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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Ms. STRICKLAND).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 6, 2022.

I hereby appoint the Honorable MARILYN STRICKLAND to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 10, 2022, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with time equally allocated between the parties and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 11:50 a.m.

LETTER TO CONGRESS FROM THE DUDYKEVYCH FAMILY

The SPEAKER pro tempore. The Chair recognizes the gentleman from South Carolina (Mr. NORMAN) for 5 minutes.

Mr. NORMAN. Madam Speaker, I rise today to read a letter from the Dudykevych family, who are originally from Ukraine and are now living in Tega Cay, South Carolina. They still have family who refuse to leave their homes and their country which, as we all know by now, is under brutal attack by the Russians.

The father of the Dudykevych family literally built their home with his own hands, which is now being destroyed for one reason and one reason alone—they desire freedom.

The heartfelt letter reads like this:

''To President Biden and to Members of the 117th Congress of the United States of America, we highly appreciate your legislative initiatives and clear stance against the cruel and diabolic Russian aggression against Ukraine.

''Today, I am urgently asking you to actively support immediate delivery of Eastern European fighter planes to Ukraine. The brave Ukrainian Army and the country's heroic citizens are winning the war on the ground.

''The problem is that Ukraine's cities are being destroyed and the citizens are being murdered from the air. I am requesting your urgent help in convincing the White House that immediate delivery of MiG planes to Ukraine should be the highest priority in support of a free Ukraine.

''What we are witnessing is a genocide against the Ukrainian people. We have an ability in this country and in the allied bases in Europe to stop these murderous attacks from the air. We have a moral obligation to do so. Our words are meant to reinforce President Zelenskyy's urgent demand for fighter planes.

''Ukrainian cities are lying in ruins, and thousands of citizens are dead and will keep dying because Ukraine's denial of fighter jets. These planes will protect the Ukrainian sky from Russian air raids.

''There are MiG–29 warplanes sitting at Allied bases in Europe ready for an immediate transfer. Ukrainian pilots are well-trained on these warplanes and can use them to stop the murderous attacks from the air tonight.

''We can no longer sit back and watch schools, hospitals, homes, apartment buildings, bomb shelters, everyday people of all ages being mass murdered on a daily basis.

''The news that a mother in labor and her unborn baby died after a maternity ward was bombed in Mariupol broke my heart. It is a tragedy that could have been prevented if Ukraine had the planes to defend the sky.

''I know you deal with many requests, but this is an existential need. Ukraine will not survive without your support. Nothing means more to me at this moment. The world is in desperate need of American leadership. Sincerely, Mila Dudykevych.''

This letter was emailed to me 12 days ago on Sunday, March 27, at 2:50 p.m. We all have seen the death and destruction that has occurred since this date, all which could have been avoided if this President had exercised leadership months ago by allowing for the release of the fighter jets, which he failed then and continues to fail now by refusing to honor the request of a desperate Ukrainian people whose only desire is to live in a free country for which they are willing to fight and die.

President Biden, the Ukrainian people and all the free people around the world do not deserve this type of blatant incompetence and willful neglect by the leader of the free world. Historians will record this truly sad course of events for all the world to see in the coming months and years. Mr. President, the words that will be recorded in the annals of history will not be kind.

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

WE MUST WELCOME FLEEING UKRAINIANS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. QUIGLEY) for 5 minutes.

Mr. QUIGLEY. Madam Speaker, this weekend, the world watched in horror as the retreat of Russian forces from

the town of Bucha revealed the scope of the appalling war crimes committed by Vladimir Putin's military.

Journalists and the Ukrainian military discovered mass graves, bodies left in the streets, and the evidence of a massacre of civilians. These are war crimes.

We know now, with certainty, what fate awaits Ukrainians who are subjected to Russian occupation. The United States must open its doors to welcome Ukrainians who are fleeing this invasion.

As co-chair of the Congressional Ukraine Caucus, early on in the conflict, I and others called on the Biden administration to extend temporary protected status to Ukrainians already in the United States. I was proud when the President heeded that call and when he subsequently increased the refugee cap.

We must do everything in our power to accept fleeing refugees expeditiously. This is a matter of life and death. Over 4 million refugees have already fled the violence in Ukraine. Half of those refugees are children. Millions more remain trapped in cities and villages without access to food, clean water, or medical care.

We now know that Putin's military is willing to slaughter any innocents left behind. It is absolutely critical that the U.S. do everything in its power to assist the people of Ukraine. This means military assistance, yes, but it also means providing for Ukrainians who make the difficult decision to leave their homes behind.

We must support the nations that are already taking in refugees. Allies, like Poland, have already admitted more than 2 million Ukrainian refugees into their nation, and we should ensure that Poland and other countries that have opened their doors are able to help these Ukrainians resettle safely.

This also means continuing to investigate the reports of refugees of color being turned away at border crossings. Here in the U.S., we have a long history as a safe harbor for people of the world.

It has been inspiring to see Americans offer unwavering support for Ukraine from the outset of the Russian invasion. I am confident that this support will mean Americans will rally together to support any Ukrainian refugees who arrive on our shores. As they do, Congress has an opportunity to reform our immigration system to be more welcoming to individuals around the world who are in need.

I share the outrage of my constituents who are watching what is unfolding in Ukraine. As an advocate for Ukrainians here at home and abroad, I am also reminded that there are other atrocities occurring around the world. We can, and must, extend the same outrage we have for the crimes in Bucha to the crimes in Syria, the conflict in Tigray, the famine in Yemen, and the violence in the Northern Triangle. And just as we open our doors to Ukrainian refugees, we can, and must, open our doors to refugees from around the world.

In recent weeks, I have urged the Biden administration to end title 42. This policy allowed the U.S. to use the pandemic as justification for expelling migrants without a hearing before an immigration judge. The administration just announced last week that they intend to end this policy.

One immediate effect will be that Ukrainians arriving at our borders will be able to seek asylum more easily, but, critically, it also means that migrants from the global south will no longer be stranded in the immigration process. The Federal Government should seek out other avenues in which providing recourse for Ukrainians will make our system more equitable for all immigrants.

Since the beginning of the pandemic, foreign citizens seeking entry into the U.S. have faced months-long waits for counselor appointments. That backlog now threatens to prevent fleeing Ukrainians from reaching our shores.

The lengthy immigrant visa delays have caused many Ukrainians to turn to nonimmigrant visas so they can reach temporary safety with family or friends in the U.S. Yet, as Ukrainians and other foreign citizens have been increasingly forced to utilize nonimmigrant visas, wait times have drastically increased.

Reporting last month showed that wait times in Hungary were 275 days. In Moldova, the wait was 329 days. On February 28, the wait in Warsaw, Poland, was 86 days. Two days later, the wait was 134 days for visitor visas and more than 40 days for other types.

I sincerely hope the State Department finds a way to dramatically decrease processing times for Ukrainians who have fled their homelands, but we cannot simply prioritize Ukrainian cases and leave all others behind. These wait times impact immigrants, refugees, and asylum seekers from around the world. Ukrainians are not the only ones whose lives are in danger.

The tragedy in Ukraine has shone a bright spotlight on the need for our entire immigration system to be more inclusive. Congress cannot allow this moment to pass without finally addressing the flaws in our system. Too many lives hang in the balance for us to do nothing.

HONORING THE LIFE OF MIKE JILOTY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. WALTZ) for 5 minutes.

Mr. WALTZ. Madam Speaker, on December 25, Volusia County, Florida, lost a great businessman and valued community leader, Mike Jiloty. Through Mike's hard work and personal approach to business, he received hundreds of industry awards. Serving as the president of United Way of Volusia and Flagler Counties, Mike fought for the health, education, and stability of every person in his community. He dedicated his time to the FUTURES Foundation for Volusia County Schools to better prepare students for their careers.

As a graduate of the Leadership Florida Class XIV, Mike used his skills as a leader to serve his community and was honored by several organizations, including the Volusia Association of School Administrators, the Daytona Beach Community College Foundation, the Conklin Center for the Blind, and the Lodging and Hospitality Association of Volusia County.

Madam Speaker, Mike Jiloty is a true example of a servant leader. He sought to inspire others, to make his community a better place, and he is missed dearly. It is my honor to recognize him on the floor of the House of Representatives today.

HONORING THE 75TH ANNIVERSARY OF JACKIE ROBINSON INTEGRATING BASEBALL

Mr. WALTZ. Madam Speaker, Jackie Robinson once said, ''A life is not important except in the impact it has on other lives.'' On April 15, 1947, Jackie Robinson created a lasting impact on the lives of generations of Americans when he stepped out of the dugout at Ebbets Field before a crowd of more than 26,000 spectators. This moment would change the course of history and have a lasting impact for generations as he broke the color barrier as the first African-American player in professional baseball history.

Jackie Robinson is a true servant leader, and his life and legacy has had a major impact across the country, including in my own congressional district, where I am honored to have a piece of his legacy at the Daytona City Island Ballpark where, in 1946, Jackie Robinson played in the very first integrated major league baseball spring training game. In 1990, in honor of the life and legacy of Jackie Robinson, the Daytona City Island Ballpark would be renamed the Jackie Robinson Memorial Ballpark.

Jackie Robinson's impact was felt across the Nation. It was the first time a Black player competed with a minor league team against a major league team since the color line was implemented in baseball in the 1880s. As we observe the 75th anniversary of his courageous act, it is clear the impact and legacy of Jackie Robinson on the advancement of human rights will be everlasting.

A1A DESIGNATED AN ALL-AMERICAN ROAD

Mr. WALTZ. Madam Speaker, of the approximately 4 million miles of byways and highways that stretch in all directions across the United States, there are very few that come close to the beauty, history, and serenity that encompasses the 72-mile stretch of A1A that runs from St. Johns County, Florida, to Flagler County. Flanked by the Atlantic Ocean and crisscrossing the St. Johns River and Intracoastal Waterway, for more than 75 years the A1A

has provided motorists with breathtaking views as it seamlessly intertwines Florida's most remarkable coastal landscapes and deep-rooted history.

As a kid growing up in northeast Florida, any drive along the A1A scenic and historic coastal byway was a reminder of how lucky we were to live in such a beautiful place.

Now, as the Representative of Florida's north central region, home to beautiful segments of A1A, I was proud to cast one of my very first votes in support of the Reviving America's Scenic Byways Act in February of 2019. This act requires the Department of Transportation to issue a request for nominations to be designated under the National Scenic Byways Program and make publicly available a list specifying the roads designated. President Trump signed the bill into law in September of 2019.

I am pleased to announce in the CONGRESSIONAL RECORD that on March 29 of 2022, the ribbon-cutting ceremony occurred for the Federal Highway Administration's designation of this beautiful stretch of A1A as an All-American Road.

REMEMBERING DR. TERRANCE NEWTON

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Delaware (Ms. BLUNT ROCHESTER) for 5 minutes.

Ms. BLUNT ROCHESTER. Madam Speaker, today, I rise to remember the life of a remarkable public servant, leader, and educator, Dr. Terrance Newton.

Today, family, friends, and his beloved Warner School community are saying good-bye to a person who they called Newt.

Dr. Newton was a fixture in the Delaware education system for decades, himself a product of Wilmington's East Side, a Kappa Alpha Psi man, and a Delaware State University man.

Newt would become known to his students as their most fervent advocate and ally. Every morning, he would stand on the front steps of Warner Elementary and greet students as they passed through the front doors, hugging them, high-fiving them, and inspiring every child.

Dr. Newton was always looking for unique and impactful ways to connect with his students, going so far as to open a barbershop where he could cut the students' hair in school, giving them a safe space to talk about their academics, their communities, and their lives.

It is no exaggeration to say that Dr. Terrance Newton was a powerful pillar of the community, a real-life superhero who spent every day devoted to the next generation of Delawareans.

We have lost Dr. Terrance Newton far too soon, but because of all the energy, inspiration, and love that he poured into his students, family, and community, his legacy will live on for a lifetime.

To his family, colleagues, students, friends, I send sincere condolences.

Madam Speaker, I close with some words from Dr. Newton himself. He said of his students: ''When I see them, I see me. So, my goal is to change the world.''

Indeed, Dr. Newton, you did.

FEDERAL AND STATE AGENCIES TAKING FARMERS' WATER SUPPLY

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. LAMALFA) for 5 minutes.

Mr. LAMALFA. Madam Speaker, I have been speaking a little bit lately about our supply chain issues and the effects of inflation on real Americans, real families, and talking a lot about food grown in this country and the effects of some of the decisions made by government on the ability to grow food, especially in my home State of California, which affects so much of the supply chain for fruits, vegetables, and nut products that the whole country, and even the world export market, enjoys and uses.

What we are wrestling with right now are decisions made by Federal and State agencies on the effects of water supply in California and the ripple effect it has on so many products.

For example, earlier this year, a decision was made to withdraw what is called a TUCP, a temporary urgency change petition, for the amount of water that would be flowing from our storage in California out through the delta and into the Pacific. This is geared toward how much water is going to be there for delta salinity and fish habitat situations in the delta and upstream, somewhat.

There was an opportunity back in December and January to curtail some of the water flows that were coming out of limited storage we already have in the State of California, mainly Shasta Dam and Oroville Dam, this on the heels of a drought last year.

Lake Oroville, for example, hit its lowest number ever. It didn't even make hydropower for the first time in 50 years because the lake was so low.

So, decisions were made based on a pretty decent amount of rainfall in October and quite a bit of rain and snowpack in December to withdraw what was called the TUCP, the temporary urgency change petition, which would have the ability to let less water out through the delta and a little less for the salinity and fish habitat issues.

By the way, the fish, one of the ones we are talking about, is called the delta smelt. They haven't found one, in what they call trawls looking for the fish, in 3 years. They are pretty much nonexistent. Yet, we are still allowing hundreds of thousands of acre-feet of precious water to go out through the bay to somehow try to mitigate that situation.

They decided to withdraw the change petition, the TUCP, a decision made on January 21, to say we are going to go ahead and let the water flow at a higher level than is necessary. Water will be trickling out of our dams, out of our storage, at a rate much more than is needed for a perception of salinity or fish.

At the time when we are looking at drought in California, low water supplies, and all the unrest we have in the world's food supply chain—Hungary, for example, is not going to export grain this year. Russia and Ukraine had been world market participants in grain, especially Ukraine.

Ukraine is a very, very rich country in wheat and many other ag products. Their farmers, right now, are out there trying to plant crops amidst all the bombs being dropped on them by Russia. God bless them. But farmers in this country are having bombs dropped on them by Federal and State agencies taking their water away.

At a point where we could have curtailed a little bit of the water going out through the delta and kept it for ag use to grow rice, to grow almonds, to grow olives, to grow tomatoes, many things that we need, they decided on January 21, no, we are just going to let the water go out at the same rate.

At that point, Lake Shasta was only at 35 percent of its capacity. Lake Oroville was only at 45 percent of its capacity. They thought, well, we are going to bank on the idea that more rain is going to come post-January 21 up until maybe April 1, when, historically, the rainfall tapers off.

These lakes are both well under half full. They decided, no, we have plenty of water because we had a massive amount of rain and snow in December. I mean, they threw the baby out with the bathwater, so to speak, in making this decision because anybody could have seen that we needed to keep every drop in those lakes that is coming in there to build them up.

Now, had they reached the flood stage where they have to allow a buffer of space in the dams to provide for flood control, which is approximately about 850 feet of elevation in Oroville and, I am going to guess, about 70, 75 percent of capacity—they are well below that. They thought, oh, we are going to have so much water coming in that we will meet these marks.

Well, guess what? The rain did not come in the latter part of January or February or March, and now we are in the first few days of April.

Here at this point, we are going to be short on food, short on water, and they are just now thinking about putting the TUCP in here in early April. It is very shortsighted and appalling.

CELEBRATING THE LIFE OF DR. TOM RIVERA

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. RUIZ) for 5 minutes.

Mr. RUIZ. Madam Speaker, I rise today to celebrate the life of an inspiring leader, a great visionary, and my friend, Dr. Tom Rivera.

Dr. Tom was born on September 22, 1939, in Colton, California. After graduating from Colton High School, he attended San Bernardino Valley College; California State University, Los Angeles; the University of California, Riverside; and eventually UCLA, where he earned his doctorate in education.

It was at Cal State LA that he met the love of his life, Dr. Lily Rivera, who shared his passion for service. Together, they served in the Peace Corps in Colombia, South America, before marrying in 1965.

In all that he did, Dr. Tom strived to inspire his students to achieve their dreams. As associate dean for undergraduate studies at CSU San Bernardino, he was a pillar of the community. He devoted himself to the empowerment of local youth and maintained leadership roles in organizations including the Kiwanis Club of Greater San Bernardino, LULAC, the Pure Land Foundation, and more.

Dr. Tom was relentless in his advocacy. Even in the face of his own health challenges, he continued his pursuit of a better future where Hispanic youth could achieve their dreams.

In 1984, just 3 years after contracting a virus that left him paralyzed, he helped found the Inland Empire Future Leaders Program, joining forces with fellow educators, Susan Castro, Frank Acosta, Henry Vasquez, and Bill Allison.

Dr. Tom founded the organization to address dropout rates among Hispanic students. His vision was to encourage youth to be proud of their roots and to make a difference in their communities.

All these years later, that vision is fulfilled in the Inland Empire Future Leaders Program's tremendous success. It is fulfilled in the educators, lawyers, doctors, and countless other Inland Empire Future Leaders Program graduates who have gone on to achieve so many great things.

It is fulfilled right here in the Halls of Congress with the gentleman from California (Mr. AGUILAR), my good friend, as Democratic Caucus vice chair, and with me as chair of the Congressional Hispanic Caucus.

I stand here because of Dr. Tom. Back in the early years, in 1986, I attended one of IEFLP's leadership trainings at Camp Seeley. That summer left a lasting mark on me and changed the course of my future.

I learned the tools of leadership and returned home, motivated to serve the community. I became the first in Coachella Valley High School to be class president and ASB president all 4 years, and I learned to identify problems that needed to be addressed and to become a part of the solution.

The experience strengthened my dream and my resolve to become a doctor and serve the community. You see, Dr. Tom's guidance fueled in me a passion for social justice, a passion I lived as a pre-med student organizer at UCLA.

It is with Dr. Tom's encouragement that I applied to Harvard Medical School to earn my medical degree and graduate with my master's in public health and my master's in public policy from Harvard University.

I am forever indebted to Dr. Tom for his unyielding devotion to my growth and the success of my peers. He was always there for us. He was always there to motivate us, to celebrate us, and to give us a smile when we needed it most.

He gave us a family, a familia, in which we found reassurance and strength. All IEFLP graduates share a common bond because of him. To this day, when I meet a fellow Inland Empire Future Leaders Program graduate, we reminisce about his kindness and grace.

We said good-bye to Dr. Tom just last month, in March 2022. However, we know that his legacy will live on in each and every one of us. We know that his memory will survive in the hearts of his beloved wife, Dr. Lily; his brother, Ray; his children, Evelyn, Patricia, and Tom; and all of his wonderful grandchildren.

Together, we mourn his passing and celebrate his full life, knowing that he was a good man and an extraordinary public servant whose impact will be felt for generations to come.

RECOGNIZING THE LEGACY OF DR. TOM RIVERA

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. AGUILAR) for 5 minutes.

Mr. AGUILAR. Madam Speaker, I rise today to follow the words of my good friend, Dr. RAUL RUIZ, as we honor this towering figure from our region, the Inland Empire.

For more than 50 years, Dr. Rivera served our community as an educator, administrator, and community leader. His passing in March was felt by all of us, and it left too large of a void for just one of us to fill.

Back in 1985, our region suffered. More than half of the Latino students in our region didn't finish high school.

While others ignored the problem, Dr. Tom rolled up his sleeves as an elected school board member, as a lifelong educator. He joined with community leaders to form the Inland Empire Future Leaders Program to help these students stay in school.

□ 1030

As a result, more than 99 percent of the students who go through this program have graduated high school. Ninety percent have gone to college. Dr. Tom's positive influence, his beliefs in what we could become if given the opportunity, helped shape doctors, lawyers, teachers, and, yes, a couple Members of Congress.

Dr. Tom gave working-class kids like me a chance for a better life, for ourselves and for our family, and he taught us that no matter where life takes us, never lose sight of our heritage and our culture, and always give back to our community.

It is a testament to his unwavering faith in our young people that Dr. RAUL RUIZ and I are standing on the House floor today. I was proud to call Dr. Tom a mentor, a friend, and importantly, a constituent. He would always ask me how my grandmother was doing. He went to school on the south side of Colton with members of my family, and he always took the time to ask how they were doing, what they were up to, how he could help them.

My thoughts go out to his wife, Dr. Lily Rivera, his children, and grandchildren.

Madam Speaker, now it is our responsibility, those of us in roles of making policy, those of us in our communities who strive to make our community a better place, it is up to us to carry his legacy forward and to lift up the next generation of Latino leaders.

CONCERNS ABOUT KETANJI BROWN JACKSON

The SPEAKER pro tempore (Mrs. CHERFILUS-MCCORMICK). The Chair recognizes the gentleman from Georgia (Mr. CLYDE) for 5 minutes.

Mr. CLYDE. Madam Speaker, I rise today to emphasize my concern about President Biden's U.S. Supreme Court nominee, Ketanji Brown Jackson, commonly known as KBJ, and to express my deep disappointment for any Senator that votes for her confirmation this week.

While I do not have a vote on KBJ's confirmation, I do have a voice. And I will continue using my voice to tell the American people the truth.

The truth is that Ketanji Brown Jackson is incapable of holding criminals accountable.

Throughout her career, Judge Jackson's sentences have been drastically lower than the national average, even for individuals who have committed the most egregious crimes imaginable.

When analyzing all criminal case sentencing imposed by U.S. District Courts, Judge Jackson issued significantly lighter sentences, almost 34 percent less than the national average.

Specifically, the statistics reveal a more sinister pattern when broken down to child pornography and child sex torture cases.

When sentencing criminals for possession of child pornography, KBJ imposed sentences 57 percent less than the national average. Additionally, she issued sentences 47 percent less than the national average for those convicted of distributing these atrocious images of child sex torture.

Disturbingly, child sex torture, one of the most heinous crimes of all, is met with compassion and concessions from Judge Jackson.

In fact, here are some quotes from KBJ in the U.S. v. Hawkins cases involving Mr. Hawkins, an 18-year-old adult man charged with downloading many images and videos of innocent children being tortured by sex offenders. During this case KBJ said: ''I feel so sorry for you''—in reference to Mr. Hawkins himself—''and for the anguish that this has caused all of you.''

Judge Jackson feels sorry for the perpetrator. Excuse me? What about the victims and the anguish that this torture has caused them?

In addition, KBJ stated: ''This seems to be a situation in which you were fascinated by sexual images involving what were essentially your peers.''

Peers? Really?

The vile content Mr. Hawkins possessed depicted boys as young as 8 years old. Mr. Hawkins was 18 at the time, over twice their age.

Keep in mind, the sentencing guidelines called for up to 10 years in prison for Mr. Hawkins, yet Ketanji Brown Jackson sentenced this predator to just 3 months in jail. Three months.

Madam Speaker, we are not talking about someone who disobeyed traffic laws. This is a man convicted of possessing multiple images of child sex torture.

This is sickening and wrong, plain and simple.

It is not just Judge Jackson's record that is worthy of outrage. Revelations from her recent testimony speak volumes to KBJ's interest in legislating from the bench.

When asked to provide the definition for the word ''woman,'' KBJ absurdly said she could not, adding that she isn't a biologist.

Can you think of a more illogical excuse? The word ''woman'' is a term I am sure that most third graders can accurately describe with ease.

By failing to define a woman, Judge Jackson has shown her true narrative to the American people, exposing her loyalty to the woke left. It is no secret that radical activists are waging a bizarre and dangerous war on women. From women's sports to large corporations, liberals are attempting to erase women while claiming to fight for women's rights.

So by refusing to define a woman, Judge Jackson has revealed that she both accepts and supports the left's treacherous agenda. Furthermore, KBJ's inability to accept and acknowledge the differences between men and women raises serious doubt and questions about her ability to decide judicial outcomes regarding sex, such as title IX cases.

Bottom line, Ketanji Brown Jackson's resistance to the realities that exist between men and women is deeply unsettling and proves that she will adjudicate with an agenda, an immoral agenda that is blatantly wrong for our country.

In another disheartening display of her disqualifications, KBJ also refused to recognize Americans' natural rights.

From the founding of our great country, both our citizenry and our government have acknowledged that we are provided unalienable rights by our creator. It is unconscionable that a nominee to our Nation's highest court would reject this foundational principle, and it is alarming that Senators will still ignore KBJ's appalling testimony and vote for her to serve our judicial system for life.

Mark my words, Ketanji Brown Jackson's refusal to acknowledge Americans' natural rights from God is a Trojan horse for tyranny, presenting yet another glaring example of why she is unfit for the Supreme Court.

We know she is soft on crime. We know she is a vessel for the woke left's dangerous ideology. And we know she cannot definitively defend Americans' God-given rights or precious freedoms.

Yet, despite KBJ's frightening record and recent testimony, the Senate intends to vote on her confirmation to the Supreme Court this week.

If KBJ becomes a Supreme Court Justice, she will serve for decades, solidifying and strengthening the left's menacing grip on our rule of law.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CLYDE. Her decisions will impact future Americans for generations to come, setting precedent that will ultimately guide our great Nation once you and I are long gone.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CLYDE. Without question, Americans from Maine, Utah to Alaska, from sea to shining sea, are watching intently, praying their Senators' vote will represent——

The SPEAKER pro tempore. The gentleman is no longer recognized.

JUDGE JACKSON DESERVES CONFIRMATION

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Washington (Ms. STRICKLAND) for 5 minutes.

Ms. STRICKLAND. Madam Speaker, I stand before you to talk about two topics: The confirmation of Judge Jackson, as well as the Restaurant Revitalization Fund.

Judge Jackson is more qualified than the people with whom she will serve, and she is not soft on crime. It is why she has the endorsement of the Fraternal Order of Police and the International Association of Police Chiefs, hardly the radical left.

As we look at the opportunity to make history, we want to make sure that our Supreme Court is representative and reflective of our entire Nation.

Judge Jackson deserves confirmation. She has earned it, and she will be someone that we are proud to have on the Supreme Court.

RESTAURANT RELIEF

Ms. STRICKLAND. Madam Speaker, this week is one to celebrate. After almost a year of bipartisan, bicameral negotiations, the House will finally take up legislation to replenish the Restaurant Revitalization Fund and move us one step closer to getting much-needed relief for restaurants across the finish line.

The funds provided by Congress in 2021 were a lifeline for so many businesses in Washington State and across our Nation. Restaurants were hit especially hard by highly transmissible COVID–19 variants, staffing shortages, supply chain issues, and inflation, which only added to the existing challenges and long-term effects that brought many to the brink of closing their doors for good.

Restaurants have lost 2 years' worth of revenue, and it will take them years to recover and repay their debts. In fact, in Washington State alone, the average full-service restaurant reports being $160,000 in debt, and it would take them over 3 years to repay it.

I know how critical this second round of funding is because I regularly hear about it from my constituents. The south Puget Sound of Washington State is the proud home of so many small, local restaurants, including Vien Dong in the Lincoln International District and Budd Bay Cafe in Olympia, to name a few.

Many businesses are still struggling to get back on their feet, and most were shut out from ever receiving relief in the first place.

That is why on February 10, I led the Washington State delegation in sending a letter to congressional leadership urging them to replenish the Restaurant Revitalization Fund and help these employers and employees in need as soon as possible.

These businesses are often neighborhood anchors and family-owned. They are often owned by women, veterans, minorities, and immigrants. They are a critical part of the south Sound and Washington State's economy. We must do everything we can to support them and push for an equitable and inclusive recovery.

FARMERS FACE ENORMOUS AND IMMEDIATE CHALLENGES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. THOMPSON) for 5 minutes.

Mr. THOMPSON of Pennsylvania. Madam Speaker, I rise today to discuss the full Agriculture Committee hearing that we held on March 16, the focus of which was the 2018 farm bill and the role of climate change.

Recently, The New York Times wrote a series of stories and produced several videos denigrating rural Americans for providing the country with the safest, most abundant, and most affordable food supply in the history of the world.

Let's set the record straight. U.S. agriculture accounts for less than 10 percent of greenhouse gas emissions, and that is according to the Environmental Protection Agency. Over the last 70

years, U.S. agriculture has tripled food and fiber production while usage of land, energy, fertilizer and other inputs has remained steady.

Early in the first session of this Congress, several of my Republican colleagues and I introduced a slate of climate-friendly and farmer-focused bills. These bills are driven by commonsense solutions to benefit our environment and our farm industry.

Our farmers, ranchers, foresters, and producers are the original climate champions. While there is more to be done, we must prevent efforts to fundamentally upend our commodity, conservation, and crop insurance programs to appease Washington think tanks. We must also reject complicating our programs and making climate the focus of every title of the upcoming farm bill reauthorization.

Madam Speaker, under the umbrella of natural land solutions, which includes farmers that grow crops, livestock, and our foresters, the research has shown that at this moment, based on the technology they use, they are responsible for sequestering 6.1 gigatons of carbon annually, greenhouse gas emissions.

To put that into perspective, that takes care of all the greenhouse gas emissions that are emitted on those lands, plus sequestering an additional 10.1 percent. So truly, the American farmer, rancher, and forester are the climate change champions anywhere in the world because of our science, technology, and innovation.

We must ensure agriculture production remains viable in rural America to keep production from increasing in areas of the world with lower environmental standards, worse labor conditions, and fewer food safety considerations. And that is why a robust safety net is critical to keeping farms and production here in the United States while lowering overall global greenhouse gas emissions.

Madam Speaker, our country and our farmers face enormous and immediate challenges including higher food prices, record inflation, and input costs, attacks on our energy independence, crop-protection tools, and dependable labor.

Now, these are the issues I hear about as I travel my district and the country. These are the issues we should be addressing.

I hope at the end of the day we recognize that our voluntary, locally led, incentive-based conservation system is working as intended, and that we must not undermine its continued success in supporting the environment and producers.

American agriculture is science. American agriculture is technology. And American agriculture is innovation. The demands of a 21st century farm economy, and economically viable climate solutions, depend on tools and policies that continue to unleash and increase the United States agriculture productivity.

VIRGIN ISLANDS HISTORY

The SPEAKER pro tempore (Mr. STANTON). The Chair recognizes the gentlewoman from the Virgin Islands (Ms. PLASKETT) for 5 minutes.

Ms. PLASKETT. Mr. Speaker, the Virgin Islands and its people speak of great resilience. We are a people rich in history and agriculture, struggles and triumphs in the face of disenfranchisement.

March 31, 2022, marked 104 years that the Virgin Islands of the United States have been part of the United States. Our islands were acquired by the United States in the costliest per-acre sale in U.S. land purchase. We became the most easterly point of the United States, and served to protect the Caribbean Basin and the Panama Canal, particularly during World War I.

The sale of the Danish West Indies pulled Denmark out of depression and gave them the capital resources, gold bullion, necessary for them to become the happiest country that we know today. The brutal slavery and serf system that they inflicted on my ancestors, however, was not a happy time.

During the transfer of ceremonies on March 31, 1917, the people of the Virgin Islands, my people, were citizens of no country. All four of my grandparents were alive and living on the island of St. Croix at the time of the transfer.

Only qualified Danish citizens living in Denmark were able to vote in the plebiscite.

□ 1045

Of my eight great-grandparents, I believe one may have met the land and income requirement mandatory to be able to vote. Only one would have been able to vote for his destiny.

And after the purchase, those living in the territory, my grandparents, great-grandparents, aunts, uncles, my family, were citizens of no country, nowhere, for 10 years.

Yet, after becoming citizens, Virgin Islanders came immediately to Washington and petitioned, pleaded to be part of the draft. You see, Virgin Islanders, like the other territories, serve and give the ultimate sacrifice in far greater number per capita than those Americans on the mainland. We wanted and still are willing to take on the responsibility, not just the privilege.

Until the United States began ownership of territories, largely comprised of minority, Black and Brown people, disenfranchisement of territories was a temporary condition. From the 1787 Northwest Ordinance until the acquisition of Puerto Rico, lands were deemed territories with the expectation that they would become States.

The disenfranchisement and unequal treatment of people in the Virgin Islands are de jure law. The Insular Cases decided at the turn of the century in the Plessy v. Ferguson-era by the Supreme Court, established a doctrine of separate and unequal status for overseas territories.

However, the disenfranchisement and unequal treatment continues today through court cases in the Bush, Obama, Trump, and now Biden administration, through their oral and written arguments to the Supreme Court, as well as my own colleagues, Congress' unwillingness to grant equal treatment requests made by representatives from the territories.

My fight in Washington has been to level and create equity, to counter the many ways that such disenfranchisement affects our lives, Federal funding, healthcare access, veterans' benefits, structural damage after natural disasters due to longstanding unequitable funding.

It is my deepest honor to be grounded by my history, my parents, and my ancestors from the Virgin Islands, many of whom have played an integral role in the history of this Nation, long even before we were a part of this country; from Denmark Vesey, leader of the Charleston, South Carolina, slave revolt; David Levy Yulee, the first Jewish Senator in the United States; William Leidesdorff, the founder of San Francisco; Edward Wilmot Blyden, one of the founders of Liberia; even today, my predecessor, the first female physician of this body as a Member of Congress, Donna Christensen; and even this weekend, NCAA Women's Basketball Champion, Aliyah Boston.

Our contributions to this Nation are undisputed, and 104 years after our transfer from Denmark to the U.S. possession, our claim to full and inviolable rights as citizens of this country are long overdue.

COMMUNITY PROJECT FUNDING

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Michigan (Ms. TLAIB) for 5 minutes.

Ms. TLAIB. Mr. Speaker, I rise as a proud Member to support the 13th Congressional District.

My district is the third poorest Congressional District in the country, and direct funding and aid to support our most vulnerable communities is so critical to communities like mine.

I want to take a moment to uplift the work that my team and I have done to deliver for our residents through the community projects funding.

I don't know if folks know, but we have the oldest Boys and Girls Club in the Nation, and they are going to see $2 million in investments to improve the facility in Highland Park so more of our young people can come into a building that is safe and a building that is going to be able to help them thrive.

Also, the Urban Neighborhoods Initiative's Southwest Detroit Creative Connections Collaborative; they are going to be able to create a safe space, community space for our families, especially our youth. This is the community I grew up in, with 20 different ethnicities.

We are also going to be able to help Detroit homeowners receive home repair grants for energy efficiency. Enterprise Community Partners is so eager to be able to work with my seasoned residents; and my seasoned residents are eager to see their homes become not only energy efficient, but also accessible, as many are struggling with access because of disability.

The Eastside Community Network is going to be able to establish the Stoudamire Wellness HUB for the eastside Detroit residents who are, right now, struggling to access healthcare.

We are also going to be able to help, some relief—and this is just the beginning—to help many of our families in Dearborn Heights and Wayne County address the number of families that continue to be impacted by flooding because of Ecorse Creek's challenges.

We are also going to be able to support ProsperUS Detroit Micro Lending to support some of our small businesses and expand some of the work they have already done to Detroit all the way to western Wayne and Inkster.

I am also so proud of the investment that we are going to have in the Ruth Ellis Center to provide safe, affordable, identity-affirming housing for marginalized Black and Brown Detroiters, especially my LGBTQ-plus youth.

I am also going to be able to stand there with my City of Wayne residents to see, finally, the Goudy Park Amphitheater space be able to be rehabbed. It is a space that many of our schools use for graduations, for gatherings, and just really truly coming together as a community.

We are also going to be able to see over 300 of our high school students in the Western Wayne School District, along with the partnership of SEMCA, be able to access vocational technology, career-tech programs.

We are also going to see a $2.5 million investment in our Inkster Senior Wellness Center. This is one of—again, Inkster has some of my spectacular seasoned residents, and they are eager, again, to have a space to come together, especially after the challenges during the pandemic.

I want to thank Chairwoman DELAURO and the Appropriations Committee staff, and the incredible hard work of my team, for a thoughtful and engaging process that really targeted communities with the most needs.

I am proud and committed to continued engagement with all of my 13th Congressional District communities to find funding to address the needs because they truly deserve it.

AFFORDABLE INSULIN NOW

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Texas (Ms. GARCIA) for 5 minutes.

Ms. GARCIA of Texas. Mr. Speaker, I rise to recognize the incredible impact the bipartisan Affordable Insulin Now Act will have on Americans across the Nation.

It is no secret diabetes poses a major health burden to Americans across our country. Texas, in particular, suffers greatly from the effects of type 2 diabetes. Every day, new Texans are diagnosed. On top of that, the rate of new cases increases every single year.

This topic, Mr. Speaker, hits very close to home. I have seen firsthand the hurdles diabetes creates for families simply looking to live a quiet life and be alone and have a good, productive life. In my family, my mother faced uphill health battles because of diabetes most of her adult life. She died eventually of diabetes complications.

Diabetes runs in my family. In fact, my doctor tells me that no matter what I do, I may end up getting diabetes. I am one of 10 children. Five of us have already gotten diabetes and are dependent on insulin.

Sadly, this epidemic disproportionately impacts older adults, especially Latinos, minorities, and populations with lower levels of education. It remains one of the leading causes of death in Texas and the United States. In my own home county of Harris County, diabetes is the fifth leading cause of death.

Even when purchased through Medicare, insulin is more than three times as expensive in the United States than in the U.K. The bipartisan Affordable Insulin Now Act is truly needed to save lives.

The Affordable Insulin Now Act caps insulin copays at $35 per month or 25 percent of an insurance plan's negotiated price, whichever is lower. It is a great first step, and it will save lives. But more must be done.

You see, Mr. Speaker, Americans without health insurance will not benefit from this bill. This will help those residents who are fortunate to already have health insurance, and we welcome this support. Again, it is a great first step. But much more is very needed.

Texas is the State with the highest rate of uninsured individuals and, in my district, 33 percent of the residents in my district do not have health insurance.

In fact, Mr. Speaker, my district has the highest number of uninsured people than in any other district in the Nation. To make matters worse, diabetes is highly concentrated in east Texas, the area where I live. It pains me that these folks were not included in the bill.

The immense health and emotional challenges diabetes brings to households are burdensome enough; but its economic strain is ruthless to families not fortunate enough to have insurance.

Because of corporate greed and companies focused only on profits, Texans without medical insurance face astronomical prices for insulin. In short, people with diabetes have medical expenses approximately 2.3 times higher than those who do not have diabetes.

The out-of-pocket costs for healthcare and insulin have crippled hardworking Americans across our country. It has gotten so bad that one in four people have rationed, rationed lifesaving insulin because they could not afford proper dosage amounts. This is unacceptable and wrong, and we must do better.

No one—I repeat, no one—should have to gamble with their health by rationing insulin to make ends meet. The bipartisan Affordable Insulin Now Act will save lives, and it is a great step forward. But I will continue fighting for residents across my district who do not currently have health insurance but do need insulin. We will continue to fight until we get it done.

STOP MASS SHOOTINGS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. DEUTCH) for 5 minutes.

Mr. DEUTCH. Mr. Speaker, a recently released Violence Project study has found that more than half of all mass shootings between 1966 and 2019 occurred since 2000. There have been more and more shootings. It is getting worse and worse. Mass shootings have occurred in the workplace, on college campuses, in our houses of worship, and in our schools. We must do better.

These shootings cut off young lives and devastate families. We owe it to the victims to do more to combat gun violence in our communities. We owe it to Joaquin Oliver.

Joaquin was 17 years old when he was shot and killed with an assault rifle at Marjory Stoneman Douglas High School in Parkland, Florida. This is Joaquin.

But this symbol of Joaquin is also an assault rifle. You see, this is an assault rifle that was purchased by Joaquin's dad, Manny, without a background check.

Manny went to a gun show in Florida and bought a high-powered rifle without a background check. Then he went home, and he melted it down to make this statue of his son, who was killed by a similar weapon in his school on Valentine's Day.

This statue of Joaquin is now a powerful reminder of our weak gun laws and the countless American lives that have been stolen, families broken by gun violence.

When Manny went to a gun show, the seller pushed him to buy the rifle, to buy ammunition, to buy a high-capacity magazine, all at one time, without a background check. And Manny wondered, what's the rush?

What is the rush? Why does anyone need a deadly arsenal in one afternoon, with no questions asked?

We have put a lot of effort into making background checks work well for legal gun buyers. The National Instant Criminal Background System, the NICS system, returns results in as fast as 30 seconds.

Every gun buyer at a gun show, every gun buyer online, every gun buyer at a licensed dealer, every gun buyer should

go through that system to keep our communities safe. But they don't because of a dangerous loophole like the one that allowed Manny to buy an AR–15 at a gun show without a background check.

□ 1100

The background check system is the foundation of gun safety in America. When that foundation is weak, like it is today, it makes all of us less safe.

We need universal background checks. States with laws requiring background checks on all sales have lower gun homicide rates than States that don't. Guns from States that lack background check laws often end up recovered from crime scenes in neighboring States without those tough laws.

That is why we need a uniform national requirement to end weak gun laws that contribute to trafficking.

The President visited New York City recently after two police officers were fatally shot, and he urged the need for universal background checks. He rightly said our country needs a comprehensive strategy to dramatically reduce gun violence. The Attorney General of the United States has directed U.S. attorneys to confront gun trafficking across State lines and in cities.

I strongly support the President's call for a comprehensive strategy. As part of that strategy, Congress should do what many States are currently working on to ban untraceable ghost guns, similar to the law that was signed in New York in October of last year. Congress can do this.

Congress should also pass safe storage legislation to protect kids from being harmed by loaded weapons kept unsafely in their homes. We should ban weapons of war that don't belong in our community and are regularly used to hunt innocent people. Who needs to be able to fire off 50 or 100 rounds at a time?

