States to honor the past and continued service of military retirees to their local communities and the United States.

AMENDMENT NO. 1456

At the request of Mr. KENNEDY, his name was added as a cosponsor of amendment No. 1456 proposed to S. 937, a bill to facilitate the expedited review of COVID–19 hate crimes, and for other purposes.

At the request of Mr. CRUZ, the name of the Senator from Tennessee (Mr. HAGERTY) was added as a cosponsor of amendment No. 1456 proposed to S. 937, supra.

At the request of Mr. CORNYN, his name was added as a cosponsor of amendment No. 1456 proposed to S. 937, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTION

By Ms. COLLINS (for herself, Mr. CARDIN, Mr. MARSHALL, and Mrs. SHAHEEN):

S. 1309. A bill to provide payments for home health services furnished via visual or audio telecommunications systems during an emergency period; to the Committee on Finance.

Ms. COLLINS. Mr. President, I rise today, along with my colleagues Senator CARDIN, Senator MARSHALL, and Senator SHAHEEN, to introduce the Home Health Emergency Access to Telehealth (HEAT) Act. This bipartisan bill would help ensure that seniors who rely on home health care have the choice to receive these critical services through telehealth during the COVID–19 pandemic and future public health emergencies.

COVID–19 is the greatest public health challenge since the flu pandemic of 1918 and has claimed the lives of more than 565,000 Americans. This public health emergency has underscored the need for older adults and other at-risk populations to have access to health care in the home setting. Home-based care is crucial to ensuring that this pandemic does not create devastating long-term health consequences due to delayed care. The highly skilled and compassionate care that home health agencies provide is an important component of this in-home care.

I have been a strong supporter of home care since my very first home visit, which took place in my hometown in Aroostook County early in my Senate service. This experience gave me the opportunity to meet and visit with home health patients, where I saw first-hand what a difference highly skilled and caring visiting nurses and other health care professionals make to the lives of patients and their families. I have been a passionate advocate for home care ever since.

Last year, my bipartisan home health legislation, the Home Health Care Planning Improvement Act, became law as part of the Coronavirus Aid, Relief, and Economic Security (CARES) Act. This law, which I championed for 13 years, will improve the access Medicare beneficiaries have to home health care by allowing physician assistants, nurse practitioners, clinical nurse specialists, and certified nurse midwives to order home health services. Far too often seniors experience unnecessary delays in accessing home health care. To avoid these needless delays, it is common sense that other medical professionals who are familiar with a patient's case should be able to order these services.

Home health professionals have continued to provide face-to-face services during the COVID–19 public health emergency, but this crisis has created additional challenges, including the need to maintain an adequate supply of personal protective equipment to protect themselves, their patients, and their patients' families. The use of telehealth and virtual visits can help address these challenges. Unlike other Medicare providers, however, home health agencies are not eligible to receive Medicare reimbursement for telehealth services during the COVID–19 emergency.

Last May, I chaired Congress' first hearing examining COVID–19's devastating impact on seniors. During the hearing, Dr. Steven Landers, President and CEO of the Visiting Nurse Association Health Group, testified that, despite this lack of Medicare reimbursement, his organization has found telehealth to be an essential part of providing high quality home health care during the COVID–19 public health emergency. He urged action to ensure that home health providers can continue offering these critical services remotely.

Maine home health care providers have also shared their stories about how telehealth is helping them to continue caring for their patients during COVID–19. Through a combination of video visits and care calls, one provider has been able to care for a woman with severe heart and lung disease and keep this patient out of the hospital. The nurse would speak with the woman by phone a couple of times per week to assess any symptoms that needed follow up. If the nurse identified an issue during the call, she would schedule a video visit and also work with the patient's physician to modify medications as needed.

The bill we are introducing today would authorize Medicare reimbursement for home health services provided through telehealth during an emergency period. The services would not be reimbursed unless the beneficiary consents to receiving the services via telehealth. To ensure that the Medicare home health benefit does not become a telehealth-only benefit, Medicare reimbursement would only be provided if the telehealth services constitute no more than half of the billable visits made during the 30-day payment period. The Secretary of Health and Human Services would be required to issue guidance on the authorization of and payment for home health services provided via telehealth.

Home health serves a vital role in helping our Nation's seniors avoid more costly hospital visits and nursing home stays. The COVID–19 emergencyhas further underscored the critical importance of home health services and highlighted how these agencies are able to use telehealth to provide skilled care to their patients. The Home Health Emergency Access to Telehealth (HEAT) Act would ensure that seniors in Maine and across the country retain access to remote home health services during the COVID–19 emergency and future public health emergencies.

Thank you, Mr. President.

By Mr. DURBIN (for himself, Mr. WYDEN, Mrs. MURRAY, Mr. BROWN, Mr. REED, Mr. MERKLEY, Mr. BLUMENTHAL, Mr. MARKEY, and Ms. HIRONO):

S. 1314. A bill to amend the Internal Revenue Code of 1986 to provide tax rate parity among all tobacco products, and for other purposes; to the Committee on Finance.

Mr. DURBIN. 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. 1314

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 ''Tobacco Tax Equity Act of 2021''.

SEC. 2. INCREASING EXCISE TAXES ON CIGARETTES AND ESTABLISHING EXCISE TAX EQUITY AMONG ALL TOBACCO PRODUCT TAX RATES.

