States. I disagree with him on many of the issues having to do with our defense policy, but because I trust that while we may disagree, they understand that we are all trying to do the right thing for our Nation and for our kids and our grandkids. Unfortunately, I don't have that trust in Dr. Kahl. Confirming him would create a real political challenge for the Department over the years to come.

Every time DOD lays down a new policy or makes a critical military decision, we will have to wonder: Was this the decision informed by the Department's skilled professionals or by the partisan conspiracy theorist that happens to run the Department? That is why all 13 Republicans on the Armed Services Committee voted to reject this nominee. This is why I urge my colleagues to vote against the motion to discharge and urge President Biden to consider another nominee—one who can work productively with both sides of the aisle, even when we disagree. Mr. President, I would like to have you consider these things to make your job and my job a lot easier.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SULLIVAN. Madam President, I ask unanimous consent to engage in a colloquy with my friend and colleague Senator SCOTT from Florida.

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

UNANIMOUS CONSENT REQUEST—S. 1105

Mr. SULLIVAN. Madam President, I am honored to be on the Senate floor with my colleague Senator SCOTT from the great State of Florida. We are here to talk about an issue that really matters to both Alaska and to Florida and, I would say, that actually matters to the whole country.

Let me begin by saying that, like all States, my State, the great State of Alaska, struggled through the pandemic. There were a lot of challenges. I am proud to say that, with regard to the health challenges of the pandemic, I am very honored and privileged and proud to represent a great group of Americans, my fellow Alaskans, who came together on the health side despite our huge challenges in terms of its being a giant State with a dispersed population.

We worked together, and on so many indicators of health that were directly related to the pandemic, Alaskans did very well. We were the No. 1 per capita in terms of testing throughout almost the entire pandemic. Remarkably, we have been the No. 1 State per capita in terms of vaccine distribution, which is a mini miracle, if you know Alaska, given how big it is. We had vaccines going out of snow machines, dog sleds—you name it. We were getting it out to everybody in a more efficient way than in any other State in the country and, importantly, thank God, with one of the lowest per capita death rates in the country. We are proud of that.

Yet our economy—like many but I would say almost uniquely—is getting hammered, and people are suffering economically, first by the pandemic, of course, and now, unfortunately, by our own Federal Government. Let me just give a couple of examples.

The energy sector is very important to Alaska and very important to America, and, yes, we still need energy. Oil and gas, we need them. We have some of the greatest workers in the world in my State, but the Biden administration thinks we don't need them. It has been crushing my State with nine Executive orders directed solely at the State of Alaska to shut us down—nine by this administration. There is no State in the country that is getting that kind of attention. We don't want that attention.

Regarding commercial fishing, our State has been what I like to call the superpower of seafood. Over 60 percent of all seafood harvested in America comes from Alaska. This has been hurt by the pandemic.

The issue that we are here to talk about today is tourism, which is so important to Alaska and so important to Florida, and it is what I want to talk about with my good friend Senator SCOTT. It is about bringing relief to our fellow Americans—Floridians, Alaskans—and working to immediately pass the CRUISE Act. That is our bill, which would provide relief to coastal communities in our country—in Alaska and in Florida—and would enable a responsible return of cruise ship activities, which are so important to the small business owners in our States, whose livelihoods depend on having a robust tourism sector.

Let me just very quickly mention one thing. Alaska is open for tourism—one of the most beautiful places in the world. In fact, America, if you want to come and have a great vacation, come on up to Alaska this summer. Not only will you have an amazing experience, but we just announced 2 days ago that you can get a vaccine. Come on up. If your State is too inefficient for you to get a vaccine, have a great vacation in Alaska, and you will get a vaccine in Alaska as well. You can do both. You can see the most beautiful State in the country. You can fish, see glaciers, wildlife, climb mountains, whale watch. If you do that, it is going to help our economy and help the small businesses—fishing guides, hotels. I know Americans want to help one another. That is what we have been doing for the last year. We want you to come up, stay safe, and get a vaccine.

But here is what we need. To enable that to happen in Alaska and in other parts of the country, we need the CDC to better understand its job, its mission, and its role. This particularly relates to the issues of cruise ship passengers and the ability for cruise ship vessels to start to return to America's waters as they are doing throughout the rest of the world. In Asia, Europe, and Latin America, people are cruising safely right now, but the CDC is dragging its feet. It is dithering.

I have been meeting and my staff has been meeting with them, certainly, weekly. I have met twice with the CDC's Executive Director, but all we get is foot-dragging. All we get are excuses. All we get is guidance that is muddled, confusing, and simply unworkable.

Here is the thing: In my State, communities are dying, and no one seems to care. At the CDC, the bureaucrats there don't seem to give a damn about what Americans are suffering through right now, literally. I don't know how many times we can be on calls with them wherein we get no response. When people lose jobs and lose businesses, that has a health impact too.

Here is what our simple bill does, the CRUISE Act.

First, it will require the CDC to issue recommendations for how to mitigate the risks of COVID–19 to passengers and crew on board ships. This will be in addition to what the industry has already put forward, and there are over 70 recommendations.

Second, our bill will establish an interagency working group that will develop recommendations to facilitate the resumption of passenger cruise ship operations in the United States—in Florida and Alaska. The recommendations will facilitate the resumption of passenger cruise ship operations no later than July 4, 2021. Our bill will require the CDC, on no later than that same day, Independence Day, to revoke the order entitled ''Framework for Conditional Sailing and Initial Phase COVID–19 Testing Requirements for Protection of Crew.''

Our bill, finally, ensures that the HHS and CDC retain all appropriate authorities to make and enforce the regulations necessary to prevent the introduction, transmission, or spread of communicable diseases on individual cruise ships.

This is a commonsense bill. We need the CDC to continue to work with us, certainly, but to recognize that by dragging its feet, tens of thousands of Americans are going to continue to suffer when they don't have to.

We can do this responsibly. My State and the State of Florida want to do this responsibly, but we can't wait any longer. Our tourism season in Alaska is very short. Our businesses need to know that they can open again, and our citizens need help.

I yield the floor to my colleague from Florida, whose citizens are experiencing some of the same devastating impacts that my fellow Alaskans are.

The PRESIDING OFFICER. The Senator from Florida.

Mr. SCOTT of Florida. Madam President, I do want to compliment my colleague. He comes from a beautiful State. While I would like all of the tourists to come to Florida, Alaska is a great State to take a vacation. I have had the opportunity to do that a few times, and it is a beautiful State.

I thank my colleagues Senator SULLIVAN and Senator RUBIO for working on this bill that is so important to all of our States but, for sure, Florida and Alaska.

Many States rely on the success of our ports, our cruise lines, and our maritime industries. Throughout my time as the Governor of Florida, we proudly welcomed more than 100 million visitors every year and shattered annual tourism records each year. Every visitor to our State supports small businesses, fuels job growth, and boosts tax revenue, helping to create State and local investments in the environment, transportation, public safety, and education.

And it is not just Florida and Alaska. Tourism, including our all-important cruise industry, has huge impacts for States across our Nation and the thousands of jobs that rely on its success.

On the chart you can look at this.

So, first off, the cruise industry shutdown is just killing a lot of jobs—jobs all across this country. Before the COVID–19, we had 450,000 jobs—450,000 American jobs—and $55 billion in GDP every year in our economy.

Unfortunately, due to the suspension of cruises caused by the CDC inaction, more than 300,000 American jobs have been lost. So this is all across our country.

As we continue to work to recover from the coronavirus and get our economy back on track, I remain committed to doing everything I can to support our tourism industry in Florida, Alaska, and all across the country in a safe manner.

Unfortunately, while many sectors of the economy have been safely operating for months under CDC guidelines, Floridians and those across the Nation who rely on the cruise industry for work, continue to wait, wait, wait, wait for updated guidance from the CDC.

For months, I have heard from small business owners who have shared just all their stories about how important tourism is to them and, specifically, that the cruise industry is to their livelihood and how much the CDC's decision here has hurt them.

Let me give you an example. Omar Otero, founder and owner of VOK Protective Services, says:

> As a business owner, I've been dependent on the cruise industry for my livelihood for 20 years, and this pause has been devastating. What many people don't see behind the scenes is that cruising has a significant impact on many small businesses, and employs hundreds of thousands of people in America. Resuming cruising is critical to my business and would allow me to work again and support my family.

Jeannette Pineiro, president of Cruiseport Destinations, says:

> The uncertainty we've been living with the last year is probably the most devastating mentally for a business owner. I have former employees that are still unemployed. They want to get back to work, and there has been nothing I could do. The cruise industry needs to be treated on par with other sectors of the travel industry, and this legislation would provide a plan to safely resume cruise operations.

The CDC's refusal to properly address this shutdown is wrong. It is time to get the cruise lines open, and it is going to create jobs all across the country.

That is why I am proud to join my colleagues Senator SULLIVAN and Senator RUBIO in introducing the CRUISE Act, which says we are not waiting on the CDC any longer.

In March, President Biden announced the effort to vaccinate all Americans—his plan to vaccinate all Americans by July 4.

As of this week, all adults will be eligible for COVID–19 vaccines. Our Nation has made enormous progress in fighting COVID–19. Yet the CDC has continued to act like we are still in March 2020. Meanwhile, as my colleague from Alaska said, there is cruising all over the rest of the world.

My colleagues and I are simply asking the CDC to provide a timeline of when the cruise industry can begin to reopen, like so many other sectors, and the CRUISE Act ensures they can do that in a safe manner.

The CDC is treating the cruise sector unfairly, while other industries are open for business. There is no reason why America's cruise industry and the thousands of jobs that rely on its success should continue to suffer.

Cruises can and should resume, and we are going to do everything we can to bring back cruising safely.

I yield to my colleague from Alaska.

The PRESIDING OFFICER. The junior Senator from Alaska.

Mr. SULLIVAN. Madam President, as if in legislative session, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of S. 1105 and the Senate proceed to its immediate consideration. I ask unanimous consent that the bill be considered read a third time and passed, and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Washington.

Mrs. MURRAY. Madam President, reserving the right to object, I understand the position of my colleagues from Alaska and Florida who want to see a return to cruising by July 4. I am there with them. The cruise industry in my home State supports over 5,500 jobs and creates $900 million in annual local business revenue. Those jobs and that impact on the local economy have been severely disrupted, but we have to ensure the safety of our friends and our families on these cruises before they disembark.

We have seen firsthand how devastating COVID outbreaks on cruise ships can be. Just last year, we saw thousands of passengers stranded on cruise ships—people put in quarantine or refused entry to ports as borders closed.

Over 31 million Americans have contracted COVID, and 560,000 have died

from this disease. Cruise ships require specific focus and protocols in place to prevent future outbreaks.

While I am as eager as anyone else to see a return to travel, we cannot cut corners. Doing so risks lives and will only further delay returning to normal, hurting our economy more in the long run.

We must trust the science, and we must allow the CDC to continue its work to help us return to what we love as safely as possible.

So I will continue to work with the CDC and the administration as they develop the next phase of their cruising guidance, but for now, I object.

The PRESIDING OFFICER. Objection is heard.

The junior Senator from Alaska.

Mr. SULLIVAN. Madam President, to my colleague from Washington, whom I have the utmost respect for, it is true that at the beginning of the pandemic, there were all kinds of challenges with the cruise ship industry. There is no doubt about that. We saw that, but that was over—well over—a year ago. We didn't know anything about the virus then, we didn't have vaccines then, and we didn't see the economic devastation then. It is a very different period right now, a year later.

What we are asking for is the CDC to move. That is what our bill does.

You know, Senator MURKOWSKI and I had a meeting—our second meeting—with the CDC Director just 3 weeks ago, and in that meeting she told us that they were going to issue all the guidance for the cruise ships—issue it all so people can plan. They said that they could anticipate with this guidance that we could meet cruising opportunities to start by mid-July in Alaska. They said that with this guidance the CDC wouldn't have to be approving every move—every move going forward—and they said that they would take into consideration this huge progress we have made on vaccinating Americans.

In my State, in southeast Alaska, there are communities with 60, 70, 80 percent vaccination rates. That is where these cruise ships are going to be going.

The unfortunate thing is that not one thing the Director of the CDC told us turned out to be true. That is not good. Her staff or somebody in the CDC needs to be held responsible for telling us something that was not true at all.

Again, what is happening right now is an economic and health devastation. In my State, the estimates are up to $3 billion worth of damage just in Alaska alone because of the foot-dragging, mixed messages, and unresponsiveness when it comes to the CDC's guidance.

As my friend from Florida just mentioned, airlines, schools, hospitals, and hotels have all gotten CDC guidance and have been able to open. But for some reason, they are focused on this industry, which negatively impacts thousands of small businesses across America, in Florida and Alaska. And I certainly hope that the CDC, seeing that we are trying to move this—and it is a bipartisan issue, by the way—will start to do its job—will start to do its job and make the commitment that was made to me and other Senators to get this moving quickly in terms of guidance so we can be having tourism, cruise ships, and otherwise in America by mid-July. That is what I was told by the Director 3 weeks ago. They need to keep that commitment.

I yield to my good friend from Florida.

The PRESIDING OFFICER. The junior Senator from Florida.

Mr. SCOTT of Florida. Madam President, well, I am clearly disappointed that my colleague from Washington would object to this commonsense proposal.

The cruise industry impacts thousands of jobs, not just in Florida and not just in Alaska but in the State of Washington. Everybody here I know wants to make sure that we can start cruising again in a safe manner.

Let's remember what my colleague was talking about. She was talking about what was going on in March and April in 2020. But today, hotels are open, airlines are flying, beaches are open, restaurants are open, tourism sites are open, and amusement parks are open. They are all open, but for whatever reason, the CDC has made the decision to not allow cruising to happen, and they have singled out this industry and cannot tell any of us why they singled this out.

All we are asking is for the CDC to provide a timeline of when the cruise industry can begin to reopen. The cruise industry wants to do it safely. It is a lot of American jobs, including—I think it is—23,000 jobs and a billion dollars in economic impact in the State of Washington.

So I know everybody says they want to get this done, but the only way this is going to happen is if we make sure that we force the CDC to finally make a decision and allow the cruise industry to get open again in a safe manner.

The PRESIDING OFFICER. The Senator from Arkansas.

NOMINATION OF COLIN HACKETT KAHL

Mr. COTTON. Madam President, Colin Kahl is President Biden's nominee to be the Under Secretary of Defense for Policy. This is the top strategic planning position at the Department of Defense—the No. 3 position at our Department of Defense. The role is critically important to the national security of our country and the safety of our allies around the world.

Unfortunately, Mr. Kahl is temperamentally and professionally unfit to hold this—or, for that matter, virtually any other—job at the Pentagon. He is impulsive, intemperate, offensive, and has consistently demonstrated terrible judgment.

For the past several years, Mr. Kahl has endeavored, for some inexplicable reason, to be something of a Twitter celebrity—not exactly aiming his sights high. In pursuit of this goal, he has personally attacked the character and reputation of virtually every Republican Senator, as well, I would say, with lots of Democratic Senators.

He has tweeted that Members of both parties who supported the withdrawal from the terrible Iran nuclear deal ''won't be satisfied until they get the war they pushed for decades.''

He wrote that 45 Senators who supported weapon sales to Saudi Arabia share ''ownership of the world's worst humanitarian crisis.'' This claim, in which he referred to the war in Yemen, of course, ignores the role of Iran's murderous, terrorist proxies, something, of course, that Colin Kahl repeatedly turns a blind eye to everywhere in the world—Iran's evil malignancy.

On a separate occasion, Mr. Kahl said that every Republican who supported an end to combat operations in Syria ''debased themselves at the altar of Trump.'' He then added that the party of Lincoln is ''the party of ethnic cleansing.'' Let's let that sink in for a moment.

Joe Biden has nominated a man to be the No. 3 official at our Department of Defense who has accused one of the two main political parties in our country as being ''the party of ethnic cleansing.'' It is hard to imagine an uglier or more vicious accusation than that.

Perhaps Mr. Kahl could ask Bill Clinton and Susan Rice, on whose watch the ethnic cleansing in Rwanda happened.

When John Bolton was about to become the National Security Advisor, Mr. Kahl, quite reasonably, stated on social media: ''We are going to die.''

To my knowledge, we are not dead, and Mr. Kahl is very much alive, despite John Bolton being appointed as a staffer in the U.S. Government. He also claimed that the Republican Party had a ''death cult fealty'' to former President Trump. These statements and many more make it difficult to conceive of a circumstance in which this nominee could successfully forge a productive relationship with Members of the Republican Party in the Senate or the House or anywhere else, for that matter.

Mr. Kahl's ranting and raving on social media in 2017 may have even gone from offensive to criminal on several occasions. It appears that several of Mr. Kahl's tweets divulge or confirm classified and sensitive information. I recently joined 17 of my fellow Senators in requesting a full FBI investigation into this very serious and troubling matter. No vote should occur until that important inquiry takes place.

Now, the nominee's transgressions on social media are somewhat reminiscent of Neera Tanden's foolish statements on that social media platform. I think this Chamber set a reasonable standard when it rightfully rejected her nomination, and we ought to maintain that standard with this nominee.

In many ways, though, Mr. Kahl's behavior is worse than Ms. Tanden's because his poisonous partisanship, his narrow-sightedness, and his short temper will directly affect his job. He is up for a post that is less partisan and more cooperative in nature than was Ms. Tanden's. His position will require him to be under extreme stress, where he will need to listen to a full range of options, engage in careful deliberation, and regularly make life-and-death decisions. I have to say, his auditions as a social media celebrity over the last 5 years don't inspire confidence in his ability to do so.

When I asked him about this at his hearing, he said he may have gotten caught up in the passions of the moment or that these were stressful, trying times. Some of these social media statements, I would point out, came in the middle of the night when Mr. Kahl was presumably sitting on his couch at home watching his news feed. If he thinks that is a stressful or trying moment, what is he going to do when he is sitting in the Pentagon and Vladimir Putin is invading southern Ukraine?

Talking about foreign policy decisions, I would point out that Mr. Kahl has been like Joe Biden—wrong about nearly every important foreign policy decision over the last decade. In 2010, Mr. Kahl said that concerns about a rapid withdrawal from Iraq were ''exaggerated'' and it was ''very unlikely to trigger a dramatic uptick in violence.'' He missed that one by just a little bit because soon thereafter, 30,000 radical Islamic extremists conquered a quarter of Iraq, and ISIS carried out horrific terrorist attacks on multiple continents.

In 2012, he ridiculed then-Candidate MITT ROMNEY's, now-Senator MITT ROMNEY's assertion that Russia was a major geopolitical threat. Of course, 2 years later, Russia invaded Ukraine and conquered Crimea. It has since been an obsession of the Democratic Party, even though Joe Biden has once again reverted to the Democrats' traditional dovishness on Russia, something presumably Mr. Kahl would support.

In 2017, he predicted that recognizing Jerusalem as the capital of Israel, where the seat of Israel's Government is located, would result in a ''third Intifada.'' Instead, Israel has signed multiple historic peace deals.

In 2018, when President Trump warned Iran against pursuing nuclear weapons, Mr. Kahl wrote the ''war drums are already sounding.'' But no war happened.

That same year, when President Trump withdrew from the terrible Iran nuclear deal, Mr. Kahl said: ''War will be all that is left.'' No war happened.

In 2020, when the United States finally delivered justice by killing Iran's terrorist mastermind Qasam Soleimani, Mr. Kahl said Mr. Trump had ''started a war with Iran in Iraq.'' Yet again, no war happened.

Mr. Kahl's inability to accurately assess these events almost defies probability. After all, even a broken clock is right twice a day.

On issues of war and peace, Mr. Kahl is reliably unreliable and consistently wrong. This is not a fault that one of the chief strategic planners, the No. 3 official at the Pentagon, and one of the most powerful policy advisers in the government ought to have. No Pentagon nominee should be this partisan, this divisive, and this controversial.

Republicans have given every Defense Department and intelligence nominee a fair hearing, and most have passed this Chamber with healthy bipartisan majorities and in some cases unanimously. Mr. Kahl is different. Mr. Kahl is different because his toxic statements and reputation would inhibit the workings of the Department of Defense.

Every time, as Secretary Austin and senior Pentagon personnel testify before the Senate, Members of this body will wonder if the policies they are presented with are the product of hard-headed serious planning or the workings of a political hack.

A man of Mr. Kahl's judgment and temperament and his record of disastrous policy judgments is unfit to be the Under Secretary of Defense for Policy, and I will oppose his nomination, as every Senator should.

I yield the floor.

The PRESIDING OFFICER (Mr. HICKENLOOPER). The Senator from Alabama.

Mr. TUBERVILLE. Mr. President, you know, the Under Secretary of Defense for Policy serves as the national security advisor to the Secretary of Defense. This position requires even temperament, sound judgment, and a willingness to work with both sides of the aisle to protect and advance our national security.

As many of my colleagues have noted, President Biden's nominee for this important position severely lacks these qualities.

Colin Kahl has promoted conspiracy theories on social media. He makes outrageous claims against those who disagree with him, like when he called Republicans ''the party of ethnic cleansing.'' And he views the threats of our Nation solely through the lens of partisan politics.

Dr. Kahl blatantly downplayed the threat of Russia when our colleague MITT ROMNEY highlighted it during the 2012 Presidential campaign but then promoted numerous lies about President Trump and Russia after the 2016 election. This is not—and I repeat—not the kind of person who should serve in the Pentagon's No. 3 position.

But today I want to address another issue. Dr. Kahl presents himself as an academic, but he often makes claims that are not grounded in data. That is especially true when it comes to the situation along our southern border.