Congress should recognize that high-capacity magazines have no place in our communities and that their only purpose is to make it easy to cause mass casualties.

These proposals have significant support. Ninety percent of Americans, including gun owners, want universal and stronger background checks.

Would a stronger background check system prevent every instance of gun violence? No, of course not. Would ending large-capacity ammunition magazines prevent mass casualties caused by guns? No, but they will make us safer. They will make our communities safer. They will make our schools safer. They will make the workplace safer. They will make people feel safer as they attend religious services. They will make it easier for law enforcement to do their jobs safely every day.

Continued inaction on confronting gun violence will only lead to more innocent people dying from firearms. Congress must take action to get strong gun violence prevention legislation for Joaquin and the 16 others who were taken at Stoneman Douglas, for their families, and for America.

HONORING THE MEMORY OF PRIVATE ANDREW LADNER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mississippi (Mr. PALAZZO) for 5 minutes.

Mr. PALAZZO. Mr. Speaker, I rise today to honor the homecoming of World War II Private Andrew Ladner, whose remains finally came home 80 years after being killed in action.

Private Ladner was assigned to the 126th Infantry Regiment, 32nd Infantry Division. On November 30, 1942, during a blockade to prevent a Japanese assault on the island of New Guinea, he was killed during the initial wave and was reportedly buried 26 yards west of the road the unit was blockading.

After the war, his remains could not be found and eventually were declared nonrecoverable. However, between a little luck and the never-quit Army attitude and exhaustive research, they located his remains in 2016.

Now Private Ladner can be laid to rest in a way he deserves. I know his family takes comfort in his example of a life well lived and the legacy he left behind all those years ago.

Private Ladner was part of the Greatest Generation of Americans. His family can find solace in knowing his legacy will never die but lives on with every American who puts on the uniform of the United States military.

On behalf of the Fourth Congressional District of Mississippi, we honor the memory of Private Andrew Ladner, who gave his life for his family and the country he so dearly loved.

Private Ladner, may you rest in peace. God bless you, and Semper Fidelis.

MAKING HEALTHCARE MORE AFFORDABLE AND ACCESSIBLE THAN EVER

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Mrs. CHERFILUS-MCCORMICK) for 5 minutes.

Mrs. CHERFILUS-McCORMICK. Mr. Speaker, I rise to applaud President Joe Biden's executive order to bring down the cost of health insurance and expand health coverage. The executive order represents the most significant action to strengthen the Affordable Care Act since it was signed into law.

Consistent with the administration's mission, my colleagues and I in Congress voted in favor of the Affordable Insulin Now Act, which will lower costs for hardworking families by capping the out-of-pocket costs for insulin at $35 per month.

President Biden's executive order delivers a longstanding Democratic priority for strengthening the Affordable Care Act and fixing the so-called family glitch. Without this step, current regulations define employer-based health insurance as affordable if the coverage is provided solely for the employee and not for family members.

For family members of an employee offered health coverage through an employer, the cost for that family coverage can sometimes be very expensive and make health insurance out of reach. The family glitch affects 5 million people and has made it impossible for many families to use the premium tax credit to purchase an affordable, high-quality marketplace plan.

Fixing the family glitch builds on several steps Democrats have taken to lower health costs and build on the Affordable Care Act, including the American Rescue Plan, which was signed into law last year. The American Rescue Plan is saving families an average of $2,400 in annual premiums and has helped enroll 14.5 million Americans in marketplace plans.

Thanks to Democratic leadership, healthcare is more affordable and accessible than ever. Our American Rescue Plan dramatically lowered the cost of marketplace plans and helped enroll millions of Floridians into quality, affordable coverage.

As House Democrats fight to build a better America for all people, I will continue to work to lower healthcare costs and prescription drug prices for all Floridian families.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 6 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

The Chaplain, the Reverend Margaret Grun Kibben, offered the following prayer:

Sovereign God, nothing in all of creation is hidden from Your sight. Your eyes, O Lord, are everywhere. You see everything from the wars that rage around the world and into the recesses of each heart. Everything is uncovered and laid bare before Your eyes that all must give account.

Call to account, then, the wicked and the good. Unspeakable atrocities have taken place throughout Ukraine. Bring to justice those who have failed to demonstrate any evidence of human decency. Bring to Your court those who have disregarded the precious life of the innocent.

Raise up the good and strengthen the noble, and give success to their efforts to shield and shelter the displaced and

defeated. Embolden the voices of those who would speak truth to power and amplify their words that Your truth would reach even the hardest of hearts.

Give wisdom to the leadership, to our own, as they balance the moral responsibility to aid those in danger with the evident risk of escalation; and to President Zelenskyy and his advisers, that they would remain courageous and inspiring in their quest for peace and security in their country.

Keep Your eyes upon us, O Lord. Conceal not our sin from Your sight, but let Your righteousness be revealed and Your justice accomplished.

In the power of Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. Pursuant to section 11(a) of House Resolution 188, the Journal of the last day's proceedings is approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. WEBER) come forward and lead the House in the Pledge of Allegiance.

Mr. WEBER of Texas 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.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

SUPPORTING BIPARTISAN SUPPLY CHAIN PROVISIONS

(Mrs. DINGELL asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DINGELL. Madam Speaker, I rise today in strong support of the bipartisan supply chain provisions included in the House-passed America COMPETES Act.

Every day, we are hearing from our constituents about inflation and rising prices, and one critical factor contributing to these issues is continued disruptions in the domestic supply chain.

The America COMPETES supply chain subtitle establishes an office of manufacturing security and resilience within the Department of Commerce to monitor, identify, map, and mitigate supply chain vulnerabilities.

It also authorizes billions in grants and loans to support the manufacturing of critical goods, equipment, and cutting-edge technologies that are essential to our national and economic security.

The investments included in the bipartisan America COMPETES supply chain subtitle will allow us to preempt future shocks to our supply chain, and we must be proactive in strengthening our manufacturing capacity to secure our future.

I hope that this critical subtitle remains in the bill and is retained in any final package the conference process yields.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Byrd, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 5681. An act to authorize the reclassification of the tactical enforcement officers (commonly known as the ''Shadow Wolves'') in the Homeland Security Investigations tactical patrol unit operating on the lands of the Tohono O'odham Nation as special agents, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2123. An act to establish the Federal Clearinghouse on Safety and Security Best Practices for Faith-Based Organizations and Houses of Worship, and for other purposes.

SUPPORTING SOUTH CAROLINA EXPORT SALES

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I am grateful to report that the total export sales from the State of South Carolina topped nearly $30 billion last year.

Increasing their influence, State exporters reached over 195 countries, with Germany and Canada tops. Korean investments are monumental by Samsung, and I praise today the Korean delegation of Dr. Jin Park and Tae-yong Cho.

Most notably, the Palmetto State leads the Nation in export sales of tires produced by Michelin, Bridgestone, Giti Tire, Continental, and Trelleborg Wheel Systems.

South Carolina also leads in passenger motor vehicle exports, including BMW, Volvo Cars, Honda, and Mercedes-Benz Vans.

In order to further support this vital market, South Carolina ports have invested over $2 billion in infrastructure, according to South Carolina Port Authority President Jim Newsome, soon to be succeeded by COO Barbara Melvin, backed up by Governor Henry McMaster.

In conclusion, God bless Ukraine. God save Ukraine. God bless Volodymyr Zelenskyy as he fights to maintain his freedom for all the people of the world.

SUPPORTING THE AMERICA COMPETES ACT

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, for generations, America's innovations, from electricity to automobiles, robotics to plastics, have shaped the course of history.

We prevailed because we were preeminent in our investments in science, research, and technology.

But today, America's preeminence is being challenged. Other countries have followed our lead in research, science, and technology.

As a result, more of the technology that we are relying on today is made abroad, driving up the cost at home, contributing to inflation, threatening our workers' financial security and their jobs, and eroding our Nation's competitiveness.

That is why Chairwoman EDDIE BERNICE JOHNSON and the Committee on Science, Space, and Technology, along with 13 other committees of the House, crafted a data-driven, results-oriented package to help our Nation meet and win in the 21st century.

I associate myself with the remarks of the gentlewoman from Michigan in support of the COMPETES Act. The House America COMPETES Act is precisely what is needed to ensure America's might in manufacturing and innovation while creating good-paying jobs and lowering costs for our Nation.

Our bill helps bring manufacturing back to our shores, including $52 billion for chips, which are crucial for making cars, cell phones, and more.

Our bill will help reinvigorate America's industry, securing $45 billion to strengthen our supply chain, reduce dependence on foreign nations, and lower costs.

Our bill invests in research and education so that we diversify our STEM workforce with apprenticeships and the rest.

And our bill will promote U.S. global leadership.

In the spirit of patriotism and unity, the House will champion these priorities when we go to conference to craft a bold, bipartisan, bicameral package to send to the President's desk.

I hope that we will have the opportunity to go to conference soon. We are waiting for the signal from the Senate.

LEAVE STRATEGIC PETROLEUM RESERVE FOR WARTIME

(Mr. LAMALFA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMALFA. Mr. Speaker, our strategic oil reserves are meant to be for emergency use, an emergency resource in time of war or other disaster.

At such an uncertain time that we have, with Eastern Europe embroiled in a big conflict, it would be wise for us to keep the reserve full.

Indeed, President Trump filled the reserve up at the time when prices were low on fuel. Now, President Biden thinks that by releasing this oil, it is going to somehow affect the price of oil

around the world and our own economy. It is not.

So far, 80 million barrels have already been released, but it hasn't driven down prices. Instead, the reserves we have in the ground that oil people can produce for us are the things that are going to change oil prices, not tapping into our reserves.

There is only going to be a few days' worth to run the country on, or bleeding it out over 180 days, 1 million barrels at a time.

Tap into our energy we have so abundantly in this country. That will affect the market for us, for our allies in Europe, and actually truly make a big difference, instead of playing this little game with our oil reserves that doesn't do anything other than look like we are doing something.

Let's get back to work on putting Americans to work and our energy dependability on us and not on others. I ask the President to change directions on this policy.

PUTIN IS DESTABILIZING THE WORLD ECONOMY AND ORDER

(Ms. HOULAHAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HOULAHAN. Mr. Speaker, last week, I held an in-person townhall to hear how inflation impacts our community. Too many Pennsylvanians are making tough choices to put food on the table, gas in their tanks, and other budgetary choices.

Today, I rise to discuss why confronting Putin abroad helps address inflation issues here at home.

It is no secret that we live in a global market. We became acutely aware of that fact during the pandemic. Ukraine and Russia provide us, and the world, grain, oil, gas, and even things like fertilizer.

When we are at war in these areas or people are at war in these areas, this impacts our economy colossally. We are again seeing how connected we are, this time not from a global disease but, rather, from a diseased man.

Vladimir Putin is infected, and he is inflicting untold horrors on the people of Ukraine and simultaneously destabilizing our world economy and order.

To fully address these rising costs and inflation in part caused by this Russian war, our top priority has to be bringing a just, durable, and lasting peace to this conflict in Ukraine.

The longer the war rages on, the longer it will take for our economy to recover. That is why we must impose strong sanctions against Russia, coordinated with our allies; we must expedite weaponry to Ukraine; and we must return to prepandemic domestic oil production levels to meet our domestic needs and to help bring down global market costs.

For the people of the Sixth Congressional District of Pennsylvania, I promise to keep doing everything in my power to make sure we can alleviate pressures that are felt at home from abroad.

RECOGNIZING CHRIS DELESANDRI

(Mr. WEBER of Texas asked and was given permission to address the House for 1 minute.)

Mr. WEBER of Texas. Mr. Speaker, I rise today to recognize and congratulate Mr. Chris Delesandri on his retirement after a dedicated 41 years of service with United Way of Galveston County Mainland, where he served as the executive director for the past 10 years.

Not only did Chris serve Galveston County during his time with United Way, but Chris has also served as the president of the Rotary Club of Texas City. He was elected to the Roll of Fame for Rotary District 5910 and earned the Rotary Youth Leadership Awards volunteer.

Chris always prioritized giving back to his community, and as such, he has earned several awards through the Chamber of Commerce, such as Citizen of the Year in 2008 and the Leslie Hayley Community Service Award in 2014.

I commend Chris for his numerous accomplishments and his dedicated service to our district and congratulate him on his retirement. I am so glad to represent him and call him a friend. He deserves a great retirement.

Have a good one, buddy.

□ 1215

DEMOCRATS CONTINUE TO DRIVE STABILITY AND GROWTH IN SMALL BUSINESSES

(Ms. PLASKETT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PLASKETT. Mr. Speaker, I thank my colleagues for all the good work that they have done to support American small businesses during the pandemic.

Democrats working with President Biden have helped businesses to keep their lights on and employees on payroll.

Biden's plan has enabled a remarkable rebound in small business activity with small business demand for labor and inventory near record high.

The share of small businesses that have created new jobs in the first quarter of this year is higher than at any point in the Trump administration.

Democrats are continuing to drive stability and growth in small businesses. H.R. 3807 is in furtherance of that. The bill provides $13 billion to establish a Hard Hit Industry's Award Program to provide awards to small businesses across all industries and sectors that were hardest hit by the pandemic, regardless of industry or business.

My colleagues and I are proposing solutions focused on assisting small businesses, the true engine of our Nation's economy, to rebuild and help our economy be better than before.

CRISIS AT THE SOUTHERN BORDER

(Mrs. KIM of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KIM of California. Mr. Speaker, I have visited our southern border three times since I have been in office, and the crisis is only getting worse.

Not only have we seen the most illegal crossings on record over the past year, but also fentanyl overdoses are the leading cause of death for Americans ages 18 to 45, and the top source of fentanyl is the U.S.-Mexico border.

The Biden administration's decision to end title 42 without a plan will only worsen this crisis.

It is past time to stop playing politics with border security. Federal law requires the Department of Homeland Security to create and implement a strategy to secure our northern border, but we currently don't have one that addresses the southern border crisis.

I introduced the Comprehensive Southern Border Strategy Act to change that and direct the Department of Homeland Security to create a strategy to secure our U.S.-Mexico border.

Our economic prosperity, national security, and public safety requires secure borders.

DEMOCRATS ARE BUILDING A BETTER AMERICA

(Mr. LIEU asked and was given permission to address the House for 1 minute.)

Mr. LIEU. Mr. Speaker, President Joe Biden has done an awesome job creating jobs. He is a jobs President.

Last year, 6.6 million jobs were created. In the last 14 months working with congressional Democrats 7.4 million jobs were created, the most in United States history.

Democrats are building a better America for the future and for the people.

What are Republicans doing? I don't know.

Last week, Republican Congressman MADISON CAWTHORN bragged about being invited to cocaine-fueled sex orgies by senior Republicans. Don't believe me? Search for ''MADISON CAWTHORN Republican Caucus'' on the internet.

TITLE 42 MUST BE REINSTATED

(Mr. SMITH of Missouri asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Missouri. Mr. Speaker, the administration is removing healthcare workers, Federal employees, and members of the Armed Forces

from their jobs if they refuse to get vaccinated. Meanwhile, over 160,000 unvaccinated and untested illegal aliens crossed our border last February, the most on record in two decades.

Now, Joe Biden and his Washington Democrat allies want to make a bad problem worse. Last week, President Biden eliminated President Trump's title 42, which allows DHS to deport illegal aliens if they pose a public health danger to our citizens. In other words, according to Washington Democrats, they believe American healthcare workers, Federal employees, and servicemembers deserve harsher treatment than those crossing our border illegally.

This is unacceptable. Title 42 must be reinstated immediately and kept in place until this administration comes up with a plan to deal with the border crisis created by the administration's policies.

CELEBRATING MATHEMATICS AND STATISTICS AWARENESS MONTH

(Mr. MCNERNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCNERNEY. Mr. Speaker, I rise today to celebrate the mathematical and statistical sciences.

Fundamental research in mathematics and statistics touches all of our Nation's scientific and technological priorities and provides tools to address societal changes.

As recent examples, mathematical scientists model the spread of pandemics and help assess the effectiveness of vaccine programs.

They produce research needed for artificial intelligence and help us understand and predict dangerous weather patterns.

And their theoretical work fortifies imaging technologies used to detect diseases, including cancer.

We are at a critical time for building and ensuring a stable and more diverse STEM workforce in the future.

Mathematics and statistics support all of the STEM disciplines and are critical to our educational system.

Every day, mathematicians and statisticians enable advances across all science and technology, making our Nation more secure and globally competitive, and training the next generation of researchers and educators.

Please join me and my fellow mathematicians on the Joint Policy Board for Mathematics in celebrating April as Mathematics and Statistics Awareness Month.

ECONOMIC PROSPERITY

(Mrs. CHERFILUS-MCCORMICK asked and was given permission to address the House for 1 minute.)

Mrs. CHERFILUS-MCCORMICK. Mr. Speaker, I rise to shed light on an imminent threat to our country's recent economic prosperity.

The Biden administration has created jobs and increased our Nation's GDP at unprecedented rates.

From day one, the President's economic agenda has been about generating more growth and more innovation by giving America's middle class more opportunities and more financial security.

However, oil companies are using the war between Russia and Ukraine as a pretext to engage in unlawful price gouging to rob American people of their hard-earned dollars.

I applaud my colleagues for taking the necessary steps to address this concern by facilitating oversight hearings to maintain the integrity of the oil industry and hold these companies accountable for their unconscionable practices.

Hopefully, these testimonies and hearings will lead to changes, and we can truly enjoy all the success of our current administration and keep dollars in the pockets of the American people.

STANDING WITH BURMA

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Mr. Speaker, I rise in support of H.R. 5497, the BURMA Act, which would provide badly needed resources to civil society actors in Burma and impose sanctions on the Burmese military for upending years of progress, democracy, and human rights for a self-serving and brutal agenda of repression and violence.

Having visited Burma, I have seen the strength of its people as they have struggled to create and sustain democracy.

Now, under the authoritarian Tatmadaw, the divisions, prejudices, and violence have been exacerbated and progress has been reversed.

The Rohingya and other vulnerable populations continue to be displaced and assaulted. Journalists are purposely targeted for harassment and violence.

The political opposition has faced unspeakable violence and imprisonment.

We must commit to holding those responsible for the collapse of democracy and human rights to account, and we must support those that are working in dangerous circumstances to reestablish the rule of law.

As we continue to work against global authoritarianism and for democracy and human rights around the world, let us stand shoulder to shoulder with the people of Burma and their struggle for freedom.

RECOGNIZING CAMDEN CENTRAL SCHOOL DISTRICT TRACK AND FIELD TEAM

(Ms. TENNEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. TENNEY. Mr. Speaker, I rise today to recognize seven amazing students from the Camden Central School District Track and Field team, who recently traveled to Mayfield, Kentucky, during their February break to help residents after a devastating tornado ripped through the State 2 months ago.

Led by Coach Phil Lucason, seven members of the team volunteered their time: Lizzy Lucason, Will Carver, Ryan Beaulac, Joe Doran, Nate Hurd, Ivy Murphy, and Dillon Melchoire. Incidentally, Dillon made a special stop at the University of the Cumberlands in Kentucky on the way back to sign a letter of intent to run track for them next year. But these students worked in a large distribution center helping hundreds of residents per day, who were seeking food and other household supplies.

The students also spent time working alongside contractors who were rebuilding the many buildings devastated by the storm.

Their tireless efforts on behalf of those whom they had never met is a beautiful example of selfless service.

The 22nd District is so incredibly honored to have these excellent students representing us and showing just how willing our community is to help people in their greatest time of need. I thank them for their tremendous service to our community.

REFUSE TO ACCEPT THE STATUS QUO

(Mr. VICENTE GONZALEZ of Texas asked and was given permission to address the House for 1 minute.)

Mr. VICENTE GONZALEZ of Texas. Mr. Speaker, I rise today to celebrate House Democrats' efforts to pass the Affordable Insulin Now Act, which would cap the cost of insulin at $35 a month.

This bill will be a game changer for the Rio Grande Valley in south Texas and the country as a whole. We have the highest rates of diabetes in the country, and over 25 percent of the population is uninsured.

The stark reality is that the skyrocketing cost of insulin is crushing south Texans and people across our country.

One in four Americans who rely on insulin have been forced to ration or skip a dose or choose between buying groceries and filling prescription drugs.

Pharmaceutical companies manufacture insulin for less than $10 yet sell it to the American people for more than 10 times that.

I refuse to accept the status quo.

This long-overdue legislation is an important step to lower healthcare costs for families and hold Big Pharma accountable.

I urge my Senate colleagues to pass the Affordable Insulin Now Act and send it to the President's desk to sign today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MORELLE). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which the yeas and nays are ordered.

The House will resume proceedings on postponed questions at a later time.

BURMA UNIFIED THROUGH RIGOROUS MILITARY ACCOUNTABILITY ACT OF 2022

Mr. MEEKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5497) to authorize humanitarian assistance and civil society support, promote democracy and human rights, and impose targeted sanctions with respect to human rights abuses in Burma, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5497

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Burma Unified through Rigorous Military Accountability Act of 2022'' or the ''BURMA Act of 2022''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. DEFINITIONS.

In this Act:

(1) BURMESE MILITARY.—The term ''Burmese military''—

(A) means the Armed Forces of Burma, including the army, navy, and air force; and

(B) includes security services under the control of the Armed Forces of Burma such as the police and border guards.

(2) CRIMES AGAINST HUMANITY.—The term ''crimes against humanity'' includes the following, when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

(A) Murder.

(B) Forced transfer of population.

(C) Torture.

(D) Extermination.

(E) Enslavement.

(F) Rape, sexual slavery, or any other form of sexual violence of comparable severity.

(G) Enforced disappearance of persons.

(H) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender, or other grounds that are universally recognized as impermissible under international law.

(I) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law.

(3) EXECUTIVE ORDER 14014.—The term ''Executive Order 14014'' means Executive Order 14014 (86 Fed. Reg. 9429; relating to blocking property with respect to the situation in Burma).

(4) GENOCIDE.—The term ''genocide'' means any offense described in section 1091(a) of title 18, United States Code.

(5) TRANSITIONAL JUSTICE.—The term ''transitional justice'' means the range of judicial, nonjudicial, formal, informal, retributive, and restorative measures employed by countries transitioning out of armed conflict or repressive regimes, or employed by the international community through international justice mechanisms, to redress past or ongoing atrocities and to promote long-term, sustainable peace.

(6) WAR CRIME.—The term ''war crime'' has the meaning given the term in section 2441(c) of title 18, United States Code.

TITLE I—MATTERS RELATING TO THE CONFLICT IN BURMA

SEC. 101. FINDINGS.

Congress makes the following findings:

(1) Since 1988, the United States policy of principled engagement has fostered positive democratic reforms in Burma, with elections in 2010, 2015, and 2020, helping to bring about the partial transition to civilian rule and with the latter 2 elections resulting in resounding electoral victories for the National League for Democracy.

(2) That democratic transition remained incomplete, with the military retaining significant power and independence from civilian control following the 2015 elections, including through control of 25 percent of parliamentary seats, a de facto veto over constitutional reform, authority over multiple government ministries, and the ability to operate with impunity and no civilian oversight.

(3) Despite some improvements with respect for human rights and fundamental freedoms beginning in 2010, and the establishment of a quasi-civilian government following credible elections in 2015, Burma's military leaders have, since 2016, overseen an increase in restrictions to freedom of expression (including for members of the press), freedom of peaceful assembly, freedom of association, and freedom of religion or belief.

(4) On August 25, 2017, Burmese military and security forces launched a genocidal military campaign against Rohingya, resulting in a mass exodus of some 750,000 Rohingya from Burma's Rakhine State into Bangladesh, where they remain. The military has since taken no steps to improve conditions for Rohingya still in Rakhine State, who remain at high risk of genocide and other atrocities, or to create conditions conducive to the voluntary return of Rohingya refugees and other internally displaced persons (IDPs).

(5) The Burmese military has also engaged in renewed violence with other ethnic minority groups across the country. The military has continued to commit atrocities in Chin, Kachin, Kayah, and Shan. Fighting in northern Burma has forced more than 100,000 people from their homes and into camps for internally displaced persons. The Burmese military continues to heavily proscribe humanitarian and media access to conflict-affected populations across the country.

(6) With more nearly $470,000,000 in humanitarian assistance in response to the crisis in fiscal year 2021, the United States is the largest humanitarian donor to populations in need as a result of conflicts in Burma. In May 2021, the United States announced nearly $155,000,000 in additional humanitarian assistance to meet the urgent needs of Rohingya refugees and host communities in Bangladesh and people affected by ongoing violence in Burma's Rakhine, Kachin, Shan, and Chin states. In September 2021, the United States provided nearly $180,000,000 in additional critical humanitarian assistance to the people of Burma, bringing the total fiscal year 2021 to more than $434,000,000.

(7) Both government- and military-initiated investigations into human rights abuses in Burma involving violence between ethnic minorities and Burmese security forces have failed to yield credible results or hold perpetrators accountable.

(8) In its report dated September 17, 2018, the United Nations Independent International Fact-Finding Mission on Myanmar concluded, on reasonable grounds, that the factors allowing inference of ''genocidal intent'' are present with respect to the attacks against Rohingya in Rakhine State, and acts by Burmese security forces against Rohingya in Rakhine State and other ethnic minorities in Kachin and Shan States amount to ''crimes against humanity'' and ''war crimes''. The Independent International Fact-Finding Mission on Myanmar established by the United Nations Human Rights Council recommended that the United Nations Security Council ''should ensure accountability for crimes under international law committed in Myanmar, preferably by referring the situation to the International Criminal Court or alternatively by creating an ad hoc international criminal tribunal''. The Mission also recommended the imposition of targeted economic sanctions, including an arms embargo on Burma.

(9) On December 13, 2018, the United States House of Representatives passed House Resolution 1091 (115th Congress), which expressed the sense of the House that ''the atrocities committed against the Rohingya by the Burmese military and security forces since August 2017 constitute crimes against humanity and genocide'' and called upon the Secretary of State to review the available evidence and make a similar determination.

(10) In a subsequent report dated August 5, 2019, the United Nations Independent International Fact-Finding Mission on Myanmar found that the Burmese military's economic interests ''enable its conduct'' and that it benefits from and supports extractive industry businesses operating in conflict-affected areas in northern Burma, including natural resources, particularly oil and gas, minerals

and gems and argued that ''through controlling its own business empire, the Tatmadaw can evade the accountability and oversight that normally arise from civilian oversight of military budgets''. The report called for the United Nations and individual governments to place targeted sanctions on all senior officials in the Burmese military as well as their economic interests, especially Myanma Economic Holdings Limited and Myanmar Economic Corporation.

(11) On February 1, 2021, the Burmese military conducted a coup d'état, declaring a year-long state of emergency and detaining State Counsellor Aung San Suu Kyi, President Win Myint, and dozens of other government officials and elected members of parliament, thus derailing Burma's transition to democracy and disregarding the will of the people of Burma as expressed in the November 2020 general elections, which were determined to be credible by international and national observers.

(12) Following the coup, some ousted members of parliament established the Committee Representing the Pyidaungsu Hluttaw, which subsequently released the Federal Democracy Charter in March 2021 and established the National Unity Government in April 2021. In June 2021, the National Unity Government included ethnic minorities and women among its cabinet and released a policy paper outlining pledges to Rohingya and calling for ''justice and reparations'' for the community.

(13) Since the coup on February 1, 2021, the Burmese military has—

(A) used lethal force on peaceful protestors on multiple occasions, killing more than 1,500 people, including more than 100 children;

(B) detained more than 10,000 peaceful protestors, participants in the Civil Disobedience Movement, labor leaders, government officials and elected members of parliament, members of the media, and others, according to the Assistance Association for Political Prisoners;

(C) issued laws and directives used to further impede fundamental freedoms, including freedom of expression (including for members of the press), freedom of peaceful assembly, and freedom of association; and

(D) imposed restrictions on the internet and telecommunications.

(14) According to the UNHCR, more than 440,000 people have been internally displaced since the coup, while an estimated 39,000 have sought refuge in neighboring countries. Nevertheless, the Burmese military continues to block humanitarian assistance to populations in need. According to the World Health Organization, the military has carried out more than 286 attacks on health care entities since the coup and killed at least 30 health workers. Dozens more have been arbitrarily detained, and hundreds have warrants out for their arrest. The military continued such attacks even as they inhibited efforts to combat a devastating third wave of COVID–19. The brutality of the Burmese military was on full display on March 27, 2021, Armed Forces Day, when, after threatening on state television to shoot protesters in the head, security forces killed more than 150 people.

(15) The coup represents a continuation of a long pattern of violent and anti-democratic behavior by the military that stretches back decades, with the military having previously taken over Burma in coups d'état in 1962 and 1988, and having ignored the results of the 1990 elections, and a long history of violently repressing protest movements, including killing and imprisoning thousands of peaceful protestors during pro-democracy demonstrations in 1988 and 2007.

(16) On February 11, 2021, President Biden issued Executive Order 14014 in response to the coup d'état, authorizing sanctions against the Burmese military, its economic interests, and other perpetrators of the coup.

(17) Since the issuance of Executive Order 14014, President Biden has taken several steps to impose costs on the Burmese military and its leadership, including by designating or otherwise imposing targeted sanctions with respect to—

(A) multiple high-ranking individuals and their family members, including the Commander-in-Chief of the Burmese military, Min Aung Hlaing, Burma's Chief of Police, Than Hlaing, and the Bureau of Special Operations commander, Lieutenant General Aung Soe, and over 35 other individuals;

(B) state-owned and military controlled companies, including Myanma Economic Holdings Public Company, Ltd., Myanmar Economic Corporation, Ltd., Myanmar Economic Holdings Ltd., Myanmar Ruby Enterprise, Myanmar Imperial Jade Co., Ltd., and Myanma Gems Enterprise; and

(C) other corporate entities, Burmese military units, and Burmese military entities, including the military regime's State Administrative Council.

(18) The United States has also implemented new restrictions on exports and reexports to Burma pursuant to Executive Order 14014; and

(19) On April 24, 2021, the Association of Southeast Asian Nations (ASEAN) agreed to a five-point consensus which called for an ''immediate cessation of violence'', ''constructive dialogue among all parties'', the appointment of an ASEAN special envoy, the provision of humanitarian assistance through ASEAN's AHA Centre, and a visit by the ASEAN special envoy to Burma. Except for the appointment of the Special Envoy in August 2021, the other elements of the ASEAN consensus remain unimplemented due to obstruction by the Burmese military.

(20) On March 21, 2022, Secretary of State Antony Blinken announced that the United States had concluded that ''members of the Burmese military committed genocide and crimes against humanity against Rohingya''.

SEC. 102. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to support genuine democracy, peace, and national reconciliation in Burma;

(2) to pursue a strategy of calibrated engagement, which is essential to support the establishment of a peaceful, prosperous, and democratic Burma that includes respect for the human rights of all individuals regardless of ethnicity and religion;

(3) to seek the restoration to power of a civilian government that reflects the will of the people of Burma;

(4) to support constitutional reforms that ensure civilian governance and oversight over the military;

(5) to assist in the establishment of a fully democratic, civilian-led, inclusive, and representative political system that includes free, fair, credible, and democratic elections in which all people of Burma, including all ethnic and religious minorities, can participate in the political process at all levels including the right to vote and to run for elected office;

(6) to support legal reforms that ensure protection for the civil and political rights of all individuals in Burma, including reforms to laws that criminalize the exercise of human rights and fundamental freedoms, and strengthening respect for and protection of human rights, including freedom of religion or belief;

(7) to seek the unconditional release of all prisoners of conscience and political prisoners in Burma;

(8) to strengthen Burma's civilian governmental institutions, including support for greater transparency and accountability once the military is no longer in power;

(9) to empower and resource local communities, civil society organizations, and independent media;

(10) to promote national reconciliation and the conclusion and credible implementation of a nationwide cease-fire agreement, followed by a peace process that is inclusive of ethnic Rohingya, Shan, Rakhine, Kachin, Chin, Karenni, and Karen, and other ethnic groups and leads to the development of a political system that effectively addresses natural resource governance, revenue-sharing, land rights, and constitutional change enabling inclusive peace;

(11) to ensure the protection and nonrefoulement of refugees fleeing Burma to neighboring countries and prioritize efforts to create a conducive environment and meaningfully address long-standing structural challenges that undermine the safety and rights of Rohingya in Rakhine State as well as members of other ethnic and religious minorities in Burma, including by promoting the creation of conditions for the dignified, safe, sustainable, and voluntary return of refugees in Bangladesh, Thailand, and in the surrounding region when conditions allow;

(12) to support an immediate end to restrictions that hinder the freedom of movement of members of ethnic minorities throughout the country, including Rohingya, and an end to any and all policies and practices designed to forcibly segregate Rohingya, and providing humanitarian support for all internally displaced persons in Burma;

(13) to support unfettered access for humanitarian actors, media, and human rights mechanisms, including those established by the United Nations Human Rights Council and the United Nations General Assembly, to all relevant areas of Burma, including Rakhine, Chin, Kachin, Shan, and Kayin States, as well as Sagaing and Magway regions;

(14) to call for accountability through independent, credible investigations and prosecutions for any potential genocide, war crimes, and crimes against humanity, including those involving sexual and gender-based violence and violence against children, perpetrated against ethnic or religious minorities, including Rohingya, by members of the military and security forces of Burma, and other armed groups;

(15) to encourage reforms toward the military, security, and police forces operating under civilian control and being held accountable in civilian courts for human rights abuses, corruption, and other abuses of power;

(16) to promote broad-based, inclusive economic development and fostering healthy and resilient communities;

(17) to combat corruption and illegal economic activity, including that which involves the military and its close allies; and

(18) to promote responsible international and regional engagement;

(19) to support and advance the strategy of calibrated engagement, impose targeted sanctions with respect to the Burmese military's economic interests and major sources of income for the Burmese military, including with respect to—

(A) officials in Burma, including the Commander in Chief of the Armed Forces of Burma, Min Aung Hlaing, and all individuals described in paragraphs (1), (2), and (3) of section 202(a), under the authorities provided by title II, Executive Order 14014, and the Global Magnitsky Human Rights Accountability

Act (subtitle F of title XII of Public Law 114–328; 22 U.S.C. 2656 note);

(B) enterprises owned or controlled by the Burmese military, including the Myanmar Economic Corporation, Union of Myanmar Economic Holding, Ltd., and all other entities described in section 202(a)(4), under the authorities provided by title II, the Burmese Freedom and Democracy Act of 2003 (Public Law 108–61; 50 U.S.C. 1701 note), the Tom Lantos Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2008 (Public Law 110–286; 50 U.S.C. 1701 note), other relevant statutory authorities, and Executive Order 14014; and

(C) state-owned economic enterprises if—

(i) there is a substantial risk of the Burmese military accessing the accounts of such an enterprise; and

(ii) the imposition of sanctions would not cause disproportionate harm to the people of Burma, the restoration of a civilian government in Burma, or the national interest of the United States; and

(20) to ensure that any sanctions imposed with respect to entities or individuals are carefully targeted to maximize impact on the military and security forces of Burma and its economic interests while minimizing impact on the people of Burma, recognizing the calls from the people of Burma for the United States to take action against the sources of income for the military and security forces of Burma.

TITLE II—SANCTIONS, IMPORT RESTRICTIONS, AND POLICY COORDINATION WITH RESPECT TO BURMA

SEC. 201. DEFINITIONS.

In this subtitle:

(1) ADMITTED; ALIEN.—The terms ''admitted'' and ''alien'' have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives.

(3) CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms ''correspondent account'' and ''payable-through account'' have the meanings given those terms in section 5318A of title 31, United States Code.

(4) FOREIGN FINANCIAL INSTITUTION.—The term ''foreign financial institution'' has the meaning of that term as determined by the Secretary of the Treasury by regulation.

(5) FOREIGN PERSON.—The term ''foreign person'' means a person that is not a United States person.

(6) KNOWINGLY.—The term ''knowingly'', with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(7) PERSON.—The term ''person'' means an individual or entity.

(8) SUPPORT.—The term ''support'', with respect to the Burmese military, means to knowingly have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of the Burmese military.

(9) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen or an alien lawfully admitted to the United States for permanent residence;

(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity; or

(C) any person in the United States.

SEC. 202. IMPOSITION OF SANCTIONS WITH RESPECT TO HUMAN RIGHTS ABUSES AND PERPETRATION OF A COUP IN BURMA.

(a) MANDATORY SANCTIONS.—Not later than 30 days after the enactment of this Act, the President shall impose the sanctions described in subsection (d) with respect to any foreign person that the President determines—

(1) knowingly operates in the defense sector of the Burmese economy;

(2) is responsible for, complicit in, or has directly and knowingly engaged in—

(A) actions or policies that undermine democratic processes or institutions in Burma;

(B) actions or policies that threaten the peace, security, or stability of Burma;

(C) actions or policies that prohibit, limit, or penalize the exercise of freedom of expression or assembly by people in Burma, or that limit access to print, online, or broadcast media in Burma; or

(D) the arbitrary detention or torture of any person in Burma or other serious human rights abuse in Burma;

(3) is a senior leader of—

(A) the Burmese military or security forces of Burma, or any successor entity to any of such forces;

(B) the State Administration Council, the military-appointed cabinet at the level of Deputy Minister or higher, or a military-appointed minister of a Burmese state or region; or

(C) an entity that has, or whose members have, engaged in any activity described in paragraph (2);

(4) knowingly operates—

(A) any entity that is a state-owned economic enterprise under Burmese law (other than the entity specified in subsection (c)) that benefits the Burmese military, including the Myanma Gems Enterprise; or

(B) any entity controlled in whole or in part by an entity described in subparagraph (A), or a successor to such an entity, that benefits the Burmese military;

(5) knowingly and materially violates, attempts to violate, conspires to violate, or has caused or attempted to cause a violation of any license, order, regulation, or prohibition contained in or issued pursuant to Executive Order 14014 or this Act;

(6) to be an adult family member of any person described in any of paragraphs (1) through (5);

(7) knowingly facilitates a significant transaction or transactions for or on behalf of a person described, or a person that has engaged in the activity described, as the case may be, in any of paragraphs (1) through (6);

(8) to be owned or controlled by, or to have acted for or on behalf of, directly or indirectly, a person described, or a person that has engaged in the activity described, as the case may be, in any of paragraphs (1) through (6); or

(9) to have knowingly and materially assisted, sponsored, or provided financial, material, or technological support for a person described, or a person that has engaged in the activity described, as the case may be, in any of paragraphs (1) through (6).

(b) ADDITIONAL MEASURE RELATING TO FACILITATION OF TRANSACTIONS.—The Secretary of the Treasury shall, in consultation with the Secretary of State, prohibit or impose strict conditions on the opening or maintaining in the United States of a correspondent account or payable-through account by a foreign financial institution that the President determines has, on or after the date of the enactment of this Act, knowingly conducted or facilitated a significant transaction or transactions on behalf of a foreign person described in subsection (a).

(c) DISCRETIONARY SANCTIONS.—Beginning on the date that is 60 days after the date of the enactment of this Act, the President may impose the sanctions described in subsection (d) with respect to the Myanma Oil and Gas Enterprise if imposing such sanctions would—

(1) reduce the ability of the Burmese military to engage in the activities described in subparagraphs (A) through (D) of subsection (a)(2);

(2) bring benefits to the people of Burma that exceed the potential negative impacts of the sanctions on the humanitarian and economic outlook of the people of Burma; and

(3) be in the national interest of the United States.

(d) SANCTIONS DESCRIBED.—The sanctions that may be imposed with respect to a foreign person described in subsection (a) or (c) are the following:

(1) PROPERTY BLOCKING.—Notwithstanding the requirements of section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701), the President may exercise of all powers granted to the President by that Act to the extent necessary to block and prohibit all transactions in all property and interests in property of the foreign person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) FOREIGN EXCHANGE.—The President may, pursuant to such regulations as the President may prescribe, prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which the foreign person has any interest.

(3) VISAS, ADMISSION, OR PAROLE.—

(A) IN GENERAL.—An alien who the Secretary of State or the Secretary of Homeland Security (or a designee of one of such Secretaries) knows, or has reason to believe, is described in subsection (a) is—

(i) inadmissible to the United States;

(ii) ineligible for a visa or other documentation to enter the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—The issuing consular officer, the Secretary of State, or the Secretary of Homeland Security (or a designee of one of such Secretaries) shall, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), revoke any visa or other entry documentation issued to an alien described in clause (i) regardless of when the visa or other entry documentation is issued.

(ii) EFFECT OF REVOCATION.—A revocation under subclause (i)—

(I) shall take effect immediately; and

(II) shall automatically cancel any other valid visa or entry documentation that is in the alien's possession.

(e) EXCEPTIONS.—

(1) EXCEPTION FOR INTELLIGENCE, LAW ENFORCEMENT, AND NATIONAL SECURITY ACTIVITIES.—Sanctions under this section shall not apply to any authorized intelligence, law enforcement, or national security activities of the United States.

(2) EXCEPTION TO COMPLY WITH INTERNATIONAL OBLIGATIONS.—Sanctions under subsection (d)(3) shall not apply with respect to the admission of an alien if admitting or paroling the alien into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed

at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

(3) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(A) IN GENERAL.—The authorities and requirements to impose sanctions under this section shall not include the authority or requirement to impose sanctions on the importation of goods.

(B) GOOD DEFINED.—In this paragraph, the term ''good'' means any article, natural or man-made substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technical data.

(4) EXCEPTION RELATING TO THE PROVISION OF HUMANITARIAN ASSISTANCE.—Sanctions under this section may not be imposed with respect to transactions or the facilitation of transactions for—

(A) the sale of agricultural commodities, food, medicine, or medical devices to Burma;

(B) the provision of humanitarian assistance to the people of Burma;

(C) financial transactions relating to humanitarian assistance or for humanitarian purposes in Burma; or

(D) transporting goods or services that are necessary to carry out operations relating to humanitarian assistance or humanitarian purposes in Burma.