(a) TAX PARITY FOR ROLL-YOUR-OWN TOBACCO.—Section 5701(g) of the Internal Revenue Code of 1986 is amended by striking ''$24.78'' and inserting ''$49.56''.

(b) TAX PARITY FOR PIPE TOBACCO.—Section 5701(f) of the Internal Revenue Code of 1986 is amended by striking ''$2.8311 cents'' and inserting ''$49.56''.

(c) TAX PARITY FOR SMOKELESS TOBACCO.—

(1) Section 5701(e) of the Internal Revenue Code of 1986 is amended—

(A) in paragraph (1), by striking ''$1.51'' and inserting ''$26.84'';

(B) in paragraph (2), by striking ''50.33 cents'' and inserting ''$10.74''; and

(C) by adding at the end the following:

''(3) SMOKELESS TOBACCO SOLD IN DISCRETE SINGLE-USE UNITS.—On discrete single-use units, $100.66 per thousand.''.

(2) Section 5702(m) of such Code is amended—

(A) in paragraph (1), by striking ''or chewing tobacco'' and inserting '', chewing tobacco, or discrete single-use unit'';

(B) in paragraphs (2) and (3), by inserting ''that is not a discrete single-use unit'' before the period in each such paragraph; and

(C) by adding at the end the following:

''(4) DISCRETE SINGLE-USE UNIT.—The term 'discrete single-use unit' means any product containing, made from, or derived from tobacco or nicotine that—

''(A) is not intended to be smoked; and

''(B) is in the form of a lozenge, tablet, pill, pouch, dissolvable strip, or other discrete single-use or single-dose unit.''.

(d) TAX PARITY FOR SMALL CIGARS.—Paragraph (1) of section 5701(a) of the Internal Revenue Code of 1986 is amended by striking ''$50.33'' and inserting ''$100.66''.

(e) TAX PARITY FOR LARGE CIGARS.—

(1) IN GENERAL.—Paragraph (2) of section 5701(a) of the Internal Revenue Code of 1986 is amended by striking ''52.75 percent'' and all that follows through the period and inserting the following: ''$49.56 per pound and a proportionate tax at the like rate on all fractional parts of a pound but not less than 10.066 cents per cigar.''.

(2) GUIDANCE.—The Secretary of the Treasury, or the Secretary's delegate, may issue guidance regarding the appropriate method for determining the weight of large cigars for purposes of calculating the applicable tax under section 5701(a)(2) of the Internal Revenue Code of 1986.

(f) TAX PARITY FOR ROLL-YOUR-OWN TOBACCO AND CERTAIN PROCESSED TOBACCO.—Subsection (o) of section 5702 of the Internal Revenue Code of 1986 is amended by inserting '', and includes processed tobacco that is removed for delivery or delivered to a person other than a person with a permit provided under section 5713, but does not include removals of processed tobacco for exportation'' after ''wrappers thereof''.

(g) CLARIFYING TAX RATE FOR OTHER TOBACCO PRODUCTS.—

(1) IN GENERAL.—Section 5701 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(i) OTHER TOBACCO PRODUCTS.—Any product not otherwise described under this section that has been determined to be a tobacco product by the Food and Drug Administration through its authorities under the Family Smoking Prevention and Tobacco Control Act shall be taxed at a level of tax equivalent to the tax rate for cigarettes on an estimated per use basis as determined by the Secretary.''.

(2) ESTABLISHING PER USE BASIS.—For purposes of section 5701(i) of the Internal Revenue Code of 1986, not later than 12 months after the later of the date of the enactment of this Act or the date that a product has been determined to be a tobacco product by the Food and Drug Administration, the Secretary of the Treasury (or the Secretary of the Treasury's delegate) shall issue final regulations establishing the level of tax for such product that is equivalent to the tax rate for cigarettes on an estimated per use basis.

(h) CLARIFYING DEFINITION OF TOBACCO PRODUCTS.—

(1) IN GENERAL.—Subsection (c) of section 5702 of the Internal Revenue Code of 1986 is amended to read as follows:

''(c) TOBACCO PRODUCTS.—The term 'tobacco products' means—

''(1) cigars, cigarettes, smokeless tobacco, pipe tobacco, and roll-your-own tobacco, and

''(2) any other product subject to tax pursuant to section 5701(i).''.

(2) CONFORMING AMENDMENTS.—Subsection (d) of section 5702 of such Code is amended by striking ''cigars, cigarettes, smokeless tobacco, pipe tobacco, or roll-your-own tobacco'' each place it appears and inserting ''tobacco products''.

(i) INCREASING TAX ON CIGARETTES.—

(1) SMALL CIGARETTES.—Section 5701(b)(1) of such Code is amended by striking ''$50.33'' and inserting ''$100.66''.

(2) LARGE CIGARETTES.—Section 5701(b)(2) of such Code is amended by striking ''$105.69'' and inserting ''$211.38''.

(j) TAX RATES ADJUSTED FOR INFLATION.—Section 5701 of such Code, as amended by subsection (g), is amended by adding at the end the following new subsection:

''(j) INFLATION ADJUSTMENT.—

''(1) IN GENERAL.—In the case of any calendar year beginning after 2021, the dollar amounts provided under this chapter shall each be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2020' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

''(2) ROUNDING.—If any amount as adjusted under paragraph (1) is not a multiple of $0.01, such amount shall be rounded to the next highest multiple of $0.01.''.