As everybody knows, the illegal migration crisis is not new. As of 2017, according to the Pew Research Center, there were an estimated 10.5 million unauthorized immigrants in this country. And according to Pew, over 77 percent of those unauthorized immigrants came from within the Western Hemisphere. President Trump came into office in 2017 promising to do something about this challenge: enforce our immigration laws and reinforce southern security along our border. Dr. Kahl disagreed with his policy, and that is certainly his right, but rather than explain why he disagreed, he promoted baseless lies.

In October 2018, a migrant caravan surged toward our southwestern border. President Trump deployed approximately 5,000 U.S. members of our service to support the Department of Homeland Security at the border. This was not, as some in the media claimed, a ''show of force.'' This was the defense support to civil authority's mission, the type of mission that the DOD also does to support FEMA during hurricanes.

Dr. Kahl has served previously at the Pentagon. He has served as National Security Advisor to the Vice President. He knows what defense support to civil authority is and what these missions entail. But rather than explain any of this to his many thousands of Twitter followers, Dr. Kahl told them that the deployment was a ''stunt.'' This was a terrible insult to the men and women in uniform who were supporting DHS at the time. But more to the point, it was also a blatant lie.

A few months later, Dr. Kahl called the situation at the border a ''fake crisis'' and also tweeted that ''Trump's claims of a border crisis are bogus.''

To justify his claims, Kahl cited data showing a decrease in arrests at the southern border. But there was one problem with his data: arrests along the border always decline when border enforcement is lax.

Well, as we know, President Trump stepped up enforcement at the border, and it worked. As a result, arrests at the border surged through the first half of 2019. More border security means more arrests, but it also deters future illegal migrants, and that is why illegal border crossings fell dramatically in the second half of 2019.

Far from being a ''fake crisis,'' as Dr. Kahl would have it, this was a crisis that was not being properly addressed until President Trump took action. Today, we have another crisis at the border. We have seen a record number of illegal crossings and arrests in recent months as illegal migrants anticipate a more welcoming environment under President Biden's administration.

The Biden administration has made detrimental changes to our border policy, including ending the ''Remain in Mexico'' policy. But it is worth noting what has not changed: U.S. troops are still deployed in support of DHS along the border. They are still there. Anyone who has taken the time to visit our southern border, as I was there just a few weeks ago, understands that if our

troops were not in this region, the crisis at the border would only grow worse.

Colin Kahl saw the deployment as a ''stunt'' under President Trump. I suspect he sees it a little differently under President Biden. And that is exactly the problem: Colin Kahl's judgment is often based on partisan politics, not data.

We cannot accept the risk of having someone so partisan in the Defense Department's No. 3 position. This position requires someone who bases his recommendations on data and not on the top trending hashtag. I urge my colleagues to vote against the motion to discharge.

Let Colin Kahl keep tweeting and let the administration send us another nominee.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

TRIBUTE TO CHRIS MAIER

Mr. WYDEN. Mr. President, I rise today, on behalf of Oregonians in every nook and cranny of our wonderful State, to thank my friend Chris Maier for more than three decades of stellar public service.

Chris is retiring this month as a superhero who has been cutting through redtape and defeating bureaucracy for so many Oregonians who turned to her nights and weekends and all hours. She helped with emergency immigration and State Department needs, passports, visas, immigration questions, and so much more.

As a casework manager and constituent services representative in my office for more than a decade, Chris brought an unfailing professionalism, determined follow-through, and ''Oregon Way'' focus on smart solutions when tackling all of those duties.

Chris came to our Portland office in 2009, after a decade of working for my friend Senator Gordon Smith. Before that, she had worked a total of 11 years in the offices of Senator Mark Hatfield, Congressman Denny Smith, and State Representative Chuck Carpenter. If those names that I just mentioned were an answer on jeopardy, the question would be: Who are four prominent elected Republicans in Oregon history?

The Senate heard that one right. Chris is retiring after a career of working for elected officials from both political parties. On one level, she worked for all of us as elected officials, but on a larger level, she worked for everybody in Oregon, regardless of their politics. And on that larger level, Chris epitomizes so many other public servants in Oregon and our country whose names just never get celebrated in headlines or tweets or news coverage.

The word ''bipartisan'' gets tossed around a lot, but Chris lived that ethos every single day of her public service career. When she was responding to the uncounted number of calls and email inquiries she got over the years, she never said: So tell me a little bit about your politics. Her response was always: How can I help? And she always applied her common sense and the deep reservoir of good will she earned nationwide to move the levers of government quickly and successfully. And as I alluded to at the outset, those queries and her responses never corresponded to an 8-to-5 schedule because she was always on the phone to a U.S. Embassy somewhere thousands of miles away.

Chris's duties went into overdrive in the first few weeks this past year during COVID. Oregon parents called Chris frantic to get their kids home from overseas study programs. Oregon families and friends would email Chris desperate for information about family members abroad on travel that they had saved a lifetime for. And we had businesses from all over Oregon text Chris about their U.S. employees who were working in other countries.

On the other end of all of those calls, emails, and texts was Chris Maier, always responding with her experience and empathy to figure out solutions. I can't even begin to calculate the number of times Oregonians would come up to me in our iconic ''Fred Meyer'' stories, and they would say: RON, let me tell you about how Chris Maier went to bat for me and my family.

So today we are very grateful for her ''Chris Maier'' brand of tenacity with a smile, because she was steering so many Oregonians through the unprecedented trials of the past year.

I have been thinking about all the challenges she has been helping Oregonians with over her entire career, and she was helping all those people when she was in our office every single day, bringing relentless good cheer, an overflowing candy bowl, and a love bordering on obsession for University of Oregon football. We Ducks take our football seriously, but certainly nobody more than Chris Maier.

I am going to close with a final thought as I send Chris off to a very well-earned retirement with her husband Brad and their daughter Katherine, back home on the east side of my hometown, Portland. As Chris's fellow Oregon football fans know, the pregame pageantry at home games in Eugene always included the tradition of one joyful shout in unison: ''It never rains in Autzen Stadium.''

If I may paraphrase that thought today in talking about my friend. Her optimistic outlook and legacy of success means that all of us are joyful because ''It never rains in Chris Maier's world.''

So, Chris, on behalf of Oregonians and communities small and large, we are so grateful for all the time you went to bat for the people of our State and for the people of this country. For that we say thank you.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

The Senator from West Virginia.

FIGHT FENTANYL ACT

Mr. MANCHIN. Mr. President, I rise today to call on my colleagues on both sides of the aisle to join Senator PORTMAN and myself—and Senator PORTMAN will come in later and express his desire for this also—in taking action to permanently schedule fentanyl and deadly fentanyl analogs.

Fentanyl is 100 times more potent than morphine, 50 times more potent than heroin, and according to the DEA, 2 milligrams—just 2 milligrams—of fentanyl can cause a lethal overdose.

In February 2018, the Drug Enforcement Administration issued a temporary scheduling order to schedule fentanyl-related substances, which has allowed Federal law enforcement authorities to bring criminal actions against individuals who manufacture, distribute, or handle fentanyl-related substances.

A year ago, this body extended the scheduling order through May 6, 2021, via unanimous consent. The House extended it by a vote of 320 to 88. This should not be controversial at all.

In 2019, 36,359 people died because of fentanyl. That is 51 percent of all overdose deaths that year—51 percent. Over half of the people who were killed by overdose were by fentanyl. We know 2020 was a record year in drug overdoses, mainly driven by fentanyl-related substances and the COVID–19 pandemic. We can safely assume that there were at least 44,000 deaths last year—think about that—44,000 deaths related to fentanyl last year. In total, that is over 80,000 people who have died because of fentanyl in just the last 2 years. It is heartbreaking to lose so many Americans to preventable overdoses.

The time to permanently schedule this deadly substance is now. That is why Senator PORTMAN and I reintroduced the bipartisan FIGHT Fentanyl Act to permanently schedule fentanyl and fentanyl analogs. I am saying permanently schedule fentanyl and fentanyl analogs.

The FIGHT Fentanyl Act is a proactive overdose prevention bill. It stops the creation of these drugs and removes incentives for people to bring these deadly chemicals into our country, reducing the harm to our fellow Americans.

We know that fentanyl is deadly. It is killing Americans at record rates. West Virginia, my home State, has the highest overdose rates per capita in the Nation, and every West Virginian is familiar with the horrible impacts of the

drug epidemic on our family, friends, neighbors, and our entire economy.

I recognize there are concerns about mandatory minimums that do more harm than good. But permanently scheduling fentanyl and fentanyl analogs is not about locking people up; it is about keeping our fellow Americans alive.

Don't take my word for it. We asked the GAO to study it—the General Accounting Office to study it. In the last 3 years since the rescheduling was put in place, the GAO found only eight prosecutions occurred related to fentanyl analogs, four of which were associated with drug cartels. If that is not enough, our bill also explicitly prohibits new mandatory minimums associated with fentanyl analogs.

Here are the facts: 80,000 deaths compared to 8 prosecutions—80,000 deaths compared to 8 prosecutions.

Here is another fact: We simply don't have the support in Congress today to pass the FIGHT Fentanyl Act right now. It is hard to believe. We must pass another short-term extension this week to ensure the essential temporary protection does not lapse. I hope my colleagues will at least support that effort.

I also urge my colleagues, Democrats and Republicans, to join Senator PORTMAN and me in this effort to permanently reschedule this deadly, deadly drug. We cannot afford to keep kicking the can down the road as we have for far too long.

Thank you, Madam President.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. SMITH). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. PORTMAN. Madam President, my friend and colleague Senator MANCHIN from West Virginia and I are on the floor today to talk about this issue of fentanyl.

This is a deadly synthetic opioid that is killing more people in our States than any other single drug. Unbelievably, Congress has only 15 days to act, and if we don't, some of these illegal fentanyl products are going to be legal again. This is exactly the wrong thing for us to do right now as, sadly, we are seeing a big increase in overdoses and overdose deaths because of the effects of the coronavirus pandemic.

We want to have bipartisan legislation that we have introduced, passed, that simply says: Let's not allow these illicitly manufactured and deadly synthetic opioids to suddenly become legal again.

If we don't act within 15 days, that will happen. Our bill would ensure that these deadly drugs continued to be scheduled—that is the technical term—scheduled by the Drug Enforcement Agency, meaning they would continue to be illegal.

Here is why we have to act. Fentanyl, a synthetic opioid, is more than 15 times more powerful than heroin, and it is incredibly addictive. For years, this has been coming to our shores from China, almost all of it through the mail until recently because we, frankly, passed legislation to cut down on mail deliveries, and instead, now much is coming through Mexico, across our southwest border.

It is a big reason overdose deaths in the United States surged to record highs during this COVID–19 pandemic, with more than 87,000 Americans—think about that—87,000 Americans died during the 12-month period between September 2019 and September 2020. That is a record. It is a terrible record.

When we have the actual numbers from 2020, it is going to be even worse. We just got these numbers from September 2019 until September 2020. When we have the numbers from January 2020 through December 2020, it will be even worse. That is what everybody says, and it makes sense. When you look at this data, the worst months are the months during the pandemic in 2020.

Again, we are very sadly, after several years of progress, looking at once again an increase in these overdose deaths. According to the Centers for Disease Control and Prevention, CDC, synthetic opioids like fentanyl are the biggest drivers of this tragic surge. We can project that more than half of these deaths are from this class of drug based on what we know from the 2019 data. That is the latest information we have. In 2019, there were 70,630 deaths, and more than half of those—36,359—involved fentanyl. Experts believe that fentanyl, sometimes mixed with other drugs like cocaine or crystal meth or sometimes heroin, continues to be the No. 1 killer.

It is such an enormous crisis because these drugs are so incredibly dangerous. It takes only 2 milligrams of fentanyl to kill an adult, which is why the DEA, Drug Enforcement Administration, permanently classified fentanyl as a schedule II drug.

In order to avoid prosecution, drug traffickers started making slight modifications to fentanyl. You have some evil scientist in China or in Mexico who makes a slight modification to fentanyl, sometimes adjusting a single molecule and creating what are called fentanyl analogs. In other words, it is not precisely pure fentanyl, and so unfortunately, although it has the same narcotic properties as fentanyl, these tiny variations allow these traffickers and these scientists to evade prosecution. Oftentimes, by the way, these analogs, like carfentanil, are even more deadly, believe it or not, than fentanyl itself.

In response, in 2018, the DEA temporarily scheduled fentanyl analogs, but under law, that designation expires after May 6—again, only 15 days from now. If that deadline lapses, evil scientists and criminals who run labs in China and Mexico will be able to avoid law enforcement as they flood the United States with unlimited slight variations of this deadly drug.

That is why Senator MANCHIN and I are calling on Congress to do the sensible thing: Pass the FIGHT Fentanyl Act to make these dangerous substances permanently illegal. That is what law enforcement wants, that is what our communities demand, and that is what we deserve to give them. It is long overdue that we make this designation permanent.

China, by the way, implemented classwide controls over fentanyl analogs in 2019. China's law defines fentanyl-related substances more broadly than the U.S. Government defines fentanyl-related substances. How ironic. Here is China, a country sending us this poison and actually making these drugs illegal in China, and they are not illegal here. How could that be?

I know some colleagues oppose permanent scheduling of these fentanyl drugs because they are concerned about mandatory minimum sentences and also that it could hinder research into future medications to treat addiction. Let me address both of those.

First, I share this concern about the harsh punishments that don't fit the nature of the crime. That is why our legislation ensures that mandatory minimum sentences are not automatically imposed. In any criminal case, we want the judge to look at the severity of the crime and consider all relevant factors in sentencing. So that issue is addressed.

There has been a great deal of conversation about the impact of prosecutions and incarcerations on specific populations, including minority communities, but what is often lost in this debate is the growing impact of fatal overdoses in these same communities.

Since 2016, while White fatalities decreased through 2019—the data we have—overdoses from opioids among Black Americans, particularly Black men, have actually accelerated. From 2011 to 2016, Black Americans had the highest increase in synthetic opioid-involved overdose death rates compared to all populations. So it is getting worse, not better, in these same minority communities.

While from 2017 to 2018, overall opioid-involved overdose fatalities decreased—remember we were making progress for the last several years. Overall, it decreased by just over 4 percent. Rates among Black and Hispanic Americans actually increased.

Another issue my colleagues have raised, again, is concern that permanently scheduled fentanyl and its analogs somehow hinders research in treating addiction. First of all, I agree that we need this research and need it badly. One example of this is coming up with naloxone, a miracle drug based on heroin that actually reverses the effects of overdose. It is a miracle. I have seen it work, and it saves lives.

Researchers have told me there are barriers to being approved to legally research schedule I substances. There is also a stigma to conducting this kind of research even though we know that it could lead to development of new treatments. I am open to working with colleagues to address these barriers, and I believe we can do that through legislation creating flexibility in the registration system for scientists. But we cannot let these deadly fentanyl drugs become legal in the meantime, and certainly we can't allow this to happen in the next 15 days.

Just before we came to the floor this afternoon, the House of Representatives passed a temporary measure. It is a 5-month extension of the ability to schedule these deadly drugs. Why would we do it for just 5 months? Let's do it permanently.

Now I am told: Well, we have a take-it-or-leave-it from the House. I hope that is not the case. If so, of course I will be for extending it rather than having it expire in 15 days. But let's act. Let's act responsibly. Let's act now.

The U.S. Senate should be taking the lead here in saying let's permanently classify these drugs, as everybody agrees they should be classified in the sense that they are dangerous narcotics that are killing literally tens of thousands of our fellow citizens every year.

Let's do the right thing for those communities. Let's do the right thing for law enforcement. Let's be sure they have the predictability and certainty in law enforcement to know that they can prosecute these criminals—these traffickers. We need to act now to address the threat of these deadly fentanyl drugs coming into our communities, and I urge the Senate to pass the FIGHT Fentanyl Act this week.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

NOMINATION OF COLIN HACKETT KAHL

Ms. ERNST. Madam President, I rise to speak in opposition to the nomination of Mr. Colin Kahl to be Under Secretary of Defense for Policy.

The position of Under Secretary of Defense for Policy is essentially the third most senior leadership position in the Department of Defense. It requires a leader of tremendous experience and knowledge, someone with the ability to separate politics from policy. With the many national security challenges our Nation and the Pentagon face, this position requires a measured, rational, and deliberate leader. It needs a leader who puts the safety and security of the American people ahead of scoring one more point on the political board. The head of policy at the Pentagon needs to be someone we as a country can trust with some of our most delicate secrets. The reality is, Mr. Kahl does not meet the standard for this position.

Secretary of Defense Austin and his Deputy, Dr. Kathleen Hicks, have affirmed before the Senate what the national defense strategy articulated: The most pressing strategic challenge facing our country is Communist China. We know the threat from China is long-lasting and very serious. The complex actions and efforts of the CCP are disrupting the global order and reducing our national security. These actions demand expertise in the development and leadership of our national defense.

When it comes to President Biden's pick for the head of defense policy, Mr. Kahl—well, Mr. Kahl lacks any meaningful experience and has only a sparse record of thought on China or anything in the broader Indo-Pacific region, for that matter. The United States cannot afford this lack of knowledge and experience in a top Pentagon official.

Now, folks, we can also look to his judgment as a matter of concern. Mr. Kahl has a record of leniency toward Iran—the world's leading state sponsor of terrorism—and belligerence to Israel.

On Iran, I would note that this administration is already not taking seriously the threat Tehran poses. Iran flagrantly continues to enrich its uranium and inch closer and closer to obtaining a nuclear weapon. We, the American people, cannot afford for this administration to play footsie with Iran and kowtow to its demands of sanctions relief.

Based on Kahl's record, he would be one more advocate at the table pushing to get the United States back into the failed Iran nuclear agreement. Frankly, when it comes to Iran and Israel, Mr. Kahl couldn't be more wrong in his understanding of who our friends are and who the real threats to America are.

If I am honest, I am deeply dismayed that we are even to this point in consideration. The Under Secretary of Defense for Policy must be a steadfast, measured, and discreet public official. Mr. Kahl has proven to be the complete opposite. He is brash and unserious in his public rhetoric. In fact, he has called Republicans ''the party of ethnic cleansing,'' and he played the role of Chicken Little in claiming ''we are all going to die'' if one former White House adviser were replaced for another. His hysterical—yes, hysterical—public comments may have even compromised classified information.

That is why I have joined with many of my colleagues in calling for an FBI investigation of his handling of classified information. In having led troops overseas during Operation Iraqi Freedom—serving in our military for over 23 years—I believe our servicemembers deserve someone who will take a serious, nonpartisan outlook to policy, apply measured thought to his actions, and real, qualifying experience to a most critical job.

Mr. Kahl is far from meeting that standard. I strongly, strongly oppose his nomination and urge my colleagues on both sides of the aisle to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. HAGERTY. Madam President, I rise today to discuss my serious concerns about the judgment and the temperament of the nominee Colin Kahl, the controversial nominee to be the Under Secretary of Defense for Policy, the third highest position in our Department of Defense.

On April 13, 2021, I, along with 17 other Senators, wrote to FBI Director Christopher Wray requesting an investigation into whether Kahl had improperly disclosed classified information. We also asked the majority leader not to advance Kahl's nomination to the floor until the FBI completes its investigation. Yet here we stand.

The 18 Senators who signed these letters include Senators who sit on the Senate Judiciary Committee, the Senate Intelligence Committee, and the Senate Armed Services Committee.

As Senators, the Constitution charges us with providing advice and consent, and so I stand here today because the Senate deserves to have these questions answered so that we may properly discharge our duties.

I fear my Democratic colleagues want to force this nominee through before we know all the facts—facts which may be incredibly damning to his nomination.

Here is what we do know. As a U.S. Government employee with a Top Secret security clearance, Colin Kahl signed a classified information nondisclosure agreement. In fact, he likely signed many of them during his tenure in government. This document binds government employees in perpetuity to protect classified information under U.S. laws, regulations, and Executive orders.

These classified information nondisclosure agreements don't come with footnotes. They don't come with fine print that says you are only obligated to protect classified information when it is a President you like or when it is a President that belongs to the political party you agree with.

Mr. Kahl signed this document to protect classified information in perpetuity, period. Rather than uphold the oath that he took to his Nation and to his government, Kahl decided to recklessly disclose sensitive information to secure political points on Twitter.

Some of the information that Kahl appears to have leaked—internal deliberations of the National Security Council—is of a category that even Senators and Senate staff with the highest security clearances are almost always denied access.

In December of 2017, Kahl publicly bragged that he confirmed the disclosure to the media of classified planning for military operations in North Korea with ''multiple sources inside the Administration.''

You can see right here his tweet:

There is a contingent at the White House that believes a limited strike is viable and

the US can control escalation by threatening regime change if Kim Jong Un retaliates.

This is incredible.

Continuing on that same thread, he says:

I've heard this separately from multiple sources inside the Administration.

In other words, if the intelligence services of North Korea, China, Russia, Iran, and other adversaries were working to corroborate the accuracy of this leaked information, Kahl saved them the trouble by working with ''multiple sources inside the Administration'' to confirm this leaked classified information, publicly, no less.

Let me put this in a personal perspective. When Kahl tweeted these leaks in December of 2017, I was serving as U.S. Ambassador to Japan. This was at a time when North Korea had launched two intercontinental ballistic missiles over Japan, and they had also detonated a thermonuclear warhead, putting the lives of my family, my fellow American diplomats, and more than 50,000 Active-Duty U.S. military and their families—all of us living within range of North Korea—in harm's way.

At a time when tensions couldn't have been higher, Colin Kahl was willing to expose vital information to North Korea and risk American lives—all of this just to score political points. Reckless, I say.

In February and March of 2017, Kahl leaked details about a classified National Security Council meeting on counterterrorism operations in Yemen that he ''confirmed with 4 separate staffers in the room.''