(f) WAIVER.—

(1) IN GENERAL.—The President may, on a case-by-case basis and for periods not to exceed 180 days each, waive the application of sanctions or restrictions imposed with respect to a foreign person under this section if the President certifies to the appropriate congressional committees not later than 15 days before such waiver is to take effect that the waiver is vital to the national security interests of the United States.

(g) IMPLEMENTATION; PENALTIES.—

(1) IMPLEMENTATION.—The President may exercise all authorities provided to the President under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this subtitle.

(2) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of regulations promulgated under section 403(b) to carry out paragraph (1)(A) to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act.

(h) REPORT.—Not later than 60 days after the date of the enactment of this Act and annually thereafter for 8 years, the Secretary of the Treasury, in consultation with the Secretary of State and the heads of other United States Government agencies, as appropriate, shall submit to the appropriate congressional committees a report that—

(1) sets forth the plan of the Department of the Treasury for ensuring that property blocked pursuant to subsection (a) or Executive Order 14014 remains blocked;

(2) describes the primary sources of income to which the Burmese military has access and that the United States has been unable to reach using sanctions authorities;

(3) makes recommendations for how the sources of income described in paragraph (2) can be reduced or blocked;

(4) evaluates the implications of imposing sanctions on the Burmese-government owned Myanmar Oil and Gas Enterprise, including a determination with respect to the extent to which sanctions on Myanmar Oil and Gas Enterprise would advance the interests of the United States in Burma; and

(5) assesses the impact of the sanctions imposed pursuant to the authorities under this Act on the Burmese people and the Burmese military.

SEC. 203. CERTIFICATION REQUIREMENT FOR REMOVAL OF CERTAIN PERSONS FROM THE LIST OF SPECIALLY DESIGNATED NATIONALS AND BLOCKED PERSONS.

(a) IN GENERAL.—On or after the date of the enactment of this Act, the President may not remove a person described in subsection (b) from the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (commonly referred to as the ''SDN list'') until the President submits to the appropriate congressional committees a certification described in subsection (c) with respect to the person.

(b) PERSONS DESCRIBED.—A person described in this subsection is a foreign person included in the SDN list for violations of part 525 of title 31, Code of Federal Regulations, or any other regulations imposing sanctions on or related to Burma.

(c) CERTIFICATION DESCRIBED.—A certification described in this subsection, with respect to a person described in subsection (b), is a certification that the person has not knowingly assisted in, sponsored, or provided financial, material, or technological support for, or financial or other services to or in support of—

(1) terrorism or a terrorist organization;

(2) a significant foreign narcotics trafficker (as defined in section 808 of the Foreign Narcotics Kingpin Designation Act (21 U.S.C. 1907));

(3) a significant transnational criminal organization under Executive Order 13581 (50 U.S.C. note; relating to blocking property of transnational criminal organizations); or

(4) any other person on the SDN list.

(d) FORM.—A certification described in subsection (c) shall be submitted in unclassified form but may include a classified annex.

SEC. 204. SANCTIONS AND POLICY COORDINATION FOR BURMA.

(a) IN GENERAL.—The Secretary of State may designate an official of the Department of State to serve as the United States Special Coordinator for Burmese Democracy (in this section referred to as the ''Special Coordinator'').

(b) CENTRAL OBJECTIVE.—The Special Coordinator should develop a comprehensive strategy for the implementation of the full range of United States diplomatic capabilities, including the provisions of this Act, to promote human rights and the restoration of civilian government in Burma.

(c) DUTIES AND RESPONSIBILITIES.—The Special Coordinator should, as appropriate, assist in—

(1) coordinating the sanctions policies of the United States under section 202 with relevant bureaus and offices within the Department of State, other relevant United States Government agencies, and international financial institutions;

(2) conducting relevant research and vetting of entities and individuals that may be subject to sanctions under section 202 and coordinate with other United States Government agencies and international financial intelligence units to assist in efforts to enforce anti-money laundering and anti-corruption laws and regulations;

(3) promoting a comprehensive international effort to impose and enforce multilateral sanctions with respect to Burma;

(4) coordinating with and supporting interagency United States Government efforts, including efforts of the United States Ambassador to Burma, the United States Ambassador to ASEAN, and the United States Permanent Representative to the United Nations, relating to—

(A) identifying opportunities to coordinate with and exert pressure on the governments of the People's Republic of China and the Russian Federation to support multilateral action against the Burmese military;

(B) working with like-minded partners to impose a coordinated arms embargo on the Burmese military and targeted sanctions on the economic interests of the Burmese military, including through the introduction and adoption of a United Nations Security Council resolution;

(C) engaging in direct dialogue with Burmese civil society, democracy advocates, ethnic minority representative groups, and organizations or groups representing the protest movement and the officials elected in 2020, such as the Committee Representing the Pyidaungsu Hluttaw, the National Unity Government, the National Unity Consultative Council, and their designated representatives;

(D) encouraging the National Unity Government to incorporate accountability mechanisms in relation to the atrocities against Rohingya and other ethnic groups, to take further steps to make its leadership and membership ethnically diverse, and to incorporate measures to enhance ethnic reconciliation and national unity into its policy agenda;

(E) assisting efforts by the relevant United Nations Special Envoys and Special Rapporteurs to secure the release of all political prisoners in Burma, promote respect for human rights, and encourage dialogue; and

(F) supporting nongovernmental organizations operating in Burma and neighboring countries working to restore civilian democratic rule to Burma and to address the urgent humanitarian needs of the people of Burma; and

(5) providing timely input for reporting on the impacts of the implementation of section 202 on the Burmese military and the people of Burma.

(d) DEADLINE.—If the Secretary of State has not designated the Special Coordinator by the date that is 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report detailing the reasons for not doing so.

SEC. 205. SUPPORT FOR GREATER UNITED NATIONS ACTION WITH RESPECT TO BURMA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United Nations Security Council has not taken adequate steps to condemn the February 1, 2021, coup in Burma, pressure the Burmese military to cease its violence against civilians, or secure the release of those unjustly detained; and

(2) countries, such as the People's Republic of China and the Russian Federation, that are directly or indirectly shielding the Burmese military from international scrutiny and action, should be obliged to endure the reputational damage of doing so by taking public votes on resolutions related to Burma that apply greater pressure on the Burmese military to restore Burma to its democratic path.

(3) The United Nations Secretariat and the United Nations Security Council should take concrete steps to address the coup and ongoing crisis in Burma consistent with the UN General Assembly resolution 75/287, ''The situation in Myanmar,'' which was adopted on June 18, 2021.

(b) SUPPORT FOR GREATER ACTION.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States to spur greater action by the United Nations and the United Nations Security Council with respect to Burma by—

(1) pushing the United Nations Security Council to consider a resolution condemning the February 1, 2021, coup and calling on the Burmese military to cease its violence against the people of Burma and release without preconditions the journalists, prodemocracy activists, and political officials that it has unjustly detained;

(2) pushing the United Nations Security Council to consider a resolution that immediately imposes a global arms embargo against Burma to ensure that the Burmese military is not able to obtain weapons and munitions from other nations to further harm, murder, and oppress the people of Burma;

(3) pushing the United Nations and other United Nations authorities to cut off assistance to the Government of Burma while providing humanitarian assistance directly to the people of Burma through UN bodies and civil society organizations, particularly such organizations working with ethnic minorities that have been adversely affected by the coup and the Burmese military's violent crackdown;

(4) objecting to the appointment of representatives to the United Nations and United Nations bodies such as the Human Rights Council that are sanctioned by the Burmese military;

(5) working to ensure the Burmese military is not recognized as the legitimate government of Burma in any United Nations body; and

(6) spurring the United Nations Security Council to consider multilateral sanctions against the Burmese military for its atrocities against Rohingya and individuals of other ethnic and religious minorities, its coup, and the crimes against humanity it has and continues to commit in the coup's aftermath.

SEC. 206. SUNSET.

(a) IN GENERAL.—The authority to impose sanctions and the sanctions imposed under this title shall terminate on the date that is 8 years after the date of the enactment of this Act.

(b) CERTIFICATION FOR EARLY SUNSET OF SANCTIONS.—Sanctions imposed under this subtitle may be removed before the date specified in subsection (a), if the President submits to the appropriate congressional committees a certification that—

(1) the Burmese military has released all political prisoners taken into custody on or after February 1, 2021, or is providing legal recourse to those that remain in custody;

(2) the elected government has been reinstated or new free and fair elections have been held;

(3) all legal charges against those winning election in November 2020 are dropped; and

(4) the 2008 constitution of Burma has been amended or replaced to place the Burmese military under civilian oversight and ensure that the Burmese military no longer automatically receives 25 percent of seats in Burma's state, regional, and national Hluttaws.

TITLE III—HUMANITARIAN ASSISTANCE AND CIVIL SOCIETY SUPPORT WITH RESPECT TO BURMA

SEC. 301. SUPPORT TO CIVIL SOCIETY AND INDEPENDENT MEDIA.

(a) AUTHORIZATION TO PROVIDE SUPPORT.—The Secretary of State and the Administrator of the United States Agency for International Development are authorized to provide support to civil society in Burma, Bangladesh, Thailand, and the surrounding region, including by—

(1) ensuring the safety of democracy activists, civil society leaders, independent media, participants in the Civil Disobedience Movement, and government defectors exercising their fundamental rights by—

(A) supporting safe houses for those under threat of arbitrary arrest or detention;

(B) providing access to secure channels for communication;

(C) assisting individuals forced to flee from Burma and take shelter in neighboring countries, including in ensuring protection assistance and non-refoulement; and

(D) providing funding to organizations that equip activists, civil society organizations, and independent media with consistent, long-term technical support on physical and digital security in local languages;

(2) supporting democracy activists in their efforts to promote freedom, democracy, and human rights in Burma, by—

(A) providing aid and training to democracy activists in Burma;

(B) providing aid to individuals and groups conducting democracy programming outside of Burma targeted at a peaceful transition to constitutional democracy inside Burma;

(C) providing aid and assistance to independent media outlets and journalists and groups working to protect internet freedom and maintain independent media;

(D) expanding radio and television broadcasting into Burma; and

(E) providing financial support to civil society organizations and nongovernmental organizations led by members of ethnic and religious minority groups within Burma and its cross-border regions;

(3) assisting ethnic minority groups and civil society in Burma to further prospects for justice, reconciliation, and sustainable peace; and

(4) promoting ethnic minority inclusion and participation in political processes in Burma.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $50,000,000 to carry out the provisions of this section for each of fiscal years 2023 through 2027.

SEC. 302. HUMANITARIAN ASSISTANCE AND RECONCILIATION.

(a) AUTHORIZATION TO PROVIDE HUMANITARIAN ASSISTANCE.—The Secretary of State and the Administrator of the United States Agency for International Development are authorized to provide humanitarian assistance and reconciliation activities for ethnic groups and civil society organizations in Burma, Bangladesh, Thailand, and the surrounding region, including—

(1) assistance for victims of violence by the Burmese military, including Rohingya and individuals from other ethnic minorities displaced or otherwise affected by conflict, in Burma, Bangladesh, Thailand, and the surrounding region;

(2) support for voluntary resettlement or repatriation of displaced individuals in Burma, upon the conclusion of genuine agreements developed and negotiated with the involvement and consultation of the displaced individuals and if resettlement or repatriation is safe, voluntary, and dignified;

(3) support for the promotion of ethnic and religious tolerance, improving social cohesion, combating gender-based violence, increasing the engagement of women in peacebuilding, and mitigating human rights violations and abuses against children;

(4) support for—

(A) primary, secondary, and tertiary education for displaced children living in areas of Burma affected by conflict; and

(B) refugee camps in the surrounding region and opportunities to access to higher education in Bangladesh and Thailand;

(5) capacity-building support—

(A) to ensure that displaced individuals are consulted and participate in decision-making processes affecting the displaced individuals; and

(B) for the creation of mechanisms to facilitate the participation of displaced individuals in such processes; and

(6) increased humanitarian aid to Burma to address the dire humanitarian situation that has uprooted 170,000 people through—

(A) international aid partners such as agencies of the United Nations;

(B) the International Committee of the Red Cross; and

(C) cross-border aid.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $220,500,000 to carry out the provisions of this section for fiscal year 2023.

SEC. 303. AUTHORIZATION OF ASSISTANCE FOR BURMA POLITICAL PRISONERS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the freedom of expression, including for members of the press, is an inalienable right and should be upheld and protected in Burma and everywhere;

(2) the Burmese military must immediately cease the arbitrary arrest, detention, imprisonment, and physical attacks of journalists, which have created a climate of fear and self-censorship among local journalists;

(3) the Government of Burma should repeal or amend all laws that violate the right to freedom of expression, peaceful assembly, or association, and ensure that laws such as the Telecommunications Law of 2013 and the Unlawful Associations Act of 1908, and laws relating to the right to peaceful assembly all comply with Burma's human rights obligations;

(4) all prisoners of conscience and political prisoners in Burma should be unconditionally and immediately released;

(5) the Burmese military should immediately and unconditionally release Danny Fenster and other journalists unjustly detained for their work;

(6) the Government of Burma must immediately drop defamation charges against all individuals unjustly detained, including the three Kachin activists, Lum Zawng, Nang Pu, and Zau Jet, who led a peaceful rally in Mytkyina, the capital of Kachin State in April 2018, and that the prosecution of Lum Zawng, Nang Pu, and Zau Jet is an attempt by Burmese authorities to intimidate, harass, and silence community leaders and human rights defenders who speak out about military abuses and their impact on civilian populations; and

(7) the United States Government should use all diplomatic tools to seek the unconditional and immediate release of all prisoners of conscience and political prisoners in Burma.

(b) POLITICAL PRISONERS ASSISTANCE.—The Secretary of State is authorized to continue to provide assistance to civil society organizations in Burma that work to secure the release of and support prisoners of conscience and political prisoners in Burma, including—

(1) support for the documentation of human rights violations with respect to prisoners of conscience and political prisoners;

(2) support for advocacy in Burma to raise awareness of issues relating to prisoners of conscience and political prisoners;

(3) support for efforts to repeal or amend laws that are used to imprison individuals as prisoners of conscience or political prisoners;

(4) support for health, including mental health, and post-incarceration assistance in gaining access to education and employment

opportunities or other forms of reparation to enable former prisoners of conscience and political prisoners to resume normal lives; and

(5) the creation, in consultation with former political prisoners and prisoners of conscience, their families, and their representatives, of an independent prisoner review mechanism in Burma—

(A) to review the cases of individuals who may have been charged or deprived of their liberty for peacefully exercising their human rights;

(B) to review all laws used to arrest, prosecute, and punish individuals as political prisoners and prisoners of conscience; and

(C) to provide recommendations to the Government of Burma for the repeal or amendment of all such laws.

(c) TERMINATION.—The authority to provide assistance under this section shall terminate on the date that is 8 years after the date of the enactment of this Act.

TITLE IV—ACCOUNTABILITY FOR HUMAN RIGHTS ABUSES

SEC. 401. REPORT ON ACCOUNTABILITY FOR WAR CRIMES, CRIMES AGAINST HUMANITY, AND GENOCIDE IN BURMA.

(a) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to continue the support of ongoing mechanisms and special procedures of the United Nations Human Rights Council, including the United Nations Independent Investigative Mechanism for Myanmar and the Special Rapporteur on the situation of human rights in Myanmar; and

(2) to refute the credibility and impartiality of efforts sponsored by the Government of Burma, such as the Independent Commission of Enquiry, unless the United States Ambassador at Large for Global Criminal Justice determines the efforts to be credible and impartial and notifies the appropriate congressional committees in writing and in unclassified form regarding that determination.

(b) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, after consultation with the heads of other United States Government agencies and representatives of human rights organizations, as appropriate, shall submit to the appropriate congressional committees a report that—

(1) evaluates the persecution of Rohingya in Burma by the Burmese military;

(2) after consulting with the Atrocity Early Warning Task Force, or any successor entity or office, provides a detailed description of any proposed atrocity prevention response recommended by the Task Force as it relates to Burma;

(3) summarizes any atrocity crimes committed against Rohingya or members of other ethnic minority groups in Burma between 2012 and the date of the submission of the report;

(4) describes any potential transitional justice mechanisms for Burma;

(5) provides an analysis of whether the reports summarized under paragraph (3) amount to war crimes, crimes against humanity, or genocide;

(6) includes an assessment on which events that took place in the state of Rakhine in Burma, starting on August 25, 2017, constitute war crimes, crimes against humanity, or genocide; and

(7) includes a determination with respect to whether events that took place during or after the coup of February 1, 2021, in any state in Burma constitute war crimes or crimes against humanity.

(c) ELEMENTS.—The report required by subsection (b) shall include the following:

(1) A description of—

(A) credible evidence of events that may constitute war crimes, crimes against humanity, or genocide committed by the Burmese military against Rohingya and members of other ethnic minority groups, including the identities of any other actors involved in the events;

(B) the role of the civilian government in the commission of any events described in subparagraph (A);

(C) credible evidence of events of war crimes, crimes against humanity, or genocide committed by other armed groups in Burma;

(D) attacks on health workers, health facilities, health transport, or patients and, to the extent possible, the identities of any individuals who engaged in or organized such attacks in Burma; and

(E) to the extent possible, the conventional and unconventional weapons used for any events or attacks described in this paragraph and the sources of such weapons.

(2) In consultation with the Administrator of the United States Agency for International Development, the Attorney General, and heads of any other appropriate United States Government agencies, as appropriate, a description and assessment of the effectiveness of any efforts undertaken by the United States to promote accountability for war crimes, crimes against humanity, and genocide perpetrated against Rohingya by the Burmese military, the government of the Rakhine State, pro-government militias, or other armed groups operating in the Rakhine State, including efforts—

(A) to train civilian investigators, within and outside of Burma and Bangladesh, to document, investigate, develop findings of, identify, and locate alleged perpetrators of war crimes, crimes against humanity, or genocide in Burma;

(B) to promote and prepare for a transitional justice mechanism for the perpetrators of war crimes, crimes against humanity, and genocide occurring in the Rakhine State in 2017; and

(C) to document, collect, preserve, and protect evidence of war crimes, crimes against humanity, and genocide in Burma, including by—

(i) providing support for ethnic Rohingya, Shan, Rakhine, Kachin, Chin, and Kayin and other ethnic minorities;

(ii) Burmese, Bangladeshi, foreign, and international nongovernmental organizations;

(iii) the Independent Investigative Mechanism for Myanmar; and

(iv) other entities engaged in investigative activities with respect to war crimes, crimes against humanity, and genocide in Burma.

(3) A detailed study of the feasibility and desirability of a transitional justice mechanism for Burma, such as an international tribunal, a hybrid tribunal, or other options, that includes—

(A) a discussion of the use of universal jurisdiction or of legal cases brought against Burma by other countries at the International Court of Justice regarding any atrocity crimes perpetrated in Burma;

(B) recommendations for any transitional justice mechanism the United States should support, the reason the mechanism should be supported, and the type of support that should be offered; and

(C) consultation regarding transitional justice mechanisms with representatives of Rohingya and individuals from other ethnic minority groups who have suffered human rights violations and abuses.

(d) PROTECTION OF WITNESSES AND EVIDENCE.—The Secretary of State shall seek to ensure that the identification of witnesses and physical evidence used for the report required by this section are not publicly disclosed in a manner that might place witnesses at risk of harm or encourage the destruction of evidence by the military or government of Burma.

(e) FORM OF REPORT; PUBLIC AVAILABILITY.—

(1) FORM.—The report required by subsection (b) shall be submitted in unclassified form but may include a classified annex.

(2) PUBLIC AVAILABILITY.—The unclassified portion of the report required by subsection (b) shall be posted on a publicly available internet website.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Relations and the Committee on Armed Services of the Senate; and

(2) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives.

SEC. 402. AUTHORIZATION TO PROVIDE TECHNICAL ASSISTANCE FOR EFFORTS AGAINST HUMAN RIGHTS ABUSES.

(a) IN GENERAL.—The Secretary of State is authorized to provide assistance to support appropriate civilian or international entities that—

(1) identify suspected perpetrators of war crimes, crimes against humanity, and genocide;

(2) collect, document, and protect evidence of crimes and preserving the chain of custody for such evidence;

(3) conduct criminal investigations of such crimes; and

(4) support investigations conducted by other countries, and by entities mandated by the United Nations, such as the Independent Investigative Mechanism for Myanmar.

(b) AUTHORIZATION FOR TRANSITIONAL JUSTICE MECHANISMS.—The Secretary of State, taking into account any relevant findings in the report submitted under section 402, is authorized to provide support for the establishment and operation of transitional justice mechanisms, including a hybrid tribunal, to prosecute individuals suspected of committing war crimes, crimes against humanity, or genocide in Burma.

TITLE V—STATUTORY PAY-AS-YOU-GO ACT

SEC. 501. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MEEKS) and the gentlewoman from New York (Ms. TENNEY) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. MEEKS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5497, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

□ 1230

Mr. MEEKS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 5497, the BURMA Act of 2022, which I have introduced, alongside Representative STEVE CHABOT, the ranking member of the Asia, the Pacific, Central Asia, and Nonproliferation Subcommittee, who I want to thank for working in a bipartisan way.

I also want to thank Foreign Affairs Committee Ranking Member MICHAEL MCCAUL for working with me in a bipartisan way on this very important and very timely bill.

Mr. Speaker, democracy is under severe strain across the globe, and the current crisis in Burma is a stark reminder of this challenge.

It has been just over a year since the Burmese military staged an illegal and illegitimate coup d'etat, seizing control of the Union Government and detaining a broad cross section of democratically elected civilian leaders. As the military upended Burma's fragile transition to democracy, it began a widespread suppression of fundamental freedoms.

Over the past 14 months, the military's brutal and senseless violence has resulted in more than 1,700 people killed, including over 100 children. Thousands have been unjustly detained, and nearly half a million people have been displaced by the military's violence.

Congress cannot, cannot and must not, stand idly by as the military brutally kills its people. As the war in Ukraine has reminded us, America must stand up with freedom-loving people everywhere.

The Burmese people have courageously resisted the military's repression and violence. They have organized a civil disobedience movement to erode the military's ability to govern. A shadow government, the National Unity Government, has emerged to restore democratic civilian rule. All they are asking of us is that the world come to their aid and their cause.

The Biden administration has taken critical steps to stand with the Burmese people, and I want to commend Secretary Blinken's formal determination last month that the Burmese military committed genocide and crimes against humanity against Rohingyas, something that was long, long overdue, and which I advocated for in this current bill.

But now it is Congress' turn to act. The important resolutions, statements of condemnation, and letters of solidarity this body has sent over the past 14 months are important, but not sufficient. The people of Burma need us to do more. Frankly, the Burmese military's gross abuses demand that we do more.

H.R. 5497 is a comprehensive, bipartisan bill that holds the Burmese military accountable through targeted sanctions, puts pressure on the junta by urging greater action at the United Nations, and calling for a Special Coordinator for Burmese Democracy.

It authorizes humanitarian assistance for the hundreds of thousands of Burmese citizens that have been internally displaced or fled across the border. It calls on the State Department to document the genocide and the crimes against humanity committed against Rohingyas and other Burmese ethnic minorities.

The same military leaders which perpetuated a genocide against Rohingya are now using the same tactics to unleash unprecedented bloodshed across the entire country. We must end the impunity of the Burmese military and make it harder for it to enact its brutality.

And to every member of the Burmese ruling elite that does not support the pathway taken by General Min Aung Hlaing, let me say to you loud and clear: Now is the time for you to think about your country's future and defect, defect, because the Burmese people and the international community will remember which side you stood on.

The economic and diplomatic pressure that this bill applies is essential to changing the junta's calculus and forcing it to the negotiating table. By passing this legislation, we will take a meaningful step, not just to stand up with the Burmese people, but also to help bring this crisis to an end.

Therefore, before this bill becomes law, I look forward to working with my colleagues in a bipartisan way to refine the sanctions in this bill so that they remain relevant and effective.

Thus, I urge my colleagues to support this measure so that we can move it one step closer to the President's desk.

Mr. Speaker, I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, April 5, 2022.

Hon. GREGORY MEEKS,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing concerning H.R. 5497, the BURMA Act of 2022. In order to permit H.R. 5497 to proceed expeditiously to the House Floor, I agree to forgo formal consideration of the bill.

The Committee on Financial Services takes this action to forego formal consideration of H.R. 5497 in light of our mutual understanding that, by foregoing formal consideration of H.R. 5497 at this time, we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as this or similar legislation moves forward with regard to any matters in the Committee's jurisdiction. The Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation that involves the Committee's jurisdiction and request your support for any such request.

Finally, I would appreciate your response to this letter confirming this understanding, and I would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during Floor consideration of H.R. 5497.

Sincerely,

MAXINE WATERS,
Chairwoman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, April 5, 2022.

Hon. MAXINE WATERS,
Committee on Financial Services, House of Representatives, Washington, DC.

DEAR CHAIRWOMAN WATERS: I am writing to you concerning H.R. 5497, the BURMA Act of 2022, as amended. I appreciate your willingness to work cooperatively on this legislation.

I acknowledge that provisions of the bill fall within the jurisdiction of the Committee on Financial Services under House Rule X, and that your Committee will forgo action on H.R. 5497 to expedite floor consideration. I further acknowledge that the inaction of your Committee with respect to the bill does not waive any future jurisdictional claim over the matters contained in the bill that fall within your jurisdiction. I also acknowledge that your Committee will be appropriately consulted and involved as this or similar legislation moves forward, and will support the appointment of Committee on Financial Services conferees during any House-Senate conference convened on this legislation.

Lastly, I will ensure that our exchange of letters is included in the Congressional Record during floor consideration of the bill. Thank you again for your cooperation regarding the legislation. I look forward to continuing to work with you as the measure moves through the legislative process.

Sincerely,

GREGORY W. MEEKS,
Chairman.

Ms. TENNEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is an honor for me to represent New York's 22nd Congressional District, which is home to generations of Burmese refugees, dating back to the first family arriving in the early 2000s, and where nearly 5,000 Burmese refugees reside.

On February 1 of last year, Burma's military seized power in a violent coup, ending 5 years of flawed, but promising, democracy, dragging Burma back into a brutal military rule.

Over the last year, the world has watched in horror as the military targeted innocent Burmese men, women, and children. The latest estimates indicate that over 1,700 people have been murdered and more than 13,000 arrested by the junta.

In the face of this violence and repression, the resilience of the people of Burma is no less than inspiring. The legislation we are considering today is an important step forward in standing with the people of Burma and holding their perpetrators accountable.

The BURMA Act will impose mandatory sanctions on the military regime, as well as entities that continue to support it.

While the White House has begun to take steps to reimpose the sanctions regime that the former Democratic administration prematurely lifted, it is time that the Burmese military is again sanctioned as a matter of law, especially now that the United States

has finally recognized that their crimes against the Rohingya amount to genocide.

Now, more than ever, I urge all to remain committed to the people of Burma's quest for democracy, for peace, and freedom, and to oppose this affront to human dignity.

I thank Chairman MEEKS and Congressman CHABOT for championing this legislation, and I urge my colleagues to support this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. MEEKS. Mr. Speaker, I don't think I have any further speakers, so I reserve the balance of my time.

Ms. TENNEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, America stands as free people against dictators and despots. It is part of our values, and it is an important signal to the world that the United States stands firm against autocrats, whether in Burma or Russia.

Last Friday, China's Foreign Minister, Wang Yi, showed the world how true this is. He met with his counterpart from the Burmese junta regime and said that the Chinese Communist Party would back the Tatmadaw ''no matter how the situation changes.''

We are at a critical point in history. Authoritarian regimes like China are partnering with their autocratic allies around the world to make the globe less free; to undermine human dignity and individual freedom; and to oppress those who stand up and have the courage to speak out as the Burmese people have. It is sickening, and it is one more reason why this legislation is so timely.

It is critical that America stands united in supporting the people of Burma and championing their fundamental human rights in the face of military oppression. I will continue to be a voice for this community as we fight to oppose this affront to the people of Burma's dignity and freedom and quest for peace.

I, once again, urge my colleagues to support this measure. I yield back the balance of my time.

Mr. MEEKS. Mr. Speaker, I yield myself such time as I may consume for the purpose of closing.

Mr. Speaker, Congress must do more to address this crisis in Burma, and H.R. 5497, the BURMA Act of 2021, will do just that. It will take concrete steps to hold the Burmese military accountable for its coup and for the perpetration of gross human rights violations and other unspeakable atrocities.

This bill, Mr. Speaker, sends a strong and unequivocal message that there are severe consequences for subverting democracy, and that the United States of America stands firmly with the Burmese people in their struggle for human rights and their democracy.

Mr. Speaker, I hope all of my colleagues, all 435 of us, will join me in supporting this bill, and I yield back the balance of my time.

Ms. ESHOO. Mr. Speaker, I rise in support of H.R. 5497, the BURMA Act which is important legislation to support the courageous people of Burma as they struggle to wrest democracy from the hands of their authoritarian military.

On February 1, 2021, after a decade of promising democratic reforms in Burma, the Burmese military (also known as the Tatmadaw) seized control of the civilian government, declared a state of emergency, and unlawfully detained State Councilor Aung San Suu Kyi, President Win Myint, and many Members of Parliament. In response, the people of Burma took to the streets to demand the restoration of civilian rule, only to be met with the Tatmadaw's brutal campaign of repression, involving extrajudicial executions, mass arrests and disappearances, and other authoritarian tactics.

H.R. 5497 is legislation to hold the Tatmadaw accountable for their human rights abuses by authorizing targeted sanctions against the Burmese military and its affiliated entities. These sanctions will deprive the Tatmadaw of the resources they need to continue their violent suppression of the Burmese people. H.R. 5497 also provides much-needed funds to support pro-democracy civil society groups in Burma and alleviate the severe humanitarian crisis caused by the Tatmadaw's violence and mismanagement of the economy.

I'm pleased that this legislation advances many of the goals outlined in H. Res. 896, a resolution I introduced on the one-year anniversary of the coup to condemn the Burmese military's human rights abuses. My resolution calls for tough sanctions against the Tatmadaw, robust humanitarian assistance for the Burmese people, and increased efforts to hold the Tatmadaw accountable for atrocities.

At a time when democracy is being threatened around the world, it's imperative that the United States join with the courageous people of Burma who are fighting to restore democracy in their country. By passing H.R. 5497, Congress will demonstrate our solidarity with the Burmese people, and I urge all my colleagues to support this bill and vote yes.

Mr. CHABOT. Mr. Speaker, as the Ranking Member of the Asia-Pacific Subcommittee, I rise today in support of H.R. 5497, the BURMA Act, bipartisan legislation Chairman MEEKS and I introduced last year in response to the coup in Burma. And I want to thank Ranking Member MCCAUL and Ms. TENNEY and all those who have supported this legislation on both sides of the aisle.

As everyone who follows the situation in Burma knows, on February 1, 2021 the Burmese military perpetrated a coup against the civilian government, detained its elected leaders and set up a junta.

This is by no means the first time the generals have seized power but this time the response has been different. The people of Burma, in all walks of life have courageously stood up against the military with peaceful protests, mass strikes, and other civil disobedience.

The military's response bas been predictable—they initiated a crackdown that continues today. They've killed over seventeen hundred people and imprisoned thousands more. This repression has pushed the country into civil war, essentially, as the generals stubbornly refuse to restore democracy.

Let me be clear, this coup is a blatant violation of the rights of the Burmese people. Self-government and self-determination are rights of all people around the world, not a gift from a small handful of elites who pretend to be entitled to rule over their fellow citizens. The generals cannot simply back out of democracy when it no longer serves their purposes. It's a right that's owed to the people of Burma.

In response to the coup, Chairman MEEKS and I introduced this BURMA Act. Briefly recapping the history of this legislation, in September 2017, the Burmese military began a genocidal campaign to permanently drive the Rohingya out of Burma which resulted in over 700,000 Rohingya refugees fleeing from Rakhine State, Burma into neighboring Bangladesh. They remain there today without any meaningful hope of returning home.

This campaign consisted of widespread, systematic, and premeditated human rights abuses, including barbaric killings, gang rapes, and the burning of around 400 Rohingya villages. According to a partial State Department report on these atrocities, about half of the Rohingya surveyed said they personally witnessed a rape while about 80 percent witnessed killings and the destruction of villages.

In response to these atrocities, Ranking Member Eliot Engel and I wrote the original BURMA Act which would have imposed sanctions on the military, and deployed several other tools to address longstanding concerns with Burma. While the legislation passed in the House several times, the Senate failed to take it up.

Last year, in response to the coup, Chairman MEEKS and I updated the BURMA Act to provide some measure of accountability for both the genocide in 2017 and this year's coup, and to reflect the sanctions the Biden Administration has already imposed on the Burmese military. The new version of the legislation will levy stronger sanctions against the military, and provide additional assistance to the people of Burma.

I would specifically like to point out that this legislation deals specifically with accountability for the crimes committed against the Rohingya, and has for the last several years required the State Department to determine whether this was a genocide. I'm pleased that last month Secretary Blinken took this step, and declared officially and on behalf of the United States what many of us have known for some time that the crimes were indeed a genocide. This decision is one we can all support—and probably one of the few things this Administration has done that I can really get behind.

As the coup and its aftermath continue to drag on, we must use this determination to renew focus on the situation in Burma and intensify our efforts to see that the Burmese Military comes to terms with the fact that the people have chosen a different path. The BURMA Act would go a long way in that effort, so I would urge my colleagues to support its passage.

Ms. JACKSON LEE. Mr. Speaker, I rise in strong support of H.R. 5497, ''Burma Unified through Rigorous Military Accountability Act of 2021'' or BURMA Act.

The purpose of this bill is to authorize humanitarian assistance and civil society support, promote democracy and human rights, and impose targeted sanctions with respect to human rights abuses in Burma.

The legislation condemns the actions taken by the Burmese military during its coup on February 1, 2021 and its aftermath.

The BURMA Act:

Authorizes sanctions on individuals and entities who helped stage the February 1 coup d'etat and are responsible for the subsequent repression of fundamental freedoms, human rights abuses, use of indiscriminate violence towards civilians, and other gross atrocities.

Prohibits the import of precious and semi-precious gemstones from Burma into the United States.

Authorizes a new position at the State Department, a Special Coordinator for Burmese Democracy, to promote an international effort to impose and enforce multilateral sanctions on Burma and coordinate United States Government interagency efforts on Burma.

Authorizes support to civil society and for humanitarian assistance in Burma, Bangladesh, Thailand, and the surrounding region.

Calls for the Department of State to make a genocide determination with regard to the persecution of the Rohingya.

Calls for the United States to pressure the United Nations to take more decisive action with regards to Burma.

By authorizing targeted sanctions against the Burmese military, the Burmese Administrative Council and affiliated entities, the bill holds accountable those responsible for the perpetration of the coup and the ensuing atrocities that have claimed over a thousand lives.

It has been a little over a year since the Burmese military staged its illegal and illegitimate coup, reversing years of reform and Burma's fragile transition to democracy.

The military regime has killed more than 1,728 people since February of 2021, including around 100 children, and illegally detained more than 13,084 people.

The violence toward its own citizens has displaced roughly 400,000 people within the country.

This brings the estimated total of internally displaced persons to 776,000 and of refugees and asylum-seekers in neighboring countries to more than 1 million.

People in Myanmar desperately need food, clean water and protection to survive.

The BURMA Act would address these gaps by funding humanitarian assistance and addressing issues in Myanmar including human rights violations, displacement, and armed conflict.

Having previously lived under military rule and authoritarianism for decades, the people of Myanmar responded to the coup with courage and resistance.

Democracy activists flooded the streets, formed a shadow government, and carried out a massive civil disobedience movement to shut down the machinery of the state.

The tragedy underway in Myanmar epitomizes the battle between democracy and authoritarianism.

However, the people of Myanmar have not received much support from the international community, in efforts to condemn this coup the United States must act now by expanding targeted sanctions to halt this.

The toll on the people of Burma has been truly staggering, under the military's harsh rule, no one is safe from violence, arbitrary detainment, military attack, and infringements on human rights.

I am optimistic that we will pass the BURMA Act to apply economic pressure, provide humanitarian support, and redouble diplomatic efforts against the military junta.

The people of Burma can no longer afford to wait, so neither should we.

I ask my colleagues to join me in voting for H.R. 5497 because these people who have survived crimes against humanity, discrimination, gender-based violence and forced displacement in Myanmar need the humanitarian assistance this bill would provide.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MEEKS) that the House suspend the rules and pass the bill, H.R. 5497, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

UKRAINE INVASION WAR CRIMES DETERRENCE AND ACCOUNTABILITY ACT

Mr. MEEKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7276) to direct the President to submit to Congress a report on United States Government efforts to collect, analyze, and preserve evidence and information related to war crimes and any other atrocities committed during the full-scale Russian invasion of Ukraine since February 24, 2022, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 7276

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 ''Ukraine Invasion War Crimes Deterrence and Accountability Act''.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) in its premeditated, unprovoked, unjustified, and unlawful full-scale invasion of Ukraine that commenced on February 24, 2022, the military of the Government of the Russian Federation under the direction of President Vladimir Putin has committed war crimes that include but are not limited to—

(A) the deliberate targeting of civilians and injuring or killing of noncombatants;

(B) the deliberate targeting and attacking of hospitals, schools, and other non-military buildings dedicated to religion, art, science, or charitable purposes, such as the bombing of a theater in Mariupol that served as a shelter for noncombatants and had the word ''children'' written clearly in the Russian language outside;

(C) the indiscriminate bombardment of undefended dwellings and buildings;

(D) the wanton destruction of property not justified by military necessity;

(E) unlawful civilian deportations;

(F) the taking of hostages; and

(G) rape, or sexual assault or abuse;

(2) the use of chemical weapons by the Government of the Russian Federation in Ukraine would constitute a war crime, and engaging in any military preparations to use chemical weapons or to develop, produce, stockpile, or retain chemical weapons is prohibited by the Chemical Weapons Convention, to which the Russian Federation is a signatory;

(3) Vladimir Putin has a long record of committing acts of aggression, systematic abuses of human rights, and acts that constitute war crimes or other atrocities both at home and abroad, and the brutality and scale of these actions, including in the Russian Federation republic of Chechnya, Georgia, Syria, and Ukraine, demonstrate the extent to which his regime is willing to flout international norms and values in the pursuit of its objectives;

(4) Vladimir Putin has previously sanctioned the use of chemical weapons at home and abroad, including in the poisonings of Russian spy turned double agent Sergei Skripal and his daughter Yulia and leading Russian opposition figure Aleksey Navalny, and aided and abetted the use of chemical weapons by President Bashar al-Assad in Syria; and

(5) in 2014, the Government of the Russian Federation initiated its unprovoked war of aggression against Ukraine which resulted in its illegal occupation of Crimea, the unrecognized declaration of independence by the so-called ''Donetsk People's Republic'' and ''Luhansk People's Republic'' by Russia-backed proxies, and numerous human rights violations and deaths of civilians in Ukraine.

SEC. 3. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to collect, analyze, and preserve evidence and information related to war crimes and other atrocities committed during the full-scale Russian invasion of Ukraine that began on February 24, 2022, for use in appropriate domestic, foreign, and international courts and tribunals prosecuting those responsible for such crimes;

(2) to help deter the commission of war crimes and other atrocities in Ukraine by publicizing to the maximum possible extent, including among Russian and other foreign military commanders and troops in Ukraine, efforts to identify and prosecute those responsible for the commission of war crimes during the full-scale Russian invasion of Ukraine that began on February 24, 2022; and

(3) to continue efforts to identify, deter, and pursue accountability for war crimes and other atrocities committed around the world and by other perpetrators, and to leverage international cooperation and best practices in this regard with respect to the current situation in Ukraine.

SEC. 4. REPORT ON UNITED STATES EFFORTS.

Not later than 90 days after the date of the enactment of this Act, and consistent with the protection of intelligence sources and methods, the President shall submit to the appropriate congressional committees a report, which may include a classified annex, describing in detail the following:

(1) United States Government efforts to collect, analyze, and preserve evidence and information related to war crimes and other atrocities committed during the full-scale Russian invasion of Ukraine since February 24, 2022, including a description of—

(A) the respective roles of various agencies, departments, and offices, and the interagency mechanism established for the coordination of such efforts;

(B) the types of information and evidence that are being collected, analyzed, and preserved to help identify those responsible for the commission of war crimes or other atrocities during the full-scale Russian invasion of Ukraine in 2022; and

(C) steps taken to coordinate with, and support the work of, allies, partners, international institutions and organizations, and nongovernmental organizations in such efforts.

(2) Media, public diplomacy, and information operations to make Russian military commanders, troops, political leaders and the Russian people aware of efforts to identify and prosecute those responsible for the

commission of war crimes or other atrocities during the full-scale Russian invasion of Ukraine in 2022, and of the types of acts that may be prosecutable.

(3) The process for a domestic, foreign, or international court or tribunal to request and obtain from the United States Government information related to war crimes or other atrocities committed during the full-scale Russian invasion of Ukraine in 2022.

SEC. 5. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Affairs, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Foreign Relations, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate.

(2) ATROCITIES.—The term ''atrocities'' has the meaning given that term in section 6(2) of the Elie Wiesel Genocide and Atrocities Prevention Act of 2018 (Public Law 115–441; 22 U.S.C. 2656 note).

(3) WAR CRIME.—The term ''war crime'' has the meaning given that term in section 2441(c) of title 18, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MEEKS) and the gentleman from Texas (Mr. MCCAUL) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. MEEKS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 7276, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MEEKS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 7276, the Ukraine Invasion War Crimes Deterrence and Accountability Act introduced by my good friend and the ranking member of the House Foreign Affairs Committee, Mr. MCCAUL.