(k) FLOOR STOCKS TAXES.—

(1) IMPOSITION OF TAX.—On tobacco products manufactured in or imported into the United States which are removed before any tax increase date and held on such date for sale by any person, there is hereby imposed a tax in an amount equal to the excess of—

(A) the tax which would be imposed under section 5701 of the Internal Revenue Code of 1986 on the article if the article had been removed on such date, over

(B) the prior tax (if any) imposed under section 5701 of such Code on such article.

(2) CREDIT AGAINST TAX.—Each person shall be allowed as a credit against the taxes imposed by paragraph (1) an amount equal to $500. Such credit shall not exceed the amount of taxes imposed by paragraph (1) on such date for which such person is liable.

(3) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding tobacco products on any tax increase date to which any tax imposed by paragraph (1) applies shall be liable for such tax.

(B) METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid in such manner as the Secretary shall prescribe by regulations.

(C) TIME FOR PAYMENT.—The tax imposed by paragraph (1) shall be paid on or before the date that is 120 days after the effective date of the tax rate increase.

(4) ARTICLES IN FOREIGN TRADE ZONES.—Notwithstanding the Act of June 18, 1934 (commonly known as the Foreign Trade Zone Act, 48 Stat. 998, 19 U.S.C. 81a et seq.), or any other provision of law, any article which is located in a foreign trade zone on any tax increase date shall be subject to the tax imposed by paragraph (1) if—

(A) internal revenue taxes have been determined, or customs duties liquidated, with respect to such article before such date pursuant to a request made under the first proviso of section 3(a) of such Act, or

(B) such article is held on such date under the supervision of an officer of the United States Customs and Border Protection of the Department of Homeland Security pursuant to the second proviso of such section 3(a).

(5) DEFINITIONS.—For purposes of this subsection—

(A) IN GENERAL.—Any term used in this subsection which is also used in section 5702 of such Code shall have the same meaning as such term has in such section.

(B) TAX INCREASE DATE.—The term ''tax increase date'' means the effective date of any increase in any tobacco product excise tax rate pursuant to the amendments made by this section (other than subsection (j) thereof).

(C) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury or the Secretary's delegate.

(6) CONTROLLED GROUPS.—Rules similar to the rules of section 5061(e)(3) of such Code shall apply for purposes of this subsection.

(7) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 5701 of such Code shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply to the floor stocks taxes imposed by paragraph (1), to the same extent as if such taxes were imposed by such section 5701. The Secretary may treat any person who bore the ultimate burden of the tax imposed by paragraph (1) as the person to whom a credit or refund under such provisions may be allowed or made.

(l) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraphs (2) through (4), the amendments made by this section shall apply to articles removed (as defined in section 5702(j) of the Internal Revenue Code of 1986) after the last day of the month which includes the date of the enactment of this Act.

(2) DISCRETE SINGLE-USE UNITS AND PROCESSED TOBACCO.—The amendments made by subsections (c)(1)(C), (c)(2), and (f) shall apply to articles removed (as defined in section 5702(j) of the Internal Revenue Code of 1986) after the date that is 6 months after the date of the enactment of this Act.

(3) LARGE CIGARS.—The amendments made by subsection (e) shall apply to articles removed after December 31, 2021.

(4) OTHER TOBACCO PRODUCTS.—The amendments made by subsection (g)(1) shall apply to products removed after the last day of the month which includes the date that the Secretary of the Treasury (or the Secretary of the Treasury's delegate) issues final regulations establishing the level of tax for such product.

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

S. 1343. A bill to amend the Fair Credit Reporting Act to require that a consumer authorize the release of certain information; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. I am joined by Senator VAN HOLLEN in reintroducing the Consumer Credit Control Act, which gives consumers greater control over when and how their consumer reports are shared by consumer reporting agencies.

Our current consumer reporting system is backwards. Consumer reporting agencies collect massive amounts of personal information on consumers, often without their knowledge, in order to compile consumer reports. These reports are then shared with financial institutions and others, often without consent.

Following Equifax's failure in 2017 to secure troves of valuable personally identifiable information it collected on approximately 147 million Americans, it remains clear that this system needs to change. Indeed, the National Consumer Law Center's Chi Chi Wu stated in her October 2017 testimony before the House Financial Services Committee that the Equifax breach ''means half of the US population and nearly three-quarters of the consumers with active credit reports are now at risk of identity theft due to one of the worst—if not the worst—breaches of consumer data in American history. These Americans are at risk of having false new credit accounts, phony tax returns, and even spurious medical bills incurred in their good names.'' To make matters worse, the risks of identity fraud may only increase with time. As Ed Mierzwinski, U.S. PIRG's federal Consumer Program Director, explains ''unlike credit card numbers, your Social Security Number and Date of Birth don't change and may even grow more

valuable over time, like gold in a bank vault. Much worse, they are the keys to 'new account identity theft.' ''

The Consumer Credit Control Act aims to address these concerns and fix the current upside down system. Our legislation, at no cost to the consumer, seeks to give Americans greater control over when and how their consumer reports are released when applying for new credit, a loan, or insurance. It also requires consumer reporting agencies to verify a consumer's identity and secure the consumer's permission before releasing consumer reports in instances that are particularly susceptible to identity theft and fraud. Additionally, our legislation requires every consumer reporting agency to take appropriate steps to prevent unauthorized access to the consumer reports and personal information they maintain. These changes are intended to make it tougher for criminals to open new fraudulent credit or insurance accounts in other people's names.

