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## House of Representatives

The House was not in session today. Its next meeting will be held on Wednesday, April 28, 2021, at 6 p.m.

## Senate

TUESDAY, APRIL 27, 2021

The Senate met at 10 a.m. and was called to order by the Honorable RAPHAEL G. WARNOCK, a Senator from the State of Georgia.

### PRAYER

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

Let us pray.

Gracious God, You are from everlasting to everlasting. Reveal Your glory in our Nation and world. Let Your light so shine through our Senators that people will see the good things our lawmakers accomplish because of Your might. May these people then praise You for Your bountiful goodness.

Holy God, empower us to escape from our fragmentary and broken selves into the exemplary unity You desire for us all. Lead us away from doubt and disillusionment, from cynicism and despair. Lead us toward faith and hope, certainty and love.

We pray in Your marvelous 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, Tuesday, April 27, 2021.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RAPHAEL G. WARNOCK, a Senator from the State of Georgia, to perform the duties of the Chair.

PATRICK LEAHY,  
President pro tempore.

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

### RESERVATION OF LEADER TIME

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

### RECOGNITION OF THE MAJORITY LEADER

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

### BUSINESS BEFORE THE SENATE

Mr. SCHUMER. Mr. President, today, the Senate will take up a series of votes to confirm three highly qualified nominees to the Biden administration: Jason Miller for Deputy OMB Director, Janet McCabe for Deputy EPA Administrator, and Colin Kahl for Under Secretary of Defense for Policy.

And then, later this afternoon, the Senate will move forward with the

process to take up the bipartisan water infrastructure bill. I expect the Senate will do so with significant bipartisan support.

The water infrastructure bill is as noncontroversial as it gets. It was approved by the Environment and Public Works Committee on a unanimous consent vote—every single Democrat, every single Republican—thanks to the good work of Chairman CARPER and Ranking Member CAPITO. This water infrastructure bill is also a core component of the Republican infrastructure proposal released last week. So I hope this legislation will serve as a starting point for our two parties to collaborate on infrastructure when and where we can. At the moment, Senators Carper, Duckworth, and Cardin continue discussions with Republican Senators about possible amendments.

But let me be very clear: The Senate must conclude its work on the water infrastructure bill before the end of the week.

This is not a controversial bill or a complicated new program. In too many communities, access to clean, safe, and affordable drinking water is not a guarantee. Surely, we can all agree that in America clean drinking water should be a fundamental guarantee.

The Senate must take first necessary steps to invest in communities with aging water infrastructure by passing this bill, and we must do so this week.

### NOMINATIONS

Mr. SCHUMER. Mr. President, now on nominees, yesterday, I highlighted a number of accomplishments the Senate

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



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Democrat majority made during the first hundred days of the Biden administration. Thanks primarily to the American Rescue Plan, the most sweeping Federal recovery effort in decades, shots are going into arms; money is going into people's pockets; and businesses, schools, and restaurants are starting to reopen.

Americans finally—finally—have some reason for hope. Jobs are coming back. The economic recovery is accelerating, and the pace of vaccinations has far exceeded even President Biden's own goals. After one of the most difficult years in recent memory, the first hundred days of the Biden Presidency and the new Senate Democratic majority have seen the country turn a corner. Slowly but surely, we are proving to the American people that government and the Senate can work for them.

As President Biden prepares to take stock of where we have come from and where we still need to go, with a joint address to Congress, it is worth looking back at some of the accomplishments of these first 100 days. Among those accomplishments is the fact that the Senate has confirmed the most diverse Cabinet in history, faster than under both Presidents Trump and Obama, and all of them with bipartisan support. Eleven are people of color, and 10 are women. Among them, we have a former teacher, a former construction worker, several former veterans, a small business man, even a musician—a far cry from the, shall we say, less economically diverse Cabinet chosen by the former President. Now, more than ever before, we have a Cabinet that looks like America.

In our Nation's history, the Treasury Secretary has only ever been a White man—an unbroken streak of 77 White men in a row. This Senate confirmed the first woman to serve as Treasury Secretary in our history, Janet Yellen. The list of firsts goes on: the first African American to serve as Defense Secretary, the first Black man to serve as EPA Administrator, the first ever indigenous American, and the first ever openly gay Secretary to lead any Cabinet Agency.

Last week, the Senate confirmed Vanita Gupta to Associate Attorney General—the first woman of color and the first civil rights attorney ever to hold that position.