I want to thank Mr. MCCAUL for working collectively across the aisle as we do on many bills, but on this important bill, for his leadership on it. It is very timely and very important.

Mr. Speaker, each day we see a growing body of horrifying evidence of atrocities that Russian troops have wreaked on Ukrainian citizens. Mr. MCCAUL and I traveled to Poland, and we saw with our own eyes the refugees fleeing Ukraine because of Putin's war; not knowing whether they would see their husbands or fathers or uncles ever again; not knowing what their tomorrow would be.

This week, the images, the videos, and the firsthand accounts from Bucha were nothing short of chilling, and as it did seeing the refugees cross the border in Poland, it pains my heart to know that this is likely just the tip of the iceberg of what Ukrainians have suffered.

□ 1245

In attempting to justify his war of choice on Ukraine, Putin's relentless dehumanization of Ukrainians has laid the foundation for atrocities so vile it churns one's stomach.

We have seen this before, Mr. Speaker. It is the same dehumanization that has led to every genocide before. I fear what we have seen in Bucha is happening throughout Ukraine right now, and it will only get worse.

Nothing we do on this floor today will erase the generational trauma that Putin's forces have inflicted on Ukrainians, but we can and must ensure that the United States of America is doing everything in its power to collect evidence that can be used to prosecute Russian war crimes and other atrocities. Hopefully, that will deter further systemic human rights abuses in this conflict.

H.R. 7276 would require the administration to detail efforts to collect, analyze, and preserve evidence of war crimes, and to describe the process through which a domestic, foreign, or international court or tribunal could request and obtain information related to war crimes or other atrocities from the United States.

Every day of this illegal and unprovoked war further unites the global community against Russia's aggression in Ukraine. The images that we continue to see day in and day out are shocking to the conscience and also a call to action.

To the leaders of the nations who have yet to condemn this barbaric war of choice, I ask them to please watch these videos of civilians being bombed and, as we did both in Poland and with those who visited us here in the House of Representatives, listen to the survivors who witnessed their neighbors and their friends shot in the streets or in their homes, some bound with their hands behind their backs.

The camera of history is rolling, Mr. Speaker, and it will remember those countries that remain silent.

Russia's aggression in Ukraine must stop. We must unequivocally condemn the atrocities that are being carried out by Putin and his Russian invading forces. Those who are responsible, Mr. Speaker, must be brought to justice, no matter how long it takes or how hard it may be.

The Ukraine Invasion War Crimes Deterrence and Accountability Act will help in collecting the necessary evidence so that we can do just that: Hold those individuals accountable for the atrocities that they have committed.

Mr. Speaker, I ask all of my colleagues to join and support this crucial legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MCCAUL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my dear friend, Chairman MEEKS, for working with me on this important legislation. This is a historic time, and it is a historic bill.

This is the largest invasion in Europe since World War II, with war crimes in Europe the likes of which we haven't seen since my father's generation in my father's war.

Mr. Speaker, the world is watching, and history will judge us all by how we act, by our actions. As the chairman said, the tape is filming; the reel is filming this. We are seeing these horrific images coming out of Ukraine as I speak, and sadly, there will be many more. We have just hit the surface.

Corpses are littering the streets of Bucha, their hands tied behind their backs and bullets in their heads. Some are decapitated.

A pregnant woman, covered in blood—these monsters bombed a maternity hospital, for God's sake—as she gets wheeled out, holding on to her womb or baby. Sadly, and tragically, both she and her baby did not survive that day.

Mothers are raped in front of their children, and young girls are raped in front of their families—girls.

The bodies of families are half-buried together in shallow graves, with their hands still sticking out of the ground.

My God, what is happening in this world? I never imagined or thought I would see this in my lifetime. This is of centuries ago, not today.

The bombing of apartments and public buildings providing refuge to children and the elderly, including a theater in Mariupol that had the word ''children'' written outside so large in Russian that the satellites could see it—we could see it from satellites. What do the Russians do? They bombed it. They bombed it knowing that there were children inside.

Today, just today, most disturbing, we have reporting out of Ukraine that Russia is bringing in mobile crematoriums to deal with the carnage because there are so many bodies in the streets. They are bringing in mobile crematoriums in an effort to hide the evidence of their crimes.

These are Putin's war crimes, and he will be held responsible. He and his cronies, and the Russian troops who have carried them out, must be held accountable.

Sadly, these are not the first war crimes committed by Putin's troops, as the people of Chechnya, Georgia, and Syria can attest.

We cannot wait for the next atrocity before we act. We must do what we can now to deter Russian leaders, commanders, and troops in the field from committing further war crimes.

That is why we introduced this legislation. It will ensure the United States helps the people of Ukraine gather, analyze, and maintain the evidence of these war crimes.

It will also put Russian troops—I think ''troops'' is probably not the right word—these Russian monsters and their leaders on notice that the world is watching.

The world is watching them right now, and we are taking names. We are

taking the names of these war criminals; we are taking photographs; we are taking surveillance; and we are taking the satellite imagery to document this injustice, this crime against humanity. And we will seek justice.

Mr. Speaker, I am very proud of the bipartisan efforts that our committee has made. But on the topic, I just have to—my God, I can't believe we are here even talking about this. I can't believe this is actually happening in this world, in this century.

These horrific atrocities in Bucha have made one thing crystal clear: No country can remain neutral in the face of this evil. The entire world needs to rally against Mr. Putin and these war crimes. Passing this bill is a step forward to getting justice done.

I was a Federal prosecutor for a good part of my life, and I have dealt with a lot of victims. I have seen a lot of really awful things that man can do to mankind. I have to say, Mr. Speaker, this is probably—in fact, it is absolutely the worst thing I have seen in my lifetime.

The world is watching, and history will judge us all. All nations will judge us all by what we do here and now.

Mr. Speaker, I reserve the balance of my time.

Mr. MEEKS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, let me thank the leadership of our chairman and the working relationship with the ranking member.

Mr. Speaker, I was in Lithuania as the Russians were coming in, and I spent a couple of days there with the hopes and dreams of many people that, in actuality, there would not be an invasion of Russia into Ukraine, even though we were being briefed on the 30,000 to 40,000 troops in Belarus.

Even on that day, we spoke to Ukraine parliamentarians, who indicated that they were leaving the meeting we were in and taking a 17-hour trip back to Ukraine as their son was standing up to join the Ukrainian military.

Little did we expect—as some people said, ''just a couple of days''—that we would be at a point where—we will not call it World War III, but we will call it the most brutal, vicious, and murderous effort in Europe and the world almost since World War II.

I cannot fathom the bodies found in a pit. I cannot understand moms and babies dying in the street. I cannot understand or accept the numbers of civilians targeted, their bodies strewn throughout the various cities.

The movement to the east, the destruction of Odessa, and the unwillingness of Vladimir Putin to even think of being serious at the peace table—it is important to say pronounced war crimes have been committed, that he must be at The Hague.

I believe Europe should be more pronounced in its annunciation. I frankly believe that there is a heavier penalty that he must pay. I don't believe he should sit at another table of Western civilization.

Most importantly, I rise to support this legislation and believe America is right to insist on Mr. Putin being tried for war crimes.

Ms. JACKSON LEE. Madam Speaker, I rise in support of H.R. 7276 the Ukraine Invasion War Crimes Deterrence and Accountability Act, to direct the President to submit a report to Congress on the United States efforts to collect and analyze evidence and information related to the war crimes committed by the Russian Federation during their full-scale invasion of Ukraine.

This legislation requires the Administration to detail the process our government will undertake to collect, analyze, and preserve evidence of these war crimes, so that perpetrators of these and other atrocities are held accountable.

There is no question of whether the Russian Federation, under the direction of Vladimir Putin has been defying the laws of war throughout its unprovoked, unjust, and unlawful invasion of Ukraine.

H.R. 7276 will ensure the U.S. maintains a coordinated effort to collect evidence to be used to prosecute Russian war crimes in Ukraine.

This bill will help to deter future war crimes by ensuring Russian troops and their commanders know the world is watching closely.

In the three decades since gaining its independence, Ukraine has sought its own path to sovereignty and has pursued closer economic, social, and political ties with the free market and democratic nations of the West.

Since 2013, the Russian Federation under the direction of President Vladimir Putin, has imposed a campaign of political, economic, and military aggression against Ukraine.

In February 2014, the Russian military began the invasion of eastern regions in Ukraine, including the Crimean Peninsula. The military also backed separatist insurgents in the Donbass region, where fighting has killed over 14,000 people.

Today the world is witnessing the unprovoked aggression and invasion ordered by Vladimir Putin.

President Putin and his associates must be held personally liable for the war crimes committed against the people of Ukraine.

Russia claims it is not attacking civilians, yet thousands of people have been killed, mostly from explosive weapons with a wide impact area, including shelling from heavy artillery and multi-launch rocket systems, and missile and air strikes.

Families are being separated by war, adults and children are being ruthlessly killed, and civilian infrastructure has been completely obliterated in parts of eastern Ukraine.

These reckless Russian attacks have leveled homes, preschools, post offices, museums, sports facilities, hospitals, and factories.

Power and gas lines have been severed, bridges and railway stations blown up intentionally to restrict refugee movement within the country.

Civilians have been killed in their cars, while waiting in bread lines, and while seeking treatment in hospitals.

Remnants of a missile were found in a Ukrainian zoo, residential neighborhoods have been shelled to pieces and morgues are overflowing with bodies.

Additionally, a rogue Russia is violently crushing political speech opposing the war from its own citizens.

As Russian ground forces advance in Ukraine, Ukrainians are sheltering from artillery shells and cruise missiles in subways and bomb shelters.

But in addition to the conventional military forces that Russia brings to bear, Russia has been utilizing nonconventional warfare for years.

Russia has been running a long-running campaign to cast Ukrainians as Nazis and the perpetrators of genocide against Russian-speakers in eastern Ukraine in order to justify an invasion.

The western world must continue to march in lockstep against this senseless Russian invasion of a sovereign nation.

We will make it clear to President Putin that there is no possibility for him to win this war when our alliances are as united and as fortified as they are now and will continue to be throughout the entire duration of this conflict.

Putin may seize ground, but he will never hold it.

Thank you, and I look forward to discussing recommended measures to hold Russia accountable for this manufactured war.

□ 1300

Mr. MCCAUL. Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas (Mr. HILL).

Mr. HILL. Mr. Speaker, I rise in strong support of H.R. 7276, the Ukraine Invasion War Crimes Deterrence and Accountability Act.

I am a proud cosponsor of this important legislation, and I thank Chairman MEEKS and the committee for working with Ranking Member MCCAUL on this critical, bipartisan bill.

Last weekend, the world saw in Bucha what the Ukrainian people have been telling us since the start of this invasion, that the Russians are indiscriminately torturing and executing Ukrainian men, women, and children.

It is important in these periods of conflict that the United States contribute to collecting, analyzing, and preserving critical evidence of war crimes and other atrocities.

For two decades Putin has gone unchecked and never paid a diplomatic or even economic price for his 22 years of mania. He has never faced, until he met the Ukrainians, true armed resistance. He leveled Grozny, destroyed historic Aleppo with his coconspirator and partner, Assad, and he waltzed into Crimea, Mr. Speaker, in 2014 without firing a shot. The line has been finally drawn in Ukraine.

This House, on a bipartisan basis, has worked to document Assad's mass murder in Syria. As a result of that work and the work of the United Nations Mechanism, we have had a recent conviction in Koblenz, Germany, of a Syrian intelligence official for crimes against humanity.

The U.N. recently approved an independent inquiry into Ukraine. That is precisely the same step of a decade ago in Syria. Enacting this legislation will ensure that the United States contributes to this effort.

I encourage all my colleagues to support this important bill, and I thank Mr. MEEKS and Mr. MCCAUL for their leadership.

Mr. MEEKS. Madam Speaker, I have no further requests for time at this moment, and I reserve the balance of my time.

Mr. MCCAUL. Madam Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, I thank my good friend for yielding, and I thank both Ranking Member MCCAUL and Chairman MEEKS for their extraordinary leadership on this important bill that is before us today.

I want to thank Mr. MEEKS for his eloquent remarks a moment ago summarizing the absolute atrocities that are being committed by Vladimir Putin, his military, and Lukashenko who is the enabler, the President of Belarus. The gentleman has described in vivid detail just how horrific this is. And as my good friend from Texas said a moment ago, my father fought in World War II as well in the South Pacific, but the crimes that were committed by imperial Japan and by the Nazis are now being replicated on a grand scale by Vladimir Putin. It has to stop, and it has to stop yesterday. So I rise in strong support of this legislation.

Madam Speaker, on March 8 I chaired a hearing at the Tom Lantos Human Rights Commission entitled ''Accountability for Russia's War Crimes and Aggression Against Ukraine.'' The day before I also introduced a resolution calling for accountability for Vladimir Putin for his crimes against the Ukrainian people and his aggression against Ukraine.

The witnesses could not have been more clear that delay is denial and that we need to act now.

I was very much involved with the court in the former Yugoslavia and very involved with the court for Sierra Leone. David Crane led that effort. I was very involved with the Rwandan court and tried to get a court for Syria but failed. I pushed hard for it with a resolution on this floor, and the House did pass it.

But the key here is timeliness. Don't wait.

The ICC, while it may do some good here, and they do have an investigation that they have instituted, the ICC has been notoriously slow. They have had less than 10 convictions over 20 years. Now, if that venue works, great. But my concern—and I think the concern shared by many, particularly in the NGO community—is that there needs to be another venue stood up quickly that could make the difference.

At the March hearing, David Crane, the founding Chief Prosecutor of the U.N. Special Court for Sierra Leone, talked about an international tribunal created by the United Nations General Assembly. We are all thinking, Hey, when it gets to the Security Council, the Security Council will have two vetoes at least. It will be Russia, and it will be China. Not so in the General Assembly. They can stand up a court and they can do it tomorrow that would indict Vladimir Putin on the next day.

There is certainly enough evidence—keep building the evidence, of course—but there is enough evidence to do it right now, and that, hopefully, will tell everybody around him that the time will come when you will be in the dock as well.

I remember meeting with Slobodan Milosevic in Serbia and going to Bosnia and Croatia many times during that horrific war in the Balkans. Time and time again he thought he was untouchable, total impunity because of that. He killed so many because there was no accountability. Well, he went to The Hague as part of the ad hoc tribunal, and he died while the proceedings were underway. But he would have been held to account.

Madam Speaker, I urge my colleagues to support this. We have already had one vote in the General Assembly, 141 out of 198 voted and a number of people abstained. You only need a simple majority.

I did ask our number two at the State Department, at GREGORY MEEKS' hearing earlier today, to take back to the administration the idea of looking at all the venues. But let's get a court constituted immediately. If the ICC wants to step in at some point, fine. But indict Putin. Indict him, and you will see some people running like rats on the ship who were a part of his regime knowing that they, too, will be held accountable and sent to prison for the rest of their lives.

Mr. MEEKS. Madam Speaker, I reserve the balance of my time.

Mr. MCCAUL. Madam Speaker, I yield myself the balance of my time for the purpose of closing.

Madam Speaker, we rise today not as Republicans or Democrats but as Americans and as a united Congress on behalf of the American people condemning these atrocities.

Madam Speaker, there is a group called the Wagner Group that is entering Ukraine right now. They are the worst of the worst. They are mercenaries. They are cold-blooded killers. Mr. Putin has sent them to Africa to kill people in Mali and Libya, and they have been in the Donbas previously. They have a saying, these Wagner thugs, these monsters, that our business is killing, and business is good.

This is sick. They rape women and girls. They kill for a living, and, yes, now they are entering Ukraine.

Sadly, Madam Speaker, I am not sure Bucha is the last we are going to see of this, and when the dust clears from Mariupol, God knows what we are going to find there. God only knows. When they are talking about mobile crematoriums to hide the evidence of so much carnage and so many bodies to be burned. This has to stop.

We are standing together united as Americans condemning this, and as a former Federal prosecutor, yes, to indict Mr. Putin for his crimes against humanity.

Mr. Putin thought his legacy after this fiasco was going to be reclaiming the glory of the empire. He would be known as great as the czars or maybe Stalin. Maybe he is like Stalin. His legacy is not going to be reclaiming the empire. His legacy is going to be that of a war criminal. That will impact his psyche, and that will impact all those around him, including his oligarchs, that no one is safe here, that you will be indicted internationally, and that you will be brought to justice.

For without justice in the face of these crimes against humanity, what good are we? So this is an historic moment.

I want to thank the chairman, as always, on this committee for working with me to stand up against evil, because that is exactly what this is.

Madam Speaker, I yield back the balance of my time.

Mr. MEEKS. Madam Speaker, I yield myself the balance of my time for the purpose of closing.

Madam Speaker, what we are witnessing Russian troops do in Ukraine represents some of the worst of humankind. Right now, the world is watching horrifying war crimes taking place. The world is watching the extent to which Putin is willing to flout international norms and values in the pursuit of its brutality, and the world is also watching what we as a nation are going to do about it.

The Department of State has officially concluded that Russian forces have committed war crimes in Ukraine which were made vividly clear by the horrifying images emerging over this past weekend from Bucha. Investigations into these war crimes are already beginning and must continue.

I am saying today, as chair of the House Foreign Affairs Committee working along with my friend and partner, the ranking member, MIKE MCCAUL, we will work tirelessly to make sure that justice is delivered and that the administration works strenuously in concert with partners and allies to this end because meaningful justice for these crimes helps prevent such atrocities in the future.

This legislation requires the administration to detail efforts to preserve evidence and hold perpetrators accountable for the atrocities that are committed and to detail the means for domestic, hybrid, or international courts and their tribunals to request access to such information.

This legislation, the Ukrainian Invasion War Crimes Deterrence and Accountability Act, will ensure that victims and perpetrators alike know that the United States of America and the world, we have got to get those off the seat, those who abstain in the U.N., they see the same thing. We need them to stand and have a voice.

The world is watching. The world will hold Putin and the Russian Armed

Forces and those who are in their duma and those who keep pushing this war that is caused by one man, Vladimir Putin—these abhorrent war crimes which continue to go on—accountable. It is a war of choice that Putin has decided to place on Ukraine.

That is why, Madam Speaker, I am so proud to partner with MIKE MCCAUL in bringing H.R. 7276 to the floor today so that my children, my grandchildren, my great-great-grandchildren, will know how I stood at this time in history and how the United States Congress stood at this time in history.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. JACKSON LEE). The question is on the motion offered by the gentleman from New York (Mr. MEEKS) that the House suspend the rules and pass the bill, H.R. 7276, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MEEKS. Madam Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this motion are postponed.

□ 1315

RELATING TO THE CONSIDERATION OF HOUSE REPORT 117–284 AND AN ACCOMPANYING RESOLUTION

Mr. RASKIN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1023 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1023

Resolved, That if House Report 117–284 is called up by direction of the Select Committee to Investigate the January 6th Attack on the United States Capitol: (a) all points of order against the report are waived and the report shall be considered as read; and (b)(1) an accompanying resolution offered by direction of the Select Committee to Investigate the January 6th Attack on the United States Capitol shall be considered as read and shall not be subject to a point of order; and (2) the previous question shall be considered as ordered on such resolution to adoption without intervening motion or demand for division of the question except one hour of debate equally divided among and controlled by Representative Thompson of Mississippi, Representative Cheney of Wyoming, and an opponent, or their respective designees.

The SPEAKER pro tempore (Mr. WELCH). The gentleman from Maryland is recognized for 1 hour.

Mr. RASKIN. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Pennsylvania (Mr. RESCHENTHALER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. RASKIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. RASKIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on Monday, the Rules Committee met and reported a rule, House Resolution 1023. The rule provides for consideration of the resolution accompanying House Report 117–284 under a closed rule if the report is called up by direction of the Select Committee to Investigate the January 6th Attack on the United States Capitol. The rule provides 1 hour of debate equally divided among and controlled by Chairman THOMPSON, Vice Chair CHENEY, and an opponent.

Mr. Speaker, if 90 percent of success in life is just showing up, then 90 percent of acting in contempt of Congress is not showing up by failing to respond to multiple subpoenas you have been lawfully served. The rest of contempt is not turning over documents you have been ordered to produce and acting with open disregard and scorn for the rule of law, Congress, and representatives of the American people.

Neither Dan Scavino nor Peter Navarro has shown up in response to repeated congressional subpoenas. They have blown us off completely.

Neither Mr. Scavino nor Mr. Navarro has produced a single document or offered 1 minute of testimony in response to the subpoenas sent by the House of Representatives.

While more than 800 Americans have come forward voluntarily or properly responded to congressional subpoenas, which are orders under penalty of law, saying you must show up to testify under oath and invoke any asserted privileges in person, Scavino and Navarro have followed Steve Bannon and are acting as if they are way too busy and way too important to bother with the mere United States House of Representatives. They think that having worked for a former President of the United States excuses them from complying with lawful orders.

This is clearly false; this is clearly wrong; and we must make an emphatic statement about it today.

Mr. Speaker, I ask America to consider this: If your son or daughter were subpoenaed to come testify before the Congress of the United States, would you advise them to sit home on the couch and blow it off? I know I wouldn't.

Every year, thousands of Americans are held in criminal contempt for ignoring their legal obligations to comply with a lawful subpoena issued by courts or legislative bodies.

Here in the District of Columbia, you can be sent to jail for 6 months and fined $1,000 for acting in contempt of a subpoena and not showing up. We have checked on multiple days and found, on any given day, 7, 8, 10, or a dozen people are being found guilty of contempt in the courts of the District of Columbia.

That is the exact same criminal offense that Mr. Scavino and Mr. Navarro committed, and that is the exact same penalty they are facing for their misconduct.

Each of these witnesses was given ample and repeated opportunities to comply, opportunities that continue to this day. Yet, they openly and brazenly flout the authority of the Congress and mock their own personal duty to comply with the rule of law.

Legal contempt exists for those who act with open disregard or disobedience of the law, especially when acting with scorn for the authority of government. It exists precisely for cases like this.

Here is what has happened with Mr. Scavino. In September of last year, the committee issued its first of three subpoenas. We asked him to come testify before us on October 15, 2021, last year.

When he could not be found to actually accept service of the first subpoena, we issued a second subpoena, asking him to appear before the committee on October 28, 2021. He told the committee that wasn't enough time for him; he needed 1 extra week.

We generously gave him a week, and we set a third deposition date of November 4, 2021, but he didn't come on November 4 either. Instead, he requested another extension.

Bending over backward to accommodate this witness, we set a fourth deposition date of November 12, 2021. Still, that wasn't enough time for him.

We acted in good faith again, and assuming he was acting in good faith, we set a fifth deposition date of November 19. When that day arrived, did he finally show up to do his civic duty? No, he did not. Instead, he waited until the eve of the deposition and then, for the first time, challenged the service of the subpoena.

Out of an abundance of deference and caution, and to make every effort to demonstrate the respect for the rule of law that Scavino was not showing, we issued yet a third subpoena inviting him to come testify before us once again on December 1, 2021.

Finally, with Scavino completely out of excuses and the committee out of patience, his final deposition date of December 1 arrived, and he simply did not show up.

Six times this committee invited Scavino to testify, and six times he stood us up. He stood the American people up. He refused to testify before Congress about what he knows about the most dangerous and sweeping assault on the United States Congress since the War of 1812, which was by a foreign power.

But even after he failed to show up in December, the committee held an open door for Mr. Scavino to come in and

testify. But in the more than 6 months since the committee's first subpoena was sent to him, he has never once come in to speak with us. He has not given us a single document, Mr. Speaker.

It is the same basic story with Mr. Navarro. On February 9, we issued him a subpoena to produce documents on February 23 and to testify on March 2. There have been repeated evasions and contortions by the witness since then.

Generous accommodations have been offered by the committee, all of it leading to nothing but his open contempt and mockery for this process and for the rule of law. He never showed up, and he never produced a single document.

When more than 800 Americans have voluntarily testified and complied with the subpoenas rendered by our committee, the witnesses have nothing but excuses for their noncompliance, excuses you would not accept from a teenage child.

Navarro says he wants us to send him written interrogatories, and he will answer his questions in writing. Wouldn't that be nice? Any witness to a car accident, a murder, an assault, or an insurrection in the land would love not to have to answer actual questions under sworn oath, but that is not how our system works.

The word ''subpoena'' means ''under the penalty of law.'' ''Sub'' means under; ''poena'' means ''penalty of law.'' Under the penalty of law, you show up and you answer questions in the United States of America. If you think you have a legal privilege excusing you from answering questions, you assert your privileges under oath, at the time of questioning that you show up, to specific questions, whether it is the attorney-client privilege; the Fifth Amendment privilege against self-incrimination, which a number of witnesses have asserted before our committee, as it is their legal right to do; the priest-penitent privilege; or the executive privilege.

The Court has been clear. The Supreme Court has been clear. If you think you have one of these privileges, you show up and you assert it to the specific questions being asked to you. But the privilege against self-incrimination, the executive privilege, the marital privilege, none of these is a magic wand that you can wave from your sofa and not show up under a subpoena to a lawful proceeding.

But Navarro continues to mutter the words ''executive privilege,'' as if it is some kind of magic wand that would keep him from ever having to testify about anything, like Harry Potter's invisibility cloak. He even says, repeatedly, the executive privilege is not mine to waive, which is high comedy, Mr. Speaker, because it is not his to waive, which means, by definition, it is not his to invoke in the first place.

We know it is not his to invoke. The Supreme Court has been clear about this, too. The executive privilege belongs to the President of the United States of America, the actual President. President Biden has specifically decided not to invoke executive privilege in Navarro's case or in Scavino's case.

Yet, Navarro says the executive privilege here belongs to ex-President Donald Trump, which is not only extremely dubious but totally irrelevant.

It is dubious because the Supreme Court just rejected a claim by Donald Trump himself, in Trump v. Thompson, that his materials were protected from disclosure to the January 6th Select Committee in Congress by executive privilege.

Even if Trump were still the President, the Court essentially said there is an overwhelming public interest in these materials that dwarfs whatever dubious interest in executive secrecy may linger. So the claim would fail, even if President Joe Biden were himself here to assert it on behalf of Navarro and Scavino.

But Navarro's attempt to stand above the law by mentioning Donald Trump's name is also completely irrelevant. Why? Everyone, please take note of this: Because Donald Trump has never even asserted the executive privilege to cover Peter Navarro, not once. We have received no communication from Donald Trump, either directly or indirectly from Navarro, showing that Trump is trying to exercise an executive privilege claim, which is doomed to failure anyway under the logic of the decision just rendered by the Supreme Court.

Mr. Speaker, so what do we have? Two guys in the District of Columbia blowing off a congressional investigation and subpoenas into a deadly insurrection, which caused multiple deaths; inflicted brutal, savage injuries on 150 of our officers, who ended up with broken jaws, necks, vertebrae, noses, traumatic brain injuries, post-traumatic stress syndrome; and interrupted Congress from executing its constitutional duties of counting electoral college votes for the very first time in American history—oh, yes. And it nearly succeeded in overthrowing the 2020 Presidential election and toppling the peaceful transfer of power, perhaps for all time, as United States District Court Judge Carter wrote in a blistering opinion last week, rejecting this exact same and equally ridiculous claim of John Eastman, who helped cook up the absurd legal camouflage for this attempted coup in the first place against the American constitutional system of government.

The gentlewoman, I think, said something about the Russian hoax or Russian collusion. I accept the heckling, Mr. Speaker. That is all right because if she wants to continue to stand with Vladimir Putin and his brutal, bloody invasion against the people of Ukraine, she is free to do so.

We understand there is a strong Trump-Putin axis in the gentlewoman's party. If she wants to continue to stand with Vladimir Putin and Donald Trump, that is her prerogative, but please do it on her own time forthwith.

Mr. Speaker, I reserve the balance of my time.

□ 1330

Mr. RESCHENTHALER. Mr. Speaker, I thank the gentleman from Maryland for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, the rule before us today provides for consideration of a resolution holding Peter Navarro and Daniel Scavino in contempt of Congress.

From the very beginning, the select committee has been nothing more than a partisan tool used by House Democrats to attack their political opponents. Time and time again, they have run roughshod over our Constitution and they have run roughshod over the very rules of this institution. And to what end? To advance their own political agenda.

We need look no further than the resolution establishing the committee to see their complete disregard for this Chamber. House Resolution 503 states the Speaker shall appoint 13 members, five of whom shall be appointed after consultation with minority leaders. Neither of those ''shall'' clauses have been met.

While this may seem insignificant to my colleagues across the aisle, it is certainly of consequence to the courts. Let's talk about some case law.

Yellin v. United States. There the Court reversed the conviction of contempt of Congress because a congressional committee failed to adhere to its own rules. The Court explained, ''The committee prepared the groundwork for prosecution in Yellin's case meticulously.'' Yet, ''It is not too exacting to require that the committee be equally meticulous in obeying its own rules.'' I suggest to my Democratic colleagues, heed those words.

As a former Navy JAG, I am deeply troubled by the committee's treatment of Mr. Scavino, including clear due process violations. The select committee repeatedly demanded almost immediate responses from Mr. Scavino, while waiting for weeks—weeks—to provide responses to his correspondence.

Further, the select committee has shown complete disregard for Mr. Scavino's legal duty, his legal duty to invoke the executive privilege, which he was instructed to do by President Trump. There is no legal authority that the incumbent President is the final arbiter as to whether executive privilege may be asserted for congressional testimony of close aides to a former President.

The Presidential Records Act applies only to Presidential records within control of the National Archives. That is it. It is a very narrow statute. That act does not control whether testimony can be given.

Let's talk about some more case law. United States v. Nixon. The Supreme Court held in that case, ''Communications between a President and his closest aides are entitled to a presumption of privilege of confidentiality which can be overcome only by a particularized showing of a need in a criminal case.'' I want to emphasize criminal case. This is not a criminal case.

Finally, the select committee initially provided Mr. Scavino with 15 topics which they wanted to discuss. That list later grew to 33. The select committee then went so far as to place the onus on Mr. Scavino, saying that it is his responsibility to ''identify the specific topics outside the scope of his asserted privilege.''

As I am sure my friend across the aisle knows, and any lawyer on the other side of the aisle knows, the burden is not on the subject of the deposition to identify the topics on which they can be questioned. The Supreme Court found—and here is some more case law—in Watkins v. United States, the Supreme Court found in that case, '' . . . a person compelled to testify is entitled to have knowledge of the subject to which the interrogation is deemed pertinent. . . . ''

If the select committee wanted to conduct a legitimate investigation, they would not be rushing to hold Mr. Scavino in contempt after imposing unreasonable and unattainable timelines, ignoring legitimate assertions of a privilege, and then refusing legitimate accommodations.

It is clear the resolution before us today is not about a witness' refusal to testify or refusing to comply with a congressional subpoena. This is all about Democrats' need to further their partisan agenda.

I urge my colleagues to vote ''no'' on the previous question and vote ''no'' on the rule. Madam Speaker, I reserve the balance of my time.

Mr. RASKIN. Madam Speaker, I yield myself such time as I may consume.

This is not a partisan investigation. We were created under House Resolution 503 after, I am afraid, the gentleman and his colleagues voted to thwart a totally bipartisan, independent outside commission made up of five Democrats and five Republicans with equal subpoena power simply because Donald Trump exercised his veto within the Republican Party; the same Donald Trump who calls the madman, mass murderer, Vladimir Putin, a genius, but we know we have some people echoing all of Trump's complicity with Vladimir Putin from the Georgia delegation back there.

This is a bipartisan committee. It is the only committee I am aware of that has a Democratic chair in a Democratic-controlled House of Representatives and a Republican vice chair, Ms. CHENEY, who was the head of the GOP Conference. She was the head of the House Republican Conference, now the vice chair of this committee, and they call it a partisan exercise.

The second point I need to make is that executive privilege must be asserted by the President. This one isn't even asserted by the former President. It is just somebody going in and saying, ''I have got an executive privilege.''

Is that really the precedent that my colleagues want to set, Madam Speaker? I mean, that is pretty astonishing if that is the position that they are taking.

Madam Speaker, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. SCANLON), my very distinguished colleague.

Ms. SCANLON. Madam Speaker, it has been said before, but ours is a country of laws, not men, and in our democratic Republic, the voters choose who leads, not a dictator, and not a monarch.

But in the wake of the 2020 election, a small group of people decided to reject the rule of law and the will of the voters. They rejected the unanimous conclusion of the courts, the Department of Justice, Homeland Security, and law enforcement and election officials across the country. They tried to pervert the law and throw away the free choice of the people. On January 6, their plan almost worked.

As the select committee investigates what happened that day, and how it can be prevented from ever happening again, over 800 witnesses have come in to share what they know because that is what should happen in a country ruled by law.

Only a handful of people, all of them in the former President's inner circle, have refused to obey the subpoenas. Their baseless claims that they are immune have been rejected by the actual President, by Congress, and by the courts. These entitled few have refused to honor Congress' subpoenas, just like they rejected the results of the election, because they believe they are above the law. They are not.

That is why it is so important that we pass this rule and the underlying bill and hold those in defiance of these subpoenas in contempt, because their conduct is not just unlawful and unpatriotic, it is contemptible.

Our Constitution, not any person, is what makes our country great. Nobody is above the law, and certainly nobody is above the Constitution.

Madam Speaker, I strongly support the rule and its underlying legislation, and I urge all my colleagues who truly love the country more than performative antics to do the same.

Mr. RESCHENTHALER. Madam Speaker, I yield myself such time as I may consume.

My good friend from Maryland was talking about some case law. I will talk case law all day. Here are three real fast:

Quinn v. United States. The Supreme Court said that Congress cannot issue a subpoena for law enforcement purpose.

Watkins v. United States. Congress has no authority to issue a subpoena to compel exposure for the sake of exposure.

McGrain v. Daugherty. Congress may not issue a subpoena in an attempt to try someone before a committee for any crime of wrongdoing.

I have ample case law up here that will show, at the very best, for my friends across the aisle that case law is unsettled, but it is very likely on the side of Mr. Scavino and Mr. Navarro.

Madam Speaker, I yield to the gentlewoman from New Mexico (Ms. HERRELL) for the purpose of a unanimous consent request.

Ms. HERRELL. Madam Speaker, I rise to ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore (Ms. JACKSON LEE). The Chair would advise that all time has been yielded for the purpose of debate.

Does the gentleman from Maryland yield for purposes of this unanimous consent?

Mr. RASKIN. No, I don't yield for that purpose, which is an extraneous and irrelevant distraction from the resolution. All time yielded is for the purposes of debate only.

The SPEAKER pro tempore. The gentleman from Maryland does not yield; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from Illinois (Mr. BOST) for the purpose of a unanimous consent request.

Mr. BOST. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from Florida (Mr. RUTHERFORD) for the purpose of a unanimous consent request.

Mr. RUTHERFORD. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from Pennsylvania (Mr. JOYCE) for the purpose of a unanimous consent request.

Mr. JOYCE of Pennsylvania. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from

the great State of Texas (Mr. JACKSON) for the purpose of a unanimous consent request.

Mr. JACKSON. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from Kansas (Mr. LATURNER) for the purpose of a unanimous consent request.

Mr. LATURNER. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from Oklahoma (Mr. COLE), the Rules Committee ranking member, for the purpose of a unanimous consent request.

Mr. COLE. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from Idaho (Mr. FULCHER) for the purpose of a unanimous consent request.

Mr. FULCHER. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from Indiana (Mr. BAIRD) for the purpose of a unanimous consent request.

Mr. BAIRD. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentlewoman from Iowa (Mrs. HINSON) for the purpose of a unanimous consent request.

Mrs. HINSON. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from Texas (Mr. BURGESS), a Rules Committee member, for the purpose of a unanimous consent request.

Mr. BURGESS. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentlewoman from Illinois (Mrs. MILLER) for the purpose of a unanimous consent request.

Mrs. MILLER of Illinois. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from Arizona (Mr. BIGGS) for the purpose of a unanimous consent request.

Mr. BIGGS. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

□ 1345

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from Illinois (Mr. LAHOOD) for the purpose of a unanimous consent request.

Mr. LAHOOD. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from Michigan (Mr. WALBERG) for the purpose of a unanimous consent request.

Mr. WALBERG. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from Texas (Mr. PFLUGER) for the purpose of a unanimous consent request.

Mr. PFLUGER. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from Alabama (Mr. MOORE) for the purpose of a unanimous consent request.

Mr. MOORE of Alabama. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from Ohio (Mr. WENSTRUP) for the purpose of a unanimous consent request.

Mr. WENSTRUP. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from Kansas (Mr. MANN) for the purpose of a unanimous consent request.

Mr. MANN. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from Tennessee (Mr. KUSTOFF) for the purpose of a unanimous consent request.

Mr. KUSTOFF. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from South Carolina (Mr. NORMAN) for the purpose of a unanimous consent request.

Mr. NORMAN. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from Wisconsin (Mr. GROTHMAN) for the purpose of a unanimous consent request.

Mr. GROTHMAN. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentlewoman from Georgia (Mrs. GREENE) for the purpose of a unanimous consent request.

Mrs. GREENE of Georgia. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from Pennsylvania (Mr. KELLER) for the purpose of a unanimous consent request.

Mr. KELLER. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from Utah (Mr. CURTIS) for the purpose of a unanimous consent request.

Mr. CURTIS. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from Alabama (Mr. CARL) for the purpose of a unanimous consent request.

Mr. CARL. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from Alabama (Mr. ADERHOLT) for the purpose of a unanimous consent request.

Mr. ADERHOLT. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentlewoman from Texas (Ms. VAN DUYNE) for the purpose of a unanimous consent request.

Ms. VAN DUYNE. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from Washington (Mr. NEWHOUSE) for the purpose of a unanimous consent request.

Mr. NEWHOUSE. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from the Biden border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from Ohio (Mr. BALDERSON) for the purpose of a unanimous consent request.

Mr. BALDERSON. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from Georgia (Mr. ALLEN) for the purpose of a unanimous consent request.

Mr. ALLEN. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from the Biden border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from Minnesota (Mr. STAUBER) for the purpose of a unanimous consent request.

Mr. STAUBER. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from Georgia (Mr. FERGUSON) for the purpose of a unanimous consent request.

Mr. FERGUSON. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from Georgia (Mr. CARTER) for the purpose of a unanimous consent request.

Mr. CARTER of Georgia. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentlewoman from Florida (Mrs. CAMMACK) for the purpose of a unanimous consent request.

Mrs. CAMMACK. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from Georgia (Mr. CLYDE) for the purpose of a unanimous consent request.

Mr. CLYDE. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentlewoman from Arizona (Mrs. LESKO) for the purpose of a unanimous consent request.

Mrs. LESKO. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentlewoman from South Carolina (Ms. MACE) for the purpose of a unanimous consent request.

Ms. MACE. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from Florida (Mr. GIMENEZ) for the purpose of a unanimous consent request.

Mr. GIMENEZ. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from

Alabama (Mr. PALMER) for the purpose of a unanimous consent request.

Mr. PALMER. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from Nebraska (Mr. SMITH) for the purpose of a unanimous consent request.

Mr. SMITH of Nebraska. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from Virginia (Mr. CLINE) for the purpose of a unanimous consent request.

Mr. CLINE. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from Georgia (Mr. HICE) for the purpose of a unanimous consent request.

Mr. HICE of Georgia. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from Arizona (Mr. GOSAR) for the purpose of a unanimous consent request.

Mr. GOSAR. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from Virginia (Mr. GOOD) for the purpose of a unanimous consent request.

Mr. GOOD of Virginia. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from California (Mr. GARCIA) for the purpose of a unanimous consent request.

Mr. GARCIA of California. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from Louisiana (Mr. SCALISE), the Republican whip, for the purpose of a unanimous consent request.

Mr. SCALISE. Madam Speaker, I ask unanimous consent to bring up H.R. 471, the PAUSE Act, so that we can protect all Americans from President Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from New York (Mr. JACOBS) for the purpose of a unanimous consent request.

Mr. JACOBS of New York. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentlewoman from California (Mrs. STEEL) for the purpose of a unanimous consent request.

Mrs. STEEL. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentlewoman from Oklahoma (Mrs. BICE) for the purpose of a unanimous consent request.

Mrs. BICE of Oklahoma. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

□ 1400

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentlewoman from Missouri (Mrs. HARTZLER) for the purpose of a unanimous consent request.

Mrs. HARTZLER. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from Arkansas (Mr. HILL) for the purpose of a unanimous consent request.

Mr. HILL. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from Texas (Mr. WEBER) for the purpose of a unanimous consent request.

Mr. WEBER of Texas. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from Pennsylvania (Mr. MEUSER) for the purpose of a unanimous consent request.

Mr. MEUSER. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from Mississippi (Mr. PALAZZO) for the purpose of a unanimous consent request.

Mr. PALAZZO. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from California (Mr. LAMALFA) for the purpose of a unanimous consent request.

Mr. LAMALFA. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from Texas (Mr. BABIN) for the purpose of a unanimous consent request.

Mr. BABIN. Madam Speaker, I ask unanimous consent to call up H.R. 471,

the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from Texas (Mr. NEHLS) for the purpose of a unanimous consent request.

Mr. NEHLS. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from New York (Mr. GARBARINO) for the purpose of a unanimous consent request.

Mr. GARBARINO. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from Texas (Mr. WILLIAMS) for the purpose of a unanimous consent request.

Mr. WILLIAMS of Texas. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentlewoman from New York (Ms. MALLIOTAKIS) for the purpose of a unanimous consent request.

Ms. MALLIOTAKIS. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentlewoman from Florida (Ms. SALAZAR) for the purpose of a unanimous consent request.

Ms. SALAZAR. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from Florida (Mr. POSEY) for the purpose of a unanimous consent request.

Mr. POSEY. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from Ohio (Mr. LATTA) for the purpose of a unanimous consent request.