Here is his message, talking about Yemen, quoting the Deputy National Security Advisor, K.T. McFarland, saying ''saddle up.''

The existence of this meeting should have been classified and certainly anything that was said during this meeting. Here it is on Twitter.

Then he follows up by saying he has ''confirmed with 4 separate staffers in the room.''

In short, Kahl used social media and other forums to leak classified information to brag about his ability to get U.S. Government employees to confirm with him the veracity of leaked classified information.

Whoever holds the third highest position at DOD must be someone who completely understands and appreciates the important nature of sensitive information and is dedicated to safeguarding it.

Yet rather than respect the responsibility that came with his access to sensitive material, Kahl recklessly shared this privileged information on Twitter for the world to see, merely to scratch political, partisan itch.

If we let this nominee slide through under these conditions, what message does it send to other ambitious national security types? Doesn't it say that leaking classified information for political reasons will be rewarded? Doesn't it encourage further disclosure of classified information? Doesn't it play right into our adversaries' hands by showing that our internal political divisions can be exploited to obtain the most sensitive information that our government keeps?

My Senate colleagues and I explained in our letter to FBI Director Wray:

The Under Secretary of Defense for Policy plays a key role in matters crucial to America's national security and should be held by a person of sound judgment and temperament—someone who understands and respects the need to safeguard classified information and to keep national security affairs distinct and separate from partisan political activities.''

Kahl's growing record of apparent mishandling of classified information and his evasive response regarding this issue fall far short of the standards required for holding one of our nation's top national security positions.

By apparently soliciting or otherwise receiving classified information from U.S. government officials serving in national security roles and repeatedly posting such information on social media . . . Kahl demonstrated disregard for security protocols that are designed to protect our national security interests.

Kahl has shown that he is unfit to serve and his nomination should not move forward until the FBI has completed the investigation requested by me and 17 of my Senate colleagues.

I hope that all of my colleagues want to see answers to these important questions, as well, before we begin to advance his nomination.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

VOTE ON MOTION

Mr. REED. Madam President, I would yield back all time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the motion to discharge.

Mr. REED. 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 bill clerk called the roll.

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

[Rollcall Vote No. 161 Ex.]

YEAS—50

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

NAYS—50

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

(Mr. HICKENLOOPER assumed the Chair.)

The VICE PRESIDENT. On this vote, the yeas are 50, the nays are 50. The Senate, being equally divided, the Vice President votes in the affirmative, and the motion is agreed to.

Pursuant to S. Res. 27 and the motion to discharge having been agreed to, the nomination will be placed on the Executive Calendar.

Thank you.

The PRESIDING OFFICER (Mr. KELLY). The Senator from Ohio.

INFRASTRUCTURE

Mr. PORTMAN. Mr. President, I welcome the Vice President, the President of the Senate, to our Chamber this evening.

I am here this evening to discuss the infrastructure plan that has been proposed by President Biden and the plan along with it for massive tax increases.

The Biden infrastructure plan totals a massive $2.3 trillion, but only about 20 percent of it actually goes towards funding anything that Members of either party have ever considered infrastructure. I support more infrastructure investment, as do, I believe, most if not all of my colleagues on both sides of the aisle.

The question is, What is infrastructure, and how do you pay for it? Roads and bridges, as an example in this proposal, are only about 5 percent of the plan. In fact, it provides more money for long-term care than it does for roads and bridges, more money for electric cars than it does for roads and bridges, and more money for schools and daycare than it does for roads and bridges. Many of these noninfrastructure ideas are worthy ones, and they should be debated and they should be considered but not as part of a self-described infrastructure bill, in part because the funding sources should be very different.

The price tag, $2.3 trillion—soon to be $2.7 trillion, we are told—and also the scope of the bill are bad enough, but what I want to talk about tonight is the equally concerning way the Biden administration plans to pay for this massive new legislation. They want to pay for the bulk of it by completely reversing the progress we made

over the past few years in making America competitive again and making our workers competitive again.

In the 2 years before COVID–19, we saw record growth in jobs and wages, in large part thanks to the pro-growth policies we put in place through the 2017 tax cuts and reforms. The nonpartisan Congressional Budget Office has found that 70 percent of the savings from the 2017 corporate tax cuts went into workers' wages. Seventy percent, they say, went into workers' pockets. It is one reason that, leading up to the pandemic in February, a year and a couple of months ago, we had the 19th straight month—19th straight month—of wage growth of 3 percent or more annually. That was great news in my home State of Ohio. We hadn't had wage growth like that in over a decade, maybe two decades. Most of that benefit, by the way, went to middle and lower income workers—exactly what you want.

During that time period a couple of years before the pandemic hit, we tied the 50-year low in unemployment at 3.5 percent and had the lowest unemployment ever for Blacks and Hispanics. In fact, before the pandemic, we had reached the lowest poverty rate—10.5 percent—since we started recording this data back in 1959. It was the lowest poverty rate on record.

Importantly, tax reform also stopped these corporate inversions. You will remember this. Companies were actually becoming foreign companies so they could get from under our Tax Code. This made no sense. It was happening during the Obama administration and during the first year of the Trump administration. We also ended the so-called lockout effect, caused by a Tax Code that made it too expensive to bring foreign earnings back home. So people kept their earnings overseas. In fact, during those couple of years, the $1.6 trillion in overseas earnings has now come back home to invest and create jobs here—$1.6 trillion. We want that money here.

As a result of those changes, the largest U.S. companies increased domestic research and development spending by 25 percent to $707 billion, and capital expenditures went up by 20 percent to $1.4 trillion. The Biden plan would throw all of that positive progress out. It would change our competitiveness to put us back where we were before or worse.

The administration's corporate tax increase raises the combined Federal and State corporate rates from an average of 25.8 percent to 32.8 percent. It would put us, again, as having the highest rate in the developed world. These tax hikes, by the way, when you include the international tax hikes, are actually five times as large as the corresponding cuts in 2017, based on the analysis that has been done. By the way, this would also, of course, give us not just the highest tax rate among the developed countries but also a far higher tax rate than countries like China with whom we are trying to compete.

It also changes the international tax code to make it much more costly for U.S. companies to operate outside of the United States, punishing American workers who have jobs here supporting international sales. I use the example of Procter & Gamble in my hometown of Cincinnati. They are headquartered in Ohio, but they do business all over the world. They have told me that it will be far more expensive for them to do that, even uncompetitive for them to be working globally, because we will be the only developed country in the world that will charge them a tax to do that, and that will hurt the jobs in Cincinnati, OH, that support international sales.

It just doesn't make any sense. Why would we want to go back to that and have that lockout effect where profits are kept overseas and where companies actually become foreign companies?

In the Biden plan, it also eliminates the so-called foreign-derived intangible income provision. This was a carrot that we put in the law very deliberately, a carrot for companies to bring their intellectual property back here. By the way, that is what Google did. So did Cisco. So did Qualcomm. So did Synopsys. So did Facebook. They actually brought valuable intellectual property back home, creating high-paying high-tech jobs here in the United States of America. Why would we want to change that?

The bottom line is that this tax plan that has been proposed would make us uncompetitive again in the global economy, and the Biden administration knows it.

That is why, when Treasury Secretary Yellen announced the proposal to increase these taxes, she actually asked other countries around the world to raise their own corporate taxes. She pleaded with them: We are going to raise ours. You need to now raise your taxes.

Of course, when she said we need to do that to create a more level playing field, other countries in the world said: This is great. We are going to get more American investment and more business for our companies. In fact, right after she made that announcement, the Minister for Finance in Ireland was asked the question. He said he had no interest in joining America in raising taxes—nor do others. China is not going to raise its taxes. In fact, these countries are continuing to do what they have been doing, which is to knock down barriers to jobs and investment in their economies, and that makes sense from their points of view. It makes sense from our point of view to continue to be competitive also.

The tax increases would leave America standing alone atop the corporate tax rate chart. Studies by the nonpartisan Congressional Budget Office and others have shown that, again, it is American workers who will bear the brunt of these corporate tax hikes in the form of lost jobs and lower wages.

Because of the tax hikes, the University of Pennsylvania's Penn Wharton model, in analyzing this Biden plan, actually projects that we will see a nearly 1-percent decrease in the GDP and a 0.7-percent decrease in wages by 2031 over current projections. Now, this is extraordinary to me because that is despite the economic benefit—the obvious benefit—we are going to get from this infrastructure spending. So, despite all of that benefit, we are still going to see a reduction in our economy, or economic growth, and a reduction in wages. This harms American workers, particularly those toward the bottom of the economic ladder.

The bottom line is that the $2.1 trillion tax hike used to pay for this infrastructure bill will harm middle-class families and our businesses, and I believe the American people get that. They recognize that this is not the way forward for our economy or for our infrastructure.

Instead, let's follow the proven bipartisan model on infrastructure. Let's keep the plan to real infrastructure. Let's agree to what it is. Let's do it generously. Let's include broadband. Let's include water projects. Let's make it real infrastructure, though. Then let's come up with sensible payfors, including user fees. That is what the American people want, and that is what they deserve.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

U.S. SUPREME COURT

Mr. MORAN. Mr. President, legislation called the Judiciary Act of 2021 was introduced last week that would immediately expand the Supreme Court to 13 Justices.

If this is serious in its intent, it is foolish. There is no need to expand the Court in order to meet the demands of its workload. After the peaking in 2006, when President George W. Bush was in office, the number of cases on the docket has now plummeted.

In 2019, the late Justice Ruth Bader Ginsburg, a liberal icon appointed by President Clinton, told NPR that there is no need to expand the Court, saying: ''Nine seems to be a good number.''

With that established, this is a transparent ploy for power that would undermine trust in the fair application of law and delegitimize the highest Court in the land.

If this is really a serious policy piece of legislation, we certainly wouldn't change the number of Supreme Court Justices immediately. If it weren't just politics, we certainly wouldn't change the Justices before another election. In fact, Senator Joe Biden, on this Senate floor, called FDR's attempt to pack the Court ''a power grab,'' and as a Presidential candidate this last year, he refused to endorse expanding the number of Justices.

Earlier this month, Justice Stephen Breyer, appointed by President Clinton, said the Court's authority depends on ''a trust that the Court is guided by legal principles, not politics.'' He continued by saying, ''Structural alteration motivated by the perception of

political influence can only feed that latter perception, further eroding that trust.''

If the public sees any judge and Supreme Court Justices as politicians in robes, the public's confidence in the courts and in the rule of law itself can only be diminished, diminishing the Court's power, including its power to act as a check on other branches of government.

Last August, Gallup found that 58 percent of Americans approve of the job the Supreme Court is doing. In fact, the Supreme Court's approval ratings have actually increased in the last several years. Polling from February of this year finds that 35 percent of Americans approve of the job that we in Congress are doing, and that is up from 15 percent not many days ago.

I raise this data to demonstrate that the Supreme Court is an institution which a majority of Americans continues to place its trust in. That is a significant circumstance in today's polarized world, but a majority of Americans still believes it can trust the Supreme Court. If we in Congress inject ourselves into the size of the Court's composition, Justice Breyer is exactly right, in that the trust the American people have that the rulings will be delivered on a fair reading of the law will be further undermined.

On the Republican side of the aisle, we have seen our share of defeats in recent years, and not once when the Republican Party controlled Congress and had the White House were there efforts to expand the Supreme Court. Can you imagine how the left or the media would react if President Trump had attempted to expand the Court to 13 Justices and add 4 Republican-nominated Justices during his tenure?

We have not attempted to expand the Court because the Supreme Court should not serve as another legislative body. That is our job—a job we need to do much better than we do today so that more than one-third of the American people can place their confidence in us as we pass laws.

We have had the same number of Supreme Court Justices for more than 150 years. Perhaps the Judiciary Act of 2021 is less an effort to expand the Supreme Court than it is an effort to intimidate sitting Justices to deliver rulings favorable to the ideology of my colleagues who are proposing the legislation. From guns to abortion, to religious liberties, to other hot-button issues, my colleagues are threatening the Justices either to deliver favorable rulings or to not take up divisive cases at all. If this is what my colleagues seek to accomplish, I am confident that the independence and integrity of our Justices will prevail. Indeed, this must prevail to preserve the American people's confidence in the institution of the courts, in the judicial system, in the Supreme Court.

I am disappointed because, rather than working with each other across the aisle—across this aisle right here—to pass legislation, the Democrats are more interested in pursuing a larger Supreme Court and more interested in eliminating the filibuster to pass their agenda—to stack the Court to prevent their legislation from being struck down as unconstitutional.

Process matters around here. We have to get to the point at which we utilize the process to get a fair and just result, wherein all people's voices are heard, wherein all Members of the Senate have the opportunity to express their views and have an opportunity for that to be voted on, but we don't skew the process to get a desired outcome. We all need to do our jobs to convince our colleagues that we are right in our positions, that our legislation is meritorious. We don't and we shouldn't change the process to get our way.

The checks and balances of our Constitution work. They have worked for a long time. They are important to this country. When we talk about how divisive things are on the Senate floor and in this country today, the solution to that is not to change the rules in the middle of the game. It is to abide by the rules that protect our freedoms and liberties.

I implore my colleagues to have the same faith in these constitutional guardrails as I do, to have the same faith in the independence and fairness of the Supreme Court that a majority of Americans has, and to believe that we can work together, that you and I can work together on behalf of the Americans we serve, the Americans we represent, without resorting to acts that will damage us all today and for generations to come.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

LEGISLATIVE SESSION

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate resume legislative session.

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

ORDER OF BUSINESS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the cloture motions with respect to amendment 1445 and S. 937 be withdrawn; that when the Senate resumes consideration of S. 937 on Thursday, April 22, the following amendments be reported by number and they be the only amendments in order: Cruz-Kennedy No. 1456, Lee No. 1425, Blackburn No. 1458; further, that at 11:30 a.m., the Senate vote in relation to the amendments in the order listed; that amendment No. 1445, as amended, if amended, be agreed to; the bill be considered and read a third time; and the Senate vote on passage of the bill, as amended, with 60 affirmative votes required for adoption of the amendments and passage of the bill, with 4 minutes of debate equally divided prior to each vote, all with no intervening action or debate; and, finally, that the motions to reconsider be considered made and laid upon the table with no intervening or debate.

The PRESIDING OFFICER. Is there an objection?

Without objection, it is so ordered.

MORNING BUSINESS

Mr. SCHUMER. Mr. President, 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.

TRIBUTE TO JOE GROSSMAN

Mr. McCONNELL. Mr. President, my friend Joe Grossman has approached his work for the last 35 years with a head for numbers and a heart for people. As an accountant turned CEO of the largest healthcare organization in Southeastern Kentucky, Joe's experienced leadership has helped improve the quality of life for hundreds of thousands. This summer, Joe will close his chapter leading Appalachian Regional Healthcare, ARH, and a career of excellence and accomplishment. As he begins a well-deserved retirement, I would like to share my congratulations and gratitude for his many contributions to the Bluegrass.

For nearly two decades, Joe has been entrusted with key financial and operational positions at ARH. At each step, he has helped the system expand and thrive. When the position opened, Joe was the obvious choice to take over as president and CEO. He pushed ARH to continue growing in service to its patients, employees, and communities.

Today, the system operates 13 hospitals in Kentucky and West Virginia as well as 80-plus clinic locations. With a team of more than 6,000 dedicated professionals, ARH serves nearly 400,000 individuals across the region. The system's extensive reach makes a transformative impact on rural Kentucky communities every day and helps make the area a destination for top-tier medical talent. Joe's leadership even contributed to a national magazine naming ARH one of the Top 10 Employers in Kentucky.

Overseeing an organization of ARH's size and importance would be a remarkable feat in any year, but Joe exceeded expectations once again during the pandemic. Last month, I visited the ARH facility in Hazard to speak with Joe and his team about the rollout of the multiple safe and effective COVID–19 vaccines. At that time, three

of the five counties in Kentucky with the top vaccination rates were in ARH's service area. I was proud to congratulate Joe and his team of healthcare heroes who were getting shots in arms to beat this virus.

Joe's contributions to Kentucky extend beyond the hospital doors. He has gone to great lengths to personally partner with the communities he serves. His work with organizations like One East KY, the Hazard-Perry County Economic Development Alliance, and One Harlan County has helped encourage new growth and opportunity. Joe developed a vision for a healthy and successful Kentucky, and he worked tirelessly over the years to bring it closer to reality.

So, we are all going to miss working with Joe. But now he gets to spend more time on his most important roles, husband to Leigh, father, and grandfather. Along with Joe's colleagues and friends, I extend my best wishes for a fulfilling retirement. On behalf of the Senate, I would like to congratulate Joe on all of his success and thank him for his leadership in Kentucky.

NOMINATION OF COLIN HACKETT KAHL

Mrs. BLACKBURN. Mr. President, here we are again, teeing up another discharge motion for another unqualified Biden administration nominee.

If there is one good thing I can say about Colin Kahl, the nominee for Under Secretary of Defense for Policy, it is that you never have to wonder where he stands on the issues. He is very consistent.

Unfortunately, he has been consistently wrong on some of the last decade's most important foreign policy questions.

In 2019, when disaster struck all along on our southern border, he labeled the situation ''Trump's fake border crisis'' and ''a phony terrorism threat.'' That is a take that aged well, to be sure.

His judgment calls on the actions and motivations of our most dangerous adversaries have also been particularly terrible.

When President Trump warned the Iranian regime not to resume their nuclear activities, Kahl declared that ''war drums'' were already sounding. We know that wasn't true.

When President Trump made the decision to eliminate terrorist leader Soleimani, Kahl was positive that the strike had started a war. It hadn't. When I questioned Kahl during his confirmation hearings, he equated Iranian proxies killing Americans with our subsequent, proportionate strike against Solemani, saying, ''There were provocations on both sides.'' Indeed.

Kahl was absolutely sure that given the chance, John Bolton, of all people, would twist available intelligence and singlehandedly start wars with Iran and North Korea. Another miss.

He also predicted that Trump would jump into Syria and start a war with Assad and the Russians, which also didn't happen.

Those hot takes earned him a lot of ink in Foreign Policy magazine but not a lot of respect. I don't know if he wrote those things because he wanted to put President Trump in the hot seat or because he honestly believed them, but I don't think the answer to that question matters.

If he believed them, then it is proof of his terrible judgment.

If he wrote them to inflame the progressive base, it is proof he is willing to trivialize the prospect of armed conflict for clicks.

How in the world can President Biden expect us to vote for that?

In addition to his poor judgment, Mr. Kahl has also attached himself to truly terrible policy decisions.

He opposed bipartisan legislation that would have imposed sanctions on the Islamic Revolutionary Guard Corps.

He staffed the effort to condemn Israel at the United Nations Security Council.

He is ''open'' to moving away from the nuclear triad.

Perhaps worst of all, when he served in the Obama administration as Deputy Assistant Secretary of Defense for the Middle East, he dropped the ball on a status of forces agreement that would have allowed U.S. forces to remain in Iraq.

That failure led to the rise of ISIS.

I have examined Mr. Kahl's record and found nothing but a history of bad policy judgment, a volatile disposition, and a terrible temper that manifests in inflammatory rhetoric.

That might be a great resume for a pundit, but it is not the body of work I want to see from someone who will be responsible for developing national security and defense strategy.

I oppose this discharge motion, I oppose this nomination, and I urge my colleagues to spend a few minutes with Mr. Kahl's resume before placing him in such a powerful position at DOD.

250TH ANNIVERSARY OF VASSALBORO, MAINE

Ms. COLLINS. Mr. President. I rise today to commemorate the 250th anniversary of the Town of Vassalboro, ME. Vassalboro 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 Vassalboro's incorporation, 1771, was but one milestone in a long journey of progress. For thousands of years, the land along the great Kennebec River was the home of the Abenaki Tribe, who hunted, fished, and tilled the fertile soil. The reverence the Abenaki had for the natural beauty and resources of the region is upheld by the people of Vassalboro today.

Vassalboro's roots run deep into American history. It originally was part of the lands granted to the Pilgrims of the Plymouth Colony in the 1600s. Later, the town became home to a large settlement of Quakers and a center of the movement to abolish slavery. The Society of Friends continues to have a positive presence in the town today. The statue of the Union soldier in Monument Park stands in silent tribute to the many patriots who have stepped forward to serve the cause of freedom.

With the mighty Kennebec River providing power, Vassalboro was home to many lumber, grain, and textile mills. Built in 1850, the Olde Mill on Main Street was one of the largest mills in New England and world famous for the quality of the cashmere it produced. The wealth produced by hard work and determination was invested in schools and churches to create a true community.

Today, visitors and residents alike enjoy Vassalboro's quiet parks, beautiful historic buildings, and exciting outdoor recreation opportunities. The energy and planning that are going into the town's 250th anniversary celebration demonstrate the pride townspeople have in their town.

Mr. President, Vassalboro's 250th anniversary is not merely about the passing of time, it is about human accomplishment. We celebrate the people who, for longer than America has been a nation, have pulled together, cared for one another, and built a great community. Thanks to those who came before, Vassalboro, ME, has a wonderful history. Thanks to those there today, it has a bright future.

MESSAGE FROM THE HOUSE

At 10:56 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 30. Concurrent resolution providing for a joint session of Congress to receive a message from the President.

The message further announced that the House has agreed to the following resolution:

H. Res. 333. Resolution relative to the death of the Honorable Walter F. Mondale, a former Vice President of the United States of America.