I urge our colleagues to cosponsor the Consumer Credit Control Act, and I thank Senator VAN HOLLEN, the National Consumer Law Center (on behalf of its low-income clients), U.S. PIRG, Americans for Financial Reform, the Center for Digital Democracy, Consumer Action, the Consumer Federation of America, Consumer Reports, Demos, the NAACP, the National Association of Consumer Advocates, the National Fair Housing Alliance, Public Citizen, Tennessee Citizen Action, and the Woodstock Institute for their support.

By Mr. DURBIN (for himself and Ms. DUCKWORTH):

S. 1344. A bill to redesignate the Pullman National Monument in the State of Illinois as the Pullman National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DURBIN. 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. 1344

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 ''Pullman National Historical Park Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) HISTORICAL PARK.—The term ''historical park'' means the Pullman National Historical Park.

(2) MAP.—The term ''map'' means the map entitled ''Pullman National Historical Park, Chicago, Illinois, Boundary'', numbered _____, and dated _____.

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

SEC. 3. REDESIGNATION OF PULLMAN NATIONAL MONUMENT.

(a) IN GENERAL.—The Pullman National Monument, established by Proclamation Number 9233, dated February 19, 2015, is redesignated as the ''Pullman National Historical Park.''.

(b) AVAILABILITY OF FUNDS.—Any funds available for purposes of the Pullman National Monument shall be available for purposes of the historical park.

(c) REFERENCES.—Any references in a law, regulation, document, record, map, or other paper of the United States to the Pullman National Monument shall be considered to be a reference to the historical park.

(d) PROCLAMATION.—Proclamation Number 9233, dated February 19, 2015, shall have no force or effect.

SEC. 4. PURPOSES.

The purposes of the historical park are to preserve, protect, and interpret Pullman's nationally significant cultural and historical resources associated with—

(1) the Nation's labor history and creation of a national Labor Day holiday;

(2) the first planned industrial community in the United States;

(3) the architecture and landscape design of the planned community;

(4) the pivotal role of the Pullman porter in the rise of the African-American middle class; and

(5) the entirety of history, culture, and historic figures embodied in Presidential Proclamation Number 9233.

SEC. 5. ADMINISTRATION.

The Secretary shall administer the land within the boundary of the historical park in accordance with—

(1) this Act; and

(2) the laws generally applicable to units of the National Park System, including—

(A) section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753 and 102101 of title 54, United States Code; and

(B) chapter 3201 of title 54, United States Code.

SEC. 6. COOPERATIVE AGREEMENTS.

To further the purposes of this subsection and notwithstanding chapter 63 of title 31, United States Code, the Secretary may enter into cooperative agreements with the State, other public and non-profit entities, and other interested parties—

(1) to support collaborative interpretive and educational programs at non-Federal historic properties within the boundaries of the historical park; and

(2) to identify, interpret, and provide assistance for the preservation of non-Federal land within the boundaries of the historical park and at sites in close proximity to the historical park, but located outside the boundaries of the historical park, including providing for placement of directional and interpretive signage, exhibits, and technology-based interpretive devices; and

SEC. 7. USE OF FUNDS.

The Secretary may use appropriated funds to mark, interpret, improve, restore, and provide technical assistance with respect to the preservation and interpretation of the properties. Any payment made by the Secretary under this clause shall be subject to an agreement that the conversion, use, or disposal of the project for purposes that are inconsistent with the purposes of this subsection, as determined by the Secretary, shall result in a right of the United States to reimbursement of the greater of—

(1) the amount provided by the Secretary to the project; or

(2) an amount equal to the increase in the value of the project that is attributable to the funds, as determined by the Secretary at the time of the conversion, use, or disposal. Any cooperative agreement entered into under this subparagraph shall provide for reasonable public access to the resources covered by the cooperative agreement.

SEC. 8. ACQUISITION OF LAND.

The Secretary may acquire for inclusion in the historical park any land (including interests in land), buildings, or structures owned by the State, or any other political, private, or nonprofit entity by donation, transfer, exchange, or purchase from a willing seller.

SEC. 9. MANAGEMENT PLAN.

Not later than 3 fiscal years after the date on which funds are first made available to carry out this Act, the Secretary shall complete a general management plan for the historical park.

By Ms. COLLINS (for herself and Mr. CARPER):

S. 1345. A bill to establish a national mercury monitoring program, and for other purposes; to the Committee on Environment and Public Works.

Ms. COLLINS. Mr. President, today is Earth Day, and there are many issues, environmental challenges, that each of us could be discussing here on the Senate floor.

I have chosen to speak on a bill that I am introducing today that is called the Comprehensive National Mercury Monitoring Act. I am pleased to be partnering, once again, with my colleague from Delaware, Senator CARPER, who serves as the chairman of the Senate Environment and Public Works Committee. Our bipartisan bill would help ensure that we have accurate information about the extent of mercury pollution in our country.

Mercury is a potent neurotoxin. It poses significant ecological and public health concerns, especially for children and pregnant women. Mercury exposure has gone down as U.S. mercury emissions have declined. However, the levels remain unacceptably high.