Mr. LATTA. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from North Carolina (Mr. BISHOP) for the purpose of a unanimous consent request.

Mr. BISHOP of North Carolina. Madam Speaker, I request unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from Tennessee (Mr. BURCHETT) for the purpose of a unanimous consent request.

Mr. BURCHETT. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from Texas (Mr. ROY) for the purpose of a unanimous consent request.

Mr. ROY. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from Kansas (Mr. ESTES) for the purpose of a unanimous consent request.

Mr. ESTES. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield to the gentleman from California (Mr. MCCARTHY), the Republican leader, for the purpose of a unanimous consent request.

Mr. MCCARTHY. Madam Speaker, I ask unanimous consent to call up H.R. 471, the PAUSE Act, to protect all Americans from Biden's border crisis.

The SPEAKER pro tempore. The Chair understands that the gentleman from Maryland has not yielded for that purpose; therefore, the unanimous consent request cannot be entertained.

Mr. RESCHENTHALER. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. MCCARTHY), the Republican leader.

Mr. MCCARTHY. Madam Speaker, two wrongs don't make a right.

Let me be clear: the riot on January 6 was wrong. Any violence on that day should be punished, as I have said before.

But make no mistake: the Democrats' response is also wrong.

For 15 months, Democrats have used January 6 as a blank check to trample on civil rights and congressional norms.

They broke every rule, violated every norm, bullied every skeptic simply to hold on to power.

Let's be honest: this is a political show trial.

The committee has sent hundreds of subpoenas to private citizens for phone records, bank records, and private communications.

To those who invoked their right to due process, Chairman THOMPSON replied, '' . . . you are part and parcel guilty to what occurred.''

What a disgusting betrayal of the Constitution and the Bill of Rights.

But think for a second about what Chairman THOMPSON is saying. If you question his authority, if you disobey his demands, then you are a criminal and you should be punished.

Congresswoman LURIA, who is also on the select committee agrees. Last week, she criticized Attorney General Garland for not putting her political opponents in jail fast enough. She told Garland, '' . . . do your job so we can do ours.''

I am sure some Members got real excited by that.

Democrats are using the power of the Federal Government to jail their political opponents and threatening the Attorney General for not doing it fast enough.

In their twisted view, this agreement is immoral. Dissent is a crime. And they are to be obeyed without question.

Today's resolution is also about criminalizing dissent.

I can pause, Mr. Speaker, if he needs to listen more.

Mr. RASKIN. I am sorry?

Mr. MCCARTHY. I was going to tell Mr. Speaker if the House is not in order, and you need to listen to staff, I can pause.

Mr. RASKIN. Are you yielding?

Mr. MCCARTHY. No. I said to Mr. Speaker, the House is not in order.

There was no yielding. Your staff is continuing to communicate.

I think if I am speaking, the House should be in order. I don't know if that is a criminal offense, too.

Mr. RASKIN. You have not been heckled by any of our Members, while I was heckled by——

Mr. MCCARTHY. Mr. Speaker, I have the time. You have the gavel.

The SPEAKER pro tempore (Mr. COURTNEY). The gentleman from California is recognized.

Mr. MCCARTHY. Mr. Speaker, the House is not in order. He has not been recognized.

The SPEAKER pro tempore. The House will be in order. The gentleman from California is recognized.

Mr. MCCARTHY. Mr. Speaker, for the House to be in order, should people be in their seats, or should people be talking?

The SPEAKER pro tempore. The gentleman may proceed.

Mr. MCCARTHY. Mr. Speaker, the House is not in order. People are standing and talking.

The SPEAKER pro tempore. The House will be in order. The gentleman from California is recognized.

Mr. MCCARTHY. Mr. Speaker, today's resolution is about criminalizing dissent.

Democrats are threatening to throw in jail a good man who has done nothing but attempt to follow the law simply because he is President Trump's closest aid.

Mr. Scavino does not deserve that.

He tried to cooperate with the select committee's requests. He sent timely letters to the committee to clarify the vague scope of the requested testimony.

He even offered to answer the committee's questions in writing, which the committee's rules allow for, so he could balance cooperation with fair concerns about executive privilege.

But the committee rejected every compromise. It is their way or no way.

It took them 2 months to reply to Mr. Scavino's letter, then another 6 weeks. Then they rushed to hold him in contempt.

They also demanded the right to ask any question they wanted, including on topics that have nothing to do with protecting the Capitol, like the 25th Amendment.

Even if you agree that the select committee has a legislative purpose, the fact is that purpose is not unlimited.

The committee must identify a specific nexus between its legislative purpose and the information it wants. But it never identified the nexus for the information it was seeking from Mr. Scavino.

And I bet it won't identify that nexus today either. Why? Because the nexus does not exist.

Without it, their subpoena is invalid.

Congressional oversight is supposed to inform the legislative process and must have a valid legislative purpose. It is not there so the swamp can bully its political enemies.

Let's be honest. Mr. Scavino never acted like he was above the law, and anyone who says otherwise is wrong. If anyone has acted like they are above the law, it is the Select Committee.

Mr. Speaker, as I said earlier, two wrongs don't make a right.

The riot on January 6 was wrong, but Democrats' reaction to trample American civil liberties is also wrong.

Do we really want to live in a country where politicians can seize your phone records, compel your testimony, and ignore your rights because they disagree with your politics?

Most Americans don't want to live in a country like that.

That happens in Russia, in Communist China, in North Korea. It should never happen in America.

But, Mr. Speaker, under one-party rule, it is. But to all Americans, when we take back the House, it will stop.

□ 1415

Mr. RASKIN. Mr. Speaker, I yield myself such time as I may consume.

More than 800 Americans have come to testify before our committee, the minority leader should be notified before he leaves the Chamber. Four of them have categorically refused and blown off the subpoenas of the U.S. House of Representatives.

The minority leader attacks our committee as partisan and political, as some of his colleagues do. Well, we are a bipartisan committee with a Democratic chair and Republican vice chair.

But today, the minority leader gave the game away as he boiled over with rage toward our committee. He gave the game away. He is very upset that the former chair of the House Republican Conference has been telling the truth about Donald Trump's big lie, his incitement of violent insurrection, and the attack on American constitutional democracy.

And that is why he is in the very embarrassing position of having supported, offered, and pressed for an independent, 9/11-style commission about the January 6 attack. And as the minority leader, he asked for five Republicans and five Democrats. He asked for equal subpoena power on both sides, equal staff on both sides.

And Chairman THOMPSON, who now chairs the January 6th Select Committee and chairs the Homeland Security Committee, he agreed to it. A lot of Democrats were upset about that. They said, we are in the majority. Why should we agree to have everything 50/50, right down the middle? But he agreed, and the Democrats agreed, because that is what the Republicans offered.

Great. We were going to have a 9/11-style independent commission.

And then you know what happened? You know who vetoed it? The fourth branch of government, Donald Trump, who some of their Members slavishly report to like sycophants.

And Donald Trump said he didn't want any investigation into the attack on this body, the Congress of the United States. He didn't want any investigation at all.

And you know what the minority leader did? He walked it back. They pulled the plug on the independent commission, and that is why we ended up with the January 6th Select Committee in the House of Representatives, which the Speaker has made sure is bipartisan and has operated, in my experience, Mr. Speaker, as the most bipartisan committee I have ever been on.

Why? Because we don't spend an hour at the beginning of each meeting with a bunch of empty partisan gimmicks and stunts; the kind we just saw, wasting the taxpayers' money and time; 20 minutes of that nonsense going nowhere; at the same time that there is an actual hearing taking place in Cannon 310, right now, by the Committee on Homeland Security, on the question of the border.

But instead of attending the hearing, I counted at least five or six different Members who were in that conga line. I will be interested to know whether they are even going to go to the hearing afterwards. Instead, they come and participate in that empty, absurd ritual, wasting the time of this body.

But the minority leader comes here and, amazingly, attacks our committee, when he sabotaged his own idea. But this committee is closing in on the truth, and that is why we get all these circus antics and all the attempts to distract the American people.

Mr. Speaker, if I had been dealt the hand that my friend from Pennsylvania has been dealt today, as a lawyer, as a Member of Congress, I suppose I would have done everything in my power to distract the House of Representatives also from the business at hand.

We have two people who are flagrantly, brazenly defying the authority of the House of Representatives of the United States in order to avoid coming here to tell the truth. They are acting in contempt of Congress, and we must hold them in contempt of Congress because of that.

Mr. Speaker, I reserve the balance of my time.

Mr. RESCHENTHALER. Mr. Speaker, I yield myself such time as I may consume.

To my colleague from Maryland, I will argue this case any day of the week, and I think that, ultimately, this will be resolved by the courts. I have got stacks, like I said, of case law to support my argument.

But to call what you just saw absurd, or a waste of time, I don't think the American people think it is absurd to care about the crisis at our southern border; the amount of illegal immigrants coming across the border; the amount of fentanyl that is coming across the border that is literally killing people in the interior.

Let's look at some numbers on this. Just last week, the CBP confirmed

more than 300,000 illegal immigrants evaded Border Patrol, just in the last 6 months alone.

Alarmingly, Border Patrol warned that the Biden border crisis is already worsening in anticipation of the administration's rollback of title 42.

You just heard 68 Republicans, plus the Republican leader, request to consider legislation that will provide for stringent enforcement of title 42, which allows illegal immigrants to be quickly expelled from the United States.

But clearly, House Democrats aren't concerned about the biggest migration crisis our Nation has ever faced. So let's try this another way.

If we defeat the previous question, I will personally offer an amendment to the rule to immediately consider H.R. 471, the PAUSE Act of 2021.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment into the RECORD, along with any extraneous material, immediately prior to the vote for the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RESCHENTHALER. Mr. Speaker, here to explain the amendment is the bill's author. I yield 3 minutes to the gentlewoman from New Mexico (Ms. HERRELL), my good friend.

Ms. HERRELL. Mr. Speaker, I rise to oppose the previous question so that we can immediately consider my bill, H.R. 471, the PAUSE Act, which prevents the introduction of new COVID cases, as well as other infectious diseases, from our land and sea borders with Canada and Mexico.

This was the very first bill I introduced when I came to Congress, and recent events have proved it to be the most important ever.

Just this week, The New York Times warned readers to prepare for a new wave of COVID. We also can prepare for a new wave of migrants, about 18,000 a day, when they take title 42 away.

The Biden administration has consistently advocated mandates, masking, lockdowns, and other extreme measures on our American citizens. Yet, they ignore the single biggest danger for the new wave of COVID to ravage America: unvetted, untested illegal aliens who are allowed to flood our southern border, unhindered.

The Biden border crisis has exploded after 1 year under this President. His administration demonizes the men and women of Border Patrol and ICE, refuses to enforce immigration law or enhance border security, and allows hundreds of thousands of illegal immigrants to disappear into the mainland without vetting.

There were 165,000 encounters at our southern border in February, and we are on track to hit 2 million in fiscal year 2022.

Despite this clear and present danger to the people of the United States and the integrity of our borders, the Biden administration still seeks to throw away the few tools available to fix the situation, like remain in Mexico and title 42.

Title 42 has been an effective containment and mitigation strategy, resulting in the reduced introduction of COVID–19 into the U.S. from outside our borders, by making it easier to turn away illegal aliens traveling from or through countries with continuing COVID cases.

My PAUSE Act would keep title 42 in place until: All State and Federal mandates, requirements, and limitations related to COVID end; all public health emergencies for COVID are over; and the Centers for Disease Control and Prevention reduces the traveler health risk level for Canada and Mexico to level 1, which they are currently level 3.

Eliminating title 42 at this point is reckless and harmful to our national security and our communities. It will lead to more illegal immigration, more drugs, and more hardship on everyday Americans.

I urge my colleagues to support the PAUSE Act, preserve title 42, and stand up to protect both the health and borders of the American people.

Mr. RASKIN. Mr. Speaker, I yield myself such time as I may consume.

I wanted to go back to something else that the minority leader said in echo of the minority floor leader's points.

They cling to the suggestion that there is no valid legislative purpose being conducted by the January 6th Select Committee; and they also say it is unlawfully composed.

Well, that has been rejected by several courts. In fact, all of the arguments that they are making have been rejected by the courts. I don't think they have won a single case in court yet.

But check out Budowich v. Pelosi with Judge Boasberg, or Eastman v. Thompson, where these courts said, not only is there a valid legislative purpose, but this is the quintessential legislative purpose; that is, guaranteeing the preservation of democratic self-government. If it is not a valid legislative purpose to investigate violent attacks, insurrections, and attempted coups against the government of the United States, then what is a valid purpose? The courts have said, the courts have got that right. They have written opinions.

I guess we are going to have to send a copy to the minority leader because he is apparently oblivious to it.

But even without the courts slapping down everything they are saying over there, just think about it. Would they really want to say that if there are violent attacks taking place against the Capitol we can't investigate it?

The Eastman decision also rejected the claim that we are somehow unlawfully composed.

I have got to say something on behalf of Representative LIZ CHENEY, who I probably disagree with on 90 percent of the issues we vote on here. But she was just maligned and castigated by the minority leader in an utterly unfair way.

She has operated with nothing but patriotism for this country and constitutional patriotism for the rule of law and the processes that define us. And they can overthrow her as the head of their caucus because she doesn't bow down on the altar of Donald Trump and Vladimir Putin the way that the gentlewoman from Georgia was heckling me does. And they can attack her because she thinks for herself and doesn't act like a cult member.

But we won't do that, even though we disagree with her on a lot of issues, but she is a constitutional patriot, and I feel she is owed an apology.

Mr. Speaker, I reserve the balance of my time.

Mr. RESCHENTHALER. Mr. Speaker, I yield myself such time as I may consume.

Ben Shapiro says the ''facts don't care about your feelings,'' and they don't. And I will say this: The case law doesn't care about what your political position is.

So if you want to talk about more case law, how about Trump v. Thompson, 2022, Justice Kavanaugh ruled: ''A former President must be able to successfully invoke the Presidential communications privilege for communications that occurred during his Presidency, even if the current President does not support the privilege claim.''

I have got more and more case law that I could produce. But let's just go back to the fact that this select committee is a partisan political hit job. If this really had a legitimate legislative function, then let me ask you this: Where are the subpoenas for the former House Sergeant at Arms and the former head of the D.C. National Guard? We haven't seen those subpoenas.

What about questions and subpoenas that are designed to elicit information about why this Capitol was left unprepared and how to prevent it from happening again? That would be a legitimate legislative function.

What we are seeing is this committee masquerading as if it is some kind of grand jury, which is wholly inappropriate and a violation of the separation of powers.

Mr. Speaker, I yield 3 minutes to the gentleman from the great State of Texas (Mr. ROY), to talk more about this.

Mr. ROY. Mr. Speaker, I thank my friend from Pennsylvania for yielding.

Mr. Speaker, I rise in opposition to the previous question. The gentleman from Maryland, my friend, raised some issues about saying that we are wasting time when we have stunts, he called them, I think, or I am paraphrasing.

So here I am, and I am going to be talking about an important issue which, I assume, might be labeled as a

stunt, to say that I oppose the previous question because there is something for me that is so critical and so existential to the people I represent in the State of Texas and to the people across this country, which is the decision by the CDC, in conjunction with the Department of Homeland Security Secretary, and the President of the United States, to end title 42 enforcement on the border of the United States.

Now, our mutual colleague and friend who was in the chair, and the Speaker from Texas, Ms. JACKSON LEE, who is on the Judiciary Committee, raised the issue about the imminent harm that may befall us because of the continued and new strains of COVID in April.

Well, if that is true, why would the CDC say that we should stop enforcement of title 42 at our border?

We have 8,000 people a day coming across the border of the United States and being apprehended; 8,000. Half of those are being turned away under title 42. The estimates by Border Patrol experts are that those numbers will swell to over 10,000, maybe as high as 15 to 18,000, when you get to the summer months.

And when that happens, and you stop enforcing title 42, then all of those individuals will be released into the United States.

□ 1430

That is a major problem because it is not just the numbers themselves; it is the consequences. When Border Patrol is processing individuals because of the failed policies of the administration, it means that you have, as we saw last year, half a million people who were known got-aways because Border Patrol is now at the locations to process individuals.

Then you have known got-aways, which means you have massive numbers of people coming here with criminal records from places all over the world, 150 to 160 countries, including dangerous individuals from known terrorist states.

The point here is that we have legislation for this body, the people's House, to require title 42 to be enforced. YVETTE HERRELL, my colleague from New Mexico, introduced that last February. I filed a discharge petition for that bill last April because, for the people watching at home, the Speaker of the House controls the floor, and my Democratic colleagues control the floor. The only way we have power to change that is through a discharge petition. We have 211 signatures. We have all Republicans, I think save maybe one, who have signed the discharge petition.

We are asking our Democratic colleagues to join us in defense of the United States to call up this discharge petition so we can have a debate on title 42 and securing the border of the United States, which is what that conga line was all about: trying to protect our country.

Mr. RASKIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before the gentleman goes, I want to tell the gentleman from Texas that I would never accuse him of performing a stunt. I was referring to the people who should have been in the Homeland Security Committee hearing actually dealing with the issue they profess to be talking about here on the floor under completely different auspices.

Let me go back to the questions offered by my distinguished friend from Pennsylvania who said, well, if they really did have a valid legislative purpose, as all these courts are saying, then they would be talking to the former Sergeant at Arms—well, we have—and we would be talking to the National Guard—we have.

Somebody is going to have to dust off the talking points over on that side because we have heard from more than 800 people who were involved.

This has nothing to do with any kind of ideological witch hunt; this has to do with an assault on American democratic institutions.

Mr. Speaker, I reserve the balance of my time.

Mr. RESCHENTHALER. Mr. Speaker, I yield 3½ minutes to the gentlewoman from Florida (Mrs. CAMMACK).

Mrs. CAMMACK. Mr. Speaker, I am here today to rise in support of ordering the previous question on Congresswoman HERRELL's bill, the SHIELD Act, that would stop the Biden administration from ending title 42, the very necessary public health order used by CBP officials at the southwest border.

Since President Biden took office in January of last year, Customs and Border Protection have encountered over 2 million illegal immigrants at the southern border. This number is more than at any other time during the Trump administration and still continues to astonish those of us who have actually visited the border to see what is happening there.

Unlike the trafficker in chief, who would rather retreat to his beach house in Delaware than face the American people, or the so-called border czar, who visited El Paso once and figured that that was good enough, I myself have been to the border three times to see this crisis for myself. In fact, over 70 percent of my Republican colleagues have been to see the tragic crisis unfolding there.

As a member of the Homeland Security Committee, I have followed this issue from the very beginning and have feared the very day when title 42 would be rescinded for political purposes.

Speaking of political purposes, I find it exceptionally hypocritical that this very Chamber is still utilizing proxy voting under the guise of a public health concern. In fact, on March 29, the Speaker extended proxy voting through May 14 of this year because of ''the ongoing public health crisis.''

It is curious that the Speaker doesn't seem to think that our own border being overrun by 2 million undocumented people has no bearing on the safety of the general American public, but a Congress of 435 Members with an 80 percent vaccination rate seems to qualify for an ''ongoing public health crisis.'' That, to me, screams hypocrisy.

Furthermore, there are Members of this Chamber who have been voting ''present'' via proxy. The hypocrisy and the irony are not lost on me nor the American people, Mr. Speaker.

Additionally, every single one of my colleagues who decided to show up here today had to wear a mask to get on a plane. That mandate is still in place due to the ongoing public health crisis.

Mr. Speaker, we have two very clear instances here in this Chamber where the ''ongoing public health crisis'' is used as a justification for policy decisions. Why not the safety, then, for all Americans and our communities across this country by securing the border? Why not uphold and keep title 42 in place?

If you have ever spoken to a CBP officer or a Border Patrol agent, they will tell you that title 42 is necessary, that ending it will send even more people to the southern border. It is a magnet.

Ending it will prolong the crisis. It will grow the crisis. It will once and for all put an end to national security as we know it.

Take it from the wife of a first responder who deals with this crisis every single day. I have had dozens of Border Patrol agents text and call me the last few days, begging for help to hold the line on title 42. They have said: Please, Congress, hold the line on title 42. It must be protected because it is the only policy in place currently that, in the slightest, will slow this surge that we have watched grow before our eyes.

If you stand with our Border Patrol agents, if you stand with the American people, if you give a damn about our communities, then you will support the SHIELD Act.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

Mr. RASKIN. Mr. Speaker, I reserve the balance of my time.

Mr. RESCHENTHALER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. KATKO), the ranking member of the Homeland Security Committee.

Mr. KATKO. Mr. Speaker, I rise today in opposition to the previous question and in support of H.R. 471, the Protecting Americans from Unnecessary Spread upon Entry from COVID–19 Act, the PAUSE Act.

This week, I joined Leader MCCARTHY and several of my colleagues at a meeting with the National Border Patrol Council, representatives of 18,000 members of the Border Patrol, to discuss the crisis at the southern border.

Just as we predicted, the number of daily border encounters has been trending dramatically upward since

President Biden took office in 2021. The administration has created an untenable situation from which it may take several years, at a minimum, to recover.

The irresponsible decision to roll back Title 42, the Public Health and Welfare authority; the halting of border wall construction; the lack of support for frontline law enforcement personnel; the undermining of the Migrant Protection Protocols; and the total absence of a long-term border security plan of any sort have only made matters worse.

The U.S. Customs and Border Protection is now seeing over 7,000 encounters daily, and the Department of Homeland Security is said to be bracing for a significant mass influx of nearly 18,000 migrants daily when title 42 ends. That is absolutely an untenable situation.

As the U.S. finally gets a handle on managing the spread of new variants and moves steadily toward a post-pandemic recovery, now is not the time to end the use of title 42 and jeopardize all that progress, especially as numerous countries continue to struggle with the rapid spread of COVID–19 and strengthening variants.

The very purpose of title 42 is to prevent the introduction of dangerous communicable diseases into American communities. We should be doubling down on protecting our communities and economy from these threats, not weakening them.

Our border security and immigration system cannot handle any more pull factors, as the Biden administration has proven unwilling to secure our southern border. As we are witnessing, the administration continues to strip every tool for managing the border crisis away from frontline law enforcement.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RESCHENTHALER. Mr. Speaker, I yield an additional 30 seconds to the gentleman from New York.

Mr. KATKO. Mr. Speaker, transnational criminal organizations and drug cartels are taking full advantage by highlighting the weak border security posture of the administration while profiting from this crisis. The administration continues to roll back commonsense border security measures, thereby feeding into a false narrative for would-be migrants and encouraging them to come to the United States to seek asylum.

Many migrants who make this dangerous journey to the United States will not be eligible under the Federal law for asylum, forcing them to seek other ways to enter the United States.

We know for a fact that cartels control who crosses the U.S.-Mexico border. They charge migrants exorbitant fees knowing that some will never be able to repay, leading many of the migrants with only one option: to work off their fees.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. RESCHENTHALER. Mr. Speaker, I yield an additional 30 seconds to the gentleman from New York.

Mr. KATKO. Mr. Speaker, this work often leads them into a trafficking situation here in the United States.

Drugs, such as fentanyl, methamphetamine, and other fentanyl-laced drugs, are pouring across the southern border and destroying our communities and ending the lives of thousands of Americans every year. This year alone, for the first time, more than 100,000 Americans died of drug overdoses. That is directly related to the border. It has to stop.

I appreciate the focus of my colleagues on this critical homeland security issue, especially my colleague from New Mexico, who knows firsthand the impact the border crisis is having on our communities.

Mr. RASKIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before the gentleman leaves, I want to say a word about the distinguished gentleman from New York. We are all blessed to have Mr. KATKO as a colleague. He is a brilliant lawyer and a man of exceptional character and honor.

He was the one who had been tasked by the minority leader to negotiate with the majority about creating an independent commission to investigate the assault on American democracy that took place on January 6. He was given very specific instructions, and he came back a winner. He had gotten an agreement for five Republicans and five Democrats, equal subpoena power right down the middle.

Alas for his caucus, alas for this Congress, alas for the country, the leadership pulled the rug out from beneath him.

We are going to be very sorry to see Mr. KATKO leave Congress at the end of this session. We will all be impoverished by his absence.

Mr. Speaker, I reserve the balance of my time.

Mr. RESCHENTHALER. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. BISHOP).

Mr. BISHOP of North Carolina. Mr. Speaker, behold the nonpartisan nature of the January 6th Committee. It puzzles me why it would have been so different had the allegedly bipartisan commission been approved.

In fact, in the January 6th Committee's markup on the contempt resolutions, the grand inquisitor said, in opening: ''I can say confidently that the many involved in the run-up to January 6, an oath, a statement of fidelity to our democracy, was nothing more to them than meaningless words. I fear what happens if those people are again given the reins of power.'' This sums up the purpose of the January 6 inquisition in a way that is both cogent and terrifying.

What the January 6th Committee lacks in bona fide legislative purpose, not patina of legislative purpose but bona fide legislative purpose, it makes up for in pure political vendetta. This investigation isn't about truth or democracy; it is a pure political power play.

The immediate target is President Trump, but the ultimate target is those people—namely, the millions of Americans—who voted for President Trump.

Why is there no dissent from this objective on this committee? Well, because the only Members nominally representative of the minority, chosen by the majority Speaker over the objection of the minority, share the political objectives of the grand inquisitor.

Accordingly, LIZ CHENEY said during the January 6th Committee markup of these contempt resolutions: ''Our committee will continue to litigate to obtain the testimony we need.'' What need? To inform what legislative purpose does the committee need to obtain the RNC's contributor data and information, to discover who opened its emails and clicked through to donation pages?

On the other hand, it could serve her purpose to demonize her political opponents, especially those who donate to President Trump.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RESCHENTHALER. Mr. Speaker, I yield an additional 30 seconds to the gentleman from North Carolina.

Mr. BISHOP of North Carolina. Mr. Speaker, it is common for the zealot to lose the capacity for irony. Hence, Chairman THOMPSON says that laws prohibit doing politics on the clock: ''It is important that taxpayer dollars don't support political activity.''

Ms. CHENEY waves the Constitution even while she poses as the designee of the minority, imposed on the minority in a historically unprecedented trampling of the institutional norms. This is a kangaroo court, a court of the star chamber.

They continue to trample the concepts and the institutional norms of the Congress, and I am certain that the American people will have an answer for it very soon.

Mr. RESCHENTHALER. Mr. Speaker, I reserve the balance of my time.

Mr. RASKIN. Mr. Speaker, I yield 30 seconds to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, the people of the United States deserve to know the truth. With all the ranting of my friends across the aisle, the Constitution indicates that this Nation was formed to create a more perfect Union.

□ 1445

There were those who incited January 6. There were those who surrounded President Trump who did nothing to stop the violence and terrorism of January 6. If witnesses come before a duly authorized bipartisan committee and refuse to provide the American people with the truth, then we need to stand here and provide them with a contempt order so that the truth can be found.

Mr. Speaker, I ask my colleagues to join me in voting for this contempt order for the truth for the American people and the sanctity of the Constitution.

Mr. RESCHENTHALER. Mr. Speaker, I just want to check if there are any further speakers that my friend from across the aisle has.

Mr. RASKIN. Mr. Speaker, I have no further speakers.

Mr. RESCHENTHALER. Mr. Speaker, at this time I have no further speakers, and I yield myself the balance of my time.

Mr. Speaker, in closing, I consider the gentleman across the aisle a friend, and it is certainly an honor and a privilege to debate law with him given the fact that he is a renowned constitutional law expert. I mean that sincerely. It is fun being up here with the gentleman. So knowing that he has the last word, I do just have to cite one more case for my good friend.

I just keep going back to the Trump v. Thompson where Justice Kavanaugh said that there are only two very narrow exceptions to this privilege. Number one, which can be found in United States v. Nixon, relates to a pending criminal trial. There is no pending criminal trial here. That exception is not applicable.

The second narrow exception is one found in Senate Select Committee v. Nixon. In there, it is whether the subpoenaed evidence is demonstrably critical to the responsible fulfillment of a committee's function. I am quoting the precedent here. That case law goes on to state that there are clear differences between Congress' legislative tasks and the responsibility of a grand jury.

He went on further to describe that Congress frequently legislates on the basis of conflicting information provided in its hearings all the time. So I would submit that that exception does not apply either. Reasonable minds can differ, but I am very confident that the case law here supports the case of Mr. Scavino.

With that said, the law notwithstanding, it seems that my friends across the aisle have proven time and time again that they don't care about the separation of powers, they don't care about the protection of our constitutional rights, and they don't even care about the rules of the House. They only do if those items fit a political narrative.

It is very clear to me that from the Select Committee to Investigate the January 6th Attack on the United States Capitol's treatment of Mr. Scavino and from the resolution before us today that they would prefer to keep up their political theater rather than conduct a legitimate congressional investigation.

Mr. Speaker, I urge my colleagues to vote ''no'' on the previous question and ''no'' on the rule, and I yield back the balance of my time.

Mr. RASKIN. Mr. Speaker, I do want to thank my friend from Pennsylvania. Sometimes when I hear him in the committee, I think about another great Republican who served in the House of Representatives from Pennsylvania, Thaddeus Stevens. But today, my friend let me down a little bit because Thaddeus Stevens was a great enemy of insurrection and rebellion. He led the forces in this Congress who insisted upon accountability for the people who would dare wage war against the Congress of the United States and against the Union and the people who were all elected to serve and to represent.

Justice Kavanaugh, of course, was not ruling in the case that my good friend cited before. He was just opining. There was no ruling there. So that was one Justice's opinion.

My friend cuts me to the quick when he says that we don't care about the separation of powers. I think I am going to have to turn that insult around and say that they don't care about the separation of powers because the executive privilege of the Supreme Court has repeatedly held, going all the way back to 1953, in a case called the United States v. Reynolds that the executive privilege may be invoked only by the President of the United States.

And this President of the United States, who represents the Article II branch, has said he is not invoking it on behalf of Scavino or Navarro. He has rejected it.

The funny part is that the former President they talked about hasn't even shown up to try to invoke it. And what they are talking about doing could never be the subject of executive privilege anyway because it is political activity, which is a crime under the Hatch Act. It is criminal activity. It is a crime to engage in insurrection and coup.

How could executive privilege—even if you had a President who wanted nothing more than to try to drape the activities of Scavino and Navarro in executive privilege, how could that President ever prove that it applied? Navarro's job, for example, was the trade adviser. This has nothing to do with trade. He was engaged in trying to overthrow a Presidential election, as Judge Carter said last week.

Mr. Speaker, this is a matter of the utmost solemnity and seriousness to the American people. We are talking about the survival of American democratic government. For most of human history, people have lived under people like Vladimir Putin and Donald Trump, the kings, the queens, the dictators, the tyrants, and the bullies whom some people would want to flatter.

But we have something else going on here in America. We have got a project in democratic self-government. Lincoln knew how tenuous it was. He asked whether government of the people, by the people, and for the people shall last or shall perish from the Earth.

That is the question facing us, too. So let's deal with all the issues and controversies we want. But couldn't we get together and all stand up for the institutions of the country?

We are doing that in our committee, which is bipartisan. I fear that sometimes we are moving into a Democratic/Republican caucus in Congress and a Trump caucus. There are those of us, like Ms. CHENEY, like Mr. KINZINGER, and like Mr. THOMPSON on the committee, who want to work together to get to the bottom of this and then to deal with the problems of the country. And then there are those, like the minority leader, who will follow the will of Donald Trump if he says he doesn't want any investigation at all.

I am sorry, Mr. Speaker, but that is where we are today. These two witnesses have acted with contempt towards Congress and the American people. We must hold them in contempt of Congress and the American people.

Mr. BURGESS. Mr. Speaker, this rule provides for consideration of yet another Contempt of Congress resolution that has no purpose other than to punish. If the January 6th Select Committee wanted to actually compel production of the documents and records they subpoenaed, they would instead be suing for civil enforcement. But that takes time, and there are only eight months left before these subpoenas expire.

Congressional Committees may conduct investigations in pursuit of a legislative purpose. I ask: What legislative purpose would be served by referring Peter Navarro and Daniel Scavino for criminal Contempt of Congress rather than suing for civil enforcement?

Additionally, the question of executive privilege is not legally settled. President Biden has stated he would not grant executive privilege regarding Mr. Scavino's testimony, but the Presidential Records Act governs presidential records, not the testimony of aides to former presidents. The committee also demanded ridiculous compliance timelines in requests to Mr. Scavino, further indicating a lack of willingness to undertake a legitimate and thorough investigation.

As we get closer to the end of the year, will the Select Committee go straight to recommending Contempt of Congress for every subpoenaed individual that requests accommodations or an extended timeline?

I urge a no vote on this misguided resolution.

The material previously referred to by Mr. RESCHENTHALER is as follows:

AMENDMENT TO HOUSE RESOLUTION 1023

At the end of the resolution, add the following:

SEC. 2. Immediately upon adoption of this resolution the House shall proceed to the consideration in the House of the bill (H.R. 471) to prohibit the Secretary of Health and Human Services from lessening the stringency of, and to prohibit the Secretary of Homeland Security from ceasing or lessening implementation of, the COVID–19 border health provisions through the end of the COVID–19 pandemic, and for other purposes. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided

and controlled by the chair and ranking minority member of the Committee on Energy and Commerce; and (2) one motion to recommit.

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 471.

Mr. RASKIN. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RESCHENTHALER. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

Pursuant to clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by a 5-minute vote on adoption of the resolution, if ordered.

The vote was taken by electronic device, and there were—yeas 219, nays 206, not voting 4, as follows:

[Roll No. 116]

YEAS—219

Adams
Aguilar
Allred
Auchincloss
Axne
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Bourdeaux
Bowman
Boyle, Brendan F.
Brown (MD)
Brown (OH)
Brownley
Bush
Bustos
Butterfield
Carbajal
Cárdenas
Carson
Carter (LA)
Cartwright
Case
Casten
Castro (TX)
Cherfilus-McCormick
Chu
Cicilline
Clark (MA)
Clarke (NY)
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Craig
Crist
Crow
Cuellar
Davids (KS)
Davis, Danny K.
Dean
DeFazio
DeGette
DeLauro
DelBene
Delgado
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Escobar
Eshoo
Espaillat
Evans
Fletcher
Foster
Frankel, Lois
Gallego
Garamendi
García (IL)
Garcia (TX)
Golden
Gomez
Gonzalez, Vicente
Gottheimer
Green, Al (TX)
Grijalva
Harder (CA)
Hayes
Higgins (NY)
Himes
Horsford
Houlahan
Hoyer
Huffman
Jackson Lee
Jacobs (CA)
Jayapal
Jeffries
Johnson (GA)
Johnson (TX)
Jones
Kahele
Kaptur
Keating
Kelly (IL)
Khanna
Kildee
Kilmer
Kim (NJ)
Kind
Kirkpatrick
Krishnamoorthi
Kuster
Lamb
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee (CA)
Lee (NV)
Leger Fernandez
Levin (CA)
Levin (MI)
Lieu
Lofgren
Lowenthal
Luria
Lynch
Malinowski
Maloney, Carolyn B.
Maloney, Sean
Manning
Matsui
McBath
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Mfume
Moore (WI)
Morelle
Moulton
Mrvan
Murphy (FL)
Nadler
Napolitano
Neal
Neguse
Newman
Norcross
O'Halleran
Ocasio-Cortez
Omar
Pallone
Panetta
Pappas
Pascrell
Payne
Perlmutter
Peters
Phillips
Pingree
Pocan
Porter
Pressley
Price (NC)
Quigley
Raskin
Rice (NY)
Ross
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan
Sánchez
Sarbanes
Scanlon
Schakowsky
Schiff
Schneider
Schrader
Schrier
Scott (VA)
Scott, David
Sewell
Sherman
Sherrill
Sires
Slotkin
Smith (WA)
Soto
Spanberger
Speier
Stansbury
Stanton
Stevens
Strickland
Suozzi
Swalwell
Takano
Thompson (CA)
Thompson (MS)
Titus
Tlaib
Tonko
Torres (CA)
Torres (NY)
Trahan
Trone
Underwood
Vargas
Veasey
Velázquez
Wasserman Schultz
Waters
Watson Coleman
Welch
Wexton
Wild
Williams (GA)
Wilson (FL)
Yarmuth

NAYS—206

Aderholt
Amodei
Armstrong
Arrington
Babin
Bacon
Baird
Balderson
Banks
Barr
Bentz
Bergman
Bice (OK)
Biggs
Bilirakis
Bishop (NC)
Boebert
Bost
Brady
Brooks
Buchanan
Buck
Bucshon
Budd
Burchett
Burgess
Calvert
Cammack
Carey
Carl
Carter (GA)
Carter (TX)
Cawthorn
Chabot
Cheney
Cline
Cloud
Clyde
Cole
Comer
Crawford
Crenshaw
Curtis
Davidson
Davis, Rodney
DesJarlais
Diaz-Balart
Donalds
Duncan
Dunn
Ellzey
Emmer
Estes
Fallon
Feenstra
Ferguson
Fischbach
Fitzgerald
Fitzpatrick
Fleischmann
Foxx
Franklin, C. Scott
Fulcher
Gaetz
Gallagher
Garbarino
Garcia (CA)
Gibbs
Gimenez
Gohmert
Gonzales, Tony
Gonzalez (OH)
Good (VA)
Gooden (TX)
Gosar
Granger
Graves (LA)
Graves (MO)
Green (TN)
Greene (GA)
Griffith
Grothman
Guthrie
Harris
Harshbarger
Hartzler
Hern
Herrell
Herrera Beutler
Hice (GA)
Higgins (LA)
Hill
Hinson
Hollingsworth
Hudson
Huizenga
Issa
Jackson
Jacobs (NY)
Johnson (LA)
Johnson (OH)
Johnson (SD)
Jordan
Joyce (OH)
Joyce (PA)
Katko
Keller
Kelly (MS)
Kelly (PA)
Kim (CA)
Kinzinger
Kustoff
LaHood
LaMalfa
Lamborn
Latta
LaTurner
Lesko
Letlow
Long
Loudermilk
Lucas
Luetkemeyer
Mace
Malliotakis
Mann
Massie
Mast
McCarthy
McCaul
McClain
McClintock
McHenry
McKinley
Meijer
Meuser
Miller (IL)
Miller (WV)
Miller-Meeks
Moolenaar
Mooney
Moore (AL)
Moore (UT)
Mullin
Murphy (NC)
Nehls
Newhouse
Norman
Obernolte
Owens
Palazzo
Palmer
Pence
Perry
Pfluger
Posey
Reed
Reschenthaler
Rice (SC)
Rodgers (WA)
Rogers (AL)
Rogers (KY)
Rose
Rosendale
Rouzer
Roy
Rutherford
Salazar
Scalise
Schweikert
Scott, Austin
Sessions
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smucker
Spartz
Stauber
Steel
Stefanik
Steil
Steube
Stewart
Taylor
Tenney
Thompson (PA)
Tiffany
Timmons
Turner
Upton
Valadao
Van Drew
Van Duyne
Wagner
Walberg
Walorski
Waltz
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams (TX)
Wittman
Womack
Zeldin

NOT VOTING—4

Allen
Castor (FL)
Guest
Wilson (SC)

□ 1530

Messrs. JOHNSON of Ohio and FEENSTRA changed their vote from ''yea'' to ''nay.''