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–766. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Leonardo S.p.a. Helicopters; Amendment 39–0649'' ((RIN2120–AA64) (Docket No. FAA–2020–0649)) received in the Office

of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–767. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airlines; Amendment 39–21412'' ((RIN2120–AA64) (Docket No. FAA–2020–1021)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–768. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Helicopters; Amendment 39–21404'' ((RIN2120–AA64) (Docket No. FAA–2020–0983)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–769. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Helicopters; Amendment 39–21409'' ((RIN2120–AA64) (Docket No. FAA–2020–1036)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–770. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Helicopters; Amendment 39–21429'' ((RIN2120–AA64) (Docket No. FAA–2020–0907)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–771. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bell Textron Canada Limited (Type Certificate Previously Held by Bell Helicopter Textron Canada Limited) Helicopters; Amendment 39–21416'' ((RIN2120–AA64) (Docket No. FAA–2020–0860)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–772. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Leonardo S.p.a. Helicopters; Amendment 39–21386'' ((RIN2120–AA64) (Docket No. FAA–2020–0503)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–773. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Yabora Industria Aeronaurica S.A. (Type Certificate Previously Held by Embraer S.A. Airplanes); Amendment 39–21430'' ((RIN2120–AA64) (Docket No. FAA–2020–1035)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–774. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; ATR–GIE Avions de Transport Regional Airplanes; Amendment 39–21406'' ((RIN2120–AA64) (Docket No. FAA–2020–0972)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–775. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Leonardo S.p.a. Helicopters; Amendment 39–0649'' ((RIN2120–AA64) (Docket No. FAA–2020–0649)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–776. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Dassault Aviation Airplanes; Amendment 39–21415'' ((RIN2120–AA64) (Docket No. FAA–2020–0977)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–777. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Airplanes; Amendment 39–21413'' ((RIN2120–AA64) (Docket No. FAA–2020–0859)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–778. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Piper Aircraft, Inc. Airplanes; Amendment 39–21428'' ((RIN2120–AA64) (Docket No. FAA–2020–0830)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–779. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Company Turbofan Engines; Amendment 39–21405'' ((RIN2120–AA64) (Docket No. FAA–2020–0371)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–780. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Dassault Aviation Airplanes; Amendment 39–21414'' ((RIN2120–AA64) (Docket No. FAA–2020–0980)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–781. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes; Amendment 39–21396'' ((RIN2120–AA64) (Docket No. FAA–2019–0705)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–782. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes; Amendment 39–21398'' ((RIN2120–AA64) (Docket No. FAA–2020–0211)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–783. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes; Amendment 39–21389'' ((RIN2120–AA64) (Docket No. FAA–2020–0580)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–784. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes; Amendment 39–21397'' ((RIN2120–AA64) (Docket No. FAA–2020–0331)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–785. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes; Amendment 39–21399'' ((RIN2120–AA64) (Docket No. FAA–2020–0467)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–786. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus SAS Airplanes; Amendment 39–21395'' ((RIN2120–AA64) (Docket No. FAA–2020–0673)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–787. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Company Turbofan Engines; Amendment 39–21390'' ((RIN2120–AA64) (Docket No. FAA–2020–0653)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–788. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Dassault Aviation Airplanes; Amendment 39–21423'' ((RIN2120–AA64) (Docket No. FAA–2020–0976)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–789. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Airplanes; Amendment 39–21420'' ((RIN2120–AA64) (Docket No. FAA–2020–0843)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–790. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of

Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; MHI RJ Aviation ULC (Type Certificate Previously Held by Bombardier, Inc.) Airplanes; Amendment 39–21377'' ((RIN2120–AA64) (Docket No. FAA–2020–0691)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–791. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pilatus Aircraft Ltd. Airplanes; Amendment 39–21424'' ((RIN2120–AA64) (Docket No. FAA–2020–0885)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–792. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pilatus Aircraft Ltd. Airplanes; Amendment 39–21387'' ((RIN2120–AA64) (Docket No. FAA–2020–0813)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–793. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2020–1110)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–794. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Defense and Space S.A. (Formerly Known as Construcciones Aeronauticas, S.A.) Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2020–1020)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–795. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus SAS Airplanes; Amendment 39–21400'' ((RIN2120–AA64) (Docket No. FAA–2020–0900)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–796. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus SAS Airplanes; Amendment 39–21382'' ((RIN2120–AA64) (Docket No. FAA–2020–0674)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–797. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus SAS Airplanes; Amendment 39–21393'' ((RIN2120–AA64) (Docket No. FAA–2020–0969)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–798. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Helicopters Deutschland GmbH Helicopters; Amendment 39–21407'' ((RIN2120–AA64) (Docket No. FAA–2020–1037)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–799. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Helicopters; Amendment 39–21419'' ((RIN2120–AA64) (Docket No. FAA–2021–0021)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–800. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes; Amendment 39–21402'' ((RIN2120–AA64) (Docket No. FAA–2020–1176)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–801. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes; Amendment 39–21383'' ((RIN2120–AA64) (Docket No. FAA–2020–1109)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–802. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes; Amendment 39–21380'' ((RIN2120–AA64) (Docket No. FAA–2020–0459)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–803. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Saab AB, Support and Services (Formerly Known as Saab AB, Saab Aeronautics) Airplane'' ((RIN2120–AA64) (Docket No. FAA–2020–0855)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–804. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pilatus Aircraft Ltd. Airplanes; Amendment 39–21374'' ((RIN2120–AA64) (Docket No. FAA–2020–0849)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–805. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Helicopters Guimbal Helicopters; Amendment 39–21403'' ((RIN2120–AA64) (Docket No. FAA–2020–1177)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–806. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Dassault Aviation Airplanes; Amendment 39–21421'' ((RIN2120–AA64) (Docket No. FAA–2021–0024)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–807. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus SAS Airplanes; Amendment 39–21408'' ((RIN2120–AA64) (Docket No. FAA–2021–0015)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–808. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pilatus Aircraft Ltd., Airplanes; Amendment 39–21427'' ((RIN2120–AA64) (Docket No. FAA–2021–0049)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–809. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Helicopters; Amendment 39–21425'' ((RIN2120–AA64) (Docket No. FAA–2021–0027)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–810. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D and Class E Airspace and Establishment of Class E Airspace; Lancaster, California'' ((RIN2120–AA66) (Docket No. FAA–2020–0943)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–811. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D Airspace and Class E Airspace; Smyrna, Tennessee'' ((RIN2120–AA66) (Docket No. FAA–2020–0889)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–812. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Dumas, Arkansas'' ((RIN2120–AA66) (Docket No. FAA–2020–1016)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–813. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Cambridge, Nebraska'' ((RIN2120–AA66) (Docket No. FAA–2020–0727)) received in the Office of the President of the Senate on April 19, 2021; to the

Committee on Commerce, Science, and Transportation.

EC–814. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Kankakee, Illinois'' ((RIN2120–AA66) (Docket No. FAA–2020–879)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–815. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Bradford, Pennsylvania'' ((RIN2120–AA66) (Docket No. FAA–2020–1015)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–816. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Class E Airspace; Bucholz Army Airfield Kwajalien Atoll, Republic of the Marshall Islands'' ((RIN2120–AA66) (Docket No. FAA–2020–892)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–817. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Class E Airspace and Amendment of Class E Airspace; Lone Rock, Wisconsin'' ((RIN2120–AA66) (Docket No. FAA–2020–1059)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–818. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace and Revocation of Class E Airspace; Multiple Minnesota Towns'' ((RIN2120–AA66) (Docket No. FAA–2020–1058)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–819. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Restricted Areas R–3008A, R–3008B, R–3008C, and R–3008D; Grand Bay Weapons Range, Georgia'' ((RIN2120–AA66) (Docket No. FAA–2013–1063)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–820. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments; Amendment No. 3942'' ((RIN2120–AA66) (Docket No. 31353)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–821. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments; Amendment No. 3941'' ((RIN2120–AA66) (Docket No. 31352)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–822. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of VOR Federal Airways V–12, V–74, and V–516 in the Vicinity of Anthony, Kansas'' ((RIN2120–AA66) (Docket No. FAA–2020–0003)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EC–823. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment and Establishment of Area Navigation (RNAV) Route; South Central Florida Metroplex Project'' ((RIN2120–AA66) (Docket No. FAA–2020–0525)) received in the Office of the President of the Senate on April 19, 2021; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. MENENDEZ for the Committee on Foreign Relations.

Victoria Nuland, of Virginia, to be an Under Secretary of State (Political Affairs).

Uzra Zeya, of Virginia, to be an Under Secretary of State (Civilian Security, Democracy, and Human Rights).

By Mrs. MURRAY for the Committee on Health, Education, Labor, and Pensions.

*Julie A. Su, of California, to be Deputy Secretary of Labor.

*James Richard Kvaal, of Massachusetts, to be Under Secretary of Education.

*Cynthia Minette Marten, of California, to be Deputy Secretary of Education.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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. COTTON (for himself, Mrs. BLACKBURN, Ms. ERNST, Mr. HAWLEY, and Mr. TILLIS):

S. 1261. A bill to require the national instant criminal background check system to notify U.S. Immigration and Customs Enforcement and the relevant State and local law enforcement agencies whenever information contained in the system indicates that an alien who is illegally or unlawfully in the United States attempted to receive a firearm; to the Committee on the Judiciary.

By Mr. RISCH (for himself, Mr. KING, Mr. SCOTT of South Carolina, Ms. BALDWIN, Ms. COLLINS, Mr. CORNYN, and Mr. CRAPO):

S. 1262. A bill to exempt certain 16- and 17-year-old individuals employed in logging operations from child labor laws; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHATZ (for himself, Mrs. GILLIBRAND, Mr. MERKLEY, Mr. BOOKER, Mr. BROWN, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. DURBIN, and Ms. WARREN):

S. 1263. A bill to establish State-Federal partnerships to provide students the opportunity to attain higher education at in-State public institutions of higher education without debt, to provide Federal Pell Grant eligibility to DREAMer students, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BARRASSO:

S. 1264. A bill to amend the Federal Land Policy and Management Act of 1976 to improve the management of grazing permits and leases, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WYDEN (for himself, Mr. PAUL, Mr. LEAHY, Mr. LEE, Mr. MARKEY, Mr. DAINES, Ms. BALDWIN, Ms. WARREN, Mr. BROWN, Mr. SCHATZ, Mr. BOOKER, Mr. SANDERS, Mr. MERKLEY, Mr. TESTER, Mr. HEINRICH, Ms. HIRONO, Mrs. MURRAY, Mr. SCHUMER, Mr. BLUMENTHAL, and Ms. CANTWELL):

S. 1265. A bill to amend section 2702 of title 18, United States Code, to prevent law enforcement and intelligence agencies from obtaining subscriber or customer records in exchange for anything of value, to address communications and records in the possession of intermediary internet service providers, and for other purposes; to the Committee on the Judiciary.

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

S. 1266. A bill to amend the Internal Revenue Code of 1986 to expand the renewable electricity production credit to include electricity produced from hydrogen; to the Committee on Finance.

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

S. 1267. A bill to extend certain deadlines for the 2020 decennial census; to the Committee on Homeland Security and Governmental Affairs.

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

S. 1268. A bill to require the Secretary of Transportation to finalize rules to protect consumers from the risks of motor vehicle rollaways and carbon monoxide poisoning from keyless ignition motor vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. CORTEZ MASTO:

S. 1269. A bill to require the Secretary of the Interior and the Secretary of Agriculture to complete an interagency report on the effects of special recreation permits on environmental justice communities, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CASEY (for himself, Ms. SMITH, Mr. BLUMENTHAL, Mr. MERKLEY, Mr. BOOKER, Mr. MENENDEZ, Mr. REED, Mr. SANDERS, Mr. LEAHY, Mrs. MURRAY, Ms. BALDWIN, Ms. HIRONO, Mrs. GILLIBRAND, Ms. KLOBUCHAR, and Mr. WYDEN):

S. 1270. A bill to amend the Richard B. Russell National School Lunch Act to improve the child and adult care food program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. PADILLA (for himself, Mr. WARNOCK, Ms. SMITH, Mr. SANDERS,

Mrs. FEINSTEIN, Mr. MARKEY, Mr. WYDEN, Mr. MERKLEY, and Ms. STABENOW):

S. 1271. A bill to reauthorize the Clean School Bus Program, and for other purposes; to the Committee on Environment and Public Works.

By Ms. COLLINS (for herself and Mr. WARNER):

S. 1272. A bill to amend the Internal Revenue Code of 1986 to promote retirement savings on behalf of small business employees by making improvements to SIMPLE retirement accounts and easing the transition from a SIMPLE plan to a 401(k) plan, and for other purposes; to the Committee on Finance.

By Ms. COLLINS (for herself, Ms. HASSAN, Mr. LANKFORD, and Mr. BENNET):

S. 1273. A bill to amend the Internal Revenue Code of 1986 to provide a credit to small employers for covering military spouses under retirement plans; to the Committee on Finance.

By Mr. THUNE (for himself and Mr. BROWN):

S. 1274. A bill to limit the authority of States or other taxing jurisdictions to tax certain income of employees for employment duties performed in other States or taxing jurisdictions, and for other purposes; to the Committee on Finance.

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

S. 1275. A bill to amend the Family Violence Prevention and Services Act to make improvements; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WHITEHOUSE (for himself, Mr. BOOKER, Mr. BLUMENTHAL, Mr. DURBIN, Ms. HASSAN, Mrs. SHAHEEN, Mr. MARKEY, Mr. BROWN, Ms. WARREN, and Ms. HIRONO):

S. 1276. A bill to designate certain National Forest System land and certain public land under the jurisdiction of the Secretary of the Interior in the States of Idaho, Montana, Oregon, Washington, and Wyoming as wilderness, wild and scenic rivers, wildland recovery areas, and biological connecting corridors, and for other purposes; to the Committee on Energy and Natural Resources.

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

S. 1277. A bill to direct the Secretary of Veterans Affairs to update the Lethal Means Safety and Suicide Prevention training course of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CRUZ (for himself and Mr. RUBIO):

S. 1278. A bill to require the Committee on Foreign Investment in the United States to review any purchase or lease of real estate near a military installation or military airspace in the United States by a foreign person connected to or subsidized by the Russian Federation, the People's Republic of China, the Islamic Republic of Iran, or the Democratic People's Republic of Korea, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. STABENOW (for herself, Mr. BROWN, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. CARDIN, Mr. CASEY, Ms. DUCKWORTH, Mr. DURBIN, Mrs. GILLIBRAND, Ms. KLOBUCHAR, Mr. MARKEY, Mr. MERKLEY, Mr. PETERS, Mr. REED, Mrs. SHAHEEN, Ms. SMITH, Mr. VAN HOLLEN, and Mr. WHITEHOUSE):

S. 1279. A bill to amend title XVIII of the Social Security Act to provide for an option for any citizen or permanent resident of the United States age 50 to 64 to buy into Medicare; to the Committee on Finance.

By Mrs. MURRAY (for herself, Ms. DUCKWORTH, Mr. DURBIN, Ms. WARREN, Mr. MARKEY, Mr. SANDERS, Mr. BLUMENTHAL, Mr. BENNET, Mr. COONS, Mr. WYDEN, Mr. BROWN, Mrs. SHAHEEN, Mr. WARNOCK, Ms. HASSAN, and Ms. KLOBUCHAR):

S. 1280. A bill to improve the reproductive assistance provided by the Department of Defense and the Department of Veterans Affairs to certain members of the Armed Forces, veterans, and their spouses or partners, and for other purposes; to the Committee on Veterans' Affairs.

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

S. 1281. A bill to update the blood donation public awareness campaign of the Department of Health and Human Services to include public awareness on plasma donation; to the Committee on Health, Education, Labor , and Pensions.

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

S. 1282. A bill to require the Under Secretary of Commerce for Oceans and Atmosphere to identify a consistent, Federal set of best available forward-looking meteorological information and to require the Director of the National Institute of Standards and Technology to convene an effort to make such set available, with advice and technical assistance, to standards-developing organizations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SANDERS (for himself and Mrs. GILLIBRAND):

S. 1283. A bill to impose a tax on certain trading transactions to invest in our families and communities, improve our infrastructure and our environment, strengthen our financial security, expand opportunity and reduce market volatility; to the Committee on Finance.

By Mr. BENNET (for himself and Mr. HICKENLOOPER):

S. 1284. A bill to establish the Amache National Historic Site in the State of Colorado as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CORNYN (for himself and Mrs. FEINSTEIN):

S. 1285. A bill to amend the Controlled Substances Act to authorize the debarment of certain registrants, and for other purposes; to the Committee on the Judiciary.

By Mr. CORNYN (for himself and Mrs. FEINSTEIN):

S. 1286. A bill to amend the Controlled Substances Act to provide for the modification, transfer, and termination of a registration to manufacture, distribute, or dispense controlled substances or list I chemicals, and for other purposes; to the Committee on the Judiciary.

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

S. 1287. A bill to amend title XVIII of the Social Security Act to require manufacturers of certain single-dose vial drugs payable under part B of the Medicare program to provide refunds with respect to amounts of such drugs discarded, and for other purposes; to the Committee on Finance.

By Mr. SANDERS (for himself, Ms. WARREN, Mr. PADILLA, Mr. MURPHY, Mr. MERKLEY, Mr. MARKEY, Mr. LEAHY, Mr. BLUMENTHAL, and Mrs. GILLIBRAND):

S. 1288. A bill to amend the Higher Education Act of 1965 to ensure College for All; to the Committee on Finance.

By Ms. CANTWELL:

S. 1289. A bill to amend the Marine Mammal Protection Act of 1972 to reauthorize and modify the John H. Prescott Marine Mammal Rescue Assistance Grant Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. DUCKWORTH (for herself, Ms. COLLINS, Mr. KING, Mr. SANDERS, Mr. MARKEY, and Mrs. GILLIBRAND):

S. 1290. A bill to assist communities affected by stranded nuclear waste, and for other purposes; to the Committee on Environment and Public Works.

By Mr. PETERS (for himself, Mr. LANKFORD, Mr. MORAN, and Mr. TESTER):

S. 1291. A bill to provide for a standard record of service on active duty for members of the reserve components of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. MANCHIN (for himself and Mr. SCOTT of South Carolina):

S. 1292. A bill to develop a non-opioid pain management directive indicating to health care professionals and emergency medical services personnel that an individual with respect to whom a form has been executed must not be administered an opioid or offered a prescription for an opioid, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KENNEDY (for himself, Mr. COTTON, and Mrs. BLACKBURN):

S. 1293. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act to modify the offenses relating to fentanyl, and for other purposes; to the Committee on the Judiciary.

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

S. 1294. A bill to authorize the imposition of sanctions with respect to foreign persons that have engaged in significant theft of trade secrets of United States persons, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ROMNEY (for himself, Mr. MANCHIN, Mr. YOUNG, Ms. SINEMA, Mrs. CAPITO, Mr. KING, Mr. PORTMAN, Mr. WARNER, Mr. CORNYN, Mr. ROUNDS, Mr. CRAMER, and Ms. LUMMIS):

S. 1295. A bill to save and strengthen critical social contract programs of the Federal Government; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BROWN (for himself, Ms. ERNST, Mr. WHITEHOUSE, and Mr. BLUMENTHAL):

S. 1296. A bill to require a pilot program on activities under the Transition Assistance Program for a reduction in suicide among veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. ROSEN (for herself, Mrs. HYDE-SMITH, and Mr. KELLY):

S. 1297. A bill to amend the Workforce Innovation and Opportunity Act to create a new national program to support mid-career workers, including workers from underrepresented populations, in reentering the STEM workforce, by providing funding to small- and medium-sized STEM businesses so the businesses can offer paid internships or other returnships that lead to positions above entry level; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mrs. FEINSTEIN (for herself, Mr. TILLIS, Mr. MCCONNELL, Mr. BLUMENTHAL, Mr. BOOKER, Mr. CRAPO, Ms. KLOBUCHAR, Mr. MARKEY, Mr. RUBIO, and Mr. CORNYN):

S. Res. 167. A resolution supporting the goals and ideals of ''Countering International Parental Child Abduction Month''

and expressing the sense of the Senate that Congress should raise awareness of the harm caused by international parental child abduction; to the Committee on Foreign Relations.

By Mr. BLUNT (for himself and Mr. HAWLEY):

S. Res. 168. A resolution congratulating the Northwest Missouri State University Bearcats men's basketball team on winning the 2021 NCAA Men's Division II National Championship; considered and agreed to.

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

S. Res. 169. A resolution honoring the life and legacy of William Robert ''Bobby'' ''Slick'' Leonard; considered and agreed to.

By Ms. KLOBUCHAR (for herself, Ms. SMITH, Mr. SCHUMER, Mr. MCCONNELL, Ms. BALDWIN, Mr. BARRASSO, Mr. BENNET, Mrs. BLACKBURN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOKER, Mr. BOOZMAN, Mr. BRAUN, Mr. BROWN, Mr. BURR, Ms. CANTWELL, Mrs. CAPITO, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CASSIDY, Ms. COLLINS, Mr. COONS, Mr. CORNYN, Ms. CORTEZ MASTO, Mr. COTTON, Mr. CRAMER, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Ms. DUCKWORTH, Mr. DURBIN, Ms. ERNST, Mrs. FEINSTEIN, Mrs. FISCHER, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. HAGERTY, Ms. HASSAN, Mr. HAWLEY, Mr. HEINRICH, Mr. HICKENLOOPER, Ms. HIRONO, Mr. HOEVEN, Mrs. HYDE-SMITH, Mr. INHOFE, Mr. JOHNSON, Mr. KAINE, Mr. KELLY, Mr. KENNEDY, Mr. KING, Mr. LANKFORD, Mr. LEAHY, Mr. LEE, Mr. LUJÁN, Ms. LUMMIS, Mr. MANCHIN, Mr. MARKEY, Mr. MARSHALL, Mr. MENENDEZ, Mr. MERKLEY, Mr. MORAN, Ms. MURKOWSKI, Mr. MURPHY, Mrs. MURRAY, Mr. OSSOFF, Mr. PADILLA, Mr. PAUL, Mr. PETERS, Mr. PORTMAN, Mr. REED, Mr. RISCH, Mr. ROMNEY, Ms. ROSEN, Mr. ROUNDS, Mr. RUBIO, Mr. SANDERS, Mr. SASSE, Mr. SCHATZ, Mr. SCOTT of Florida, Mr. SCOTT of South Carolina, Mrs. SHAHEEN, Mr. SHELBY, Ms. SINEMA, Ms. STABENOW, Mr. SULLIVAN, Mr. TESTER, Mr. THUNE, Mr. TILLIS, Mr. TOOMEY, Mr. TUBERVILLE, Mr. VAN HOLLEN, Mr. WARNER, Mr. WARNOCK, Ms. WARREN, Mr. WHITEHOUSE, Mr. WICKER, Mr. WYDEN, and Mr. YOUNG):

S. Res. 170. A resolution relating to the death of Walter Frederick Mondale, former Vice President of the United States; considered and agreed to.