Last month, Dr. Rachel Levine became the Deputy Secretary of Health and Human Services, the first openly transgender Federal official in American history.

Federal Agencies have enormous influence over the policies that affect the day-to-day lives of the American people. Whether registering for Social Security, filing for unemployment or veterans' benefits, or seeking a small business loan, average folks interact with these Cabinet Agencies every single day, hundreds of thousands, if not millions, of times.

Having capable, experienced, and energetic public servants at the top of

these Agencies matters, and it matters, too, that they come from different backgrounds and have lived different experiences. By confirming historically diverse nominees, we are showing the American people that their government represents them and that all of their voices matter.

We also know that a Cabinet with diverse views will produce policies that better reflect the needs of a diverse Nation.

I am proud of the nominees we have confirmed over the first hundred days. As we move forward, the Senate will continue working with the White House on confirming nominees and judicial appointments that reflect the diversity and dynamism of our great country.

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#### MEASURE PLACED ON THE CALENDAR—S. 1364

Mr. SCHUMER. Mr. President, I understand that there is a bill at the desk that is due for a second reading.

The ACTING PRESIDENT pro tempore. The Senator is correct.

The clerk will read the bill by title for the second time.

The senior assistant legislative clerk read as follows:

A bill (S. 1364) to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes.

Mr. SCHUMER. In order to place the bill on the calendar under the provisions of rule XIV, I would object to further proceedings.

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

Mr. SCHUMER. I yield the floor.

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#### RECOGNITION OF THE MINORITY LEADER

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

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#### FENTANYL

Mr. MCCONNELL. Mr. President, as I noted here on the floor last week, the unaccompanied children packed into overflowing facilities are not the only tragic consequence of our failure to secure the border.

In addition to the U.S. mail, our southern border is a major source for the stream of lethal illegal drugs that continue to pour into our country. According to the CDC, more Americans died of overdoses last year than ever before.

This health crisis predated COVID-19 and will outlast it, and Customs and Border Protection data tell us a major cause has been a spike in the flow of fentanyl and its analogs produced by chemical companies in places like China. These drugs, which can be hundreds of thousands of times stronger than morphine, are rightly classified on the schedule of controlled sub-

stances. There are severe penalties for those caught trafficking them. It is the least we can do to protect American lives, families, and communities.

Clearly, on its own, this step hasn't been sufficient, but in a few weeks, even this obvious step is set to expire. Fentanyl analogs would cease being controlled substances in Federal law, making enforcement and deterrence even more difficult.

So Congress is faced with what should be a crystal-clear choice. The right thing to do, of course, is to permanently schedule these substances. Only in Washington could this become some kind of intense debate, but alas, some soft-on-crime corners of the political left have convinced some Democrats that this impending expiration is actually, actually a political opportunity. They want the Democrats to only reschedule these analogs for a short period of time, punting this deadline just a few months into the future, which makes you ask, Why?

Well, so that Democrats could come back to the table with an unrelated soft-on-crime bill—say, reducing prison sentences for drug dealers—and make that bad idea the price of admission for keeping these deadly poisons illegal.

So look, we need to be clear-eyed here. No amount of political spin or inside-the-beltway horse trading can muddy the debate. It is very clear: Congress should schedule these fentanyl analogs permanently—permanently.

It is not complicated. Americans are dying. Communities are drowning. Chinese drug traffickers are getting rich off of our misery. Permanently scheduling these analogs is the very least, the very least Congress can do.

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#### NOMINATION OF JANET GARVIN MCCABE

Mr. MCCONNELL. Mr. President, now on another matter, this week the Senate is set to vote on President Biden's nominee to be Deputy Administrator of the EPA. This nominee actually needs no introduction for my fellow Kentuckians and our neighbors in coal country.

But for those less familiar, Janet McCabe was the chief author of the Clean Power Plan that President Obama unveiled back in 2015. Well, 6 years and thousands of coal industry jobs later, Ms. McCabe is set to join an administration whose job-killing policies would make the Obama EPA blush.

Of course, President Biden's War on Coal predates his administration. Back in 2008, as a candidate for the Vice Presidency, he insisted there would be "no coal plants here in America. Build them, if they're going to build them, over there," obviously, meaning some other country.

Sadly, this was one area where the Obama administration, unfortunately, kept its promises. It was a terrible time to be a working American whose livelihood the Democrats happened to dislike. But our new President's leftward sprint is set to make these bad old days merely the warmup act.