Messrs. SCOTT of Virginia and RUSH changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

Bass (Beyer)
Bowman (Evans)
Cárdenas (Soto)
Castro (TX) (Correa)
Cawthorn (Gaetz)
Clark (MA) (Blunt Rochester)
Comer (Arrington)
Connolly (Wexton)
Cooper (Correa)
Crawford (Long)
Crist (Soto)
Cuellar (Correa)
Doyle, Michael F. (Evans)
Gomez (Soto)
Grijalva (Stanton)
Harder (CA) (Correa)
Huffman (Stanton)
Johnson (TX) (Jeffries)
Joyce (OH) (Garbarino)
Kahele (Mrvan)
Kirkpatrick (Pallone)
LaTurner (Mann)
Lawson (FL) (Evans)
Mfume (Evans)
Newman (García (IL))
Owens (Tenney)
Payne (Pallone)
Peters (Jeffries)
Porter (Wexton)
Price (NC) (Butterfield)
Roybal-Allard (Pallone)
Schiff (Beyer)
Scott, David (Jeffries)
Sires (Pallone)
Steube (Donalds)
Suozzi (Beyer)
Taylor (Jackson)
Wasserman Schultz (Soto)
Watson Coleman (Pallone)

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RESCHENTHALER. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 221, nays 200, not voting 8, as follows:

[Roll No. 117]

YEAS—221

Adams
Aguilar
Allred
Auchincloss
Axne
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Bourdeaux
Bowman
Boyle, Brendan F.
Brown (MD)
Brown (OH)
Brownley
Bush
Bustos
Butterfield
Carbajal
Cárdenas
Carson
Carter (LA)
Cartwright
Case
Casten
Castor (FL)
Castro (TX)
Cheney
Cherfilus-McCormick
Chu
Cicilline
Clark (MA)
Clarke (NY)
Cleaver
Clyburn
Connolly
Cooper
Correa
Costa
Courtney
Craig
Crist
Crow
Cuellar
Davids (KS)
Davis, Danny K.
Dean
DeFazio
DeGette
DeLauro
DelBene
Delgado
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Escobar
Eshoo
Espaillat
Evans
Fletcher
Foster
Frankel, Lois
Gallego
Garamendi
García (IL)
Garcia (TX)
Golden
Gomez
Gonzalez, Vicente
Gottheimer
Green, Al (TX)
Grijalva
Harder (CA)
Hayes
Higgins (NY)
Himes
Horsford
Houlahan
Hoyer
Huffman
Jackson Lee
Jacobs (CA)
Jayapal
Jeffries
Johnson (GA)
Johnson (TX)
Jones
Kahele
Kaptur
Keating
Kelly (IL)
Khanna
Kildee
Kilmer
Kim (NJ)
Kind
Kinzinger
Kirkpatrick
Krishnamoorthi
Kuster
Lamb
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee (CA)
Lee (NV)
Leger Fernandez
Levin (CA)
Levin (MI)
Lieu
Lofgren
Lowenthal
Luria
Lynch
Malinowski
Maloney, Carolyn B.
Maloney, Sean
Manning
Matsui
McBath
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Mfume
Moore (WI)
Morelle
Moulton
Mrvan
Murphy (FL)
Nadler
Napolitano
Neal
Neguse
Newman
Norcross

O'Halleran	Sánchez	Takano
Ocasio-Cortez	Sarbanes	Thompson (CA)
Omar	Scanlon	Thompson (MS)
Pallone	Schakowsky	Titus
Panetta	Schiff	Tlaib
Pappas	Schneider	Tonko
Pascrell	Schrader	Torres (CA)
Payne	Schrier	Torres (NY)
Perlmutter	Scott (VA)	Trahan
Peters	Scott, David	Trone
Phillips	Sewell	Underwood
Pingree	Sherman	Vargas
Pocan	Sherrill	Veasey
Porter	Sires	Velázquez
Pressley	Slotkin	Wasserman Schultz
Price (NC)	Smith (WA)	Waters
Quigley	Soto	Watson Coleman
Raskin	Spanberger	Welch
Rice (NY)	Speier	Wexton
Ross	Stansbury	Wild
Roybal-Allard	Stanton	Williams (GA)
Ruiz	Stevens	Wilson (FL)
Ruppersberger	Strickland	Yarmuth
Rush	Suozzi	
Ryan	Swalwell	

NAYS—200

Aderholt	Gimenez	Miller-Meeks
Amodei	Gohmert	Moolenaar
Armstrong	Gonzales, Tony	Mooney
Arrington	Gonzalez (OH)	Moore (AL)
Babin	Good (VA)	Moore (UT)
Bacon	Gooden (TX)	Mullin
Baird	Gosar	Murphy (NC)
Balderson	Granger	Nehls
Banks	Graves (LA)	Newhouse
Barr	Graves (MO)	Norman
Bentz	Green (TN)	Obernolte
Bergman	Greene (GA)	Owens
Bice (OK)	Griffith	Palazzo
Biggs	Grothman	Palmer
Bilirakis	Guthrie	Perry
Bishop (NC)	Harris	Pfluger
Boebert	Harshbarger	Posey
Bost	Hartzler	Reed
Brady	Hern	Reschenthaler
Brooks	Herrell	Rice (SC)
Buchanan	Herrera Beutler	Rodgers (WA)
Buck	Higgins (LA)	Rogers (AL)
Bucshon	Hill	Rogers (KY)
Budd	Hinson	Rose
Burchett	Hudson	Rosendale
Burgess	Huizenga	Rouzer
Calvert	Issa	Roy
Cammack	Jackson	Rutherford
Carey	Jacobs (NY)	Salazar
Carl	Johnson (LA)	Scalise
Carter (GA)	Johnson (OH)	Schweikert
Carter (TX)	Johnson (SD)	Scott, Austin
Cawthorn	Jordan	Sessions
Chabot	Joyce (OH)	Simpson
Cline	Joyce (PA)	Smith (MO)
Cloud	Katko	Smith (NE)
Clyde	Keller	Smith (NJ)
Cole	Kelly (MS)	Smucker
Comer	Kelly (PA)	Spartz
Crawford	Kim (CA)	Stauber
Curtis	Kustoff	Steel
Davidson	LaHood	Stefanik
Davis, Rodney	LaMalfa	Steil
DesJarlais	Lamborn	Steube
Diaz-Balart	Latta	Stewart
Donalds	LaTurner	Taylor
Duncan	Lesko	Tenney
Dunn	Letlow	Thompson (PA)
Ellzey	Long	Tiffany
Emmer	Loudermilk	Timmons
Estes	Lucas	Turner
Fallon	Luetkemeyer	Upton
Feenstra	Mace	Valadao
Ferguson	Malliotakis	Van Drew
Fischbach	Mann	Van Duyne
Fitzgerald	Massie	Wagner
Fitzpatrick	Mast	Walberg
Fleischmann	McCarthy	Walorski
Foxx	McCaul	Waltz
Franklin, C. Scott	McClain	Weber (TX)
	McClintock	Webster (FL)
Fulcher	McHenry	Wenstrup
Gaetz	McKinley	Westerman
Gallagher	Meijer	Williams (TX)
Garbarino	Meuser	Wittman
Garcia (CA)	Miller (IL)	Womack
Gibbs	Miller (WV)	Zeldin

NOT VOTING—8

Allen	Guest	Pence
Cohen	Hice (GA)	Wilson (SC)
Crenshaw	Hollingsworth	

□ 1542

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. COHEN. Mr. Speaker, I was in a Helsinki Commission hearing. Had I been present, I would have voted "yea" on rollcall No. 117.

Stated against:

Mr. CRENSHAW. Mr. Speaker, I was unavoidably detained in a committee hearing and missed the final vote in the series. Had I been present, I would have voted "nay" on rollcall No. 117.

Mr. PENCE. Mr. Speaker, I was not recorded for roll call vote 117. Had I been present, I would have voted "nay" on rollcall No. 117.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

Bass (Beyer)	Gomez (Soto)	Owens (Tenney)
Bowman (Evans)	Grijalva (Stanton)	Payne (Pallone)
Cárdenas (Soto)	Harder (CA) (Correa)	Peters (Jeffries)
Castro (TX) (Correa)	Huffman (Stanton)	Porter (Wexton)
Cawthorn (Gaetz)	Johnson (TX) (Jeffries)	Price (NC) (Butterfield)
Clark (MA) (Blunt Rochester)	Joyce (OH) (Garbarino)	Roybal-Allard (Pallone)
Comer (Arrington)	Kahele (Mrvan)	Schiff (Beyer)
Connolly (Wexton)	Kirkpatrick (Pallone)	Scott, David (Jeffries)
Cooper (Correa)	Lawson (FL) (Evans)	Sires (Pallone)
Crawford (Long)	Mfume (Evans)	Steube (Donalds)
Crist (Soto)	Newman (García (IL))	Suozzi (Beyer)
Cuellar (Correa)		Taylor (Jackson)
Doyle, Michael F. (Evans)		Wasserman Schultz (Soto)
		Watson Coleman (Pallone)

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Adrian Swann, one of his secretaries.

PROVIDING FOR CONSIDERATION OF H.R. 3807, RESTAURANT REVITALIZATION FUND REPLENISHMENT ACT OF 2021, AND FOR OTHER PURPOSES

Mr. MORELLE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1033 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1033

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3807) to amend the American Rescue Plan Act of 2021 to increase appropriations to the Restaurant Revitalization Fund, and for other purposes. All points of order against consideration of the bill are waived. An amendment in the nature of a substitute consisting of the text of Rules Committee Print 117–39, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Small Business or their respective designees; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from New York is recognized for 1 hour.

Mr. MORELLE. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from Minnesota (Mrs. FISCHBACH), my colleague and friend, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. MORELLE. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MORELLE. Mr. Speaker, this morning the Rules Committee met and reported a rule, House Resolution 1033, providing for consideration of H.R. 3807, the Relief for Restaurants and other Hard Hit Small Businesses Act of 2022 under a closed rule.

The rule provides 1 hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Small Business, self-executes a manager's amendment from Chairwoman VELÁZQUEZ, and provides one motion to recommit.

Mr. Speaker, I rise today to urge my colleagues to adopt the rule and support critical funding for restaurants and other small businesses across our Nation.

As we all know, small businesses—especially restaurants—are the backbone of our local economy. Not only for the revenue they bring in, but for the many local workers they employ; families that need their paycheck now more than ever. But sadly, restaurants have been some of the hardest-hit businesses throughout the COVID–19 crisis, and many have struggled to keep their doors open.

Many of us have made a promise to support workers, families, and businesses in their time of need, and that is why we established the Restaurant Revitalization Fund in the American Rescue Plan, which provided $28.6 billion in emergency assistance to eligible restaurants, bars, and qualifying businesses impacted by the COVID crisis.

This program was clearly a success, providing relief to more than 100,000 restaurants and food and beverage businesses across the Nation. Some recent estimates show the program saved over 900,000 jobs, and 96 percent of recipients said the grant made it more likely they would stay in business.

However, there is no question that our initial investment was not enough. The program ran out of funds in just 3 weeks, as the total funding requested exceeded $72 billion, far more than the $28.6 billion provided for in the American Rescue Plan.

This funding gap resulted in 178,000 restaurants who are unable to secure funding in this program, even though they applied to the program and met all of the eligibility requirements. Let me say that again, 178,000 restaurants, many of which are in danger of permanent closure if Congress does not provide them with the relief they need.

The underlying legislation, the Relief for Restaurants and other Hard Hit Businesses Act, would provide for $42 billion to replenish the Restaurant Revitalization Fund, giving the Small Business Administration the funding necessary to close this funding gap and process the applications of those entities who are deemed eligible in the initial application period, providing a lifeline for the restaurant industry that has faced so many challenges over the past 2 years.

In addition to this critical funding, the underlying legislation also provides $13 billion for a new Hard Hit Industries Award Program, which will grant much-needed relief to other small businesses across industries and sectors that were the hardest hit by the pandemic but were not eligible for the Restaurant Revitalization Fund or Shuttered Venue Operators Grant program.

This new program would prioritize those eligible small businesses that experience the heaviest pandemic-related losses, beginning with those that lost 80 percent of their revenue.

To pay for both the establishment of the new program and the replenishment of the Restaurant Revitalization Fund, this bill would use funds reclaimed, seized, or returned to the Federal Government from bad actors attempting to defraud previous recovery programs.

Back in October 2020, the Small Business Administration Office of the Inspector General had already identified $78 billion in potentially fraudulent loans and grants to ineligible entities, and more than 300 individuals have been brought to justice. This legislation also increases oversight and audit requirements, ensuring that this additional support goes to the businesses originally intended to receive assistance.

Mr. Speaker, I have always been an advocate of additional support for the restaurant and hospitality industry, and many of my colleagues on the other side of the aisle have demonstrated support for the Restaurant Revitalization Fund, as well. I hope we continue to see bipartisan support for this effort on the House floor.

I urge all of my colleagues to support the rule and the underlying legislation to deliver critical funding for restaurants and small businesses in communities across the country.

Mr. Speaker, I reserve the balance of my time.

Mrs. FISCHBACH. Mr. Speaker, I thank the gentleman from New York for yielding me the customary 30 minutes, and, Mr. Speaker, I yield myself such time as I may consume.

Today, we are here to consider a rule providing for consideration of H.R. 3807, the Relief for Restaurants and other Hard Hit Small Businesses Act.

This legislation gives a check to the Small Business Administration without accountability or oversight mechanisms or even taking into account SBA's feedback.

Mr. Speaker, this bill appropriates an additional $55 billion to restaurants and small businesses, none of which is paid for. According to the Congressional Budget Office, as much as $340 billion in unobligated funds from various COVID relief legislation is available for expenditure, but we are not reallocating those. Instead, we would be relying on more deficit spending to provide these sums. Structurally, this bill is not going to work. This is a lot of money, and it seems that Democrats just want to throw it to the wind, because when you look at how the funds are being distributed, this bill will not fix the problem. This is something that could have been addressed had the bill gone through the committee process.

Because this bill is not immediately or responsibly paid for, it would further fuel the inflation crisis, which currently sits at a 40-year high of 7.9 percent. Inflation is the number one problem facing small businesses, according to them. That is what they are saying. Instead of pushing through drastic increases of inflation-inducing deficit spending, we must work together to advance progrowth policies that empower small businesses to operate independently without burdensome restrictions.

I need to point out the political game Democrats are playing this session. They are proposing bills that have titles that make them seem like commonsense bills, but really, they are disingenuous attempts to fix real problems.

This was true of last week's insulin bill, and it is true of this bill. What is worse is they know that they are not coming up with real solutions. That is why we are now looking at yet another bill that has not been through the committee process, there has been no transparency, no opportunity to discuss, no public or minority input, and has real flaws as a result that will only exacerbate the problems my colleagues have created. My Democratic colleagues do not want to negotiate with Republicans or allow any input from anyone to come up with a bill that would actually help people.

It is also why my colleagues did not take up the ENTREE Act, which was introduced last summer, at a time when restaurants really needed it. That bill was also aimed at helping restaurants and small businesses recover from the damage done by the pandemic with proper oversight and constraints and didn't include discriminatory language that prioritized certain groups based on criteria other than need. That eventually, the Supreme Court had to put a stop to.

Now, we need to be focusing on the crises that are going on that are going to become problems for restaurants this year: workforce and inflation. We are still seeing ''help wanted'' signs all over the country. Businesses are desperate for a workforce. Congress needs to stop paying people to stay at home and encourage them to work. And inflation is hitting every single corner of the economy. Between increasing prices on all goods, and the effects we are already starting to feel in the food industry from the Russian invasion of Ukraine, consumers are going to start feeling the pain. And, unfortunately, when you are trying to save money, going out to eat is not one of the first things a family typically does. We need to be getting ahead of these issues, not coming up with insincere attempts under the guise of COVID relief.

Mr. Speaker, I oppose the rule and the underlying bill, and I ask Members to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. MORELLE. Mr. Speaker, I yield myself such time as I may consume.

I always appreciate hearing from my colleagues and a distinguished member of the Rules Committee, Mrs. FISCHBACH. I do note, however, a couple of things before I yield some time.

The first is that as it relates to how the bill is funded, as I indicated, the inspector general himself, that office, indicated there is $78 billion in fraudulent claims that are being recouped by the Federal Government. This bill will cost $42 billion for the Restaurant Revitalization Fund replenishment, another $13 billion, $55 billion. There is plenty of money in those reclaimed dollars to be able to pay for this without having to appropriate new dollars. So this actually should be in line with the principles of some of our more conservative Members to have claimed dollars that are owed to the United States and to its taxpayers.

Secondly, as it relates to workforce shortages, and I think we all know in every industry, and the businesses I talk to back home, are struggling to find workers. Yet, I note yesterday in the Education and Labor Committee, of which I am a member, that we didn't get a single Republican vote for the Workforce Innovation and Opportunity Act, WIOA's reauthorization, which will do great things to continue to move people into the workplace as quickly as possible. Yet, we received no support for that.

So we are going to continue to work on these issues here in this Congress. We are going to continue to lead. This majority is going to continue to look out for small businesses, it is going to continue to look out for people looking for work, and it is going to continue to look out for employers who face worker shortages. So we will continue to support this, and I believe this bill will be a great victory for the 178,000 restaurants who desperately need our support.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. DESAULNIER), a fellow member of the Rules Committee.

□ 1600

Mr. DESAULNIER. Mr. Speaker, I want to thank my friend and colleague for yielding. And I also want to thank my distinguished colleagues on both sides for the conversation at the Rules Committee.

I want to speak for a few moments, Mr. Speaker, as somebody who has spent 35 years in the restaurant business, owning and managing restaurants in California, small businesses that were vital to the communities where they were; and how important they are to restart Main Street America in every district; the multipliers of having restaurants open, and the difficulty and the cash flow of a small business like this, and why this initiative is so important.

The Bureau of Labor Statistics estimates that in 2019, there were 12.1 million people employed in the restaurant and food service industry. So many of those people immediately lost their jobs and their incomes with no warning when the pandemic hit. In April of 2020 alone, the restaurant industry lost 5½ million jobs.

Through the American Rescue Plan, we established the Restaurant Revitalization Fund, which provided $28.6 billion in emergency assistance to eligible restaurants, bars, and qualifying businesses impacted by the pandemic.

Although this program helped more than 100,000 restaurants and food and beverage businesses across the country, in every district, the program received applications of nearly three times the amount of money that it had to give out. We cannot overlook the obvious need.

The Relief for Restaurants and Other Hard Hit Small Businesses Act, H.R. 3807, would inject $42 billion to allow the Small Business Administration to process the applications of over 150,000 eligible entities that previously applied for relief.

I met and talked to many of my former colleagues in the business who have applied for these funds and they speak very positively about their experience and how helpful it was to get them through the pandemic. It helps these small businesses. Through the pandemic, at least 40 percent of pandemic-related revenue loss was suffered by businesses with fewer than 200 employees.

Again, as a former restaurant owner myself, I have seen how restaurants can bring communities together. We owe it to these local business entrepreneurs, these owners, and millions of workers who depend on this help, to pass this important bill.

Mrs. FISCHBACH. Mr. Speaker, I yield myself such time as I may consume.

I would just like to mention, we continue to talk about whether or not this is paid for. I respectfully ask: Where is the CBO score? That would answer the question if we actually had done any—put this legislation through any kind of process, through committee, getting the CBO score.

So I would question as to whether or not it was actually all paid for, as my colleague mentions. But I do think that if we had the CBO score, we could decide, finally, if it was paid for or not.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. ROY).

Mr. ROY. Mr. Speaker, I thank the gentlewoman for yielding.

I completely agree that we should be trying to help small businesses who have gotten absolutely railroaded and run over by the power of government, which amounts to, essentially, a taking. They have had their livelihoods taken away through the sheer power of government, Federal, State and local. It is absolutely extraordinary.

It is one of the reasons that I worked with my friend, DEAN PHILLIPS, on the other side of the aisle, on the PPP Flexibility Act 2 years ago. I would have preferred we not go down this road; that the government not go down and shut down our economy. But the government did. And I think that amounts to something akin to a taking.

But now, here we sit and, yet again, my colleagues on the other side of the aisle have not met an issue that they can't make worse; and that is what we are faced with right now.

Mr. Speaker, my colleagues are bringing forward a $55 billion bill which they say is paid for, which is paid for and relies on recaptured, fraudulent relief funds. We have fraudulent relief funds because you just dumped $2 trillion out in the economy when you came in here and did it by voice vote 2 years ago.

So you have got these fraudulent funds that we may or may not recapture that is, allegedly, what is paying for this. This bill should be fully paid for out of existing COVID money that has not yet been spent. And that is what we are offering as an alternative.

But the real problem that the American people need to understand that my colleagues have got themselves in a pretty vicious box, is because the administration, with the full support of my colleagues here, made the allocation of dollars race-based. They made it criteria-based. And they got slapped down by the court. They got slapped down by the Sixth Circuit.

The Sixth Circuit Court of Appeals found race and sex prioritization was unconstitutional and ordered the Small Business Administration to halt the practice. But most of the funding had been spent. It was underfunded. But most of that funding had been spent.

The court said: ''The case is about whether the government can allocate limited coronavirus relief funds based on the race and sex of the applicants. We hold that it cannot.

''The stark realities of the Small Business Administration's racial gerrymandering are inescapable.'' ''It is indeed 'a sordid business'. . . . ''quoting our Chief Justice John Roberts, '' . . . 'a sordid business' to divide 'us up by race.' '' ''And the government's attempt to do so here violates the Constitution.''

That is the real story. I have introduced the Restaurant Revitalization Fund Fairness Act. We have got other bills on this side of the aisle that would pay for it; that would ensure that it won't be race-based; that would make sure that the 177,000 applicants who were left on the outside looking in because of race-based governing by my colleagues on the other side of the aisle, that that would not occur; and that, again—I want to reiterate—should be paid for without relying on the possibility of collecting the fraudulent expenditures.

Mr. MORELLE. Mr. Speaker, I yield myself such time as I may consume.

I want to just reiterate, this is really a simple issue. And there may be attempts to distract from what is a simple issue, but the Office of Inspector General indicated that we had $78 billion in fraudulent claims. That is an estimate. Some estimates range as high as $200 billion.

It seems silly to me that we wouldn't take advantage of those dollars which are being reclaimed to continue to try to get relief for the many, many tens of thousands, hundreds of thousands of restaurants and their employees across the country.

And I dare say that when I talk to—I have sat down with many, many restaurant owners in the last several months who had made application, and, simply, didn't have the resources in the fund that we had allocated to get relief, continue to talk to me about this.

So this is really a very, very simple question. I know there are a lot of complicated, nuanced questions around here in Congress that we are always dealing with. This is a simple one: Do we want to help these small businesses, or do we choose not to help them? And I think we would argue here that they very much deserve and merit this support.

Mr. Speaker, I yield 3 minutes to the gentlewoman from North Carolina (Ms. ROSS), another distinguished member of the Rules Committee.

Ms. ROSS. Mr. Speaker, I rise today to highlight the urgent need for additional relief for our restaurants.

Since the COVID–19 pandemic began, restaurants in my district and across the country have been at the front line of our battle against COVID–19.

The Restaurant Revitalization Fund offered a vital lifeline at a time when restaurants desperately needed our help. However, the funds quickly ran out, leaving hundreds of thousands of restaurants without any relief, including in my State of North Carolina.

In a cruel twist, many restaurants were approved for funding, but never saw a dime.

For example, Kim Hammer, who owns Bittersweet in Raleigh, was approved for a grant by the Small Business Association. Despite this, Kim still hasn't received any relief and said, ''It feels like no one is listening.''

Well, we are listening. Every time a new variant emerges and cases surge, the survival of countless restaurants is thrown into jeopardy. As I hear from restaurant owners in my district, they all tell me how essential the restaurant relief program was; but that it simply was not enough.

During the peak surge of the Omicron variant, Cheetie Kumar, the owner of Garland restaurant in Raleigh, said she just hoped she could keep the doors open for both her customers and for her staff.

Jennifer Cramer, the owner of Catalan Taps restaurant in Cary, had to start a GoFundMe campaign to keep her lights on and her employees on payroll.

Mr. Speaker, our fight against this pandemic is not over. It is unacceptable that we would leave the restaurant industry out to dry. Restaurants contribute to the spirit, vibrancy, and success of my community in Wake County, North Carolina, and many communities all across this Nation.

I urge my colleagues to support the rule and the underlying legislation and replenish this fund.

Mrs. FISCHBACH. Mr. Speaker, I yield myself as much time as I may consume.

If we defeat the previous question, I will offer an amendment to the rule to provide for consideration of Congresswoman MCMORRIS RODGERS and Congressman WESTERMAN's American Energy Independence from Russia Act.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment in the RECORD, along with the extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. CARSON). Is there objection to the request of the gentlewoman from Minnesota?

There was no objection.

Mrs. FISCHBACH. Mr. Speaker, for the fifth time, Republicans ask their colleagues to consider this bill. The average price at the pump two days before President Biden took office was $2.38 per gallon. They have been steadily climbing ever since.

On February 14, 6 days before the Russian invasion of Ukraine, the average price for per gallon was $3.49. These prices are affecting every single American.

When adjusted for the increasing prices on all goods, thanks to failed Democrat policies, wages and salaries are below pre-pandemic levels. My constituents are pleading with Congress to focus on this issue and are being ignored by the out-of-touch majority.

Now, for the fifth time, House Republicans are urging the majority to immediately bring relief at the pump now. While my colleagues continue to bring flawed, misguided, and unvetted legislation to the floor, House Republicans stand ready to work on issues that directly affect American's pocketbooks.

To further explain the amendment, I yield 4 minutes to the gentlewoman from Florida (Mrs. CAMMACK).

Mrs. CAMMACK. Mr. Speaker, I thank my colleague and friend from the great State of Minnesota for yielding.

I rise today to defeat the previous question so that we may immediately consider H.R. 6858, Congresswoman McMorris Rodgers' bill, that would strengthen United States energy security, encourage and promote domestic production of crude oil and natural gas, and help return to and solidify American energy independence.

You know, I get asked all the time, why? Why will Congress do nothing to lower the cost of fuel? Why do they continue to talk and do absolutely nothing?

Well, right here—right here is your answer. Today, Republicans stand, for the fifth time, legislation Today, Republicans stand, for the fifth time, legislation in hand, to bring gas prices down and to restart our energy production right here at home; legislation that would make us energy independent, once again, and that would get thousands of Americans back to work; legislation that would be a collective sigh of relief for our seniors, and those on fixed incomes, who are making the decision between gas or groceries. This legislation is the answer, and it is ready to go.

But you know what? My colleagues on the other side of the aisle have already been given vote recommendations by the Speaker of the House to shoot this legislation down. They haven't even read it. They haven't even read it, and they are so blind to and beholden to their radical agenda that they won't consider a commonsense solution to one of the most pressing issues facing all of our collective constituents, these fuel prices.

Again, this is the fifth time that this legislation has been presented, and it is the fifth time that my colleagues on the other side of the aisle have put Russia first and America last.

The average price of gas today is $4.56 and climbing. For our truckers and farmers who fuel up on diesel, like many in my district, it is costing them well over $5 a gallon at the pump. In fact, it is $5.19 today for a gallon of diesel.

All across our country, Americans, regardless of party, are making decisions, again, between gas in the tank or groceries in the fridge. Folks are canceling their first road trip with their family in 2 years, or visits to grandparents, because Biden has decided that Americans who put fuel in their own gas tanks and shop for their own groceries, they are not the priority.

□ 1615

In fact, just 17 hours ago, the Biden administration was more concerned with presenting former President Barack Obama with a ceremonial pen than talking about how we are going to bring down fuel prices in this country. You want to talk about out of touch. There it is in a nutshell.

This is the Biden energy policy: soaring prices that hurt hardworking Americans and increasing reliance on foreign countries to meet our energy needs.

We know that America's future will not be realized by sunshine and pinwheels. We will realize it by boosting domestic production and ending our dependence on countries that don't have our best interests in mind. Heck, they don't even like us.

I have spoken to foresters and farmers in my district who have told me that energy costs alone are driving them out of operation and out of business. To illustrate this, one of the top timber producers in my own district said he is spending $18,000 more a week on fuel costs alone. If this continues, he will be suspending operations, all because this administration has issued our domestic energy industry a death sentence. That happened even before they took office.

This Biden energy plan, or lack thereof, is ruining the financial hopes and dreams of hardworking Americans and destroying farmers, foresters, families, ranchers, and small businesses.

We know that we can put an end to this energy crisis. We know we can, but instead, we are focused on ceremonial pens and issues that do not matter to the American people.

It is long past time that we end this energy crisis and put American energy security and independence at the top of the priority list. I stand before this body and the American people to say that we, too, have had enough.

Mr. Speaker, I urge my colleagues to defeat the previous question so we can immediately bring Congresswoman McMorris Rodgers' legislation to the floor.

Mr. MORELLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, frankly, I am a little perplexed. I think when I get home and talk to my restaurant owners, they are going to say: Why were you having a conversation about something not related to the restaurant revitalization act?

I will explain to them that as much as I would like to get into a conversation about how Putin's aggressive actions in Ukraine have affected gas prices around the world, as much as I would like to have the conversation about oil companies that have decided to continue to reap record profits and not increase supply to meet the demand around the world, as much as we can talk about all those things, that is not why we are here today. We should have that conversation in an appropriate venue.

This conversation and the venue right now that we are in is to talk about the Restaurant Revitalization Fund. It is to talk about the 178,000 restaurants owned by Republicans, Democrats, and Independents all across America in every single district that we have the privilege of representing.

Every single district has restaurants, and that is what we are here to talk about: how to get relief into the hands of those individuals who, for 2 years, have struggled under the most difficult economic circumstances any of us could ever imagine.

Let's make sure we keep our eye on the ball. Let's continue to focus on the question in front of the House.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Pennsylvania (Ms. SCANLON), my friend and distinguished member of the Rules Committee.

Ms. SCANLON. Mr. Speaker, in southeastern Pennsylvania, and in cities and towns across the country, restaurants are an essential cornerstone of our local communities and our regional economies. These restaurants were hard-hit by the pandemic.

Despite the excellence of their cuisine, over the past 2 years, many independent restaurants in Philly, Delaware County, and Montgomery County struggled to stay in business, and some permanently shuttered.

The Restaurant Revitalization Fund, passed as part of the American Rescue Plan, was a lifeline for the restaurants that received it. The program provided grants targeted to the hardest-hit restaurants, giving restaurant operators financial relief to keep their doors open and keep people employed.

The funds weren't enough to match the need. I have heard it from my constituents, and everybody who is listening has heard it from their constituents. While roughly 300,000 restaurants applied for aid, only about 100,000 received grants.

For months, I have joined Representative BLUMENAUER and my colleagues in calling to replenish the Restaurant Revitalization Fund, using only funds recouped from fraudulent claims that have been made in earlier small business relief programs. The Relief for Restaurants and other Hard Hit Small Businesses Act will provide additional financial support to restaurants and small businesses in the industries that are still grievously affected by the coronavirus pandemic.

Mr. Speaker, I am glad this needed bill is getting a vote on the floor. I strongly support the rule and its underlying legislation, and I urge all of my colleagues to recognize that this issue is still before us and to do the same.

Mrs. FISCHBACH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate that my colleague from New York would love to have the conversation, would love to have the conversation in the appropriate venue, and I think we would also love to have that conversation, particularly in a committee if we could hear the bill. But the majority has chosen to shut out almost every single Republican bill and not hold hearings where that would be the appropriate venue.

For now, I suggest to my colleague from New York that he talk to his leadership about actually hearing this bill in committee, having the conversation, and having the transparency and the input that we could from the public. Until that time, Mr. Speaker, this is our venue.

Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. CARL).

Mr. CARL. Mr. Speaker, I rise in opposition to the previous question so we can amend the rules to immediately consider H.R. 6858, the American Energy Independence from Russia Act.

My friends from the other side of the aisle want to talk about restaurants, and restaurants are very important, but understand that when families can't put fuel in their tank, they certainly cannot afford to eat in a restaurant.

We have to get our priorities straight. Yes, we are bringing them up now because we cannot get our bills to the floor. We cannot get our message out.

This is the fourth time the Republicans have tried to bring this bill up for a vote, and each time, the Democrats have refused.

Families are suffering as rising fuel costs are making everything much, much more expensive, including bread, clothes, and everything, including meals at our restaurants.

President Biden's so-called solutions do nothing to fix the problems. Tapping into our strategic reserves will do almost nothing to bring prices down. All it does is risk our reserves and endanger our national security.

This administration is signaling to the oil and gas companies that they are going to come after them.

Big Government needs to get out of the way. Get out of the way of the businesses, and let the businesses run themselves.

For example, where I am from on the Gulf Coast, the Department of the Interior has allowed one lease sale in the past year and a half. Under Trump, we had two a year. We had the one sale that I am talking about in a year and a half.

The Biden administration refuses to uphold the law of two per year, even though the courts struck down the one that he had. He refuses to challenge that to get those lease bids acknowledged.

Biden, what he has said is a lie. I am sorry, it is an outright lie about what the drilling companies are. There are so many rules and regulations on the drilling companies. I understand it. We have to get the foot of the government off the back of the necks of our drilling companies.

Let's save this country. Let's don't give it away to Russia. Let's don't give it away to Venezuela. Let's stand firm and be Americans, both sides of the aisle here. I am sorry, I will cool off here on this one.

Republicans have a real solution to get American energy back on the market and get prices down. This bill will restart the Keystone XL; it will end the moratorium; and it will boost the LNG exports.

Mr. Speaker, I urge a ''no'' vote on the previous question.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

Mr. MORELLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do want to just correct the record as it relates to the Energy and Commerce Committee. I think, just this morning, the committee held a hearing with the heads of oil companies, multinational oil companies, to bring them in to talk about why they refuse to increase supply, which would bring down the costs.

I didn't do exceptionally well in economics when I was in the State University of New York, but I do remember the old supply and demand issue. When demand is high and supply is low, prices rise. We are going to continue to work and push and urge those companies to increase supply to meet demand and bring the costs down.

There is not much we can do about what is going on in Ukraine, although we are desperately trying to help our brothers and sisters there defend their democracy, which has had an incredible impact on gas prices.

Let me also remind everyone who is tuning in, who is watching what is going on, that the issue before the House of Representatives today, the rule that is being considered, is dealing with the difficulties that have been faced by restaurants across this country during the pandemic, which has now lasted for nearly 2 years: the displacement of workers and the impact that it has had on communities all across this country. We are striving to achieve a solution here that will be good for everyone across all 50 States and these small businesses that continue to be the backbone of our local economies.

Mr. Speaker, I have been very grateful for the leadership of Mr. BLUMENAUER, who has led the charge on this issue for some time now. I think I have probably bothered him dozens of times to ask what we can continue to do to advance his efforts, and he has continued to provide leadership.

Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER), the sponsor of this bill.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy and I appreciate his leadership and tenacity in terms of trying to help our beleaguered neighborhood restaurants.

Mr. Speaker, our friends on the other side of the aisle—even if they got their dream piece of legislation—would not

make any difference on the price of gasoline this year or next year. We are dealing with global supply. One of the things that will make a difference to break the grip that we have with the oligarchs and the sheikhs is being able to deal with renewable energy that is not going to hold us hostage.

We have seen remarkable progress that is made. I am sad that our friends on the other side of the aisle have been resistant to these innovations in terms of solar, wind, electrification, the things that will really make a difference today and tomorrow and help fight the crisis that we face with climate change and global warming.

This legislation will make a difference to 177,000 small neighborhood restaurants and other distressed businesses. From the beginning of the COVID–19 pandemic, these neighborhood facilities have been the hardest hit. You have heard already that they were subject to over 4 million jobs lost in the first few months of the pandemic.

The unemployment in the restaurant industry remains stubbornly high, and approximately 90,000 restaurants have permanently closed since the start of the pandemic. We have heard from countless others that are teetering on the edge.

Restaurants are the cornerstone of a livable community. They have employed nearly 60 percent of Americans at some point in their career. I would venture to say that many of us on the floor of the House have had that experience. They are a major source of employment for people of color and women, and they support a $1 trillion supply chain from farm to table.

The Federal Government has provided help for those institutions through the Restaurant Revitalization Fund, a program based on my RESTAURANTS Act that I introduced in June of 2020, but the program was oversubscribed and underfunded. Only one-third of all applicants were funded, leaving 177,000 hanging in the balance.

The relief for restaurants and other hard-hit small businesses will finish that job. More than 235 Members of the House are cosponsors of this legislation, the RESTAURANTS Act, including two dozen of my Republican colleagues.

My legislation will provide $42 billion to help fund those restaurants that had not previously received awards finishing everybody who is in line.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MORELLE. Mr. Speaker, I yield an additional 1 minute to the gentleman from Oregon.

□ 1630

Mr. BLUMENAUER. The legislation provides $13 billion for a separate industry neutral fund for small businesses that have been disproportionately hard hit by the pandemic, such as live events, travel, hospitality, and fitness. We have all heard from them in our Districts.

Finally, the legislation extends the period of time that Shuttered Venue Operators Grants can be spent to harmonize it with the Restaurant Revitalization Fund.

Best of all, this bill can be paid for with fraudulent pandemic relief funds that are recovered.

Mr. Speaker, it is time for us to finish the job protecting our neighborhood restaurants and other distressed businesses. I am proud to have sponsored this. I deeply appreciate the broad bipartisan support in the House and the Senate, and I hope we will enact it today. I support the rule.

Mrs. FISCHBACH. Mr. Speaker, with all due respect, restaurants and small businesses are facing difficulties, and one of those challenges is high energy costs. Delivery costs go up. It costs more for their employees to get to work. It costs more for all of those things because of high energy costs. So this does affect restaurants and small businesses. I think this affects restaurants, small businesses, and every American.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. OBERNOLTE).

Mr. OBERNOLTE. Mr. Speaker, I rise to oppose the previous question so that we can immediately consider the American Energy Independence from Russia Act.

Mr. Speaker, last night I held a town-hall with over 2,000 of my constituents.

Do you know what was top of mind to those people?

It was not the previous question. It was energy prices in America, and particularly, the price of fuel.

Mr. Speaker, it was heartbreaking to hear from constituent after constituent after constituent who said that they were unable to afford the energy required to get to work and back just to put food on the table for their families. Mr. Speaker, you can imagine how embarrassing and heartbreaking it was for me to have to admit to my constituents that the reason for those high energy prices was the actions of their very own government.

Mr. Speaker, since the beginning of the current administration, there has been a concerted effort to constrain the supply of energy produced here in America. What we have is a classic problem of supply and demand. We don't have enough supply, and yet this administration in its very first week issued an executive order completely halting the issuance of new gas and oil exploration permits on Federal lands in this country. It issued an executive order stopping the Keystone XL pipeline. Mr. Speaker, that pipeline alone, if it were in operation today, would allow us to import more than enough oil to completely offset our oil imports from Russia.

The tragic thing about this situation is that the administration is doing this out of the mistaken belief that it will make the planet greener. But nothing could be further from the truth. We produce energy more cleanly here in America than any other country on Earth.

So when we take actions that require us to import more oil from places like Venezuela, which has a 50 percent higher lifecycle greenhouse gas emission per barrel of oil than oil produced here in America, and when we increase oil imports from places like Russia that still utilize dirty practices like methane flaring—things we haven't done here in years—we are actually increasing global greenhouse gas emissions.

Mr. Speaker, if we increase energy production here, not only will we lower prices for our constituents who are suffering, and not only will we increase our national security, but we will also make our planet a cleaner place.

Mr. Speaker, I urge immediate consideration of the American Independence from Russia Act.

Mr. MORELLE. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from the State of Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, I thank the manager for yielding, and I thank him for his leadership. I thank, of course, the chairwoman of the Small Business Committee, Mr. BLUMENAUER, and the many supporters who have provided support for this legislation.

I am hoping that as my colleagues begin to see the light, that they will understand that it will be far worse for all of the employees who are in restaurants that may close that they will not even be employed to think about paying for any gas prices no matter how much they might be.

I stand with them to ensure that inflation goes down and that we respond to gasoline prices. But they are not clear in what we are doing today. We are helping small and hard-hit businesses—sole proprietors, independent contractors, and businesses that are not over 200 employees—to keep these employees who have suffered from the devastation of the pandemic.

We are doing more. We are not spending an extra penny because we are capturing those dollars from those who fraudulently used dollars before. So we are making good on our promise to spend the American tax dollars correctly. We are having a data collection. We are going to have oversight on this particular program to ensure that it is spent effectively.

We are going to respond, if you will, to the needs of the mom and pops, the really oldest and distinguished restaurants like This is It in Houston, Texas; Burns Original BBQ; and J&J; as people who have stood the storm yet, have kept employees but that didn't know whether they could keep their doors open.

This is an important and vital piece of legislation. I support the underlying legislation, which is the bill that deals with relief for restaurants and other hard-hit small businesses and the underlying rule.

Don't you get it?

We are keeping businesses open and keeping people employed. That is what we are doing today. Support the rule and the underlying bill.

Ms. JACKSON LEE. Mr. Speaker, I rise in strong support of the rule to consider H.R. 3807, the ''Relief for Restaurants and Other Hard Hit Small Businesses Act of 2022,'' which provides $70.6 billion in FY2022 for the Restaurant Revitalization Fund.

Mr. Speaker, I am pleased that this committee is reconsidering this critical piece of legislation for America's restaurant owners. The American Rescue Plan made great progress in providing the funding in an equitable manner, prioritizing women, veteran, and economically and socially disadvantaged restaurant owners. In addition, the majority of funds were reserved for restaurants whose gross receipts were no more than $1,500,000 dollars.

It is essential to promote equity through the Restaurant Revitalization Fund Mr. Speaker, considering that only 8 percent of restaurants are owned by blacks and 23.8% of Asian owned businesses are restaurants. As legislators we must do everything we can to ensure their survival.

To underscore the personal importance this funding holds to me, I would like to mention a widely loved, black owned, and historic Third Ward restaurant: Cream Burger.

Cream Burger sits on the corner of Elgin and Scott and has been in operation for 60 years. It is a cash only restaurant that has only had two additions to the menu across the entirety of its existence: chili cheese fries and bacon.

The Greenwood family has been serving the residents of the Third Ward their delicious burgers and homemade ice cream for decades and has no plans of closing any time soon.

The original owners of the restaurant, Verna and Willie Greenwood, opened the restaurant to generate their own income and create generational wealth, which they certainly have done. Ever since their tragic passing, the business is now owned and operated by their daughters, Beverly and Sandra.

Beverly and Sandra hope to pass the business onto the next generation of children so they can, ''see it through. Maybe 100 years,'' Beverly said.

The restaurant sees a range of Third Ward customers every day, from the students at the University of Houston to the cashiers working at the historic Houston Food Mart just down the street.

Cream Burger is iconic in the city of Houston, and I hold it in the highest reverence. It, and so many restaurants like it, is one of those restaurants that would receive funds from this legislation.

It is for that reason Mr. Speaker I support the rule to consider H.R. 3807, the ''Relief for Restaurants and other Hard Hit Small Businesses Act of 2022.'' It will help save so many businesses like the beloved Cream Burger, so I urge my colleagues to support the rule as well.

Mrs. FISCHBACH. Mr. Speaker, I yield 2 minutes to the gentlewoman from Iowa (Mrs. MILLER-MEEKS).

Mrs. MILLER-MEEKS. Mr. Speaker, I thank my colleague for yielding me time to speak on this critical issue.

Mr. Speaker, I urge all of my colleagues to defeat the previous question so we can take up H.R. 6858, the American Energy Independence from Russia Act. This commonsense legislation introduced by Representatives MCMORRIS RODGERS and WESTERMAN would require President Biden to submit an energy security plan to Congress to evaluate U.S. oil and natural gas imports, identify importing countries that pose an energy security risk to America, and encourage domestic production of oil and natural gas to offset imports from Russia.

In fact, in contrast to our colleague's statement, Iowa is a leader in renewable energy. Fifty percent of our energy comes from renewable sources. We even pay restaurants for their unused and old cooking oil. We are an energy exporter, and it is all done without a government mandate. All of the oil imported from Russia could be offset by ethanol made from corn in Iowa.