ADDITIONAL COSPONSORS

S. 56

At the request of Ms. KLOBUCHAR, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. 56, a bill to amend the Public Health Service Act to authorize grants for training and support services for families and caregivers of people living with Alzheimer's disease or a related dementia.

S. 127

At the request of Mr. REED, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 127, a bill to support library infrastructure.

S. 321

At the request of Mr. MORAN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 321, a bill to award a Congressional Gold Medal to the members of the Women's Army Corps who were assigned to the 6888th Central Postal Directory Battalion, known as the ''Six Triple Eight''.

S. 420

At the request of Mrs. MURRAY, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 420, a bill to amend the National Labor Relations Act, the Labor Management Relations Act, 1947, and the Labor-Management Reporting and Disclosure Act of 1959, and for other purposes.

S. 479

At the request of Mr. WICKER, the name of the Senator from Mississippi (Mrs. HYDE-SMITH) was added as a cosponsor of S. 479, a bill to amend the Internal Revenue Code of 1986 to reinstate advance refunding bonds.

S. 611

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 611, a bill to deposit certain funds into the Crime Victims Fund, to waive matching requirements, and for other purposes.

S. 613

At the request of Mr. TILLIS, the name of the Senator from New Hampshire (Ms. HASSAN) was added as a cosponsor of S. 613, a bill to direct the Secretary of Veterans Affairs to carry out a pilot program on dog training therapy and to amend title 38, United States Code, to authorize the Secretary to provide service dogs to veterans with mental illnesses who do not have mobility impairments.

S. 692

At the request of Mr. TESTER, the names of the Senator from Connecticut (Mr. MURPHY), the Senator from California (Mrs. FEINSTEIN) and the Senator from Arizona (Mr. KELLY) were added as cosponsors of S. 692, a bill to award a Congressional Gold Medal to the female telephone operators of the Army Signal Corps, known as the ''Hello Girls''.

S. 786

At the request of Mr. YOUNG, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 786, a bill to require the Secretary of Transportation to review laws relating to the illegal passing of school buses and to execute a public safety messaging campaign relating to illegal passing of school buses, and for other purposes.

S. 814

At the request of Mr. RISCH, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 814, a bill to promote security partnership with Ukraine, and for other purposes.

S. 829

At the request of Mr. PORTMAN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 829, a bill to amend title 10, United States Code, to improve the TRICARE program for certain members of the Retired Reserve of the reserve components.

S. 834

At the request of Mr. MENENDEZ, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 834, a bill to amend title XVIII of the Social Security Act to provide for the distribution of additional residency positions, and for other purposes.

S. 853

At the request of Mr. CASEY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 853, a bill to amend the Child Nutrition Act of 1966 to increase the age of eligibility for children to receive benefits under the special supplemental nutrition program for women, infants, and children, and for other purposes.

S. 896

At the request of Mr. KENNEDY, the name of the Senator from Florida (Mr. SCOTT) was added as a cosponsor of S. 896, a bill to amend the Employee Retirement Income Security Act of 1974 to establish additional criteria for determining when employers may join together in a group or association of employers that will be treated as an employer under section 3(5) of such Act for purposes of sponsoring a group health plan, and for other purposes.

S. 910

At the request of Mr. MERKLEY, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. 910, a bill to create protections for financial institutions that provide financial services to cannabis-related legitimate businesses and service providers for such businesses, and for other purposes.

S. 927

At the request of Mr. TILLIS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 927, a bill to improve the provision of health care and other benefits from the Department of Veterans Affairs for veterans who were exposed to toxic substances, and for other purposes.

S. 1021

At the request of Ms. DUCKWORTH, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 1021, a bill to ensure affordable abortion coverage and care for every person, and for other purposes.

S. 1206

At the request of Mr. THUNE, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 1206, a bill to limit the authority of the Secretary of Labor to modify the pandemic unemployment assistance program, and for other purposes.

S. 1218

At the request of Mr. SANDERS, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1218, a bill to provide economic empowerment opportunities in

the United States through the modernization of public housing, and for other purposes.

S. 1251

At the request of Mr. BRAUN, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Ohio (Mr. PORTMAN) were added as cosponsors of S. 1251, a bill to authorize the Secretary of Agriculture to develop a program to reduce barriers to entry for farmers, ranchers, and private forest landowners in certain voluntary markets, and for other purposes.

S.J. RES. 1

At the request of Mr. CARDIN, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S.J. Res. 1, a joint resolution removing the deadline for the ratification of the equal rights amendment.

S. RES. 97

At the request of Mr. RISCH, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. Res. 97, a resolution calling on the Government of Ethiopia, the Tigray People's Liberation Front, and other belligerents to cease all hostilities, protect human rights, allow unfettered humanitarian access, and cooperate with independent investigations of credible atrocity allegations pertaining to the conflict in the Tigray Region of Ethiopia.

AMENDMENT NO. 1431

At the request of Ms. ERNST, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of amendment No. 1431 intended to be proposed to S. 937, a bill to facilitate the expedited review of COVID–19 hate crimes, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTION

By Mr. PADILLA (for himself, Mr. WARNOCK, Ms. SMITH, Mr. SANDERS, Mrs. FEINSTEIN, Mr. MARKEY, Mr. WYDEN, Mr. MERKLEY, and Ms. STABENOW):

S. 1271. A bill to reauthorize the Clean School Bus Program, and for other purposes; to the Committee on Environment and Public Works.

Ms. FEINSTEIN. Mr. President, I rise to speak in support of the ''Clean Commute for Kids Act,'' which I introduced today.

I know firsthand how outdated diesel school buses expose our children to harmful and unnecessary pollution. I grew up in the San Fernando Valley and for many years, I rode a bus to school. I can still smell the diesel exhaust that my classmates and I would breathe in on our way to and from school.

Before the COVID–19 pandemic, nearly 25 million American children were exposed to this same diesel exhaust when they ride over 500,000 predominantly diesel buses to school nationwide. This pollution not only harms our children's health, but it also impacts student achievement. Studies show that transitioning to cleaner bus fleets can spur both health and academic improvements.

As we work to build back better and combat climate change, we must help school districts accelerate the deployment of zero-emission buses to reduce the exposure of our children to pollutants and cut greenhouse gas emissions.

That is why I am proud to introduce this bill together with Senator WARNOCK to authorize $25 billion for a new grant program to help school districts replace existing buses with clean, zero-emission buses.

This funding represents an essential aspect of building more equitable, sustainable transportation infrastructure, and it represents an investment in our children, our environment, and our future.

This legislation recognizes the disproportionate impact this pollution has on underserved populations by setting aside 40 percent of the grant funding for replacing school buses serving environmental justice communities.

Some of California's school districts have already begun the transition to zero-emission buses. The California Air Resources Board has leveraged federal funding to assist school districts and local air boards with the costs of school bus replacements. This bill will accelerate this transition and provide funding to reach more schools in California and across the nation.

I want to thank Senator WARNOCK for co-leading this bill with me, and I hope our colleagues will join us in support of this bill that would transform our nation's school bus fleet, protect air quality, and improve the health and wellbeing of our children.

Thank you, Mr. President. I yield the floor.

By Mr. THUNE (for himself and Mr. BROWN):

S. 1274. A bill to limit the authority of States or other taxing jurisdictions to tax certain income of employees for employment duties performed in other States or taxing jurisdictions, and for other purposes; to the Committee on Finance.

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

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

S. 1274

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 ''Remote and Mobile Worker Relief Act of 2021''.

SEC. 2. LIMITATIONS ON WITHHOLDING AND TAXATION OF EMPLOYEE INCOME.

(a) IN GENERAL.—No part of the wages or other remuneration earned by an employee who is a resident of a taxing jurisdiction and performs employment duties in more than one taxing jurisdiction shall be subject to income tax in any taxing jurisdiction other than—

(1) the taxing jurisdiction of the employee's residence; and

(2) any taxing jurisdiction within which the employee is present and performing employment duties for more than 30 days during the calendar year in which the wages or other remuneration is earned.

(b) INCOME TAX WITHHOLDING AND REPORTING.—Wages or other remuneration earned in any calendar year shall not be subject to income tax withholding and reporting requirements with respect to any taxing jurisdiction unless the employee is subject to income tax in such taxing jurisdiction under subsection (a). Income tax withholding and reporting requirements under subsection (a)(2) shall apply to wages or other remuneration earned as of the commencement date of employment duties in the taxing jurisdiction during the calendar year.

(c) OPERATING RULES.—For purposes of determining penalties related to an employer's income tax withholding and reporting requirements with respect to any taxing jurisdiction—

(1) an employer may rely on an employee's annual determination of the time expected to be spent by such employee in the performance of employment duties in the taxing jurisdictions in which the employee will perform such duties absent—

(A) the employer's actual knowledge of fraud by the employee in making the determination; or

(B) collusion between the employer and the employee to evade tax;

(2) except as provided in paragraph (3), if records are maintained by an employer in the regular course of business that record the location at which an employee performs employment duties, such records shall not preclude an employer's ability to rely on an employee's determination under paragraph (1); and

(3) notwithstanding paragraph (2), if an employer, at its sole discretion, maintains a time and attendance system that tracks where the employee performs duties on a daily basis, data from the time and attendance system shall be used instead of the employee's determination under paragraph (1).

(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this Act:

(1) DAY.—

(A) Except as provided in subparagraph (B), an employee is considered present and performing employment duties within a taxing jurisdiction for a day if the employee performs more of the employee's employment duties within such taxing jurisdiction than in any other taxing jurisdiction during a day.

(B) If an employee performs employment duties in a resident taxing jurisdiction and in only one nonresident taxing jurisdiction during one day, such employee shall be considered to have performed more of the employee's employment duties in the nonresident taxing jurisdiction than in the resident taxing jurisdiction for such day.

(C) For purposes of this paragraph, the portion of the day during which the employee is in transit shall not be considered in determining the location of an employee's performance of employment duties.

(2) EMPLOYEE.—

(A) IN GENERAL.—

(i) GENERAL DEFINITION.—Except as provided in clause (ii), the term ''employee'' has the meaning given such term in section 3121(d) of the Internal Revenue Code of 1986, unless such term is defined by the taxing jurisdiction in which the person's employment duties are performed, in which case the taxing jurisdiction's definition shall prevail.

(ii) EXCEPTION.—The term ''employee'' shall not include a professional athlete, professional entertainer, qualified production employee, or certain public figures.

(B) PROFESSIONAL ATHLETE.—The term ''professional athlete'' means a person who performs services in a professional athletic event, provided that the wages or other remuneration are paid to such person for performing services in his or her capacity as a professional athlete.

(C) PROFESSIONAL ENTERTAINER.—The term ''professional entertainer'' means a person of prominence who performs services in the professional performing arts for wages or other remuneration on a per-event basis, provided that the wages or other remuneration are paid to such person for performing services in his or her capacity as a professional entertainer.

(D) QUALIFIED PRODUCTION EMPLOYEE.—The term ''qualified production employee'' means a person who performs production services of any nature directly in connection with a taxing jurisdiction qualified, certified or approved film, television or other commercial video production for wages or other remuneration, provided that the wages or other remuneration paid to such person are qualified production costs or expenditures under such taxing jurisdiction's qualified, certified or approved film, television or other commercial video production incentive program, and that such wages or other remuneration must be subject to withholding under such qualified, certified or approved film, television or other commercial video production incentive program as a condition to treating such wages or other remuneration as a qualified production cost or expenditure.

(E) CERTAIN PUBLIC FIGURES.—The term ''certain public figures'' means persons of prominence who perform services for wages or other remuneration on a per-event basis, provided that the wages or other remuneration are paid to such person for services provided at a discrete event, in the nature of a speech, public appearance, or similar event.

(3) EMPLOYER.—The term ''employer'' has the meaning given such term in section 3401(d) of the Internal Revenue Code of 1986, unless such term is defined by the taxing jurisdiction in which the employee's employment duties are performed, in which case the taxing jurisdiction's definition shall prevail.

(4) TAXING JURISDICTION.—The term ''taxing jurisdiction'' means any of the several States, the District of Columbia, any municipality, city, county, township, parish, transportation district, or assessment jurisdiction, or any other political subdivision within the territorial limits of the United States with the authority to impose a tax, charge, or fee.

(5) TIME AND ATTENDANCE SYSTEM.—The term ''time and attendance system'' means a system in which—

(A) the employee is required on a contemporaneous basis to record his work location for every day worked outside of the taxing jurisdiction in which the employee's employment duties are primarily performed; and

(B) the system is designed to allow the employer to allocate the employee's wages for income tax purposes among all taxing jurisdictions in which the employee performs employment duties for such employer.

(6) WAGES OR OTHER REMUNERATION.—The term ''wages or other remuneration'' may be defined by the taxing jurisdiction in which the employment duties are performed.

(e) PLACE OF RESIDENCE.—For purposes of this section, the residence of an employee shall be determined under the laws of the taxing jurisdiction in which such employee maintains a dwelling which serves as the employee's permanent place of abode during the calendar year.

(f) ADJUSTMENT DURING CORONAVIRUS PANDEMIC.—With respect to calendar years 2020 and 2021, in the case of any employee who performs employment duties in any taxing jurisdiction other than the taxing jurisdiction of the employee's residence during such year as a result of the COVID–19 public health emergency, subsection (a)(2) shall be applied by substituting ''90 days'' for ''30 days''.

SEC. 3. STATE AND LOCAL TAX CERTAINTY.

(a) STATUS OF EMPLOYEES DURING COVERED PERIOD.—Notwithstanding section 2(a)(2) or any provision of law of a taxing jurisdiction, with respect to any employee who is working remotely within such taxing jurisdiction during the covered period—

(1) except as provided under paragraph (2), any wages earned by such employee during such period shall be deemed to have been earned at the primary work location of such employee; and

(2) if an employer, at its sole discretion, maintains a system that tracks where such employee performs duties on a daily basis, wages earned by such employee may, at the election of such employer, be treated as earned at the location in which such duties were remotely performed.

(b) STATUS OF BUSINESSES DURING COVERED PERIOD.—Notwithstanding any provision of law of a taxing jurisdiction—

(1) in the case of an out-of-jurisdiction business which has any employees working remotely within such jurisdiction during the covered period, the duties performed by such employees within such jurisdiction during such period shall not be sufficient to create any nexus or establish any minimum contacts or level of presence that would otherwise—

(A) subject such business to any registration, taxation, or other related requirements for businesses operating within such jurisdiction; or

(B) cause such business to be deemed a resident of such jurisdiction for tax purposes; and

(2) except as provided under subsection (a)(2), with respect to any tax imposed by such taxing jurisdiction which is determined, in whole or in part, based on net or gross receipts or income, for purposes of apportioning or sourcing such receipts or income, any duties performed by an employee of an out-of-jurisdiction business while working remotely during the covered period—

(A) shall be disregarded with respect to any filing requirements for such tax; and

(B) shall be apportioned and sourced to the tax jurisdiction which includes the primary work location of such employee.

(c) DEFINITIONS.—For purposes of this section—

(1) COVERED PERIOD.—The term ''covered period'' means, with respect to any employee working remotely, the period—

(A) beginning on the date on which such employee began working remotely; and

(B) ending on the earlier of—

(i) the date on which the employer allows, at the same time—

(I) such employee to return to their primary work location; and

(II) not less than 90 percent of their permanent workforce to return to such work location; or

(ii) December 31, 2021.

(2) EMPLOYEE.—The term ''employee'' has the meaning given such term in section 3121(d) of the Internal Revenue Code of 1986, unless such term is defined by the taxing jurisdiction in which the person's employment duties are deemed to have been performed under subsection (a), in which case the taxing jurisdiction's definition shall prevail.

(3) EMPLOYER.—The term ''employer'' has the meaning given such term in section 3401(d) of the Internal Revenue Code of 1986, unless such term is defined by the taxing jurisdiction in which the person's employment duties are deemed to have been performed under subsection (a), in which case the taxing jurisdiction's definition shall prevail.

(4) OUT-OF-JURISDICTION BUSINESS.—The term ''out-of-jurisdiction business'' means, with respect to any taxing jurisdiction, any business entity which, excepting any employees of such business who are working remotely within such jurisdiction during the covered period, would, under the existing law of such taxing jurisdiction, not otherwise—

(A) be subject to any registration, taxation, or other related requirement for businesses operating within such jurisdiction; or

(B) be deemed a resident of such jurisdiction for tax purposes.

(5) PRIMARY WORK LOCATION.—The term ''primary work location'' means, with respect to an employee, the address of the employer where the employee is regularly assigned to work when such employee is not working remotely during the covered period.

(6) TAXING JURISDICTION.—The term ''taxing jurisdiction'' has the same meaning given such term under section 2(d)(4).

(7) WAGES.—The term ''wages'' means all wages and other remuneration paid to an employee that are subject to tax or withholding requirements under the law of the taxing jurisdiction in which the employment duties are deemed to be performed under subsection (a) during the covered period.

(8) WORKING REMOTELY.—The term ''working remotely'' means the performance of duties by an employee at a location other than the primary work location of such employee at the direction of his or her employer due to conditions resulting from the public health emergency relating to the virus SARS–CoV–2 or coronavirus disease 2019 (referred to in this paragraph as ''COVID–19''), including—

(A) to comply with any government order relating to COVID–19;

(B) to prevent the spread of COVID–19; and

(C) due to the employee or a member of the employee's family contracting COVID–19.

(d) PRESERVATION OF AUTHORITY OF TAXING JURISDICTIONS.—This section shall not be construed as modifying, impairing, superseding, or authorizing the modification, impairment, or supersession of the law of any taxing jurisdiction pertaining to taxation except as expressly provided in subsections (a) through (c).

SEC. 4. EFFECTIVE DATE; APPLICABILITY.

(a) EFFECTIVE DATE.—This Act shall apply to calendar years beginning after December 31, 2019.

(b) APPLICABILITY.—This Act shall not apply to any tax obligation that accrues before January 1, 2020.

By Ms. COLLINS (for herself and Mr. WARNER):

S. 1272. A bill to amend the Internal Revenue Code of 1986 to promote retirement savings on behalf of small business employees by making improvements to SIMPLE retirement accounts and easing the transition from a SIMPLE plan to a 401(k) plan, and for other purposes; to the Committee on Finance.

Ms. COLLINS. Mr. President, I rise to introduce two bipartisan bills that would help improve Americans' retirement security. Together, these bills would make it easier for more small employers to offer retirement plans and encourage employees to save more for their retirement.

There are many reasons why American households struggle to save for retirement, including the shift away from employer-based ''defined benefit'' plans and rising health care and long-term care costs. Longer life spans increase the risk of outliving retirement savings. The economic and health impacts of the COVID–19 crisis may also pose a threat to retirement security.

Increasing access to employer-sponsored retirement plans is one way to help improve the financial security of many Americans. According to the Georgetown University Center for Retirement Initiatives, nationwide only about 54 percent of private sector workers had access to a retirement plan through their employer in 2020. In Maine, the percentage is a bit higher; approximately 59 percent of private sector employees had access to a retirement plan at work. But that still leaves more than 200,000 employees without access to a plan.

In December 2019, provisions from my bipartisan Retirement Security Act were signed into law as part of the Setting Every Community Up for Retirement Enhancement or ''SECURE'' Act. These provisions will help to expand access to employer-provided retirement plans by reducing their cost and complexity, especially for small businesses. This law represents an important step forward, but more is needed.

Congress established SIMPLE (Savings Incentive Match Plan for Employees) retirement plans in 1996 to encourage small businesses to provide their employees with retirement plans. These plans are less costly and easier to navigate than traditional 401(k) plans and provide an alternative approach for employers to help their employees save for retirement.

The SIMPLE Plan Modernization Act, which I am introducing today with my colleague, Senator MARK WARNER, would provide greater flexibility and access to employees and employers seeking to save for retirement by using SIMPLE plans.

This legislation would expand access to SIMPLE plans by increasing the contribution limit for most small businesses. In addition, the bill includes incentives to encourage small businesses to move from a SIMPLE plan to a 401(k) plan when they are able to make this change.

Like many Americans, spouses of active duty service members often face challenges when it comes to saving for retirement. Military spouses also face one hurdle that many others do not: frequent moves and changes in employment.

According to the Department of Defense, about one-third of military service members experience a permanent change of station move every year. When a service member moves, their spouse usually relocates with them. The military spouse may face periods of unemployment, where they are not able to participate in an employer-sponsored retirement plan. When they do find a new job, they often work part-time, despite seeking full-time work, or are only able to spend a few years with their employer before moving again. These factors often preclude them from being eligible to receive employer contributions to their retirement plan or from being fully vested in their plan.