It is estimated that nearly 200,000 children born in the United States have been exposed to levels of mercury in the womb that are high enough to impair their neurological development. This exposure can impose a lifelong disability.

In addition, the societal costs of neurocognitive deficits associated with mercury exposure are estimated to be approximately $4.8 billion per year.

In Maine, some of our lands and bodies of water face higher mercury pollution compared to the national average. Maine has been called the tailpipe of the Nation, as the winds carrying pollution, including mercury, from the West drift into the State of Maine

A system for collecting information, such as we have for acid rain and other forms of pollution, does not currently exist for mercury, which, ironically, is a more toxic pollutant. A comprehensive mercury monitoring network is needed to protect human health, safeguard our fisheries, and track the effect of emission reductions. This monitoring network would also help policymakers, scientists, and the public better understand the sources, consequences, and trends of mercury pollution in our country.

Specifically, our legislation would do the following:

First, it would direct the EPA, in conjunction with the Fish and Wildlife Service, the U.S. Geological Survey, the National Park Service, the National Oceanic and Atmospheric Administration, and other Federal Agencies, to

establish a national mercury monitoring program to measure and monitor mercury levels in the air and watersheds, water and soil chemistry, and in marine, freshwater, and terrestrial organisms at multiple sites across the Nation.

Second, it would establish a scientific advisory committee to advise on the establishment, site selection, measurement, recording protocols, and operations of this monitoring program.

Third, our bill would establish a centralized database for existing and newly collected environmental mercury data that can be freely accessed on the internet and that is compatible with similar international efforts.

Fourth, our bill would require a report to Congress every 2 years on the program, including trend data, and an assessment every 4 years of the reduction in mercury deposition rates that needs to be achieved in order to prevent adverse human and ecological effects on our environment.

Fifth, our bill would authorize $95 million over 3 years for these purposes.

We must establish a comprehensive, robust national mercury monitoring network. Otherwise, we will lack the data we need to help make informed decisions that can help protect the people of Maine and the Nation, particularly our children and pregnant women.

I urge my colleagues to join me in supporting this bipartisan bill, the Comprehensive National Mercury Monitoring Act.

Thank you.

By Mr. CORNYN (for himself and Ms. SINEMA):

S. 1358. A bill to establish regional processing centers, to improve the asylum and credible fear processes to promote fairness and efficiency, to require immigration court docketing priorities during irregular migration influx events, and to improve the capability of the Department of Homeland Security to manage migration flows, and for other purposes; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President, over the last few months, we have been spending a lot of time talking about the surge of migrants at our southern border and, as the Presiding Officer knows, we are having bipartisan meetings here to try to figure out how to address that and other challenges of our broken immigration system.

We know the spike in migration is not a new phenomenon, and sadly, neither is the increase in the number of unaccompanied children. But the current surge is unlike anything we have experienced in the past. We are breaking all the wrong kinds of records, including the numbers of unaccompanied children, total monthly border crossings, and capacity levels at care facilities. And, of course, all of this is happening during a pandemic which creates serious risks for our law enforcement and for those caring for these migrants and for the migrants themselves.

Unfortunately, the administration has not yet figured out how to stop this flow of illegal immigration. The President and his team are telling migrants: Don't come. But when it comes to his policies, all of his policies say: Come while you can.

They haven't figured out how to replace Trump-era policies, and so what they have done is left a void that is being exploited by everybody from the coyotes, the human smugglers, the people who smuggle in drugs into the United States, as well as the people who understandably want a better life. Maybe they are fleeing poverty or violence. We all understand why people want to come to the United States, but we also believe the safest and fairest sort of immigration policy is legal immigration into our country.

We are the most generous country in the world. We have naturalized about a million people a year. It is one of our comparative advantages compared to the rest of the world that restricts migration. Over the last few months, like many of us, I have spent a lot of time listening and learning from the folks on the ground in Texas who know the ins and outs of this topic better than anybody else.

I have visited border communities and heard from Border Patrol officers, mayors, county judges, and nongovernmental organizations that try to help these migrants once they make their way to the United States, and whose experience precedes this current surge.

I visited five of the facilities in Texas that are helping take care of the record number of migrant children in Carrizo Springs, Donna, Houston, Midland, and Dallas. I have heard about the heartbreaking circumstances under which many of these children have arrived on our doorsteps. I have seen the incredible ways that our nongovernmental organizations, like Catholic Charities, are trying to ease the burden of this crisis, even after a year of supporting their communities through a global pandemic.

The reality of this situation is that we are quickly nearing a breaking point. We lack the facilities, the personnel, the resources, and the policies needed to manage this crisis. Law enforcement in border communities are being overwhelmed by the sharp increase in migration, and unless something changes, the entire system could collapse.

The light is flashing red, and the time for action is now. That is why today I am proud to introduce the bipartisan Border Solutions Act, along with Senator SINEMA, to address this crisis.

It is no accident that both of us represent border States and that both of us have heard from our communities and stakeholders on the ground about how important it is for Congress to step up and provide some way to mitigate the current crisis.

On the House side, we have two of my friends in the Texas delegation—Congressmen HENRY CUELLAR, from Laredo, and TONY GONZALES, who represents one of the largest border districts in the country. So we truly have a bipartisan, bicameral piece of legislation.