In order for the U.S. to become energy independent and secure, we must have an all-of-the-above energy policy. We must unleash our natural resources and produce our own clean, efficient energy here at home to ensure low energy prices and promote American jobs in our communities.

Rather than promoting policies that hamper U.S. energy production and ceding security to adversarial nations like Russia, Iran, and Venezuela, we should promote exploration here at home and unleash our potential. We must ensure that the current ban on Russian energy is sustainable by prioritizing U.S. energy production, including biofuels.

Just last week, the President released a budget proposal that included $45 billion on new taxes on domestic energy production. This comes on top of other disastrous decisions over the past year and a half such as those that halt the Keystone XL pipeline and the current delay over the 5-year program for offshore energy leasing in the Gulf of Mexico. These policies are not working for hardworking American families and businesses who are dealing with high inflation and skyrocketing gas prices.

The American Independence from Russia Act would immediately approve the Keystone XL pipeline, remove restrictions on U.S. LNG exports, restart oil and gas leasing on Federal lands and waters, and protect energy and mineral development. These are key steps we can take to promote U.S. energy security, and we must take action now.

For this reason, I urge all of my colleagues to vote ''no'' on the previous question. Support H.R. 6858 to make America energy independent and secure by voting ''no'' on the previous question.

Mr. MORELLE. Mr. Speaker, I will say this, that I suspect when, hopefully, this bill becomes law and we have helped save the 178,000 restaurants around this country that a number of my colleagues on the other side of the aisle will be taking credit for it. I hope many of them vote for it despite their unwillingness to really have a conversation about it today and to talk about extraneous issues.

Before I reserve the balance of my time, I include in the RECORD a January 24, 2022, article from CNBC entitled ''National Restaurant Association asks Congress for more grant money as omicron hits industry.''

[From CNBC, Jan. 24, 2022]

NATIONAL RESTAURANT ASSOCIATION ASKS CONGRESS FOR MORE GRANT MONEY AS OMICRON HITS INDUSTRY

(By Amelia Lucas)

The National Restaurant Association is asking Congress to replenish the Restaurant Revitalization Fund as the Covid omicron variant hits operators' businesses.

Last year, lawmakers created the $28.6 billion fund to aid bars and restaurants struggling in the wake of the pandemic. The grants were designed to make up for a restaurant's full pandemic losses of up to $5 million for a single location or $10 million for a business with fewer than 20 locations. Publicly traded companies were ineligible, but their franchisees could still apply.

Since the fund was depleted, restaurants have been pushing for Congress to replenish it. Several lawmakers have introduced legislation to do so, but the bills haven't gained traction, and the Biden administration hasn't appeared interested in supporting the measures.

But the latest surge in Covid–19 cases and its impact on restaurants could change minds.

The National Restaurant Association's latest survey of operators found that 88% of restaurants saw indoor dining demand wane because of the omicron variant. More than three-quarters of respondents told the trade group that business conditions are worse now than three months ago. And the majority of operators said their restaurant is less profitable now than it was before the pandemic.

''Alarmingly, the industry still hasn't recreated the more than 650,000 jobs lost early in the pandemic, a loss 45 percent more than the next closest industry,'' the trade group's top lobbyist, Sean Kennedy, wrote in a letter to congressional leadership for both parties.

Kennedy also touted the benefits of the first round of RRF grants. The trade group estimates that more than 900,000 restaurants jobs were saved by the initial round of funding, and 96 percent of recipients said the grant made it more likely they could stay in business. A full replenishment of the fund would save more than 1.6 million jobs, according to the trade group's estimates.

Mr. MORELLE. Mr. Speaker, I reserve the balance of my time.

Mrs. FISCHBACH. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in closing, I appreciate that my colleague from New York talks about an extraneous issue. But gas prices and the cost of energy in America is a serious issue, and it is facing every American. Every American is paying more at the pump, and they are facing the decision in their family budget of how they are going to use that.

In 2020, the last administration added 30 million barrels of oil to the Strategic Petroleum Reserve. Now the Biden administration is weighing a plan to release roughly 1 million barrels of oil a day from this reserve for months on end, and this is after he released 30 million barrels in early March

and 50 million barrels of oil back in November which did nothing to prevent a spike in energy prices.

Congresswoman MCMORRIS RODGERS and Congressman WESTERMAN have introduced the American Energy Independence Act to reverse President Biden's disastrous anti-American energy policies. This bill is a real solution, and it needs to be heard. We need to talk about this to the American people.

This bill, H.R. 3807, that we have before us is not going to help restaurants and small businesses. But, of course, that is not the Democrats' intention anyway. If it were, they would have brought this bill through committee and worked with Republicans to build an effective piece of legislation.

Instead, their intention is to push this legislation through that sounds good so that they can use it as a talking point to distract from their failed policies. This bill is just another example of the Democrats' reckless spending habits. Their solution to the effects of inflation is to throw even more money at it.

When will my colleagues learn that spending is what causes the inflation?

It is time for more pro-growth policies, not government handouts.

Mr. Speaker, I oppose the rule and the underlying bill, I ask Members to do the same, and I yield back the balance of my time.

Mr. MORELLE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, first let me thank my colleague and friend, Mrs. FISCHBACH. We spend a lot of time together in the Rules Committee, and I always appreciate our conversations. While we may not agree on issues from time to time, I always appreciate her earnestness, and I appreciate her good work.

I want to thank all of my colleagues for their words in support of the rule before us today.

As I mentioned earlier, Congress acted last year to provide much-needed relief for restaurants and other small businesses, but we must do much more. Our economy simply cannot survive without small businesses, and it is paramount that we redouble our commitment to ensuring their continued success.

I pledge to always be an ally in that fight, and I know my colleagues join me in that. I look forward to voting in favor of this effort to bring much-needed relief to local restaurants and the small business community.

The material previously referred to by Mrs. FISCHBACH is as follows:

AMENDMENT TO HOUSE RESOLUTION 1033

At the end of the resolution, add the following:

SEC. 2. Immediately upon adoption of this resolution, the House shall proceed to the consideration in the House of the bill (H.R. 6858) to strengthen United States energy security, encourage domestic production of crude oil, petroleum products, and natural gas, and for other purposes. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce; and (2) one motion to recommit.

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 6858.

Mr. MORELLE. Mr. Speaker, I urge a ''yes'' vote on the rule and the previous question, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. FISCHBACH. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

□ 1645

RECOMMENDING THAT THE HOUSE OF REPRESENTATIVES FIND PETER K. NAVARRO AND DANIEL SCAVINO, JR., IN CONTEMPT OF CONGRESS

Mr. THOMPSON of Mississippi. Mr. Speaker, by direction of the Select Committee to Investigate the January 6th Attack on the United States Capitol, I call up the report (H. Rept. 117–284) and accompanying resolution recommending that the House of Representatives find Peter K. Navarro and Daniel Scavino, Jr., in contempt of Congress for refusal to comply with subpoenas duly issued by the Select Committee to Investigate the January 6th Attack on the United States Capitol, and ask for its immediate consideration.

The Clerk read the title of the report.

The SPEAKER pro tempore. Pursuant to House Resolution 1023, the report is considered read.

The text of the report is as follows:

The Select Committee to Investigate the January 6th Attack on the United States Capitol, having considered this Report, reports favorably thereon and recommends that the Report be approved.

The form of the Resolution that the Select Committee to Investigate the January 6th Attack on the United States Capitol would recommend to the House of Representatives for citing Peter K. Navarro and Daniel Scavino, Jr., for contempt of Congress pursuant to this Report is as follows:

Resolved, That Peter K. Navarro and Daniel Scavino, Jr., shall be found to be in contempt of Congress for failure to comply with congressional subpoenas.

Resolved, That pursuant to 2 U.S.C. §§ 192 and 194, the Speaker of the House of Representatives shall certify the report of the Select Committee to Investigate the January 6th Attack on the United States Capitol, detailing the refusal of Peter K. Navarro to produce documents or appear for a deposition before the Select Committee to Investigate the January 6th Attack on the United States Capitol as directed by subpoena, to the United States Attorney for the District of Columbia, to the end that Mr. Navarro be proceeded against in the manner and form provided by law.

Resolved, That pursuant to 2 U.S.C. §§ 192 and 194, the Speaker of the House of Representatives shall certify the report of the Select Committee to Investigate the January 6th Attack on the United States Capitol, detailing the refusal of Daniel Scavino, Jr., to produce documents or appear for a deposition before the Select Committee to Investigate the January 6th Attack on the United States Capitol as directed by subpoena, to the United States Attorney for the District of Columbia, to the end that Mr. Scavino be proceeded against in the manner and form provided by law.

Resolved, That the Speaker of the House shall otherwise take all appropriate action to enforce the subpoenas.

PURPOSE AND SUMMARY

On January 6, 2021, a violent mob attempted to impede Congress's constitutional and statutory mandate to count the electoral votes in the 2020 Presidential election and launched an assault on the United States Capitol Complex that resulted in multiple deaths, physical harm to more than 140 members of law enforcement, and terror and trauma among staff, institutional employees, and press. In response, the House adopted House Resolution 503 on June 30, 2021, establishing the Select Committee to Investigate the January 6th Attack on the United States Capitol (hereinafter referred to as the ''Select Committee'').

The Select Committee is investigating the facts, circumstances, and causes of the January 6th attack and issues relating to the interference with the peaceful transfer of power, in order to identify and evaluate problems and to recommend to the House and its relevant committees corrective laws, policies, procedures, rules, or regulations. This inquiry includes examination of the factors that influenced, instigated, or contributed to the attack and how various individuals and entities coordinated their activities leading up to the attack.

PETER K. NAVARRO

According to published reports, Peter K. Navarro, a White House trade advisor, worked with Stephen K. Bannon and others to develop and implement a plan to delay Congress's certification, and ultimately change the outcome, of the November 2020 Presidential election. In November 2021, Mr. Navarro published *In Trump Time*, a book in which he described this plan as the ''Green Bay Sweep'' and stated that it was designed as the ''last, best chance to snatch a stolen election from the Democrats' jaws of deceit.''[1] In a later interview about his book, Mr. Navarro added that former-President Trump was ''on board with the strategy,'' as were more than 100 Members of Congress.[2] Previously, Mr. Navarro had publicly released on his website a three-part report, dubbed ''The Navarro Report,'' repeating many claims of purported fraud in the election that have been discredited in public reporting, by State officials, and by courts.[3]

On February 9, 2022, Chairman BENNIE G. THOMPSON signed a subpoena for documents and testimony and transmitted it along with a cover letter and schedule to Mr. Navarro.[4] The subpoena required that Mr. Navarro produce responsive documents not later than February 23, 2022, and that Mr. Navarro appear for a deposition on March 2, 2022.

When Select Committee staff emailed Mr. Navarro on February 9, 2022, asking whether he would accept service and had an attorney, Mr. Navarro replied only: ''yes. no counsel.

Executive privilege[.]''[5] Select Committee staff then emailed the subpoena to Mr. Navarro. Within hours of receiving the subpoena, Mr. Navarro released a public statement that clearly indicated he had no intention of complying with the Select Committee's subpoena while also acknowledging that he had already publicly released information that is relevant to the Select Committee's investigation in his book:

President Trump has invoked Executive Privilege; and it is not my privilege to waive. [The Select Committee] should negotiate any waiver of the privilege with the president and his attorneys directly, not through me. I refer this tribunal to Chapter 21 of In Trump Time for what is in the public record about the Green Bay Sweep plan to insure [sic] election integrity[.][6]

Mr. Navarro also appeared on national television on February 10, 2022, discussing subjects that were the focus of the Select Committee's subpoena to him.[7]

On February 24, 2022, Select Committee staff contacted Mr. Navarro via email about his failure to produce documents by the February 23rd deadline in the subpoena. In the same email, staff reminded Mr. Navarro about the date for his deposition and notified him of its location within the U.S. Capitol campus. Staff also requested that Mr. Navarro contact the Select Committee for further details about the deposition or, alternatively, to notify the Select Committee if he did not plan to appear for deposition testimony.[8]

On February 27, 2022, Mr. Navarro contacted Select Committee staff and said that ''President Trump has invoked [e]xecutive [p]rivilege in this matter; and it is neither my privilege to waive or Joseph Biden's privilege to waive.''[9] Mr. Navarro did not provide any evidence that former-President Trump had ever invoked executive privilege with respect to any documents in Mr. Navarro's personal possession or any testimony that Mr. Navarro could provide. Select Committee staff responded the same day and explained that there are areas of inquiry that do not implicate ''any executive privilege concerns at all.''[10] Select Committee staff further informed Mr. Navarro that he could make executive privilege objections during his deposition and that he must do so on a ''question-by-question basis'' to ''enable the Select Committee to better understand [his] objections and, if necessary, take any additional steps to address them.''[11] Select Committee staff then asked Mr. Navarro again whether he intended to appear for his deposition on March 2, 2022, as required by the subpoena.

Later the same day, Mr. Navarro responded to the Select Committee's email correspondence. Instead of saying whether he intended to appear for his deposition, Mr. Navarro asked: ''Will this event be open to the public and press?''[12] Select Committee staff responded that it would not be open to the press, that it would be a ''staff-led deposition, which members of the Select Committee may also join and in which they may participate.''[13] Select Committee staff asked about Mr. Navarro's document production and offered to find a new date for the deposition ''within a reasonable time'' if Mr. Navarro had a scheduling conflict on March 2d.[14] Mr. Navarro did not respond to that offer but, the next day, sent the Select Committee an email saying that he had ''been clear in my communications on this matter'' and that ''it is incumbent on the Committee to directly negotiate with President Trump and his attorneys regarding any and all things related to this matter.''[15]

On February 28, 2022, the White House Counsel's Office issued a letter to Mr. Navarro regarding the Select Committee's subpoena. That letter stated: ''[I]n light of the unique and extraordinary nature of the matters under investigation, President Biden has determined that an assertion of executive privilege is not in the national interest, and therefore is not justified, with respect to particular subjects within the purview of the Select Committee.''[16] The letter further noted that ''President Biden accordingly has decided not to assert executive privilege'' with respect to the testimony of Mr. Navarro ''regarding those subjects,'' or with respect to ''any documents [he] may possess that bear on them.'' Further, the letter stated: ''For the same reasons underlying his decision on executive privilege, President Biden has determined that he will not assert immunity to preclude [Mr. Navarro] from testifying before the Select Committee.''[17]

On March 1, 2022, Select Committee staff sent another email to Mr. Navarro about his appearance for testimony as required by the subpoena. Once again, Select Committee staff reminded Mr. Navarro that ''there are topics that the Select Committee believes it can discuss with [him] without raising any executive privilege concerns at all, including, but not limited to, questions related to [his] public three-part report about purported fraud in the November 2020 election and the plan [he] described in [his] book called the 'Green Bay Sweep.' ''[18] Select Committee staff told Mr. Navarro, again, that if there were any ''specific questions that raise[d] executive privilege concerns, [he could] assert [his] objections on the record and on a question-by-question basis.''[19] Select Committee staff also provided Mr. Navarro with information regarding the time and location of his deposition.

Mr. Navarro did not respond to the March 1st email from Select Committee staff. He has failed to produce documents or appear for his scheduled deposition by the deadlines in the February 9, 2022, subpoena.[20]

Rather than appear for his deposition or respond directly to the Select Committee, Mr. Navarro issued a public statement regarding his deposition.[21] Mr. Navarro predicted that his interactions with the Select Committee would be judged by the ''Supreme Court, where this case is headed[.]''[22] Mr. Navarro, however, never filed any case seeking relief from his responsibilities to comply with the Select Committee's subpoena.

In *United States v. Bryan* (1950), the Supreme Court emphasized that the subpoena power is a ''public duty, which every person within the jurisdiction of the Government is bound to perform when properly summoned.''[23] The Court recently reinforced this clear obligation by stating that ''[w]hen Congress seeks information needed for intelligent legislative action, it unquestionably remains the duty of *all* citizens to cooperate.''[24]

The contempt of Congress statute, 2 U.S.C. § 192, makes clear that a witness summoned before Congress must appear or be ''deemed guilty of a misdemeanor'' punishable by a fine of up to $100,000 and imprisonment for up to 1 year.[25] Mr. Navarro's refusal to comply with the Select Committee's subpoena in any way represents willful default under the law and warrants referral to the United States Attorney for the District of Columbia for prosecution for contempt of Congress as prescribed by law.

DANIEL SCAVINO, JR.

According to many published reports, Daniel Scavino, Jr., a long-time employee of former-President Trump, was responsible for social media and communications strategy for the former President, including with respect to the Trump Campaign's post-election efforts to challenge the 2020 election results. Mr. Scavino worked with Mr. Trump as part of the then-President's campaign to reverse the election results. This campaign included, among other things, spreading false information via social media regarding alleged election fraud and recruiting a crowd to Washington for the events of January 6th. Mr. Scavino reportedly attended several meetings with then-President Trump in which challenges to the election were discussed. Mr. Scavino also tracked social media on behalf of former-President Trump, and he did so at a time when sites reportedly frequented by Mr. Scavino suggested the possibility of violence on January 6th. The Select Committee therefore has reason to believe that Mr. Scavino may have had advance warning about the potential for violence on January 6th.

Mr. Scavino did not only work as a White House official. He separately promoted activities designed to advance Mr. Trump's success as a Presidential candidate. He continued to do so after the 2020 election, promoting activities designed to reverse the outcome of a lost election.

Mr. Scavino's public statements and reported conduct make clear the relevance of his testimony and documents for the Select Committee's investigation.

On October 6, 2021,[26] Chairman THOMPSON signed a subpoena for documents and testimony and transmitted it along with a cover letter and schedule to Mr. Scavino.[27] On October 8, 2021, U.S. Marshals served this subpoena at Mar-a-Lago, Mr. Scavino's reported place of employment, to Ms. Susan Wiles, who represented herself as chief of staff to former-President Trump and as authorized to accept service on Mr. Scavino's behalf.[28] The subpoena required that Mr. Scavino produce responsive documents not later than October 21, 2021, and that Mr. Scavino appear for a deposition on October 28, 2021. Subsequent communications between counsel for Mr. Scavino and Chairman THOMPSON, however, did not result in Mr. Scavino's agreement to appear for testimony or produce documents.

Attempting to reach an accommodation with Mr. Scavino, Chairman THOMPSON granted multiple extensions for the deposition and production of documents:

- Per Mr. Scavino's request for an extension, the Chairman deferred the document production deadline to October 28, 2021, and the deposition to November 4, 2021.[29]
- Per Mr. Scavino's request for an extension, the Chairman again deferred the document production deadline to November 4, 2021, and the deposition to November 12, 2021.[30]
- Per Mr. Scavino's request for an extension, the Chairman deferred the document production deadline to November 5, 2021.[31]
- Per Mr. Scavino's request for an extension, the Chairman deferred the document production deadline to November 15, 2021, and the deposition to November 19, 2021.[32]
- The Chairman extended the document production deadline to November 29, 2021, and the deposition to December 1, 2021.[33]
- Following the U.S. Supreme Court's denial of a stay in *Trump v. Thompson*, the Chairman offered Mr. Scavino an additional opportunity to indicate his intent to cooperate with the investigation and comply with the subpoena by February 8, 2022.[34]

Despite all these extensions, to date, Mr. Scavino has not produced a single document, nor has he appeared for testimony.

On March 15, 2022, the White House Counsel's Office issued a letter to Mr. Scavino's attorney regarding the Select Committee's subpoena. That letter stated, ''President Biden has determined that an assertion of

executive privilege is not in the national interest, and therefore is not justified, with respect to particular subjects within the purview of the Select Committee.''[35] Further, ''President Biden accordingly has decided not to assert executive privilege as to Mr. Scavino's testimony regarding those subjects, or any documents he may possess that bear on them. For the same reasons underlying his decision on executive privilege, President Biden has determined that he will not assert immunity to preclude [Mr. Scavino] from testifying before the Select Committee.''[36]

In *United States v. Bryan* (1950), the Supreme Court emphasized that the subpoena power is a ''public duty, which every person within the jurisdiction of the Government is bound to perform when properly summoned.''[37] The Court recently reinforced this clear obligation by stating that ''[w]hen Congress seeks information needed for intelligent legislative action, it unquestionably remains the duty of *all* citizens to cooperate.''[38]

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BACKGROUND ON THE SELECT COMMITTEE'S INVESTIGATION

House Resolution 503 provides that the enumerated purposes of the Select Committee include investigating and reporting upon the ''facts, circumstances, and causes relating to the January 6, 2021, domestic terrorist attack upon the United States Capitol Complex . . . and relating to the interference with the peaceful transfer of power.''[40] As part of this charge, the Select Committee is examining the ''influencing factors that fomented such an attack on American representative democracy.''[41]

The Supreme Court has long held that Congress has a constitutional duty to conduct oversight. ''The power of the Congress to conduct investigations is inherent in the legislative process,''[42] and the capacity to enforce said investigatory power ''is an essential and appropriate auxiliary to the legislative function.''[43] ''Absent such a power, a legislative body could not 'wisely or effectively' evaluate those conditions 'which the legislation is intended to affect or change.' ''[44]

The oversight powers of House and Senate committees are also codified in legislation. For example, the Legislative Reorganization Act of 1946 directed committees to ''exercise continuous watchfulness'' over the executive branch's implementation of programs within its jurisdictions,[45] and the Legislative Reorganization Act of 1970 authorized committees to ''review and study, on a continuing basis, the application, administration, and execution'' of laws.[46]

The Select Committee was properly constituted under section 2(a) of House Resolution 503, 117th Congress. As required by that resolution, Members of the Select Committee were selected by the Speaker, after ''consultation with the minority leader.''[47] A bipartisan selection of Members was appointed pursuant to House Resolution 503 on July 1, 2021, and July 26, 2021.[48]

Pursuant to House rule XI and House Resolution 503, the Select Committee is authorized ''to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of books, records, correspondence, memoranda, papers, and documents as it considers necessary.''[49] Further, section 5(c)(4) of House Resolution 503 provides that the Chairman of the Select Committee may ''authorize and issue subpoenas pursuant to clause 2(m) of rule XI in the investigation and study'' conducted pursuant to the enumerated purposes and functions of the Select Committee. The Select Committee's authorizing resolution further states that the Chairman ''may order the taking of depositions, including pursuant to subpoena, by a Member or counsel of the Select Committee, in the same manner as a standing committee pursuant to section 3(b)(1) of House Resolution 8, One Hundred Seventeenth Congress.''[50]

PETER K. NAVARRO

A. The Select Committee seeks information from Mr. Navarro central to its investigative purposes.

The Select Committee seeks information from Mr. Navarro central to its investigative responsibilities delegated to it by the House of Representatives. This includes the obligation to investigate and report on the facts, circumstances, and causes of the attack on January 6, 2021, and on the facts, circumstances, and causes ''relating to the interference with the peaceful transfer of power.''[51]

The events of January 6, 2021, involved both a physical assault on the Capitol building and law enforcement personnel protecting it and an attack on the constitutional process central to the peaceful transfer of power following a Presidential election. The counting of electoral college votes by Congress is a component of that transfer of power that occurs every January 6th following a Presidential election. This event is part of a complex process, mediated through the free and fair elections held in jurisdictions throughout the country, and through the statutory and constitutional processes set up to confirm and validate the results. In the case of the 2020 Presidential election, the January 6th electoral college vote count occurred following a series of efforts in the preceding weeks by Mr. Trump and his supporters to challenge the legitimacy of, disrupt, delay, and overturn the election results.

According to eyewitness accounts as well as the statements of participants in the attack on January 6, 2021, a purpose of the assault was to stop the process of validating what then-President Trump, his supporters, and his allies had falsely characterized as a ''stolen'' or ''fraudulent'' election. The claims regarding the 2020 election results were advanced and amplified in the weeks leading up to the January 6th assault, even after courts across the country had resoundingly rejected lawsuits claiming election fraud and misconduct, and after all States had certified the election results. As part of this effort, Mr. Trump and his associates spread false information about, and cast doubts on, the elections in Arizona, Pennsylvania, Michigan, and Georgia, among other States, and pressed Federal, State, and local officials to use their authorities to challenge the election results.

To fulfill its investigative responsibilities, the Select Committee needs to understand the events and communications in which Mr. Navarro reportedly participated or that he observed. He has publicly acknowledged playing a role in devising a post-election strategy to change the outcome of the election and promoting claims of election fraud intended to further that strategy. These actions were outside his official governmental duties at the time.

As Assistant to the President and Director of Trade and Manufacturing Policy, Mr. Navarro's role in government was to assist the President in formulating and implementing trade policy. Former-President Trump created Mr. Navarro's position by Presidential Executive Order No. 13797 in 2017.[52] The mission of the office that Mr. Navarro led was to ''defend and serve American workers and domestic manufacturers while advising the President on policies to increase economic growth, decrease the trade deficit, and strengthen the United States manufacturing and defense industrial bases.''[53] Additionally, the office's responsibilities included: ''(a) advis[ing] the President on innovative strategies and promot[ing] trade policies consistent with the President's stated goals; (b) serv[ing] as a liaison between the White House and the Department of Commerce and undertak[ing] trade-related special projects as requested by the President; and (c) help[ing to] improve the performance of the executive branch's domestic procurement and hiring policies, including through the implementation of the policies described in Executive Order 13788 of April 18, 2017 (Buy American and Hire American).''[54] In March 2020, President Trump also signed Executive Order No. 13911, which named Mr. Navarro as the National Defense Production Act Policy Coordinator, which gave the Office of Trade and Manufacturing Policy authority to address potential shortfalls in pandemic-related resources such as ventilators and personal protective equipment.[55]

The Select Committee does not seek documents or testimony from Mr. Navarro related to his official duties as a Federal official. None of the official responsibilities of Mr. Navarro's positions included advising President Trump about the 2020 Presidential election or the roles and responsibilities of Congress and the Vice President during the January 6, 2021, joint session of Congress. Nor did those official duties involve researching or promoting claims of election fraud. Nevertheless, after the 2020 Presidential election, Mr. Navarro became involved in efforts to convince the public that widespread fraud had affected the election. Federal law did not allow Mr. Navarro to use his official office to attempt to affect the outcome of an election.[56] When Mr. Navarro engaged in these activities, and other activities described below, he was acting outside the scope of his official duties.

In December 2020, Mr. Navarro released a three-part report on purported fraud in the election on his personal website. The chapters of the report, titled ''Volume One: The Immaculate Deception,'' ''Volume Two: The Art of the Steal,'' and ''Volume Three: Yes, President Trump Won'' (collectively, ''The Navarro Report''), discuss, among other things, disproven claims of alleged voter fraud and cite to sources such as Stephen Bannon's ''War Room: Pandemic'' podcasts and unsupported allegations from cases around the country that courts dismissed.[57] In a press call on December 17, 2020, to announce his report, Mr. Navarro acknowledged that he wrote the report ''as a private citizen'' and, in doing so, wanted to address what he called ''outright fraud'' in the 2020 Presidential election.[58]

The Select Committee's investigation has revealed that ''The Navarro Report'' was shared, in whole or in part, by individuals who made public claims about purported fraud in the election, including Professor John Eastman and then-White House Chief of Staff Mark Meadows.[59] Notably, then-President Trump included a link to volume one of ''The Navarro Report'' in the same tweet in which he first announced that he would speak at a rally in Washington on January 6, 2021.[60] Mr. Navarro has claimed that Mr. Trump ''himself had distributed

Volume One of the report to every member of the House and Senate'' before January 6, 2021.[61] Specific allegations contained in ''The Navarro Report'' were also used as justification in attempts to convince State legislators to de-certify their State's popular vote and appoint Trump-Pence electoral college electors.[62] And, the report was cited in litigation that, if successful, would have resulted in a declaration that the Vice President alone could decide which electoral college votes to count during the January 6, 2021, joint session of Congress.[63]

Mr. Navarro also reportedly worked with members of the Trump Campaign's legal team to directly encourage State legislators to overturn the results of the 2020 election. On January 2, 2021, Mr. Navarro joined a call with Phill Kline, Rudy Giuliani, Professor John Eastman, John Lott, Jr., then-President Trump, and hundreds of State legislators. During the call, Mr. Navarro discussed his report on voter fraud and told the State legislators: ''Your job, I believe, is to take action, action, action . . . The situation is dire.''[64] In that same call, Mr. Trump told the State legislators that they were the best chance to change the certified results of the Presidential election in certain States because ''[y]ou are the real power . . . [y]ou're more important than the courts. You're more important than anything because the courts keep referring to you, and you're the ones that are going to make the decision.''[65]

In the days leading up to January 6, 2021, according to evidence obtained by the Select Committee, Mr. Navarro also encouraged Mark Meadows (and possibly others) to call Roger Stone to discuss January 6th.[66] When Roger Stone appeared to testify before the Select Committee and was asked questions about the events of January 6th, he repeatedly invoked his Fifth Amendment right against self-incrimination.

Mr. Navarro wrote about ''The Navarro Report'' and his efforts to change the outcome of the 2020 election in his recently published book, *In Trump Time*.[67] In his book, Mr. Navarro described actions he took to affect the outcome of the election, including encouraging President Trump in early-November 2020 not to announce that he would seek election in 2024 because doing so would acknowledge that he had actually lost the 2020 Presidential election.[68] Mr. Navarro also wrote that he called Attorney General William P. Barr to ask that the Department of Justice intervene and support President Trump's legal efforts to challenge the results of the 2020 election, which Attorney General Barr refused to do.[69] Mr. Navarro also wrote in his book that he kept a journal of post-election activities like those described above.[70]

Mr. Navarro also claimed credit for concocting a plan with Stephen Bannon to overturn the election results in various States dubbed the ''Green Bay Sweep.''[71] In his book, Mr. Navarro described the ''Green Bay Sweep'' as ''our last, best chance to snatch a stolen election,'' and ''keep President Trump in the White House for a second term.''[72] The plan was to encourage Vice President Michael R. Pence, as President of the Senate, to delay certification of the electoral college votes during the January 6th joint session of Congress and send the election back to the State legislatures.[73] Mr. Navarro's theory is similar to the theory that Professor John Eastman advocated before January 6th, and that President Trump explicitly encouraged during his speech on the Ellipse on January 6th.[74] On January 6th, the day to implement the ''Green Bay Sweep,'' Mr. Navarro had multiple calls with Mr. Bannon, including during and after the attack on the U.S. Capitol.[75] Mr. Navarro has stated that he believed his strategy ''started flawlessly'' but was thwarted when ''two things went awry: [Vice President] Pence's betrayal, and, of course, the violence that erupted on Capitol Hill, which provided [Vice President] Pence, [and Congressional leaders] an excuse to abort the Green Bay sweep.''[76]

This information demonstrates Mr. Navarro's clear relevance to the Select Committee's investigation and provides the foundation for its subpoena for Mr. Navarro's testimony and document production. Congress, through the Select Committee, is entitled to discover facts concerning what led to the attack on the U.S. Capitol on January 6th, as well as White House officials' actions and communications during and after the attack.

B. Mr. Navarro has refused to comply with the Select Committee's subpoena for testimony and documents.

On February 9, 2022, Chairman THOMPSON signed and issued a subpoena, cover letter, and schedule to Mr. Navarro ordering the production of both documents and testimony relevant to the Select Committee's investigation into ''important activities that led to and informed the events at the Capitol on January 6, 2021.''[77] Chairman THOMPSON's letter identified public reports describing Mr. Navarro's activities and past statements, documenting some of the public information that gave the Select Committee reason to believe Mr. Navarro possesses information about matters within the scope of the Select Committee's inquiry.

The accompanying letter set forth a schedule specifying categories of related documents sought by the Select Committee on topics including, but not limited to:

- communications, documents, and information that are evidence of the claims of purported fraud in the three-volume ''Navarro Report'';
- documents and communications related to plans, efforts, or discussions regarding challenging, decertifying, delaying the certification of, overturning, or contesting the results of the 2020 election; and
- communications with Stephen Bannon, Members of Congress, State and local officials, other White House employees, or representatives of the Trump reelection campaign about election fraud and delaying or preventing the certification of 2020 Presidential election.

The subpoena required Mr. Navarro to produce the requested documents to the Select Committee on February 23, 2022, at 10 a.m. and required Mr. Navarro's presence for the taking of testimony on March 2, 2022, at 10 a.m.[78]

As described above, Mr. Navarro had a brief exchange with Select Committee staff after accepting service of the subpoena and also made public comments indicating that he would not appear or provide documents as required by the subpoena. Indeed, Mr. Navarro failed to produce any documents by the February 23, 2022, deadline, and did not appear for his deposition on March 2, 2022.[79] In his public and non-public communications with the Select Committee, Mr. Navarro vaguely referred to ''[e]xecutive [p]rivilege,'' with no further explanation, as his only reason for failing to comply with the Select Committee's subpoena.

C. Mr. Navarro's purported basis for non-compliance is wholly without merit.

Congress has the power to compel witnesses to testify and produce documents.[80] An individual—whether a member of the public or an executive branch official—has a legal (and patriotic) obligation to comply with a duly issued and valid congressional subpoena, unless a valid and overriding privilege or other legal justification permits non-compliance.[81] In *United States v. Bryan*, the Supreme Court stated:

A subpoena has never been treated as an invitation to a game of hare and hounds, in which the witness must testify only if cornered at the end of the chase. If that were the case, then, indeed, the great power of testimonial compulsion, so necessary to the effective functioning of courts and legislatures, would be a nullity. We have often iterated the importance of this public duty, which every person within the jurisdiction of the Government is bound to perform when properly summoned.[82]

As more fully described below, the Select Committee sought testimony from Mr. Navarro on topics and interactions as to which there can be no conceivable privilege claim. Mr. Navarro has refused to testify in response to the subpoena ostensibly based on a blanket assertion of executive privilege purportedly asserted by former-President Trump. The Supreme Court has recognized an implied constitutional privilege protecting Presidential communications.[83] Under certain circumstances, executive privilege may be invoked to bar congressional inquiry into communications covered by the privilege. However, the Court has held that the privilege is qualified, not absolute, and that it is limited to communications made ''in performance of [a President's] responsibilities of his office and made in the process of shaping policies and making decisions.''[84] The U.S. Court of Appeals for the D.C. Circuit has already assessed generalized privilege assertions by Mr. Trump in relation to information sought by the Select Committee and purportedly protected by executive privilege. That court concluded that ''the profound interests in disclosure advanced by President Biden and the January 6th Committee far exceed [Donald Trump's] generalized concerns for Executive Branch confidentiality.''[85] Executive privilege has not been properly invoked with respect to Mr. Navarro, is not applicable to the testimony and documents sought by the Select Committee, and does not justify Mr. Navarro's refusal to appear in any event.

1. President Biden decided not to invoke executive privilege to prevent testimony by Mr. Navarro, and Mr. Trump has not invoked executive privilege with respect to Mr. Navarro.

In his February 9, 2022, email to the Select Committee *before* receiving the subpoena and reviewing the documents sought by the Select Committee, Mr. Navarro cryptically claimed, ''[e]xecutive [p]rivilege,'' but offered no reason why executive privilege would shield from disclosure to the Select Committee *all* of Mr. Navarro's testimony or the documents in Mr. Navarro's personal custody and control.[86] Moreover, Mr. Navarro has put forward no evidence to support a valid assertion of executive privilege.

President Biden provided his considered determination that invoking executive privilege, and asserting immunity, to prevent Mr. Navarro's testimony and document production would not be ''in the national interest, and therefore is not justified, with respect to particular subjects within the purview of the Select Committee.''[87] Mr. Navarro has also offered no evidence that former-President Trump has asserted executive privilege, and the Select Committee has had no communications with the former President regarding Mr. Navarro. Without an assertion of executive privilege by Mr. Trump to the Select Committee, and with the considered determination of the current President not to assert any immunity or executive privilege, Mr. Navarro cannot establish the foundational element of a claim of executive privilege: an invocation of the privilege by the executive.

In *United States v. Reynolds*, 345 U.S. 1, 7–8 (1953), the Supreme Court held that executive privilege:

[B]elongs to the Government and must be asserted by it; it can neither be claimed nor waived by a private party. It is not to be lightly invoked. There must a formal claim of privilege, lodged by the head of the department which has control over the matter, after actual personal consideration by that officer.[88]

Here, President Biden has decided not to assert executive privilege. But even if this formal determination by the President as the head of the executive branch was not enough to stop the valid assertion of executive privilege (and it was with respect to Mr. Navarro), Mr. Navarro's assertion cannot be valid because the Select Committee has not been provided with any invocation of executive privilege—whether formal or informal—by the former President.[89] In any event, Mr. Navarro's second-hand, categorical assertion of privilege, without any description of the specific documents or specific testimony over which privilege is claimed, is insufficient to activate a claim of executive privilege.

2. Even if Mr. Trump had actually invoked executive privilege, the privilege would not bar the Select Committee from lawfully obtaining the documents and testimony it seeks from Mr. Navarro.

The law is clear that executive privilege does not extend to discussions relating to non-governmental business or among private citizens.[90] In *In re Sealed Case (Espy)*, 121 F.3d 729, 752 (D.C. Cir. 1997), the court explained that the Presidential communications privilege covers ''communications authored or solicited and received by those members of an immediate White House adviser's staff who have broad and significant responsibility for investigating and formulating the advice to be given the President on the particular matter to which the communications relate.'' The court stressed that the privilege only applies to communications intended to advise the President ''on official government matters.''[91]

The Select Committee does not seek information from Mr. Navarro on trade policy or other official decision-making within his sphere of official responsibility. Rather, as noted above, the Select Committee seeks information from Mr. Navarro on a range of subjects unrelated to his or the President's official duties or related to his communications with people outside government about matters outside the scope of Mr. Navarro's official duties. These include the following topics:

- Mr. Navarro's interactions with private citizens, Members of Congress, or others outside the White House related to the 2020 election or efforts to overturn its results, including matters related to the ''Green Bay Sweep'' strategy for changing the election results that Mr. Navarro developed with Stephen Bannon, who was not a White House employee during the relevant period;
- the reports, and purported factual support for the reports, that Mr. Navarro himself acknowledged he prepared in his capacity ''as a private citizen'';
- the connections, involvement, and planning for January 6th events by Mr. Navarro, Roger Stone, and other individuals who have refused to provide testimony to the Select Committee; and
- subjects covered by the book that he wrote and publicly released, such as private calls he made to Attorney General Barr to ''plead [the] case'' for the Department of Justice to take action related to purported election fraud,[92] his calls and meetings with Rudy Giuliani and others associated with the Trump reelection campaign,[93] and his experience in Washington, DC, and around The National Mall on January 6, 2021.[94]

There is no conceivable claim of executive privilege over documents and testimony related to those topics.

Moreover, any claim of executive privilege and the need to maintain confidentiality is severely undermined, if not entirely vitiated, by Mr. Navarro's extensive public disclosure of his communications with the former President, including on issues directly implicated by the Select Committee's subpoena. Mr. Navarro's recently published book described his efforts to overturn the 2020 election and several meetings with then-President Trump about those efforts. The day after he was served with the Select Committee subpoena, Mr. Navarro appeared on national television to discuss the subpoena and his efforts to overturn the 2020 election. Mr. Navarro's public disclosures relating to the very subjects of interest to the Select Committee foreclose a claim of executive privilege with respect to those disclosures.[95]

Even with respect to Select Committee inquiries that involve Mr. Navarro's direct communications with Mr. Trump, executive privilege does not bar Select Committee access to that information. Only communications that relate to official Government business can be covered by the Presidential communications privilege.[96] Based on his role as Director of Trade and Manufacturing Policy, Mr. Navarro may have had ''broad and significant responsibility for investigating and formulating . . . advice to be given the President'' on manufacturing or trade matters, in which case communications with the President related to those ''particular matters'' might be within executive privilege.[97] However, communications on matters unrelated to official Government business—and outside the scope of Mr. Navarro's official duties—would not be privileged.[98] Indeed, the Select Committee did not intend to seek *any* information related to Mr. Navarro's role as Director of Trade and Manufacturing Policy, and instead was concerned exclusively with obtaining information about events in which Mr. Navarro participated or witnessed in his private, unofficial capacity.

Moreover, even with respect to any subjects of concern that arguably involve official Presidential communications about official Government business, the Select Committee's need for this information to investigate the facts and circumstances surrounding the January 6th assault on the U.S. Capitol and the Nation's democratic institutions far outweighs any generalized executive branch interest in maintaining confidentiality at this point. The U.S. Court of Appeals has recognized this in circumstances when Mr. Trump has formally asserted executive privilege (unlike with Mr. Navarro),[99] and the incumbent President has concluded that ''an assertion of executive privilege is not in the national interest, and therefore is not justified, with respect to particular subjects within the purview of the Select Committee . . . [including] efforts to alter election results or obstruct the transfer of power.''[100]

3. Mr. Navarro is not immune from testifying or producing documents in response to the subpoena.

Finally, even if executive privilege may apply to some aspect of Mr. Navarro's testimony, he, like other witnesses, was required to produce a privilege log with respect to any withheld documents noting any applicable privileges with specificity, and to appear before the Select Committee for his deposition to answer any questions concerning non-privileged information and assert any applicable privileges on a question-by-question basis. He did none of those things. Although he has not actually claimed that he is immune from testifying or producing documents to Congress, such a claim would not prevent Mr. Navarro's cooperation with the Select Committee on the subjects described in this Report.