The second bill I am introducing today focuses on helping to address this need by providing a tax credit to small employers who provide military spouses with accelerated eligibility for retirement plan participation, employer contributions, and vesting.

In particular, the Military Spouses Retirement Security Act, which I am introducing with my colleague Senator MAGGIE HASSAN, would make small employers—those with up to 100 employees—eligible for a tax credit of up to $500 per year per military spouse. The credit would be available for three years per military spouse. The amount of the credit would be equal to $200 per military spouse, plus 100 percent of all employer contributions for that spouse, up to $300.

To receive the tax credit, small employers must make a military spouse immediately eligible for retirement plan participation within two months of hire. Upon plan eligibility, a military spouse must be eligible for any matching or non-elective contribution available to a similarly situated employee with at least two years of service, and must be 100 percent immediately vested in all employer contributions.

In light of the positive effects these bills would have on strengthening retirement security for millions of Americans, I urge my colleagues to support the SIMPLE Plan Modernization Act and the Military Spouses Retirement Security Act.

Thank you, Mr. President.

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

S. 1287. A bill to amend title XVIII of the Social Security Act to require manufacturers of certain single-dose vial drugs payable under part B of the Medicare program to provide refunds with respect to amounts of such drugs discarded, and for other purposes; to the Committee on Finance.

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

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

S. 1287

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 ''Recovering Excessive Funds for Unused and Needless Drugs Act of 2021'' or the ''REFUND Act of 2021''.

SEC. 2. REQUIRING MANUFACTURERS OF CERTAIN SINGLE-DOSE CONTAINER OR SINGLE-USE PACKAGE DRUGS PAYABLE UNDER PART B OF THE MEDICARE PROGRAM TO PROVIDE REFUNDS WITH RESPECT TO DISCARDED AMOUNTS OF SUCH DRUGS.

Section 1847A of the Social Security Act (42 U.S.C. 1395–3a), as amended by section 405 of division CC of the Consolidated Appropriations Act, 2021, is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) inserting after subsection (g) the following:

''(h) REFUND FOR CERTAIN DISCARDED SINGLE-DOSE CONTAINER OR SINGLE-USE PACKAGE DRUGS.—

''(1) SECRETARIAL PROVISION OF INFORMATION.—

''(A) IN GENERAL.—For each calendar quarter beginning on or after January 1, 2022, the Secretary shall, with respect to a refundable single-dose container or single-use package drug (as defined in paragraph (8)), report to each manufacturer (as defined in subsection (c)(6)(A)) of such refundable single-dose container or single-use package drug the following for the calendar quarter:

''(i) Subject to subparagraph (C), information on the total number of units of the billing and payment code of such drug, if any, that were discarded during such quarter, as determined using a mechanism such as the JW modifier used as of the date of enactment of this subsection (or any such successor modifier that includes such data as determined appropriate by the Secretary).

''(ii) The refund amount that the manufacturer is liable for pursuant to paragraph (3).

''(B) DETERMINATION OF DISCARDED AMOUNTS.—For purposes of subparagraph (A)(i), with respect to a refundable single-dose container or single-use package drug furnished during a quarter, the amount of such drug that was discarded shall be determined based on the amount of such drug that was unused and discarded for each drug on the date of service.

''(C) EXCLUSION OF UNITS OF PACKAGED DRUGS.—The total number of units of the billing and payment code of a refundable single-dose container or single-use package drug of a manufacturer furnished during a calendar quarter for purposes of subparagraph (A)(i) shall not include such units that are packaged into the payment amount for an item or service and are not separately payable.

''(2) MANUFACTURER REQUIREMENT.—For each calendar quarter beginning on or after January 1, 2022, the manufacturer of a refundable single-dose container or single-use package drug shall, for such drug, provide to the Secretary a refund that is equal to the amount specified in paragraph (3) for such drug for such quarter.

''(3) REFUND AMOUNT.—

''(A) IN GENERAL.—The amount of the refund specified in this paragraph is, with respect to a refundable single-dose container or single-use package drug of a manufacturer assigned to a billing and payment code for a calendar quarter beginning on or after January 1, 2022, an amount equal to 90 percent (or, in the case of a refundable single-dose container or single-use package drug described in subclause (I) or (II) of subparagraph (B)(ii), the percent determined for such drug under subparagraph (B)(i)) of the product of—

''(i) the total number of units of the billing and payment code for such drug that were discarded during such quarter (as determined under paragraph (1)); and

''(ii)(I) in the case of a refundable single-dose container or single-use package drug that is a single source drug or biological, the

amount determined for such drug under subsection (b)(4); or

''(II) in the case of a refundable single-dose container or single-use package drug that is a biosimilar biological product, the average sales price determined under subsection (b)(8)(A).

''(B) TREATMENT OF DRUGS THAT REQUIRE FILTRATION OR OTHER UNIQUE CIRCUMSTANCES.—

''(i) IN GENERAL.—The Secretary, through notice and comment rulemaking—

''(I) in the case of a refundable single-dose container or single-use package drug described in subclause (I) of clause (ii), shall adjust the percentage otherwise applicable for purposes of determining the refund amount with respect to such drug under subparagraph (A) as determined appropriate by the Secretary; and

''(II) in the case of a refundable single-dose container or single-use package drug described in subclause (II) of clause (ii), may adjust the percentage otherwise applicable for purposes of determining the refund amount with respect to such drug under subparagraph (A) as determined appropriate by the Secretary.

''(ii) DRUG DESCRIBED.—For purposes of clause (i), a refundable single-dose container or single-use package drug described in this clause is either of the following:

''(I) A refundable single-dose container or single-use package drug for which preparation instructions required and approved by the Commissioner of the Food and Drug Administration include filtration during the drug preparation process, prior to dilution and administration, and require that any unused portion of such drug after the filtration process be discarded after the completion of such filtration process.

''(II) Any other refundable single-dose container or single-use package drug that has unique circumstances involving similar loss of product.

''(4) FREQUENCY.—Amounts required to be refunded pursuant to paragraph (2) shall be paid in regular intervals (as determined appropriate by the Secretary).

''(5) REFUND DEPOSITS.—Amounts paid as refunds pursuant to paragraph (2) shall be deposited into the Federal Supplementary Medical Insurance Trust Fund established under section 1841.

''(6) ENFORCEMENT.—

''(A) AUDITS.—

''(i) MANUFACTURER AUDITS.—Each manufacturer of a refundable single-dose container or single-use package drug that is required to provide a refund under this subsection shall be subject to periodic audit with respect to such drug and such refunds by the Secretary.

''(ii) PROVIDER AUDITS.—The Secretary shall conduct periodic audits of claims submitted under this part with respect to refundable single-dose container or single-use package drugs in accordance with the authority under section 1833(e) to ensure compliance with the requirements applicable under this subsection.

''(B) CIVIL MONEY PENALTY.—

''(i) IN GENERAL.—The Secretary shall impose a civil money penalty on a manufacturer of a refundable single-dose container or single-use package drug who has failed to comply with the requirement under paragraph (2) for such drug for a calendar quarter in an amount equal to the sum of—

''(I) the amount that the manufacturer would have paid under such paragraph with respect to such drug for such quarter; and

''(II) 25 percent of such amount.

''(ii) APPLICATION.—The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under this subparagraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

''(7) IMPLEMENTATION.—The Secretary shall implement this subsection through notice and comment rulemaking.

''(8) DEFINITION OF REFUNDABLE SINGLE-DOSE CONTAINER OR SINGLE-USE PACKAGE DRUG.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), in this subsection, the term 'refundable single-dose container or single-use package drug' means a single source drug or biological (as defined in section 1847A(c)(6)(D)) or a biosimilar biological product (as defined in section 1847A(c)(6)(H)) for which payment is established under this part and that is furnished from a single-dose container or single-use package.

''(B) EXCLUSIONS.—The term 'refundable single-dose container or single-use package drug' does not include a drug or biological that is either a radiopharmaceutical or an imaging agent.

''(9) REPORT TO CONGRESS.—

''(A) IN GENERAL.—Not later than 3 years after the date of enactment of this subsection, the Office of the Inspector General of the Department of Health and Human Services, in consultation with the Centers for Medicare & Medicaid Services and the Food and Drug Administration, shall submit to the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, a report on any impact this subsection is demonstrated to have on—

''(i) the licensure, market entry, market retention, or marketing of biosimilar biological products; and

''(ii) vial size changes, label adjustments, or technological developments.

''(B) UPDATES.—At the direction of the Committees referred to in subparagraph (A), the Office of the Inspector General of the Department of Health and Human Services, in consultation with the Centers for Medicare & Medicaid Services and the Food and Drug Administration, shall periodically update the report under such subparagraph.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 167—SUPPORTING THE GOALS AND IDEALS OF ''COUNTERING INTERNATIONAL PARENTAL CHILD ABDUCTION MONTH'' AND EXPRESSING THE SENSE OF THE SENATE THAT CONGRESS SHOULD RAISE AWARENESS OF THE HARM CAUSED BY INTERNATIONAL PARENTAL CHILD ABDUCTION

Mrs. FEINSTEIN (for herself, Mr. TILLIS, Mr. MCCONNELL, Mr. BLUMENTHAL, Mr. BOOKER, Mr. CRAPO, Ms. KLOBUCHAR, Mr. MARKEY, Mr. RUBIO, and Mr. CORNYN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 167

Whereas thousands of children in the United States have been abducted from the United States by parents, separating those children from their parents who remain in the United States;

Whereas it is illegal under section 1204 of title 18, United States Code, to remove, or attempt to remove, a child from the United States or to retain a child (who has been in the United States) outside of the United States with the intent to obstruct the lawful exercise of parental rights;

Whereas 10,836 children were reported abducted from the United States between 2009 and 2019;

Whereas, during 2019, 1 or more cases of international parental child abduction involving children who are citizens of the United States were identified in 102 countries around the world;

Whereas the United States is a party to the Convention on the Civil Aspects of International Child Abduction, done at The Hague, October 25, 1980 (TIAS 11670) (referred to in this preamble as the ''Hague Convention on Abduction''), which—

(1) supports the prompt return of wrongly removed or retained children; and

(2) calls for all participating parties to respect parental custody rights;

Whereas the majority of children who were abducted from the United States have yet to be reunited with their custodial parents;

Whereas, between 2015 and 2019, Argentina, the Bahamas, Brazil, China, Colombia, Costa Rica, the Dominican Republic, Ecuador, Egypt, Guatemala, Honduras, India, Japan, Jordan, Lebanon, Morocco, Nicaragua, Peru, Romania, Tunisia, and the United Arab Emirates were identified under the Sean and David Goldman International Child Abduction Prevention and Return Act of 2014 (22 U.S.C. 9101 et seq.) as engaging in a pattern of noncompliance (as defined in section 3 of such Act (22 U.S.C. 9101));

Whereas the Supreme Court of the United States has recognized that family abduction—

(1) is a form of child abuse with potentially ''devastating consequences for a child'', which may include negative impacts on the physical and mental well-being of the child; and

(2) may cause a child to ''experience a loss of community and stability, leading to loneliness, anger, and fear of abandonment'';

Whereas, according to the 2010 Report on Compliance with the Hague Convention on the Civil Aspects of International Child Abduction by the Department of State, an abducted child is at risk of significant short- and long-term problems, including ''anxiety, eating problems, nightmares, mood swings, sleep disturbances, [and] aggressive behavior'';

Whereas international parental child abduction has devastating emotional consequences for the child and for the parent from whom the child is separated;

Whereas the United States has a history of promoting child welfare through institutions including—

(1) in the Department of Health and Human Services, the Children's Bureau of the Administration for Children and Families; and

(2) in the Department of State, the Office of Children's Issues of the Bureau of Consular Affairs;

Whereas the Coalition to End International Parental Child Abduction, through dedicated advocacy and regular testimony, has highlighted the importance of this issue to Congress and called on successive administrations to take concerted action to stop international parental child abduction and repatriate kidnapped United States children;

Whereas Congress has signaled a commitment to ending international parental child abduction by enacting—

(1) the International Child Abduction Remedies Act (22 U.S.C. 9001 et seq.);

(2) the International Parental Kidnapping Crime Act of 1993 (Public Law 103–173), which enacted section 1204 of title 18, United States Code; and

(3) the Sean and David Goldman International Child Abduction Prevention and Return Act of 2014 (22 U.S.C. 9101 et seq.);

Whereas the Senate adopted Senate Resolution 543, 112th Congress, agreed to on December 4, 2012, condemning the international abduction of children;

Whereas the Senate adopted Senate Resolution 431, 115th Congress, agreed to on April 19, 2018, to raise awareness of, and opposition to, international parental child abduction;

Whereas the Senate adopted Senate Resolution 23, 116th Congress, agreed to on April 11, 2019, to raise awareness of the harm caused by international parental child abduction;

Whereas Congress calls upon the Department of State to fully utilize the tools available under the Sean and David Goldman International Child Abduction Prevention and Return Act of 2014 (22 U.S.C. 9101 et seq.) to negotiate, and make publicly available, bilateral agreements or memorandums of understanding—

(1) with countries not party to the Hague Convention on Abduction to resolve abduction and access cases; and

(2) regarding open abduction and access cases predating the Hague Convention on Abduction with countries that have thereafter become a party to the Hague Convention on Abduction;

Whereas all 50 States and the District of Columbia have enacted laws criminalizing parental kidnapping;

Whereas, in 2019, the Prevention Branch of the Office of Children's Issues of the Department of State—

(1) fielded more than 5,400 inquiries from the general public relating to preventing a child from being removed from the United States; and

(2) enrolled more than 4,500 children in the Children's Passport Issuance Alert Program, which—

(A) is one of the most important tools of the Department of State for preventing international parental child abduction; and

(B) allows the Office of Children's Issues to contact the enrolling parent or legal guardian to verify whether the parental consent requirement has been met when a passport application has been submitted for an enrolled child;

Whereas the Department of State cannot track the ultimate destination of a child through the use of the passport issued by the Department of State if the child is transported to a third country after departing from the United States;

Whereas a child who is a citizen of the United States may have another nationality and may travel using a passport issued by another country, which—

(1) increases the difficulty of determining the whereabouts of the child; and

(2) makes efforts to prevent abduction more critical;

Whereas, during 2019, 220 children were returned to the United States, and an additional 118 cases were resolved in other ways; and

Whereas, in 2019, the Department of Homeland Security, in coordination with the Prevention Branch of the Office of Children's Issues of the Department of State, enrolled 363 children in the Prevent Abduction Program, which is aimed at preventing international parental child abduction through coordination with the U.S. Customs and Border Patrol officers at the airport, seaport, or land border ports of entry (POE) on intercepting the child before departure: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and observes ''Countering International Parental Child Abduction Month'' during the period beginning on April 1, 2021, and ending on April 30, 2021, to raise awareness of, and opposition to, international parental child abduction; and

(2) urges the United States to continue playing a leadership role in raising awareness about the devastating impacts of international parental child abduction by educating the public about the negative emotional, psychological, and physical consequences to children and parents victimized by international parental child abduction.

SENATE RESOLUTION 168—CONGRATULATING THE NORTHWEST MISSOURI STATE UNIVERSITY BEARCATS MEN'S BASKETBALL TEAM ON WINNING THE 2021 NCAA MEN'S DIVISION II NATIONAL CHAMPIONSHIP

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

S. RES. 168

Whereas, on March 27, 2021, the Northwest Missouri State University Bearcats men's basketball team (in this preamble referred to as the ''Bearcats'') clinched their third National Collegiate Athletics Association (NCAA) Division II National Championship in 5 years in a landslide 80–54 victory over the West Texas A&M University Buffaloes;

Whereas the Bearcats should be proud of their University's storied history dating back to the inception of the school in 1905;

Whereas the Bearcats should be commended for their success and perseverance throughout the 2020–2021 season despite uncertainty during the coronavirus outbreak;

Whereas the Bearcats' victory marked the men's basketball team's second consecutive national championship, cementing the Bearcats' place atop NCAA Division II men's basketball;

Whereas the West Texas A&M University Buffaloes should also be commended on their efforts and success throughout an unprecedented season during the COVID–19 pandemic;

Whereas the city of Evansville, Indiana, and the NCAA should be commended for their efforts in providing a safe environment for the student athletes and staff during the championship tournament;

Whereas the Bearcats went 3–0 during the championship tournament with an average margin of victory of 26 points;

Whereas the Bearcats clinched a first round victory against West Liberty by a score of 98–77;

Whereas the Bearcats clinched a second round victory against Flagler by a score of 77–46;

Whereas the Bearcats claimed their title as back-to-back national champions by defeating West Texas A&M by a score of 80–54;

Whereas Ryan Hawkins should be commended for his role in the Bearcats' national championship victory by scoring a game-high 31 points while securing 18 rebounds;

Whereas 3 additional starting members of the Bearcats, Wes Dreamer, Trevor Hudgins, and Luke Waters, each scored in the double digits in the championship game and should be commended for their scoring efforts;

Whereas Wes Dreamer and Ryan Hawkins should each be commended for achieving a double-double in the championship game by scoring and rebounding in the double digits;

Whereas Ryan Hawkins and Trevor Hudgins should be celebrated for their selection to the Elite Eight All-Tournament Team;

Whereas Ryan Hawkins should further be recognized for being named as the Elite Eight's Most Outstanding Player;

Whereas the entire Bearcats roster should be commended for their 50 percent field goal percentage and 47 percent 3-point shooting;

Whereas the entire Bearcats roster contributed to the national championship victory, including Spencer Schomers, Diego Bernard, Jaran Richman, Isaiah Jackson, Wes Dreamer, Byron Alexander, Trevor Hudgins, Mitch Mascari, Daric Laing, Ryan Hawkins, Christian Stanislav, Luke Waters, and Daniel Abreu;

Whereas the entire Bearcats coaching staff contributed to the national championship victory, including Ben McCollum, Zach Schneider, Xavier Kurth, Dray Starzl, Nick Peters, Justin Dickerson, Sam Hawley, and Landon Graver; and

Whereas the Bearcats back-to-back national championships provide a sense of excitement and pride to the City of Maryville and Bearcat nation across Missouri: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Northwest Missouri State University Bearcats men's basketball team and the entire University, Mayor of Maryville Benjamin Lipiec, University President Dr. John Jasinski, Governor Mike Parson, and fans of the Bearcats on their national championship; and

(2) respectfully directs the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) the President of Northwest Missouri State University;

(B) head coach Ben McCollum; and

(C) Mayor Benjamin Lipiec.

SENATE RESOLUTION 169—HONORING THE LIFE AND LEGACY OF WILLIAM ROBERT ''BOBBY'' ''SLICK'' LEONARD

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

S. RES. 169

Whereas William Robert ''Bobby'' ''Slick'' Leonard was born on July 17, 1932, in Terre Haute, Indiana;

Whereas Mr. Leonard was a stand-out basketball player while attending Gerstmeyer Technical High School in Terre Haute, Indiana;

Whereas Mr. Leonard went on to play basketball for the Indiana University Hoosiers men's basketball team (referred to in this preamble as the ''Hoosiers'') in Bloomington, where he—

(1) helped lead the Hoosiers to 2 Big Ten titles in 1953 and 1954; and

(2) hit the game winning free throw in the championship game to clinch the 1953 National Collegiate Athletic Association Division I men's basketball championship title for the Hoosiers;

Whereas Mr. Leonard was named a third-team All-American in 1953 and a second-team All-American in 1952;

Whereas, in 1952, Mr. Leonard was named the Most Valuable Player of the Hoosiers;

Whereas Mr. Leonard was captain of the Hoosiers during the 1953-1954 season;

Whereas Mr. Leonard served in the United States Army from 1954 to 1956;

Whereas Mr. Leonard was selected by the Baltimore Bullets with the first pick of the second round, the tenth overall pick, of the 1954 National Basketball Association (referred to in this preamble as the ''NBA'') draft;

Whereas, after being drafted in 1954, Mr. Leonard went on to play 7 years of professional basketball in the NBA, 5 years for the Minneapolis and Los Angeles Lakers and 2

years for the Chicago Packers, who were renamed the Zephyrs in 1962;

Whereas Mr. Leonard led the NBA in games played (72) during the 1956-57 season, and finished sixth in the NBA in assists per game (5.4) during the 1961-62 season;

Whereas Mr. Leonard was named an NBA All-Star in 1963;

Whereas Mr. Leonard coached the Chicago Zephyrs and Baltimore Bullets from 1962 to 1964;

Whereas Mr. Leonard became the head coach of the Indiana Pacers, who were then part of the American Basketball Association (referred to in this preamble as the ''ABA''), in 1968, holding the position for nearly 12 years, the last 4 years of which the franchise was in the NBA;

Whereas Mr. Leonard led the Pacers to ABA championships in the 1969-70, 1971-72, and 1972-73 seasons, in addition to 2 other championship appearances, all prior to the ABA–NBA merger in June 1976;

Whereas Mr. Leonard had a total of 529 wins as head coach of the Pacers;

Whereas, as a head coach in the ABA, Mr. Leonard—

(1) won 69 playoff games, a league record; and

(2) was the winningest coach in the history of the league;

Whereas, when the State known as the basketball capital of the world was close to losing the Indiana Pacers due to financial problems, Mr. Leonard and his wife Nancy held a telethon and, through small contributions from fans, were able to raise the funds to save the team and keep the Pacers in Indiana;

Whereas Mr. Leonard was selected as the greatest coach in the history of the ABA;

Whereas Mr. Leonard returned to the Pacers in 1985 as a color commentator, first for television and then on radio with Mark Boyle;

Whereas the trademark phrase of Mr. Leonard was ''Boom, Baby!'', which—

(1) Mr. Leonard said when a member of the Pacers made a 3-point shot; and

(2) inspired the hearts of basketball fans in the Hoosier State and across the United States;

Whereas, in 1982, Mr. Leonard became the first individual to be inducted into the Indiana University Sports Hall of Fame;

Whereas Mr. Leonard was also inducted into the Indiana Basketball Hall of Fame and the Indiana Sports Writers and Broadcasters Hall of Fame;

Whereas, in 2014, Mr. Leonard was inducted into the Naismith Memorial Basketball Hall of Fame as a coach;

Whereas, on April 13, 2021, Mr. Leonard passed away at the age of 88;

Whereas Pacers fans will remember Mr. Leonard as—

(1) the ''spirit of the Pacers franchise'', as aptly put by Herb Simon, the owner of the Pacers; and

(2) the ''embodiment of basketball'' and an ''Indiana icon'', as aptly put by Eric Holcomb, the Governor of Indiana; and

Whereas Mr. Leonard is survived by his wife, their 5 children, 12 grandchildren, and 6 great-grandchildren: Now, therefore, be it

Resolved, That the Senate—

(1) honors the life and legacy of William Robert ''Bobby'' ''Slick'' Leonard, including the dedication of Mr. Leonard—

(A) to the game of basketball, including the promotion of the game across the United States; and

(B) in particular, to the game of basketball, the players, and the fans in the Hoosier State;

(2) recognizes—

(A) the historical, economical, and cultural significance and impact Mr. Leonard had on the City of Indianapolis (referred to in this resolution as the ''City'') and the State of Indiana (referred to in this resolution as the ''State'');

(B) that without the dedication and contributions to sports and entertainment throughout the City and the State that Mr. Leonard and his wife were able to give, the City nor State would not have such a wonderful reputation or ability to attract the largest sporting events in the world, including—

(i) the National Collegiate Athletic Association Tournament and Final Four;

(ii) the National Basketball Association All-Star Game; and

(iii) the Super Bowl; and

(3) shows gratitude and thankfulness—

(A) to the lifetime of sporting memories Mr. Leonard helped provide to the City and the State; and

(B) to the impact Mr. Leonard had on the development and growth of the City.