Our knowledge of this crisis doesn't just come from the news or political talking points but, as I suggested, from real conversations with the real people who are dealing with this and have dealt with previous surges. We have heard from State and local leaders, law enforcement, NGOs, as I said, and a range of property owners whose property is being overrun by the coyotes and those who are involved in this illegal immigration process. So their input has been the driving force behind the bill, which includes, I believe, commonsense measures to address this crisis.

It is not, admittedly, a comprehensive immigration bill, but we need to put the fire out first and then build on our success, once we have passed that legislation, to do the other things that I think we can probably agree on, on a consensus basis, such as we discussed with the majority leader and others last evening.

The Bipartisan Border Solutions Act is not about scoring political points. It is about solving a problem, and that problem is getting bigger every day. The most immediate problem is our inability to properly process the sheer number of people crossing our border.

Our Border Patrol and Health and Human Services, and the Office of Refugee Resettlement are simply overwhelmed. In March, we saw the highest number of border crossings on record: 172,000 individuals. That was a dramatic increase from the eye-popping numbers in February, which totaled 100,000.

As I said, we have seen these surges before but never a surge like this magnitude. Now, the busiest months for people to cross the border typically are April, May, and June but not February and not March. So we know that this is only going to get worse based on our historical experience.

If our facilities and people are already overwhelmed, imagine how the strain will intensify if we do nothing. We already know that, in processing these migrants, important steps are being skipped in an effort to expedite the process.

Normally, if someone comes across the border seeking asylum, for example, they will be processed and released with a notice to appear for a future court hearing. That document includes important information like when and where their first court date is set. In many cases, right now, it just isn't happening.

Many migrants are being released in the interior of the United States with incomplete paperwork, and they are not given any notice to appear for a future immigration court date. And, you know, if they don't show up in court, a

default order of deportation will be entered even if they have a meritorious claim for asylum. So it has real consequences.

But what else can our government officials and our local communities do? Unfortunately, they do not want us to continue releasing people to the interior without a court date or information on what is needed in order to assert your claim. And as I said, without appearing in court, a migrant with a valid asylum claim won't be able to receive the relief that U.S. law provides for them.

At one point, the situation was so bad, the Biden administration considered flying migrants to less busy locations on the northern border to be processed. So there is really no question we need to improve our capacity and our process to handle these migrants more thoroughly and efficiently.

Our bipartisan bill here in the Senate and in the House will establish four regional processing centers in high-traffic areas along the border to streamline the intake of migrants. One reason that is so important, just beyond capacity issues, is that the smugglers who smuggle people into the United States for a price—part of transnational criminal organizations—they make a lot of money doing this, and they are smart. They know if they flood the zone with unaccompanied children, that the Border Patrol will go offline in order to take care of those children, which we want those children taken care of. But what the smugglers know and what the transnational criminal organizations know is once those Border Patrol come off the frontline, they are going to exploit that loophole by running drugs into the United States or more migrants.

Last year alone—or the last 12 months alone, 88,000 Americans have died from drug overdoses. And 92 percent of the heroin that comes into the United States comes from Mexico, together with a lot of methamphetamine, fentanyl, cocaine, and you name it. So we are dealing with incredibly shrewd and crafty people who understand the border perhaps better than most of us do.

One of the worst parts of the current crisis is the tens of thousands of unaccompanied children who are making the dangerous trip from Central America or Mexico without their parents. Many of us have seen the heartbreaking video of a young boy, abandoned by smugglers in the Rio Grande Valley, and he was asking for directions because he was lost. Smugglers left him behind. I don't know why. Maybe he was injured or ill or slowing them down, but these smugglers don't care about this young boy or any other human being. All they care about is the money.

And we have also read the story about a young girl who drowned trying to cross the river. And who can forget the young girls, ages 3 and 5, who literally were dropped over the border wall by human smugglers?

The truth is, migrant children endure unimaginable abuse and trauma in the hands of these criminal organizations. We need to try better, and we need to do better to provide protections to these children and ensure that they will not continue to be traumatized or abused once they cross our borders.

For example, our bill also provides that children cannot be released into the custody of a relative or sponsor who could potentially inflict even more harm upon them. No sex offender, no child abuser, and no other dangerous criminal should be given the responsibility to care for one of these children.

We also need to remove some of the pull factors that encourage migrants to make this dangerous journey to our border in the first place. Many smugglers, known colloquially as coyotes, know our immigration laws better than most Americans, and they know how to exploit them, as I said.

There is no doubt our backlogged legal system is one of the pull factors for these migrants. One of the biggest selling points for the smugglers is the immigration court backlog, which is currently 1.3 million cases. On average, it takes 2½ years to get from the border to an immigration judge.

A person or family can come here illegally and present weak or virtually nonexistent asylum claims with an almost certain guarantee that they will be able to stay in the United States for years while their claims are being adjudicated. That needs to change. Our legislation takes a number of steps to reduce the wait times and eliminate the backlog as a draw for even more illegal immigration and ensure that meritorious claims are recognized in a timely manner.

The first part of this is, we need to hire more people. We need more immigration judges. We need more asylum officials. We need litigation teams and other staff who play a role in these legal proceedings. The only way to eliminate this backlog is to work through it, and this bill allows us to hire hundreds of people to do just that.