SENATE RESOLUTION 170—RELATING TO THE DEATH OF WALTER FREDERICK MONDALE, FORMER VICE PRESIDENT OF THE UNITED STATES

Ms. KLOBUCHAR (for herself, Ms. SMITH, Mr. SCHUMER, Mr. MCCONNELL, Ms. BALDWIN, Mr. BARRASSO, Mr. BENNET, Mrs. BLACKBURN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOKER, Mr. BOOZMAN, Mr. BRAUN, Mr. BROWN, Mr. BURR, Ms. CANTWELL, Mrs. CAPITO, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CASSIDY, Ms. COLLINS, Mr. COONS, Mr. CORNYN, Ms. CORTEZ MASTO, Mr. COTTON, Mr. CRAMER, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Ms. DUCKWORTH, Mr. DURBIN, Ms. ERNST, Mrs. FEINSTEIN, Mrs. FISCHER, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. HAGERTY, Ms. HASSAN, Mr. HAWLEY, Mr. HEINRICH, Mr. HICKENLOOPER, Ms. HIRONO, Mr. HOEVEN, Mrs. HYDE-SMITH, Mr. INHOFE, Mr. JOHNSON, Mr. KAINE, Mr. KELLY, Mr. KENNEDY, Mr. KING, Mr. LANKFORD, Mr. LEAHY, Mr. LEE, Mr. LUJÁN, Ms. LUMMIS, Mr. MANCHIN, Mr. MARKEY, Mr. MARSHALL, Mr. MENENDEZ, Mr. MERKLEY, Mr. MORAN, Ms. MURKOWSKI, Mr. MURPHY, Mrs. MURRAY, Mr. OSSOFF, Mr. PADILLA, Mr. PAUL, Mr. PETERS, Mr. PORTMAN, Mr. REED, Mr. RISCH, Mr. ROMNEY, Ms. ROSEN, Mr. ROUNDS, Mr. RUBIO, Mr. SANDERS, Mr. SASSE, Mr. SCHATZ, Mr. SCOTT of Florida, Mr. SCOTT of South Carolina, Mrs. SHAHEEN, Mr. SHELBY, Ms. SINEMA, Ms. STABENOW, Mr. SULLIVAN, Mr. TESTER, Mr. THUNE, Mr. TILLIS, Mr. TOOMEY, Mr. TUBERVILLE, Mr. VAN HOLLEN, Mr. WARNER, Mr. WARNOCK, Ms. WARREN, Mr. WHITEHOUSE, Mr. WICKER, Mr. WYDEN, and Mr. YOUNG) submitted the following resolution; which was considered and agreed to:

S. RES. 170

Whereas Walter ''Fritz'' Mondale, the late former Vice President of the United States, was born in Ceylon, Minnesota, to Claribel Mondale and the Reverend Theodore S. Mondale;

Whereas Walter Mondale, after attending Macalester College, graduated from the University of Minnesota with a bachelor's degree in political science, and, after serving in the United States Army during the Korean War, obtained his law degree from the University of Minnesota Law School;

Whereas Walter Mondale married Joan Adams, with whom he raised 2 sons and a daughter;

Whereas Walter Mondale was appointed to be Minnesota Attorney General by Governor Orville Freeman in 1960 and was elected to a full term 2 years later;

Whereas, while serving as Minnesota Attorney General, Walter Mondale led a group of 22 State attorneys general to submit a brief to the Supreme Court of the United States in support of the right to counsel in the landmark case Gideon v. Wainwright, 372 U.S. 335 (1963), which the Supreme Court of the United States decided unanimously;

Whereas Minnesota Governor Karl Rolvaag appointed Walter Mondale to the United States Senate, filling the seat left vacant by Minnesota Senator Hubert Humphrey when he resigned after being elected Vice President of the United States;

Whereas, as a United States Senator, Walter Mondale prioritized addressing civil rights, including introducing the Fair Housing Act of 1968 (Public Law 90–284; 82 Stat. 73), landmark legislation protecting individuals from discrimination on the basis of race, religion, national origin, or sex when they are buying or renting a home, getting a mortgage, or seeking housing assistance, and championing title IX of the Education Amendments of 1972 (Public Law 92–318; 86 Stat. 235) to provide more educational opportunities for women;

Whereas, in the Senate, Walter Mondale was a tireless advocate for children, ranging from his key authorship of the Child Abuse Prevention and Treatment Act of 1974 (Public Law 93–427) and his support for family services to his work to make a college education more affordable;

Whereas Walter Mondale was selected by Jimmy Carter to be his running mate and the candidate for vice president and, after winning the 1976 presidential election, was inaugurated as the 42nd Vice President of the United States;

Whereas Walter Mondale defined the role of the modern vice presidency as one that serves as the president's ultimate advisor and governing partner;

Whereas Walter Mondale was nominated to be the Democratic Presidential candidate in 1984 and chose Geraldine Ferraro to be his running mate, the first woman to run for vice president on a major-party ticket in the country's history;

Whereas Walter Mondale served his country again as Ambassador to Japan and Special Envoy to Indonesia;

Whereas, throughout his career, Walter Mondale was a tireless public servant who believed in finding solutions and who, as he once described, ''worked on the idea that government can be an instrument for social progress'';

Whereas central to Walter Mondale's public service mission was a dedication to mentoring the next generation of leaders, many of whom who serve our country today;

Whereas Walter Mondale passed away on April 19, 2021; and

Whereas the Nation is indebted to Walter Mondale, a truly distinguished American: Now, therefore, be it

Resolved, That the Senate—

(1) extends heartfelt condolences to the family and friends of Walter Mondale;

(2) acknowledges Walter Mondale's lifetime of service to the United States as a lawyer, Minnesota Attorney General, United States Senator, Vice President of the United States, United States Ambassador to Japan, Special

Envoy to Indonesia, and the first presidential candidate from a major party to select a woman, Geraldine Ferraro, as his running mate;

(3) commends Walter Mondale for fighting the good fight, finishing the race, and keeping the faith; and

(4) when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of Walter Mondale.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1449. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1445 proposed by Mr. SCHUMER (for Ms. HIRONO (for herself, Ms. COLLINS, Mr. BLUMENTHAL, and Mr. WARNOCK)) to the bill S. 937, to facilitate the expedited review of COVID–19 hate crimes, and for other purposes; which was ordered to lie on the table.

SA 1450. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1445 proposed by Mr. SCHUMER (for Ms. HIRONO (for herself, Ms. COLLINS, Mr. BLUMENTHAL, and Mr. WARNOCK)) to the bill S. 937, supra; which was ordered to lie on the table.

SA 1451. Ms. KLOBUCHAR (for herself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by her to the bill S. 937, supra; which was ordered to lie on the table.

SA 1452. Mr. LANKFORD (for himself, Mr. INHOFE, and Mr. DAINES) submitted an amendment intended to be proposed to amendment SA 1445 proposed by Mr. SCHUMER (for Ms. HIRONO (for herself, Ms. COLLINS, Mr. BLUMENTHAL, and Mr. WARNOCK)) to the bill S. 937, supra; which was ordered to lie on the table.

SA 1453. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 937, supra; which was ordered to lie on the table.

SA 1454. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 937, supra; which was ordered to lie on the table.

SA 1455. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 937, supra; which was ordered to lie on the table.

SA 1456. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 1445 proposed by Mr. SCHUMER (for Ms. HIRONO (for herself, Ms. COLLINS, Mr. BLUMENTHAL, and Mr. WARNOCK)) to the bill S. 937, supra; which was ordered to lie on the table.

SA 1457. Mr. MCCONNELL submitted an amendment intended to be proposed to amendment SA 1445 proposed by Mr. SCHUMER (for Ms. HIRONO (for herself, Ms. COLLINS, Mr. BLUMENTHAL, and Mr. WARNOCK)) to the bill S. 937, supra; which was ordered to lie on the table.

SA 1458. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 1445 proposed by Mr. SCHUMER (for Ms. HIRONO (for herself, Ms. COLLINS, Mr. BLUMENTHAL, and Mr. WARNOCK)) to the bill S. 937, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1449. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1445 proposed by Mr. SCHUMER (for Ms. HIRONO (for herself, Ms. COLLINS, Mr. BLUMENTHAL, and Mr. WARNOCK)) to the bill S. 937, to facilitate the expedited review of COVID–19 hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, strike line 18 and insert the following:

United States Code;

(3) include information relating to the race, ethnicity, immigration status, and political affiliation of the alleged perpetrator of a hate crime or incident in the online reporting described in paragraph (1); and

SA 1450. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 1445 proposed by Mr. SCHUMER (for Ms. HIRONO (for herself, Ms. COLLINS, Mr. BLUMENTHAL, and Mr. WARNOCK)) to the bill S. 937, to facilitate the expedited review of COVID–19 hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, line 12, after ''incidents,'' insert the following: ''including establishing criminal penalties for any online reporting of a hate crime that is fraudulent, illegitimate, or retaliatory in nature,''.

SA 1451. Ms. KLOBUCHAR (for herself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by her to the bill S. 937, to facilitate the expedited review of COVID–19 hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. MOTIVE REQUIREMENT FOR HATE CRIMES.

Section 249(c) of title 18, United States Code, is amended—

(1) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively; and

(2) by inserting before paragraph (2), as so redesignated, the following:

''(1) the term 'because of' means that the actual or perceived protected characteristic of the victim was a substantial motivating factor in the offense;''.

SA 1452. Mr. LANKFORD (for himself, Mr. INHOFE, and Mr. DAINES) submitted an amendment intended to be proposed to amendment SA 1445 proposed by Mr. SCHUMER (for Ms. HIRONO (for herself, Ms. COLLINS, Mr. BLUMENTHAL, and Mr. WARNOCK)) to the bill S. 937, to facilitate the expedited review of COVID–19 hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, between lines 5 and 6, insert the following:

(c) ABORTIONS BASED ON RACE, ETHNICITY, COLOR, NATIONAL ORIGIN, SEX, OR DISABILITY, INCLUDING A CHROMOSOMAL DISORDER.—

(1) REPORTING.—

(A) IN GENERAL.—For the purposes of facilitating expedited review under subsection (a), the Attorney General shall include any abortion committed against an unborn child based on the race, ethnicity, color, national origin, sex, or disability, including a chromosomal disorder, of the unborn child.

(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to create an offense or an additional category of hate crime.

(2) HOLD HARMLESS.—A woman upon whom an abortion is performed based on the race, ethnicity, color, national origin, sex, or disability, including a chromosomal disorder, of the unborn child may not be prosecuted or held civilly liable on that basis under any provision of Federal law.

SA 1453. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 937, to facilitate the expedited review of COVID–19 hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

At the end add the following:

SEC. ____. EFFECTIVE DATE.

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

SA 1454. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 937, to facilitate the expedited review of COVID–19 hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

At the end add the following:

SEC. ____. EFFECTIVE DATE.

This Act shall take effect on the date that is 4 days after the date of enactment of this Act.

SA 1455. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 937, to facilitate the expedited review of COVID–19 hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 3, strike ''4'' and insert ''5''.

SA 1456. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 1445 proposed by Mr. SCHUMER (for Ms. HIRONO (for herself, Ms. COLLINS, Mr. BLUMENTHAL, and Mr. WARNOCK)) to the bill S. 937, to facilitate the expedited review of COVID–19 hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 6. PROHIBITION OF FEDERAL FUNDS FOR INSTITUTIONS OF HIGHER EDUCATION THAT DISCRIMINATE AGAINST ASIAN AMERICANS.

Notwithstanding any other provision of law, no institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)) may receive any Federal funding if the institution has a policy in place or engages in a practice that discriminates against Asian Americans in recruitment, applicant review, or admissions.

SA 1457. Mr. MCCONNELL submitted an amendment intended to be proposed to amendment SA 1445 proposed by Mr. SCHUMER (for Ms. HIRONO (for herself, Ms. COLLINS, Mr. BLUMENTHAL, and Mr. WARNOCK)) to the bill S. 937, to facilitate the expedited review of COVID–19 hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 4, strike line 11 and all that follows through page 21, line 19 and insert the following:

(1) establish online reporting of hate crimes, and to have online reporting that is

equally effective for people with disabilities as for people without disabilities available in multiple languages as determined by the Attorney General; and

(2) collect data disaggregated by the protected characteristics described in section 249 of title 18, United States Code.

(b) GUIDANCE RELATING TO COVID–19 PANDEMIC.—The Attorney General and the Secretary of Health and Human Services, in coordination with the COVID–19 Health Equity Task Force and community-based organizations, shall issue guidance on how to report hate crimes during the COVID–19 pandemic.

SEC. 5. JABARA-HEYER NO HATE ACT.

(a) SHORT TITLE.—This section may be cited as the ''Khalid Jabara and Heather Heyer National Opposition to Hate, Assault, and Threats to Equality Act of 2021'' or the ''Jabara-Heyer NO HATE Act''.

(b) FINDINGS.—Congress finds the following:

(1) The incidence of violence known as hate crimes, or crimes motivated by bias, poses a serious national problem.

(2) According to data obtained by the Federal Bureau of Investigation, the incidence of such violence increased in 2019, the most recent year for which data is available.

(3) In 1990, Congress enacted the Hate Crime Statistics Act (Public Law 101–275; 28 U.S.C. 534 note) to provide the Federal Government, law enforcement agencies, and the public with data regarding the incidence of hate crime. The Hate Crime Statistics Act and the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act (division E of Public Law 111–84; 123 Stat. 2835) have enabled Federal authorities to understand and, where appropriate, investigate and prosecute hate crimes.

(4) A more complete understanding of the national problem posed by hate crime is in the public interest and supports the Federal interest in eradicating bias-motivated violence referenced in section 249(b)(1)(C) of title 18, United States Code.

(5) However, a complete understanding of the national problem posed by hate crimes is hindered by incomplete data from Federal, State, and local jurisdictions through the Uniform Crime Reports program authorized under section 534 of title 28, United States Code, and administered by the Federal Bureau of Investigation.

(6) Multiple factors contribute to the provision of inaccurate and incomplete data regarding the incidence of hate crime through the Uniform Crime Reports program. A significant contributing factor is the quality and quantity of training that State and local law enforcement agencies receive on the identification and reporting of suspected bias-motivated crimes.

(7) The problem of crimes motivated by bias is sufficiently serious, widespread, and interstate in nature as to warrant Federal financial assistance to States and local jurisdictions.

(8) Federal financial assistance with regard to certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes.

(c) DEFINITIONS.—In this section:

(1) HATE CRIME.—The term ''hate crime'' means an act described in section 245, 247, or 249 of title 18, United States Code, or in section 901 of the Civil Rights Act of 1968 (42 U.S.C. 3631).

(2) PRIORITY AGENCY.—The term ''priority agency'' means—

(A) a law enforcement agency of a unit of local government that serves a population of not less than 100,000, as computed by the Federal Bureau of Investigation; or

(B) a law enforcement agency of a unit of local government that—

(i) serves a population of not less than 50,000 and less than 100,000, as computed by the Federal Bureau of Investigation; and

(ii) has reported no hate crimes through the Uniform Crime Reports program in each of the 3 most recent calendar years for which such data is available.

(3) STATE.—The term ''State'' has the meaning given the term in section 901 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10251).

(4) UNIFORM CRIME REPORTS.—The term ''Uniform Crime Reports'' means the reports authorized under section 534 of title 28, United States Code, and administered by the Federal Bureau of Investigation that compile nationwide criminal statistics for use—

(A) in law enforcement administration, operation, and management; and

(B) to assess the nature and type of crime in the United States.

(5) UNIT OF LOCAL GOVERNMENT.—The term ''unit of local government'' has the meaning given the term in section 901 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10251).

(d) REPORTING OF HATE CRIMES.—

(1) IMPLEMENTATION GRANTS.—

(A) IN GENERAL.—The Attorney General may make grants to States and units of local government to assist the State or unit of local government in implementing the National Incident-Based Reporting System, including to train employees in identifying and classifying hate crimes in the National Incident-Based Reporting System.

(B) PRIORITY.—In making grants under subparagraph (A), the Attorney General shall give priority to States and units of local government that develop and implement the programs and activities described in subsection (e)(2)(A).

(2) REPORTING.—

(A) COMPLIANCE.—

(i) IN GENERAL.—Except as provided in clause (ii), in each fiscal year beginning after the date that is 3 years after the date on which a State or unit of local government first receives a grant under paragraph (1), the State or unit of local government shall provide to the Attorney General, through the Uniform Crime Reporting system, information pertaining to hate crimes committed in that jurisdiction during the preceding fiscal year.

(ii) EXTENSIONS; WAIVER.—The Attorney General—

(I) may provide a 120-day extension to a State or unit of local government that is making good faith efforts to comply with clause (i); and

(II) shall waive the requirements of clause (i) if compliance with that subparagraph by a State or unit of local government would be unconstitutional under the constitution of the State or of the State in which the unit of local government is located, respectively.

(B) FAILURE TO COMPLY.—If a State or unit of local government that receives a grant under paragraph (1) fails to substantially comply with subparagraph (A) of this paragraph, the State or unit of local government shall repay the grant in full, plus reasonable interest and penalty charges allowable by law or established by the Attorney General.

(e) INFORMATION COLLECTION BY STATES AND UNITS OF LOCAL GOVERNMENT.—

(1) DEFINITIONS.—In this subsection:

(A) COVERED AGENCY.—The term ''covered agency'' means—

(i) a State law enforcement agency; and

(ii) a priority agency.

(B) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(i) a State; or

(ii) a unit of local government that has a priority agency.

(2) GRANTS.—

(A) IN GENERAL.—The Attorney General may make grants to eligible entities to assist covered agencies within the jurisdiction of the eligible entity in conducting law enforcement activities or crime reduction programs to prevent, address, or otherwise respond to hate crime, particularly as those activities or programs relate to reporting hate crimes through the Uniform Crime Reports program, including—

(i) adopting a policy on identifying, investigating, and reporting hate crimes;

(ii) developing a standardized system of collecting, analyzing, and reporting the incidence of hate crime; and

(iii) establishing a unit specialized in identifying, investigating, and reporting hate crimes.

(B) SUBGRANTS.—A State that receives a grant under subparagraph (A) may award a subgrant to a unit of local government within the State for the purposes under that subparagraph, except that a unit of local government may provide funding from such a subgrant to any law enforcement agency of the unit of local government.

(3) INFORMATION REQUIRED OF STATES AND UNITS OF LOCAL GOVERNMENT.—

(A) IN GENERAL.—For each fiscal year in which a State or unit of local government receives a grant or subgrant under paragraph (2), the State or unit of local government shall—

(i) collect information from each law enforcement agency that receives funding from the grant or subgrant summarizing the law enforcement activities or crime reduction programs conducted by the agency to prevent, address, or otherwise respond to hate crime, particularly as those activities or programs relate to reporting hate crimes through the Uniform Crime Reports program; and

(ii) submit to the Attorney General a report containing the information collected under clause (i).

(B) SEMIANNUAL LAW ENFORCEMENT AGENCY REPORT.—

(i) IN GENERAL.—In collecting the information required under subparagraph (A)(i), a State or unit of local government shall require each law enforcement agency that receives funding from a grant or subgrant awarded to the State or unit of local government under paragraph (2) to submit a semiannual report to the State or unit of local government that includes a summary of the law enforcement activities or crime reduction programs conducted by the agency during the reporting period to prevent, address, or otherwise respond to hate crime, particularly as those activities or programs relate to reporting hate crimes through the Uniform Crime Reports program.

(ii) CONTENTS.—In a report submitted under clause (i), a law enforcement agency shall, at a minimum, disclose—

(I) whether the agency has adopted a policy on identifying, investigating, and reporting hate crimes;

(II) whether the agency has developed a standardized system of collecting, analyzing, and reporting the incidence of hate crime;

(III) whether the agency has established a unit specialized in identifying, investigating, and reporting hate crimes;

(IV) whether the agency engages in community relations functions related to hate crime, such as—

(aa) establishing a liaison with formal community-based organizations or leaders; and

(bb) conducting public meetings or educational forums on the impact of hate crime, services available to hate crime victims, and the relevant Federal, State, and local laws pertaining to hate crime; and

(V) the number of hate crime trainings for agency personnel, including the duration of the trainings, conducted by the agency during the reporting period.

(4) COMPLIANCE AND REDIRECTION OF FUNDS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), beginning not later than 1 year after the date of this Act, a State or unit of local government receiving a grant or subgrant under paragraph (2) shall comply with paragraph (3).

(B) EXTENSIONS; WAIVER.—The Attorney General—

(i) may provide a 120-day extension to a State or unit of local government that is making good faith efforts to collect the information required under paragraph (3); and

(ii) shall waive the requirements of paragraph (3) for a State or unit of local government if compliance with that subsection by the State or unit of local government would be unconstitutional under the constitution of the State or of the State in which the unit of local government is located, respectively.

(f) REQUIREMENTS OF THE ATTORNEY GENERAL.—

(1) INFORMATION COLLECTION AND ANALYSIS; REPORT.—In order to improve the accuracy of data regarding the incidence of hate crime provided through the Uniform Crime Reports program, and promote a more complete understanding of the national problem posed by hate crime, the Attorney General shall—

(A) collect and analyze the information provided by States and units of local government under subsection (e) for the purpose of developing policies related to the provision of accurate data obtained under the Hate Crime Statistics Act (Public Law 101–275; 28 U.S.C. 534 note) by the Federal Bureau of Investigation; and

(B) for each calendar year beginning after the date of enactment of this Act, publish and submit to Congress a report based on the information collected and analyzed under subparagraph (A).

(2) CONTENTS OF REPORT.—A report submitted under paragraph (1) shall include—

(A) a qualitative analysis of the relationship between—

(i) the number of hate crimes reported by State law enforcement agencies or other law enforcement agencies that received funding from a grant or subgrant awarded under paragraph (2) through the Uniform Crime Reports program; and

(ii) the nature and extent of law enforcement activities or crime reduction programs conducted by those agencies to prevent, address, or otherwise respond to hate crime; and

(B) a quantitative analysis of the number of State law enforcement agencies and other law enforcement agencies that received funding from a grant or subgrant awarded under paragraph (2) that have—

(i) adopted a policy on identifying, investigating, and reporting hate crimes;

(ii) developed a standardized system of collecting, analyzing, and reporting the incidence of hate crime;

(iii) established a unit specialized in identifying, investigating, and reporting hate crimes;

(iv) engaged in community relations functions related to hate crime, such as—

(I) establishing a liaison with formal community-based organizations or leaders; and

(II) conducting public meetings or educational forums on the impact of hate crime, services available to hate crime victims, and the relevant Federal, State, and local laws pertaining to hate crime; and

(v) conducted hate crime trainings for agency personnel during the reporting period, including—

(I) the total number of trainings conducted by each agency; and

(II) the duration of the trainings described in subclause (I).

(g) ALTERNATIVE SENTENCING.—Section 249 of title 18, United States Code, is amended by adding at the end the following:

''(e) SUPERVISED RELEASE.—If a court includes, as a part of a sentence of imprisonment imposed for a violation of subsection (a), a requirement that the defendant be placed on a term of supervised release after imprisonment under section 3583, the court may order, as an explicit condition of supervised release, that the defendant undertake community service directly related to the community harmed by the defendant's offense.''.

SA 1458. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 1445 proposed by Mr. SCHUMER (for Ms. HIRONO (for herself, Ms. COLLINS, Mr. BLUMENTHAL, and Mr. WARNOCK)) to the bill S. 937, to facilitate the expedited review of COVID–19 hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 4, strike line 11 and all that follows through page 21, line 19 and insert the following:

(1) establish online reporting of hate crimes, and to have online reporting that is equally effective for people with disabilities as for people without disabilities available in multiple languages as determined by the Attorney General; and

(2) collect data disaggregated by the protected characteristics described in section 249 of title 18, United States Code.

(b) GUIDANCE RELATING TO COVID–19 PANDEMIC.—The Attorney General and the Secretary of Health and Human Services, in coordination with the COVID–19 Health Equity Task Force and community-based organizations, shall issue guidance on how to report hate crimes during the COVID–19 pandemic.

SEC. 5. JABARA-HEYER NO HATE ACT.

(a) SHORT TITLE.—This section may be cited as the ''Khalid Jabara and Heather Heyer National Opposition to Hate, Assault, and Threats to Equality Act of 2021'' or the ''Jabara-Heyer NO HATE Act''.

(b) FINDINGS.—Congress finds the following:

(1) The incidence of violence known as hate crimes, or crimes motivated by bias, poses a serious national problem.

(2) According to data obtained by the Federal Bureau of Investigation, the incidence of such violence increased in 2019, the most recent year for which data is available.

(3) In 1990, Congress enacted the Hate Crime Statistics Act (Public Law 101–275; 28 U.S.C. 534 note) to provide the Federal Government, law enforcement agencies, and the public with data regarding the incidence of hate crime. The Hate Crime Statistics Act and the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act (division E of Public Law 111–84; 123 Stat. 2835) have enabled Federal authorities to understand and, where appropriate, investigate and prosecute hate crimes.

(4) A more complete understanding of the national problem posed by hate crime is in the public interest and supports the Federal interest in eradicating bias-motivated violence referenced in section 249(b)(1)(C) of title 18, United States Code.

(5) However, a complete understanding of the national problem posed by hate crimes is hindered by incomplete data from Federal, State, and local jurisdictions through the Uniform Crime Reports program authorized under section 534 of title 28, United States Code, and administered by the Federal Bureau of Investigation.

(6) Multiple factors contribute to the provision of inaccurate and incomplete data regarding the incidence of hate crime through the Uniform Crime Reports program. A significant contributing factor is the quality and quantity of training that State and local law enforcement agencies receive on the identification and reporting of suspected bias-motivated crimes.

(7) The problem of crimes motivated by bias is sufficiently serious, widespread, and interstate in nature as to warrant Federal financial assistance to States and local jurisdictions.

(8) Federal financial assistance with regard to certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes.

(c) DEFINITIONS.—In this section:

(1) HATE CRIME.—The term ''hate crime'' means an act described in section 245, 247, or 249 of title 18, United States Code, or in section 901 of the Civil Rights Act of 1968 (42 U.S.C. 3631).

(2) PRIORITY AGENCY.—The term ''priority agency'' means—

(A) a law enforcement agency of a unit of local government that serves a population of not less than 100,000, as computed by the Federal Bureau of Investigation; or

(B) a law enforcement agency of a unit of local government that—

(i) serves a population of not less than 50,000 and less than 100,000, as computed by the Federal Bureau of Investigation; and

(ii) has reported no hate crimes through the Uniform Crime Reports program in each of the 3 most recent calendar years for which such data is available.

(3) STATE.—The term ''State'' has the meaning given the term in section 901 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10251).

(4) UNIFORM CRIME REPORTS.—The term ''Uniform Crime Reports'' means the reports authorized under section 534 of title 28, United States Code, and administered by the Federal Bureau of Investigation that compile nationwide criminal statistics for use—

(A) in law enforcement administration, operation, and management; and

(B) to assess the nature and type of crime in the United States.

(5) UNIT OF LOCAL GOVERNMENT.—The term ''unit of local government'' has the meaning given the term in section 901 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10251).

(d) REPORTING OF HATE CRIMES.—

(1) IMPLEMENTATION GRANTS.—

(A) IN GENERAL.—The Attorney General may make grants to States and units of local government to assist the State or unit of local government in implementing the National Incident-Based Reporting System, including to train employees in identifying and classifying hate crimes in the National Incident-Based Reporting System.

(B) PRIORITY.—In making grants under subparagraph (A), the Attorney General shall give priority to States and units of local government that develop and implement the programs and activities described in subsection (e)(2)(A).

(2) REPORTING.—

(A) COMPLIANCE.—

(i) IN GENERAL.—Except as provided in clause (ii), in each fiscal year beginning after the date that is 3 years after the date on which a State or unit of local government first receives a grant under paragraph (1), the State or unit of local government shall provide to the Attorney General, through the

Uniform Crime Reporting system, information pertaining to hate crimes committed in that jurisdiction during the preceding fiscal year.

(ii) EXTENSIONS; WAIVER.—The Attorney General—

(I) may provide a 120-day extension to a State or unit of local government that is making good faith efforts to comply with clause (i); and

(II) shall waive the requirements of clause (i) if compliance with that subparagraph by a State or unit of local government would be unconstitutional under the constitution of the State or of the State in which the unit of local government is located, respectively.

(B) FAILURE TO COMPLY.—If a State or unit of local government that receives a grant under paragraph (1) fails to substantially comply with subparagraph (A) of this paragraph, the State or unit of local government shall repay the grant in full, plus reasonable interest and penalty charges allowable by law or established by the Attorney General.

(e) INFORMATION COLLECTION BY STATES AND UNITS OF LOCAL GOVERNMENT.—

(1) DEFINITIONS.—In this subsection:

(A) COVERED AGENCY.—The term ''covered agency'' means—

(i) a State law enforcement agency; and

(ii) a priority agency.

(B) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(i) a State; or

(ii) a unit of local government that has a priority agency.

(2) GRANTS.—

(A) IN GENERAL.—The Attorney General may make grants to eligible entities to assist covered agencies within the jurisdiction of the eligible entity in conducting law enforcement activities or crime reduction programs to prevent, address, or otherwise respond to hate crime, particularly as those activities or programs relate to reporting hate crimes through the Uniform Crime Reports program, including—

(i) adopting a policy on identifying, investigating, and reporting hate crimes;

(ii) developing a standardized system of collecting, analyzing, and reporting the incidence of hate crime; and

(iii) establishing a unit specialized in identifying, investigating, and reporting hate crimes.

(B) SUBGRANTS.—A State that receives a grant under subparagraph (A) may award a subgrant to a unit of local government within the State for the purposes under that subparagraph, except that a unit of local government may provide funding from such a subgrant to any law enforcement agency of the unit of local government.

(3) INFORMATION REQUIRED OF STATES AND UNITS OF LOCAL GOVERNMENT.—

(A) IN GENERAL.—For each fiscal year in which a State or unit of local government receives a grant or subgrant under paragraph (2), the State or unit of local government shall—

(i) collect information from each law enforcement agency that receives funding from the grant or subgrant summarizing the law enforcement activities or crime reduction programs conducted by the agency to prevent, address, or otherwise respond to hate crime, particularly as those activities or programs relate to reporting hate crimes through the Uniform Crime Reports program; and

(ii) submit to the Attorney General a report containing the information collected under clause (i).

(B) SEMIANNUAL LAW ENFORCEMENT AGENCY REPORT.—

(i) IN GENERAL.—In collecting the information required under subparagraph (A)(i), a State or unit of local government shall require each law enforcement agency that receives funding from a grant or subgrant awarded to the State or unit of local government under paragraph (2) to submit a semiannual report to the State or unit of local government that includes a summary of the law enforcement activities or crime reduction programs conducted by the agency during the reporting period to prevent, address, or otherwise respond to hate crime, particularly as those activities or programs relate to reporting hate crimes through the Uniform Crime Reports program.

(ii) CONTENTS.—In a report submitted under clause (i), a law enforcement agency shall, at a minimum, disclose—

(I) whether the agency has adopted a policy on identifying, investigating, and reporting hate crimes;

(II) whether the agency has developed a standardized system of collecting, analyzing, and reporting the incidence of hate crime;

(III) whether the agency has established a unit specialized in identifying, investigating, and reporting hate crimes;

(IV) whether the agency engages in community relations functions related to hate crime, such as—

(aa) establishing a liaison with formal community-based organizations or leaders; and

(bb) conducting public meetings or educational forums on the impact of hate crime, services available to hate crime victims, and the relevant Federal, State, and local laws pertaining to hate crime; and

(V) the number of hate crime trainings for agency personnel, including the duration of the trainings, conducted by the agency during the reporting period.

(4) COMPLIANCE AND REDIRECTION OF FUNDS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), beginning not later than 1 year after the date of this Act, a State or unit of local government receiving a grant or subgrant under paragraph (2) shall comply with paragraph (3).

(B) EXTENSIONS; WAIVER.—The Attorney General—

(i) may provide a 120-day extension to a State or unit of local government that is making good faith efforts to collect the information required under paragraph (3); and

(ii) shall waive the requirements of paragraph (3) for a State or unit of local government if compliance with that subsection by the State or unit of local government would be unconstitutional under the constitution of the State or of the State in which the unit of local government is located, respectively.

(f) REQUIREMENTS OF THE ATTORNEY GENERAL.—

(1) INFORMATION COLLECTION AND ANALYSIS; REPORT.—In order to improve the accuracy of data regarding the incidence of hate crime provided through the Uniform Crime Reports program, and promote a more complete understanding of the national problem posed by hate crime, the Attorney General shall—

(A) collect and analyze the information provided by States and units of local government under subsection (e) for the purpose of developing policies related to the provision of accurate data obtained under the Hate Crime Statistics Act (Public Law 101–275; 28 U.S.C. 534 note) by the Federal Bureau of Investigation; and

(B) for each calendar year beginning after the date of enactment of this Act, publish and submit to Congress a report based on the information collected and analyzed under subparagraph (A).

(2) CONTENTS OF REPORT.—A report submitted under paragraph (1) shall include—

(A) a qualitative analysis of the relationship between—

(i) the number of hate crimes reported by State law enforcement agencies or other law enforcement agencies that received funding from a grant or subgrant awarded under paragraph (2) through the Uniform Crime Reports program; and

(ii) the nature and extent of law enforcement activities or crime reduction programs conducted by those agencies to prevent, address, or otherwise respond to hate crime; and

(B) a quantitative analysis of the number of State law enforcement agencies and other law enforcement agencies that received funding from a grant or subgrant awarded under paragraph (2) that have—

(i) adopted a policy on identifying, investigating, and reporting hate crimes;

(ii) developed a standardized system of collecting, analyzing, and reporting the incidence of hate crime;

(iii) established a unit specialized in identifying, investigating, and reporting hate crimes;

(iv) engaged in community relations functions related to hate crime, such as—

(I) establishing a liaison with formal community-based organizations or leaders; and

(II) conducting public meetings or educational forums on the impact of hate crime, services available to hate crime victims, and the relevant Federal, State, and local laws pertaining to hate crime; and

(v) conducted hate crime trainings for agency personnel during the reporting period, including—

(I) the total number of trainings conducted by each agency; and

(II) the duration of the trainings described in subclause (I).

(g) ALTERNATIVE SENTENCING.—Section 249 of title 18, United States Code, is amended by adding at the end the following:

''(e) SUPERVISED RELEASE.—If a court includes, as a part of a sentence of imprisonment imposed for a violation of subsection (a), a requirement that the defendant be placed on a term of supervised release after imprisonment under section 3583, the court may order, as an explicit condition of supervised release, that the defendant undertake community service directly related to the community harmed by the defendant's offense.''.

NOTICE OF INTENT TO OBJECT TO PROCEEDING

I, Senator CHARLES E. GRASSLEY, intend to object to proceeding to the nomination of Samantha Power, of Massachusetts, to be Administrator of the United States Agency for International Development, dated April 21, 2021.

Mr. GRASSLEY. Mr. President, I intend to object to any unanimous consent request relating to the nomination of Samantha Power to be director of the United States Agency for International Development (USAID) (PN 114).

Throughout the 116th Congress, I conducted an investigation that found that a non-profit organization transferred funds to an entity known as the Islamic Relief Agency (ISRA). This entity had been sanctioned by the Treasury Department for helping funnel funds to terrorists and terrorist organizations including Osama Bin Laden. During this investigation we came across redacted State Department emails that imply that, while she was

Ambassador to the United Nations, Samantha Power worked through back channels to trigger a Treasury review of ISRA's sanctioned status in an effort to have them delisted.

In an effort to have these emails unredacted and better understand Ms. Power's involvement in what could be an alarming abuse of power, I sent a letter to Ms. Power and USAID requesting information on February 18, 2021. Ms. Power responded to my letter on March 23, 2021, the date of her committee hearing, but failed to answer the questions or provide the un-redacted versions of these emails. On March 31, 2021, I sent a second letter to Ms. Power urging her to fully respond to my initial letter. I have yet to receive a response.

Unfortunately, due to Ms. Power's lack of transparency, I must object to any consideration of this nomination. I cannot in good conscience vote for Ms. Power until I have received a full response to the questions posed in my letter, reviewed the un-redacted versions of these emails, and confirmed that she did not attempt to utilize her office to delist ISRA through back channels.

AUTHORITY FOR COMMITTEES TO MEET

Mr. WYDEN. Mr. President, I have 11 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

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

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, April 21, 2021, at 2:30 p.m., to conduct a hearing.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Wednesday, April 21, 2021, at 2:30 p.m., to conduct a hearing.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, April 21, 2021, at 10 a.m., to conduct a hearing.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, April 21, 2021, at 2 p.m., to conduct a hearing.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Wednesday, April 21, 2021, at 12 p.m., to conduct a hearing on nominations.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, April 21, 2021, at 10 a.m., to conduct a hearing.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

The Committee on Small Business and Entrepreneurship is authorized to meet during the session of the Senate on Wednesday, April 21, 2021, at 2:30 p.m., to conduct a hearing on a nomination.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Wednesday, April 21, 2021, at 2 p.m., to conduct a closed briefing.

SUBCOMMITTEE ON PERSONNEL

The Subcommittee on Personnel of the Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, April 21, 2021, at 2:30 p.m., to conduct a hearing.

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY AND CONSUMER RIGHTS

The Subcommittee on Antitrust, Competition Policy and Consumer Rights of the Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, April 21, 2021, at 2:30 p.m., to conduct a hearing.

PRIVILEGES OF THE FLOOR

Ms. MURKOWSKI. Mr. President, before I begin my comments, I ask unanimous consent that Cristina Nelson, my Coast Guard fellow, be granted floor privileges for the remainder of her fellowship.

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

CONGRATULATING THE NORTHWEST MISSOURI STATE UNIVERSITY BEARCATS MEN'S BASKETBALL TEAM ON WINNING THE 2021 NCAA MEN'S DIVISION II NATIONAL CHAMPIONSHIP

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 168, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 168) congratulating the Northwest Missouri State University Bearcats men's basketball team on winning the 2021 NCAA Men's Division II National Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening or debate.

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

The resolution (S. Res. 168) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

HONORING THE LIFE AND LEGACY OF WILLIAM ROBERT ''BOBBY'' ''SLICK'' LEONARD

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 169, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 169) honoring the life and legacy of William Robert ''Bobby'' ''Slick'' Leonard.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and that the motions to reconsider be considered made and laid upon the table with no intervening or debate.

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

The resolution (S. Res. 169) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

RELATING TO THE DEATH OF WALTER FREDERICK MONDALE, FORMER VICE PRESIDENT OF THE UNITED STATES

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 170, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 170) relating to the death of Walter Frederick Mondale, former Vice President of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 170) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

PROVIDING FOR A JOINT SESSION OF CONGRESS TO RECEIVE A MESSAGE FROM THE PRESIDENT

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 30, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The senior assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 30) providing for a joint session of Congress to receive a message from the President.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SCHUMER. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The concurrent resolution (H. Con. Res. 30) was agreed to.

HONORING AND RECOGNIZING THE PATRIOTISM AND SERVICE TO THE UNITED STATES PROVIDED BY VETERANS SERVICE ORGANIZATIONS DURING THE COVID–19 PANDEMIC

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration and the Senate now proceed to S. Res. 143.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 143) to honor and recognize the patriotism and service to the United States provided by Veterans Service Organizations during the COVID–19 pandemic.

There being no objection, the committee was discharged, and the Senate proceeded to consider the resolution.

Mr. SCHUMER. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and that the motions to reconsider be considered made and laid upon the table.

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

The resolution (S. Res. 143) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of March 25, 2021, under ''Submitted Resolutions.'')

ORDERS FOR THURSDAY, APRIL 22, 2021

Mr. SCHUMER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Thursday, April 22; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that upon the conclusion of morning business, the Senate resume consideration of S. 937, as provided under the previous order.

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

Mr. SCHUMER. For the information of Senators, there will be four rollcall votes in relation to the COVID–19 Hate Crimes legislation beginning at 11:30 a.m.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SCHUMER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the provisions of S. Res. 170 and do so as a further mark of respect for the late Walter Mondale, former Senator from Minnesota and Vice President of the United States of America.

There being no objection, the Senate, at 8:09 p.m., adjourned until Thursday, April 22, 2021, at 10 a.m.

DISCHARGED NOMINATION

The Senate Committee on Armed Services was discharged from further consideration of the following nomination pursuant to S. Res. 27 and the nomination was placed on the Executive Calendar:

COLIN HACKETT KAHL, OF CALIFORNIA, TO BE UNDER SECRETARY OF DEFENSE FOR POLICY

CONFIRMATIONS

Executive nominations confirmed by the Senate April 21, 2021:

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

ADM. JOHN C. AQUILINO

DEPARTMENT OF JUSTICE

VANITA GUPTA, OF VIRGINIA, TO BE ASSOCIATE ATTORNEY GENERAL.