Our legislation includes another important change to remove this backlog as a pull factor. During surge events like we are experiencing now, the cases of those arriving will be prioritized. In other words, we will put them at the front of line, not the back of the line where we will never get to them. For those with legitimate asylum claims, that should be good news. About 10 or 12 percent of the people who show up on our front doormat have legitimate asylum claims that are upheld by immigration judges, and we should provide them a timely hearing in front of a judge so they can receive the benefit of U.S. law.

But this will also serve as a deterrent for those who know their asylum claims are weak. Why pay smugglers thousands of dollars to reach the United States if your case will quickly be heard and dismissed for lack of merit resulting in your return? That is one of the pull factors that we can establish and we can improve to deter people from wasting their hard-earned money with nonexistent or weak asylum claims.

And, finally, the bill will ensure that migrants are treated fairly and humanely so we can be confident that our asylum system is working as we intended. This legislation includes a large number of other commonsense measures to alleviate staffing shortages, improve coordination between Federal, State, and local officials, expand language translation and legal orientation services for migrants, and the list goes on.

Former Border Patrol Chief Carla Provost once described this surge in migration as like holding a bucket under the faucet. It doesn't matter how many buckets you have if you can't turn off the water. In the short term, we do need a bigger bucket. That includes facilities to process these migrants and personnel to adjudicate their asylum claims. But it won't matter how big that bucket is if we don't stop the flow or at least reduce it.

We need to eliminate the pull factors that encourage migrants who do not qualify under our law for asylum from even attempting the dangerous journey to our border in the first place. That is exactly why the Bipartisan Border Solutions Act is the answer or an answer to the crisis at hand.

This bill will deter illegal immigration without interfering with legitimate claims. It will ensure that migrants' claims are processed efficiently, without skipping important steps, and it will provide critical protections for children who come here alone.

The fact that we have a bill that is bipartisan and bicameral is a testament to the commonsense reforms included in this legislation, and I have been proud to work with Senator SINEMA, Congressman CUELLAR, and Congressman GONZALES on this bill, and we would invite our colleagues to look at the bill and join us in cosponsoring it on a bipartisan basis.

Now, one thing I can guarantee is this is not the end-all, be-all. This is not some silver bullet that is going to solve all of our problems, but what I think it will do is help restore public confidence that we are serious about enforcing our laws, while remaining generous in providing legal claims the benefit of a hearing and validation.

We are, in fact, the most generous Nation in the world when it comes to legal immigration—naturalizing, roughly, a million people a year. But the truth is, my State and all our States, those of us on this bill currently, have borne the brunt of this crisis because of the failures of the Federal Government to deal with them.

So we have developed a list of bipartisan cosponsors, and I hope the chairman of the Judiciary Committee and

the minority leader will commit to working with us to solve this crisis in a fair and humane way.

And the last thing I will say is, we are all ears if somebody has a better idea, but so far we haven't seen anybody step up and say: I have got an answer or at least a partial answer or response that has bipartisan and bicameral support.

So I hope our colleagues will take a look at this, will work with us, and if they have got a better idea, as I said, we are all ears.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 171—EXPRESSING THE SENSE OF THE SENATE THAT THE INTERNATIONAL OLYMPIC COMMITTEE SHOULD CORRECT THE OLYMPIC RECORDS FOR JIM THORPE FOR HIS UNPRECEDENTED ACCOMPLISHMENTS DURING THE 1912 OLYMPIC GAMES

Mr. INHOFE (for himself and Mr. LANKFORD) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 171

Whereas Wa-Tho-Huk or ''Bright Path'', known as James Francis Thorpe or ''Jim Thorpe'' of the Thunder Clan of the Sac and Fox Nation, was born May 22, 1887 on the Reservation of the Sac and Fox Nation in Prague, Oklahoma, and died March 28, 1953 in Lomita, California;

Whereas Jim Thorpe attended the Carlisle Indian School in Pennsylvania and established his amateur football record playing halfback, defender, punter, and place-kicker while a student and was subsequently chosen as Walter Camp's First Team All-American Half-Back in 1911 and 1912;

Whereas prior to the 1912 Olympic Games, Jim Thorpe placed second in the pentathlon at the Amateur Athletic Union National Championship Trials in Boston, Massachusetts;

Whereas Jim Thorpe represented the United States as an enrolled member of the Sac and Fox Nation, the largest of 3 federally recognized Tribes of Sauk and Meskwaki (Fox), in the 1912 Olympic Games in Stockholm, Sweden;

Whereas at the 1912 Olympic Games, he won a Gold Medal in the pentathlon, became the first athlete from the United States to win a gold medal in the decathlon, in which he set a world record, and became the only athlete in Olympic history to win both the pentathlon and the decathlon during the same year;

Whereas at the time Jim Thorpe won 2 Gold Medals in the 1912 Olympic Games, and not until 1924 under the Indian Citizenship Act, Native Americans were not recognized as citizens of the United States;

Whereas Native Americans were not granted the right to vote in every State until 1957;

Whereas Jim Thorpe was a founding father of professional football, playing with the Canton Bulldogs, which was the team recognized as world champion in 1916, 1917, and 1919, the Cleveland Indians, the Oorang Indians, the Rock Island Independent, the New York Giants, and the Chicago Cardinals;

Whereas, in 1920, Jim Thorpe was named the first president of the American Professional Football Association, now known as the National Football League;

Whereas Jim Thorpe was voted America's Greatest All- Around Male Athlete and chosen as the greatest football player of the half-century in 1950 by an Associated Press poll of sportswriters;

Whereas Jim Thorpe was named the Greatest American Football Player in history in a 1977 national poll conducted by Sport Magazine;

Whereas because of his outstanding athletic achievements, Jim Thorpe was the first Native American inducted into the National Track and Field Hall of Fame, the Professional Football Hall of Fame, the Helms Professional Football Hall of Fame, the National Native American Hall of Fame, the Pennsylvania Hall of Fame, and the Oklahoma Hall of Fame;

Whereas the Amateur Athletic Union of 1973 restored the amateur status of Jim Thorpe for the years 1909 through 1912;

Whereas the International Olympic Committee returned duplicates of gold medals won by Jim Thorpe to his family in 1982, but did not list him as the sole gold medal winner for his achievements during the 1912 Olympic Games; and

Whereas the failure of the International Olympic Committee to update the records regarding Jim Thorpe disregards the unprecedented achievements of one of the best athletes in the history of the United States, the only athlete in Olympic history to win both the pentathlon and the decathlon during the same year, the first Native American athlete to win Olympic gold medals for the United States, and the contributions of the Sac and Fox Nation in the history of the United States: Now, therefore, be it

Resolved, That it is the sense of the Senate that the International Olympic Committee, through the president of the Committee, should officially recognize the unprecedented athletic achievements of Jim Thorpe as the sole gold medalist in the 1912 pentathlon and decathlon events and correct these inaccuracies in the official Olympic books.

SENATE RESOLUTION 172—DECLARING RACISM A PUBLIC HEALTH CRISIS

Mr. BROWN (for himself, Mr. BOOKER, Mr. PADILLA, Ms. DUCKWORTH, Mr. WARNOCK, Ms. HIRONO, Mr. MARKEY, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. KAINE, Mr. MERKLEY, Mr. CARDIN, Mr. MENENDEZ, Ms. KLOBUCHAR, Mr. WARNER, Mr. CASEY, Mr. BENNET, Ms. WARREN, Ms. SMITH, Ms. STABENOW, Mr. WYDEN, Mr. CARPER, and Mrs. MURRAY) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 172

Whereas, since its founding, the United States has had a longstanding history and legacy of racism, mistreatment, and discrimination against African Americans, Latinos, Native Americans, and other people of color;

Whereas the United States ratified over 350 treaties with sovereign indigenous communities, has broken the promises made in such treaties, and has historically failed to carry out its trust responsibilities to Native Americans, including American Indians, Alaska Natives, and Native Hawaiians, as made evident by the chronic and pervasive underfunding of the Indian Health Service and Tribal, Urban Indian, and Native Hawaiian health care, the vast health and socioeconomic disparities faced by Native American people, and the inaccessibility of many Federal public health and social programs in Native American communities;

Whereas people of Mexican and Puerto Rican descent, who became Americans through conquest, were subject to, but never full members of the polity of the United States and experienced widespread discrimination in employment, housing, education, and health care;

Whereas the immoral paradox of slavery and freedom is an indelible wrong traced throughout the history of the United States, as African Americans lived under the oppressive institution of slavery from 1619 through 1865, endured the practices and laws of segregation during the Jim Crow Era, and continue to face the ramifications of systemic racism through unjust and discriminatory structures and policies;

Whereas, before the enactment of the Medicare program, the United States health care system was highly segregated, and, as late as the mid-1960s, hospitals, clinics, and doctors' offices throughout Northern and Southern States complied with Jim Crow laws and were completely segregated by race—leaving Black communities with little to no access to health care services;

Whereas, between 1956 and 1967, the National Association for the Advancement of Colored People (NAACP) Legal Defense and Education Fund litigated a series of court cases to eliminate discrimination in hospitals and professional associations;

Whereas the landmark case Simkins v. Moses H. Cone Memorial Hospital, 323 F.2d 959 (1963), challenged the Federal Government's use of public funds to expand, support, and sustain segregated hospital care, and provided justification for title VI of the 1964 Civil Rights Act and the Medicare hospital certification program—establishing Medicare hospital racial integration guidelines that applied to every hospital that participated in the Federal program;

Whereas, in 1967, President Lyndon B. Johnson established the National Advisory Commission on Civil Disorders, which concluded that White racism is responsible for the pervasive discrimination and segregation in employment, education, and housing, resulting in deepened racial division and continued exclusion of Black communities from the benefits of economic progress;

Whereas language minorities, including Latinos, Asian Americans, and Pacific Islanders, were not assured non-discriminatory access to federally funded services, including health services, until the signing of Executive Order 13166 (42 U.S.C. 2000d-1 note; relating to improving access to services for persons with limited English proficiency) in 2000;

Whereas the Patient Protection and Affordable Care Act (Public Law 111–148; 124 Stat. 119)—

(1) included provisions to expand the Medicaid program and—for the first time in the United States—established a Federal prohibition against discrimination on the basis of race, color, national origin, sex, age, or disability in certain health programs, building on other Federal civil rights laws; and

(2) required reporting to Congress on health disparities based on race, color, national origin, sex, age, or disability;

Whereas several Federal programs have been established to address some, but not all, of the health outcomes that are disproportionately experienced by communities of color, including sickle cell disease, tuberculosis, infant mortality, and HIV/AIDS;

Whereas the National Center for Chronic Disease Prevention and Health Promotion works to raise awareness of health disparities faced by minority populations in the