As explained, President Biden has determined that it is not in the national interest to assert immunity that Mr. Navarro could claim would prevent testimony before the Select Committee. And neither former-President Trump nor Mr. Navarro have asserted any claim of testimonial immunity to prevent Mr. Navarro from testifying in a deposition with the Select Committee. President Biden, on the other hand, affirmatively decided *not* to assert such immunity. In any event, all courts that have reviewed purported immunity have been clear: even senior White House aides who advise the President on official Government business are not immune from compelled congressional process.[101]

The general theory that a current or former White House senior advisor may be immune from testifying before Congress is based entirely on internal memoranda from the Department of Justice's Office of Legal Counsel (''OLC'') that courts, in relevant parts, have uniformly rejected.[102] But even those internal memoranda do not claim such immunity from testimony for circumstances like those now facing Mr. Navarro. Those internal memoranda do not address a situation in which the incumbent President has decided to not assert immunity. And by their own terms, the OLC opinions apply only to testimony ''about [a senior official's] official duties,'' not testimony about unofficial actions or private conduct.[103] Indeed, in OLC opinions dating back to, at least, the 1970s, OLC has qualified its own position by advocating for the testimonial immunity of certain White House advisors before Congress ''*unless [Congress's] inquiry is related to their private conduct.*''[104] As described in this Report, the Select Committee seeks testimony from Mr. Navarro about, among other things, the ''Green Bay Sweep'' plan he developed to overturn the election and his creation and publication of ''The Navarro Report,'' conduct that was not part of his official duties and that he admittedly engaged in ''as a private citizen.'' Mr. Navarro is not immune from testifying before the Select Committee.

Moreover, there is not, nor has there ever been, any purported immunity for senior White House advisors from producing non-privileged *documents* to Congress when required by subpoena to do so. Mr. Navarro did not produce any documents, and there is no theory of immunity that justifies his wholesale non-compliance with the Select Committee's demand.

For the reasons stated above, Mr. Navarro's own conduct and the determination by the current executive would override any claim of privilege or immunity (even assuming Mr. Trump had invoked executive privilege with respect to Mr. Navarro). Furthermore, Mr. Navarro has refused to appear and assert executive privilege on a question-by-question basis, making it impossible for the Select Committee to consider any good-faith executive privilege assertions. And, as discussed above, claims of testimonial immunity and executive privilege are wholly inapplicable to the range of subjects about which the Select Committee seeks Mr. Navarro's testimony and that Mr. Navarro has seemingly acknowledged involve non-privileged matters.

D. Mr. Navarro's failure to appear or produce documents in response to the subpoena warrants holding Mr. Navarro in contempt.

An individual who fails or refuses to comply with a House subpoena may be cited for

contempt of Congress.[105] Pursuant to 2 U.S.C. § 192, the willful refusal to comply with a congressional subpoena is punishable by a fine of up to $100,000 and imprisonment for up to 1 year. A committee may vote to seek a contempt citation against a recalcitrant witness. This action is then reported to the House. If a contempt resolution is adopted by the House, the matter is referred to a U.S. Attorney, who has a duty to refer the matter to a grand jury for an indictment.[106]

In a series of email correspondence, Select Committee staff advised Mr. Navarro that his blanket and general claim of ''[e]xecutive [p]rivilege'' did not absolve him of his obligation to produce documents and testify in a deposition. Select Committee staff made clear that it wished to obtain information from Mr. Navarro about topics that would not raise ''any executive privilege concerns at all'' and that Mr. Navarro could assert any ''objections on the record and on a question-by-question basis.''[107] Mr. Navarro's failure to appear for deposition or produce responsive documents constitutes a willful failure to comply with the subpoena.

DANIEL SCAVINO, JR.

A. The Select Committee seeks information from Mr. Scavino central to its investigative purposes.

Mr. Scavino's testimony and document production are critical to the Select Committee's investigation. Mr. Scavino is uniquely positioned to illuminate the extent of knowledge and involvement of the former President, Members of Congress, and other individuals and organizations in the planning and instigation of the attack on the Capitol on January 6th, including whether and how these various parties were collaborating. Information in Mr. Scavino's possession is essential to putting other witnesses' testimony and productions into appropriate context and to ensuring the Select Committee can fully and expeditiously complete its work.

Mr. Scavino served the former President in various roles related to social media accounts and strategy, from the 2016 Presidential campaign through his service across the tenure of the Trump administration, including as Deputy Chief of Staff for Communications during the time most critical to the Select Committee's investigation. Mr. Scavino's activities on Mr. Trump's behalf went beyond the official duties of a member of the White House staff. Mr. Scavino actively promoted Mr. Trump's political campaign through social media. Scavino was also reportedly present for meetings in November 2020 where then-President Trump consulted with outside advisors about ways to challenge the results of the 2020 election.[108]

Further, the Select Committee has reason to believe that Mr. Scavino was with then-President Trump on January 5th and January 6th and was party to conversations regarding plans to challenge, disrupt, or impede the official congressional proceedings.[109] Mr. Scavino spoke with Mr. Trump multiple times by phone on January 6th,[110] and was present with Mr. Trump during the period when Americans inside the Capitol building and across the country were urgently calling on Mr. Trump for help to halt the violence at the Capitol, but Mr. Trump failed to immediately take actions to stop it.[111]

The Select Committee also has reason to believe that Mr. Scavino may have had advance warning of the possibility of violence on January 6th. Public reporting notes that Mr. Scavino had a history of monitoring websites where, in the weeks leading up to January 6th, users discussed potential acts of violence.[112] Whether and when the President and other senior officials knew of impending violence is highly relevant to the Select Committee's investigation and consideration of legislative recommendations.

And again, aside from official duties—in which close aides to the President should assist him in fulfilling his oath—Mr. Scavino also engaged in activities promoting the Trump Campaign.[113] Evidence acquired by the Select Committee confirms the widely known fact that Mr. Scavino worked closely with former-President Trump on his social media messaging and likely had access to the credentials necessary to post on the President's accounts.[114] Indeed, Mr. Scavino frequently composed specific social media posts and discussed specific language with the former President.[115] During the time leading up to the January 6th attack, public messages issued from President Trump's social media account that the Select Committee believes had the effect of providing false information and enflaming passions about a core tenet of our constitutional democracy. Specifically:

• On December 19, 2020, 1:42 a.m. ET, from Donald J. Trump:

Peter Navarro releases 36-page report alleging election fraud 'more than sufficient' to swing victory to Trump https://washex.am/3nwaBCe. A great report by Peter. Statistically impossible to have lost the 2020 Election. Big protest in D.C. on January 6th. Be there, will be wild![116]

• On December 19, 2020, 9:41 a.m. ET, from Donald J. Trump:

[Joe Biden] didn't win the Election. He lost all 6 Swing States, by a lot. They then dumped hundreds of thousands of votes in each one, and got caught. Now Republican politicians have to fight so that their great victory is not stolen. Don't be weak fools! https://t.co/d9Bgu8XPIj[117]

• On December 19, 2020, 2:59 p.m. ET, from Donald J. Trump:

The lie of the year is that Joe Biden won! Christina Bobb @OANN.[118]

• On December 20, 2020, 12:26 a.m. ET, from Donald J. Trump:

GREATEST ELECTION FRAUD IN THE HISTORY OF OUR COUNTRY!!![119]

• On December 22, 2020, 10:29 a.m. ET, from Donald J. Trump:

THE DEMOCRATS DUMPED HUNDREDS OF THOUSANDS OF BALLOTS IN THE SWING STATES LATE IN THE EVENING. IT WAS A RIGGED ELECTION!!![120]

• On December 26, 2020, 9:00 a.m. ET, from Donald J. Trump:

A young military man working in Afghanistan told me that elections in Afghanistan are far more secure and much better run than the USA's 2020 Election. Ours, with its millions and millions of corrupt Mail-In Ballots, was the election of a third world country. Fake President![121]

• On December 26, 2020, 8:14 a.m. ET, from Donald J. Trump:

The ''Justice'' Department and the FBI have done nothing about the 2020 Presidential Election Voter Fraud, the biggest SCAM in our nation's history, despite overwhelming evidence. They should be ashamed. History will remember. Never give up. See everyone in D.C. on January 6th.[122]

• On December 28, 2020, 4:00 p.m. ET, from Donald J. Trump:

''Breaking News: In Pennsylvania there were 205,000 more votes than there were voters. This alone flips the state to President Trump.''[123]

• On December 30, 2020, 2:38 p.m. ET, from Donald J. Trump:

The United States had more votes than it had people voting, by a lot. This travesty cannot be allowed to stand. It was a Rigged Election, one not even fit for third world countries![124]

• On January 4, 2021, 10:07 a.m. ET, from Donald J. Trump:

How can you certify an election when the numbers being certified are verifiably WRONG. You will see the real numbers tonight during my speech, but especially on JANUARY 6th. @SenTomCotton Republicans have pluses & minuses, but one thing is sure, THEY NEVER FORGET![125]

• On January 6, 2021, 1:00 a.m. ET, from Donald J. Trump:

If Vice President @Mike_Pence comes through for us, we will win the Presidency. Many States want to decertify the mistake they made in certifying incorrect & even fraudulent numbers in a process NOT approved by their State Legislatures (which it must be). Mike can send it back![126]

• On January 6, 2021, 8:17 a.m. ET, from Donald J. Trump:

States want to correct their votes, which they now know were based on irregularities and fraud, plus corrupt process never received legislative approval. All Mike Pence has to do is send them back to the States, AND WE WIN. Do it Mike, this is a time for extreme courage![127]

• On January 6, 2021, 2:24 p.m. ET, from Donald J. Trump:

Mike Pence didn't have the courage to do what should have been done to protect our Country and our Constitution, giving States a chance to certify a corrected set of facts, not the fraudulent or inaccurate ones which they were asked to previously certify. USA demands the truth![128]

The Select Committee seeks to question Mr. Scavino, in his capacity as social media manager, about these and other similar communications.

Public reporting also notes that Mr. Scavino and his social media team had a history of monitoring websites including ''TheDonald.win,'' an online forum frequented by individuals who openly advocated and planned violence in the weeks leading up to January 6th.[129] In the summer of 2016, former-President Trump himself engaged in a written question-and-answer session on a precursor to TheDonald.win called ''/r/The_Donald,'' which was a subreddit (a forum on the website Reddit.com) at the time.[130] The online Reddit community, which had upward of 790,000 users, was banned by Reddit in mid-2020,[131] after which it migrated to another online forum located at TheDonald.win.[132]

Mr. Scavino reportedly amplified content from this community, while his social media team also interacted with the site's users. During the 2016 Presidential campaign, ''a team in the war room at Trump Tower was monitoring social media trends, including [/r/The_Donald] subreddit . . . and privately communicating with the most active users to seed new trends.''[133] Trump ''campaign staffers monitored Twitter and [/r/The_Donald] subreddit, and pushed any promising trends up to social media director Dan Scavino, who might give them a boost with a tweet.''[134] In 2017, former-President Trump tweeted a video of himself attacking CNN.[135] The video had appeared on /r/The_Donald 4 days earlier.[136] In 2019, *Politico* reported that Mr. Scavino ''regularly monitors Reddit, with a particular focus on the pro-Trump /r/The_Donald channel.''[137]

On December 19, 2020, the same day Mr. Trump tweeted ''Big protest in D.C. on January 6th . . . Be there, will be wild!,'' users on posts on TheDonald.win, began sharing ''specific techniques, tactics, and procedures for the assault on the Capitol.''[138] The ''ensuing weeks of communications on the site included information on how to use a flagpole as a weapon, how to smuggle firearms into DC, measurements for a guillotine, and maps of the tunnel systems under the Capitol building.''[139] On January 5, 2021, a user on TheDonald.win encouraged Mr. Trump's supporters to ''be prepared to secure the capitol building,'' claiming that ''there will be plenty of ex military to guide you.''[140]

Multiple other posts on TheDonald.win made it clear that the U.S. Capitol was a target, with one poster writing that people should bring ''handcuffs and zip ties to DC'' so they could enact ''citizen's arrests'' of those officials who certified the election's results.[141] Another post on TheDonald.win was headlined ''most important map for January 6th. Form a TRUE LINE around the Capitol and the tunnels.''[142] That ''post included a detailed schematic of Capitol Hill with the tunnels surrounding the complex highlighted.''[143] One thread posted on TheDonald.win, and pertaining to Mr. Trump's December 19, 2020, tweet, reportedly received more than ''5,900 replies and over 24,000 upvotes.''[144] The ''general consensus among the users'' on these threads ''was that Trump had essentially tweeted permission to disregard the law in support of him.''[145] For example, one user wrote, ''[Trump] can't exactly openly tell you to revolt. This is the closest he'll ever get.''[146]

Just weeks before the January 6, 2021, attack on the U.S. Capitol, former-President Trump shared content on Twitter that apparently originated on TheDonald.win. On December 19, 2020, former-President Trump tweeted a video titled, ''FIGHT FOR TRUMP!- SAVE AMERICA- SAVE THE WORLD.''[147] The video had reportedly appeared on TheDonald.win 2 days earlier.[148]

Mr. Scavino also promoted the candidacy of Donald Trump and other political candidates on his own social media account. For example, he produced these public messages on Twitter:

- On October 16, 2020, 8:26 p.m. ET, from Dan Scavino Jr.[American flag][Eagle]:

[Alert]HAPPENING NOW!! 10/16/20-Macon, GA! MAGA[American flag][Eagle] [Globe with meridians]Vote.DonaldJTrump.com'' [Four pictures of a presidential campaign rally][149]

- On November 6, 2020, 12:04 a.m. ET, from Dan Scavino Jr.[American flag][Eagle]:

[Tweeting a Fox News segment, ''Charges of Mail-In Ballot Fraud are Rampant''][150]

- On December 6, 2020, 12:34 a.m. ET, from Dan Scavino Jr.[American flag][Eagle]:

''I am thrilled to be back in Georgia, w/ 1,000's of proud, hardworking American Patriots! We are gathered together to ensure that @sendavidperdue & @KLoeffler WIN the most important Congressional runoff in American History. At stake in this election is control of the Senate!'' -DJT [Video; https://twitter.com/i/status/1335457640072310784][151]

- On January 2, 2021, 9:04 p.m. ET, from Dan Scavino Jr.[American flag][Eagle]:

[Tweeting out a video encouraging people to ''Be a Part of History'' and ''Join the March'' on January 6th.][152]

The Select Committee has a legitimate interest in seeking information from Mr. Scavino about his activities that were outside the scope of his responsibilities as a Federal Government official. It is beyond reasonable dispute that the ''stolen election'' narrative played a major role in motivating the violent attack on the Capitol. Violent rioters' social media posts, contemporaneous statements on video, and filings in Federal court provide overwhelming evidence of this. To take just a few examples—though there are many others—statements from individuals charged with crimes associated with the January 6th attack include:

- ''I'm going to be there to show support for our president and to do my part to stop the steal and stand behind Trump when he decides to cross the rubicon.''[153]
- ''Trump is literally calling people to DC in a show of force. Militias will be there and if there's enough people they may fucking storm the buildings and take out the trash right there.''[154]
- ''Trump said It's gonna be wild!!!!!!! It's gonna be wild!!!!!!! He wants us to make it WILD that's what he's saying. He called us all to the Capitol and wants us to make it wild!!! Sir Yes Sir!!! Gentlemen we are heading to DC pack your shit!!''[155]

Mr. Scavino's promotion of the January 6th events, his reported participation in multiple conversations about challenging the election, and his reported presence with then-President Trump as the attack unfolded and in its aftermath make his testimony essential to fully understanding the events of January 6th, including Presidential activities and responses that day. His two distinct roles—as White House official in the days leading up to and during the attack, and as a campaign social media promoter of the Trump ''stolen election'' narrative—provide independent reasons to seek his testimony and documents.

B. Mr. Scavino has refused to comply with the Select Committee's subpoena for testimony and documents.

On September 23, 2021, Chairman THOMPSON signed and issued a subpoena, cover letter, and schedule to Mr. Scavino ordering the production of both documents and testimony relevant to the Select Committee's investigation into ''important activities that led to and informed the events at the Capitol on January 6, 2021.''[156] Chairman THOMPSON's letter identified public reports describing Mr. Scavino's activities and past statements, and documented some of the public information that gave the Select Committee reason to believe Mr. Scavino possesses information about matters within the scope of the Select Committee's inquiry.

The specific documents the Chairman ordered produced are found in the schedule in Appendix II, Ex. 6. The schedule identified documents including but not limited to those reflecting Mr. Scavino's role in planning and promoting the January 6, 2021, rally and march in support of Mr. Trump; Mr. Trump's participation in the rally and march; Mr. Scavino's communications with Members of Congress or their staff about plans for January 6th; and communications with others known to be involved with the former President's 2020 election campaign and subsequent efforts to undermine or cast doubt on the results of that election.

The subpoena required Mr. Scavino to produce the requested documents to the Select Committee on October 7, 2021, at 10 a.m. ET and required Mr. Scavino's presence for the taking of testimony on October 15, 2021, at 10 a.m.[157]

The Select Committee was unable to locate Mr. Scavino for service and therefore issued a new subpoena on October 6, 2021.[158] On October 8, 2021, U.S. Marshals served this new subpoena at Mar-a-Lago, Mr. Scavino's reported place of employment, to Ms. Susan Wiles, who represented herself as chief of staff to former-President Trump and as authorized to accept service on Mr. Scavino's behalf.[159] The subpoena required that Mr. Scavino produce responsive documents not later than October 21, 2021, and that Mr. Scavino appear for a deposition on October 28, 2021.[160]

On October 20, 2021, Stanley E. Woodward, Jr., of Brand Woodward Law notified the Select Committee that his firm had been retained to represent Mr. Scavino.[161] Per a telephone conversation later that day, Mr. Woodward notified the Select Committee that he was still in the process of ascertaining whether Mr. Scavino had responsive documents and requested an extension of the deadlines in the October 6, 2021, subpoena. The Select Committee granted an extension of 1 week, delaying the production deadline to October 28th and the deposition to November 4th.[162]

On October 27, 2021, Mr. Woodward emailed to request an additional extension, and the Select Committee granted that request, postponing the production deadline to November 4th and the deposition to November 12th.[163]

On November 2, 2021, Mr. Woodward emailed to express difficulty in meeting the document production deadline. The following day, the Select Committee agreed to an additional production postponement to November 5th.[164]

On November 5, 2021, rather than produce any responsive documents in his client's possession, Mr. Woodward communicated by letter that his client would not be producing any documents. Instead, he asserted vague claims of executive privilege that were purportedly relayed by the former President, but which have never been presented by the former President to the Select Committee.[165] Mr. Woodward's letter cited an attached October 6, 2021, letter from former-President Trump's counsel Justin Clark to Mr. Scavino that instructed him to ''invoke any immunities and privileges you may have from compelled testimony,'' ''not produce any documents concerning your official duties,'' and ''not provide any testimony concerning your official duties.''[166]

On November 9, 2021, the Select Committee Chairman responded to Mr. Woodward requesting that Mr. Scavino provide a ''privilege log that specifically identifies each document and each privilege that he believes applies,'' and explained to Mr. Scavino that ''categorical claims of executive privilege are improper, and any claim of executive privilege must be asserted narrowly and specifically.'' The Chairman also reminded Mr. Woodward that the subpoena demanded ''all communications including those conducted on Mr. Scavino's personal social media or other accounts and with outside parties whose inclusion in a communication with Mr. Scavino would mean that no executive privilege claim can be applicable.''[167]

The November 9th letter also detailed, at Mr. Woodward's request, the various specific topics the Select Committee wished to discuss with Mr. Scavino at his deposition scheduled for November 12, 2021, and requested that Mr. Woodward identify topics that he agreed did not implicate any privileges and identify with specificity any privileges that did apply to each specific topic.

On November 10, 2021, following correspondence with Mr. Woodward, the Select Committee agreed to an additional extension to November 15, 2021, for document production and November 19, 2021, for the deposition, to allow Mr. Woodward additional time to discuss the November 9th letter with his client.[168]

On November 15th, Mr. Woodward sent a letter refusing to provide the requested

privilege log and asserted that a such log would undermine the former President's assertions of privilege. Instead, Mr. Woodward identified categories of documents he believed to be privileged, including communications between Mr. Scavino and Members of Congress, and between Mr. Scavino and ''non-Government third-parties.''[169]

On November 18, 2021, Mr. Woodward sent another letter wherein he, for the first time, and following weeks of discussions about the items listed in the October 6th subpoena, challenged the service of that subpoena as deficient. He also challenged the Select Committee's legislative purpose and demanded that the Select Committee provide a detailed explanation of the pertinence of every line of inquiry it intended to pursue at the scheduled deposition.[170]

On November 23, 2021, the Select Committee issued yet another subpoena to Mr. Scavino, whose counsel agreed to accept service.[171] The November 23rd subpoena granted a final extension of the document production deadline to November 29, 2021, and the deposition to December 1, 2021. The same day, the Select Committee transmitted a letter explaining the relevance of Mr. Scavino's testimony to the Select Committee's authorizing resolution and responding to the numerous specious objections in the November 18th letter.[172]

On November 26, 2021, Mr. Woodward again wrote to the Select Committee and declined to comply with the subpoena for documents and testimony unless the Select Committee provided a detailed explanation of the pertinence of each of its expected questions and lines of inquiry for Mr. Scavino.[173] He also reasserted Mr. Scavino's refusal to testify in light of *Trump v. Thompson*,[174] the since-resolved litigation regarding Mr. Trump's ability to assert executive privilege over documents the incumbent President has already approved for release.

Mr. Scavino failed to produce any documents by the November 29, 2021, deadline, and did not appear for his deposition on December 1, 2021.[175]

On December 9, 2021, the Select Committee sent a letter to Mr. Woodward documenting Mr. Scavino's failure to comply with the subpoena and informing him that the Select Committee would proceed to enforcement.[176]

On December 13, 2021, Mr. Woodward responded in a letter disputing that Mr. Scavino had failed to cooperate with the investigation and reiterating many of his previous objections.[177]

On February 4, 2022, in light of the Supreme Court's denial of a stay and injunction sought by former-President Trump in *Trump v. Thompson*[178] to prevent the National Archives from providing documents to the Select Committee on the basis of executive privilege, the Select Committee again contacted Mr. Scavino and gave him an additional opportunity to comply.[179]

On February 8, 2022, Mr. Woodward responded, asserting that Mr. Scavino still intended to withhold information at Mr. Trump's direction until the ultimate resolution of Mr. Trump's claims.[180]

C. Mr. Scavino's purported basis for non-compliance is wholly without merit.

Congress has the power to compel witnesses to testify and produce documents.[181] An individual—whether a member of the public or an executive branch official—has a legal (and patriotic) obligation to comply with a duly issued and valid congressional subpoena, unless a valid and overriding privilege or other legal justification permits noncompliance.[182] In *United States v. Bryan*, the Supreme Court stated:

A subpoena has never been treated as an invitation to a game of hare and hounds, in which the witness must testify only if cornered at the end of the chase. If that were the case, then, indeed, the great power of testimonial compulsion, so necessary to the effective functioning of courts and legislatures, would be a nullity. We have often iterated the importance of this public duty, which every person within the jurisdiction of the Government is bound to perform when properly summoned.[183]

It is important to note that the Select Committee sought testimony from Mr. Scavino on topics and interactions as to which there can be no conceivable privilege claim. Examples of those are provided below. The Select Committee is entitled to Mr. Scavino's testimony on each of them, regardless of his claims of privilege over other categories of information and communications. In *United States v. Nixon*, 418 U.S. 683, 703–16 (1974), the Supreme Court recognized an implied constitutional privilege protecting Presidential communications. The Court held though that the privilege is qualified, not absolute, and that it is limited to communications made ''in performance of [a President's] responsibilities of his office and made in the process of shaping policies and making decisions.''[184]

Executive privilege is a recognized privilege that, under certain circumstances, may be invoked to bar congressional inquiry into communications covered by the privilege. Mr. Scavino has refused to testify in response to the subpoena ostensibly based on broad assertions of executive privilege purportedly asserted by former-President Trump. Even if any such privilege may have been applicable to some aspect of Mr. Scavino's testimony, he was required to produce a privilege log noting any applicable privileges with specificity and to appear before the Select Committee for his deposition, answer any questions concerning non-privileged information, and assert any such privilege on a question-by-question basis.

1. President Biden decided not to invoke executive privilege to prevent testimony by Mr. Scavino, and Mr. Trump has not invoked executive privilege with respect to Mr. Scavino.

As described above, President Biden considered whether to invoke executive privilege and whether to assert immunity with regard to the subpoena for Mr. Scavino.[185] He declined to do so with respect to particular subjects within the purview of the Select Committee, and the White House informed Mr. Scavino's counsel of that decision in a letter on March 15, 2022.[186] President Biden made this determination based on his assessment of the ''unique and extraordinary nature of the matters under investigation.''[187]

Former-President Trump has had no communication with the Select Committee. In a November 5th letter to the Select Committee, Mr. Scavino's attorney referred to correspondence from former-President Trump's attorney, Justin Clark, in which Mr. Clark asserted that the Select Committee subpoena seeks information that is ''protected from disclosure by the executive and other privileges, including among others the presidential communications, deliberative process, and attorney-client privileges.''[188] The Committee has received no such correspondence from or on behalf of former-President Trump. Without a formal assertion of executive privilege by Mr. Trump to the Select Committee, Mr. Scavino cannot establish the foundational element of a claim of executive privilege: an invocation of the privilege by the executive.

In *United States v. Reynolds*, 345 U.S. 1, 7–8 (1953), the Supreme Court held that executive privilege:

[B]elongs to the Government and must be asserted by it; it can neither be claimed nor waived by a private party. It is not to be lightly invoked. There must a formal claim of privilege, lodged by the head of the department which has control over the matter, after actual personal consideration by that officer.[189]

Here, the Select Committee has not been provided with any formal invocation of executive privilege by the President or the former President or any other employee of the executive branch. Mr. Scavino's third-hand, categorical assertion of privilege, without any description of the specific documents or specific testimony over which privilege is claimed, is insufficient to activate a claim of executive privilege.

2. Even if Mr. Trump had actually invoked executive privilege, the privilege would not bar the Select Committee from lawfully obtaining the documents and testimony it seeks from Mr. Scavino.

Executive privilege does not extend to discussions relating to non-governmental business or among private citizens.[190] In *In re Sealed Case (Espy)*, the D.C. Circuit explained that the Presidential communications privilege ''only applies to communications [with close Presidential advisers] in the course of performing their function of advising the President on official government matters.''[191] The court stressed: ''The Presidential communications privilege should never serve as a means of shielding information regarding governmental operations that do not call ultimately for direct decision-making by the President.''[192] As noted by the Supreme Court, the privilege is ''limited to communications 'in performance of [a President's] responsibilities,' 'of his office,' and made 'in the process of shaping policies and making decisions.' ''[193] And the D.C. Circuit recently considered and rejected former-President Trump's executive privilege assertions over information sought by the Select Committee. That court concluded that ''the profound interests in disclosure advanced by President Biden and the January 6th Committee far exceed his generalized concerns for Executive Branch confidentiality.''[194]

The Select Committee seeks information from Mr. Scavino on a wide range of subjects that it is inconceivable executive privilege would reach. For example, the Select Committee seeks information from Mr. Scavino about his interactions with private citizens, Members of Congress, or others outside the White House related to the 2020 election or efforts to overturn its results. And, among other things, the Select Committee also seeks information from Mr. Scavino about his use of personal communications accounts and devices.

Even with respect to Select Committee inquiries that involve Mr. Scavino's direct communications with Mr. Trump, it is well-established that executive privilege does not bar Select Committee access to that information. Only communications that relate to official Government business and Presidential decision-making on those official matters can be covered by the Presidential communications privilege.[195] Here, Mr. Scavino's conduct regarding several subjects of concern to the Select Committee is not related to official Government business. These include Mr. Scavino's participation in calls and meetings that clearly concerned Mr. Trump's campaign rather than his official Government business; participation in meetings with Mr. Trump and others about a strategy for reversing the outcome of the 2020 election; or efforts to promote the January 6th rally on the Ellipse.

Moreover, even with respect to any subjects of concern that arguably involve official Government business, executive privilege is a qualified privilege and the Select

Committee's need for this information to investigate the facts and circumstances surrounding the January 6th assault on the U.S. Capitol and the Nation's democratic institutions far outweighs any executive branch interest in maintaining confidentiality.[196] As noted by the White House, ''an assertion of executive privilege is not in the national interest, and therefore is not justified, with respect to particular subjects within the purview of the Select Committee.''[197]

3. Mr. Scavino is not immune from testifying or producing documents in response to the subpoena.

Even if some aspect of Mr. Scavino's testimony was shielded by executive privilege, he was required to appear for his deposition and assert executive privilege on a question-by-question basis.[198] Mr. Scavino's refusal to do so made it impossible for the Select Committee to consider any good-faith executive privilege assertions.

Mr. Scavino has refused to appear for a deposition based on his purported reliance on alleged ''absolute testimonial immunity.'' No court has recognized any such immunity, and Mr. Scavino has not provided any rationale for applying any form of immunity to his unofficial actions assisting Mr. Trump's campaign to overturn the election. President Biden—who now serves as the President—has declined to assert immunity in response to the subpoena to Mr. Scavino.

As noted above,[199] the general theory that a current or former White House senior advisor may be immune from testifying before Congress is based entirely on internal memoranda from OLC, and courts have uniformly rejected this theory.[200] But, as was also noted above,[201] those internal OLC memoranda do not address a situation in which the incumbent President has decided to not assert privilege, and by their own terms they apply only to testimony ''about [a senior official's] official duties,'' not testimony about unofficial actions or private conduct.[202]

Many of the topics Chairman THOMPSON identified in his correspondence with Mr. Scavino's counsel are unrelated to Mr. Scavino's official duties and would neither fall under the reach of any ''absolute immunity'' theory nor any privilege whatsoever. For instance:

- Mr. Scavino was not conducting official and privileged business to the extent he attended discussions regarding efforts to urge State legislators to overturn the results of the November 2020 election and guarantee a second term for Mr. Trump.
- Mr. Scavino was not conducting official and privileged business to the extent he assisted Mr. Trump with campaign-related social media communications, including communications recruiting a violent crowd to Washington, spreading false information regarding the 2020 election, and any other communications provoking violence on January 6th.
- Mr. Scavino was not conducting official and privileged business to the extent he communicated with organizers of the January 6, 2021, rally, including Kylie Kremer and Katrina Pierson, regarding messaging, speakers, and even his own appearance and scheduled remarks at the event, which was not an official White House event but rather a campaign appearance.[203]
- Mr. Scavino was not engaged in official and privileged business to the extent he used his personal social media accounts and devices to coordinate with Trump campaign officials, including Jason Miller, throughout the fall and winter of 2020 regarding messaging, campaign events, purported election fraud, and attempts to overturn the 2020 election results.[204]
- Mr. Scavino was not engaged in official and privileged business to the extent he counseled Mr. Trump regarding whether, how, and when to challenge or concede the 2020 election.

The Select Committee specifically identified to Mr. Scavino these and other topics as subjects for his deposition testimony, and he had the legal obligation to appear before the Select Committee and address them on the record.

D. Mr. Scavino's failure to appear or produce documents in response to the subpoena warrants holding Mr. Scavino in contempt.

An individual who fails or refuses to comply with a House subpoena may be cited for contempt of Congress.[205] Pursuant to 2 U.S.C. § 192, the willful refusal to comply with a congressional subpoena is punishable by a fine of up to $100,000 and imprisonment for up to 1 year. A committee may vote to seek a contempt citation against a recalcitrant witness. This action is then reported to the House. If a contempt resolution is adopted by the House, the matter is referred to a U.S. Attorney, who has a duty to refer the matter to a grand jury for an indictment.[206]

In his November 9th and November 23rd letters to Mr. Scavino's counsel, the Chairman of the Select Committee advised Mr. Scavino that his claims of executive privilege were not well-founded and did not absolve him of his obligation to produce documents and testify in deposition.[207] The Chairman made clear that the Select Committee expected Mr. Scavino to produce documents and to appear for his deposition, which was ultimately scheduled for December 1st. And on February 4, 2022, the Chairman again invited Mr. Scavino to appear before the Select Committee in light of the resolution of *Trump v. Thompson*. The Chairman again warned Mr. Scavino that his continued noncompliance would put him in jeopardy of a vote to refer him to the House to consider a criminal contempt referral. Mr. Scavino's failure to appear for deposition or produce responsive documents in the face of this clear advisement and warning by the Chairman constitutes a willful failure to comply with the subpoena.

SELECT COMMITTEE CONSIDERATION

The Select Committee met on Monday, March 28, 2022, with a quorum being present, to consider this Report and ordered it and the Resolution contained herein to be favorably reported to the House, without amendment, by a recorded vote of 9 ayes to 0 noes.

SELECT COMMITTEE VOTE

Clause 3(b) of rule XIII of the Rules of the U.S. House of Representatives requires the Select Committee to list the recorded votes during consideration of this Report:

1. A motion by Ms. CHENEY to report the Select Committee Report on a Resolution Recommending that the House of Representatives find Peter K. Navarro and Daniel Scavino, Jr., in Contempt of Congress for Refusal to Comply with Subpoenas Duly Issued by the Select Committee to Investigate the January 6th Attack on the United States Capitol favorably to the House was agreed to by a recorded vote of 9 ayes to 0 noes (Rollcall No. 4).

Select Committee Rollcall No. 4

Motion by Ms. Cheney to Favorably Report
Agreed to: 9 ayes to 0 noes

Members	Vote
Ms. Cheney, Vice Chair	Aye
Ms. Lofgren	Aye
Mr. Schiff	Aye
Mr. Aguilar	Aye
Mrs. Murphy (FL)	Aye
Mr. Raskin	Aye
Mrs. Luria	Aye
Mr. Kinzinger	Aye
Mr. Thompson (MS), Chairman	Aye

SELECT COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII, the Select Committee advises that the oversight findings and recommendations of the Select Committee are incorporated in the descriptive portions of this Report.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

The Select Committee finds the requirements of clause 3(c)(2) of rule XIII and section 308(a) of the Congressional Budget Act of 1974, and the requirements of clause3(c)(3) of rule XIII and section 402 of the Congressional Budget Act of 1974, to be inapplicable to this Report. Accordingly, the Select Committee did not request or receive a cost estimate from the Congressional Budget Office and makes no findings as to the budgetary impacts of this Report or costs incurred to carry out the Report.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the objective of this Report is to enforce the Select Committee's authority to investigate the facts, circumstances, and causes of the January 6th attack and issues relating to the interference with the peaceful transfer of power, in order to identify and evaluate problems and to recommend corrective laws, policies, procedures, rules, or regulations; and to Cenforce the Select Committee's subpoena authority found in section 5(c)(4) of House Resolution 503.

ENDNOTES

[1] Peter Navarro, *In Trump Time: My Journal of America's Plague Year*, (All Seasons Press, 2021), at pp. 251–52.

[2] Jose Pagliery, ''Trump Adviser Peter Navarro Lays Out How He and Bannon Planned to Overturn Biden's Electoral Win,'' The Daily Beast, (December 27, 2021), available at https://www.thedailybeast.com/trump-advisor-peter-navarro-lays-out-how-he-and-steve-bannon-planned-to-overturn-bidens-electoral-win.

[3] Peter Navarro, ''The Navarro Report,'' (2020, updated 2021), available at https://peternavarro.com/the-navarro-report/.

[4] *See* Appendix I, Ex. 1.

[5] *See* Appendix I, Ex. 2.

[6] Scott MacFarlane (@MacFarlaneNews), Twitter, Feb. 9, 2022 5:38 p.m. ET, available at https://twitter.com/MacFarlaneNews/status/1491542034662019078.

[7] ''Transcript: The Beat with Ari Melber, 2/10/22,'' MSNBC, (Feb. 10, 2022), available at https://www.msnbc.com/transcripts/the-beat-with-ari-melber/transcript-beat-ari-melber-2-10-22-n1289032.

[8] *See* Appendix I, Ex. 3.

[9] *See* Appendix I, Ex. 4.

[10] *Id.*

[11] *Id.*

[12] *Id.*

[13] *Id.*

[14] *Id.*

[15] *See* Appendix I, Ex. 5.

[16] *See* Appendix I, Ex. 6.

[17] *Id.*

[18] *See* Appendix I, Ex. 7.

[19] *Id.*

[20] *See* Appendix I, Ex. 8.

[21] Ryan Nobles, Paula Reid, and Annie Grayer, ''Trump adviser Peter Navarro skips scheduled deposition with January 6 committee,'' CNN, (March 2, 2022), available at https://www.cnn.com/2022/03/02/politics/peter-navarro-january-6/index.html.

[22] *Id.*

[23] *United States v. Bryan*, 339 U.S. 323, 331 (1950).

[24] *Trump v. Mazars USA LLP*, 140 S.Ct. 2019, 2036 (2020) (emphasis in original; internal quotation marks removed). *See also Watkins v. United States*, 354 U.S. 178, 187–88 (1957) (stating of citizens that ''It is their unremitting obligation to respond to subpoenas, to respect the dignity of the Congress and

its committees, and to testify fully with respect to matters within the province of proper investigation.'').

[25] The prison term for this offense makes it a Class A misdemeanor. 18 U.S.C. § 3559(a)(6). By that classification, the penalty for contempt of Congress specified in 2 U.S.C. § 192 increased from $1,000 to $100,000. 18 U.S.C. § 3571(b)(5).

[26] As explained below, the Chairman issued three subpoenas to Mr. Scavino. The first was dated September 23, 2021, but could not be served because Mr. Scavino could not be located. The second was dated October 6, 2021, and was served on October 8, 2021. After Mr. Scavino challenged service of the second subpoena, the Chairman issued a third on November 23, 2021, and electronically served it on Mr. Scavino's attorney.

[27] *See* Appendix II, Ex. 1.

[28] *Id.*

[29] *See* Appendix II, Ex. 2.

[30] *Id.*

[31] *Id.*

[32] *Id.*

[33] *See* Appendix II, Ex. 3.

[34] *See* Appendix II, Ex. 4. *See also Trump v. Thompson*, 2021 U.S. App. LEXIS 36315, at *46 (D.C. Cir. Dec. 9, 2021), *cert. denied*, 2022 U.S. LEXIS 796 (U.S., Feb. 22, 2022).

[35] *See* Appendix II, Ex. 5.

[36] *Id.*

[37] *United States v. Bryan*, 339 U.S. 323, 331 (1950).

[38] *See supra*, at note 24.

[39] *See supra*, at note 25.

[40] H. Res. 503, 117th Cong., § 3(1) (2021)

[41] *Id.*

[42] *Watkins v. United States*, 354 U.S. 178, 187 (1957). *See also Trump v. Mazars USA, LLP*, 140 S.Ct. 2019, 2031 (2020).

[43] *McGrain v. Daugherty*, 273 U.S. 135, 174 (1927).

[44] *Ashland Oil, Inc. v. FTC*, 409 F.Supp. 297, 305 (D.D.C. 1976), *aff'd*, 548 F.2d 977 (D.C. Cir. 1976) (quoting *McGrain*, 273 U.S. at 175).

[45] Pub. L. 79–601, 79th Cong. § 136, (1946).

[46] Pub. L. 91–510, 91st Cong. § 118, (1970).

[47] Speaker Pelosi detailed such consultation and her selection decisions in a July 21, 2021, press release, available at https://www.speaker.gov/newsroom/72121-2.

[48] 167 Cong. Rec. 115 (July 1, 2021), at p. H3597 and 167 Cong. Rec. 130 (July 26, 2021), at p. H3885. The January 4, 2021, order of the House provides that the Speaker is authorized to accept resignations and to make appointments authorized by law or by the House. *See* 167 Cong. Rec. 2 (Jan. 4, 2021), at p. H37.

[49] House rule XI, cl. 2(m)(1)(B), 117th Cong., (2021); H. Res. 503, 117th Cong. § 5(c)(4), (2021).

[50] H. Res. 503, 117th Cong. § 5(c)(6), (2021).

[51] H. Res. 503, 117th Cong. § 3(1) (2021).

[52] Exec. Order No. 13797, 82 Fed. Reg. 20821 (April 29, 2017).

[53] *Id.*, at § 2.

[54] *Id.*, at § 3.

[55] Exec. Order No. 13911, 85 Fed. Reg. 18403 (Mar. 27, 2020), at §§ 1, 6.

[56] Federal law requires a separation of duties for Federal officials who decide to engage in campaign activities. The Hatch Act generally prohibits officials, such as Mr. Navarro, from using their official authority or influence to affect the outcome of an election. See 5 U.S.C. § 7323(a); 5 C.F.R. § 734.101 (defining ''political activity''); 5 C.F.R. § 734.302 (prohibiting use of official title while engaged in political activity). This would have prevented Mr. Navarro from acting as both a White House official and as a campaign official on certain matters or communications. *See also* ''Investigation of Political Activities by Senior Trump Administration Officials During the 2020 Presidential election,'' Report of the Office of Special Counsel, (Nov. 9, 2021), at pp. 17, 22–23.

[57] Peter Navarro, ''The Navarro Report,'' (2020, updated 2021), available at https://peternavarro.com/the-navarro-report/.

[58] ''Peter Navarro 'The Immaculate Deception' Report News Conference Transcript,'' (Dec. 17, 2020), available at https://www.rev.com/blog/transcripts/peter-navarro-the-immaculate-deception-report-news-conference-transcript.

[59] Documents on file with the Select Committee.

[60] Donald Trump (@realDonaldTrump), Twitter, Dec. 19, 2020 1:42 a.m. ET, available at http://web.archive.org/web/20201225035520mp__/https://twitter.com/realDonaldTrump/status/1340185773220515840 (archived).

[61] Tom Dickinson, ''Peter Navarro: Trump Distributed Bogus Election Fraud Research to 'Every' Congressional Republican,'' *Rolling Stone*, (Jan. 3, 2022) available at https://www.rollingstone.com/politics/politics-news/peter-navarro-interview-jan-6-electoral-college-1277938/.

[62] Documents on file with the Select Committee.

[63] Documents on file with the Select Committee. *See also Gohmert, et al. v. Pence*, 510 F. Supp. 3d 435 (E.D. Tex. 2021).

[64] Paul Bedard, ''Exclusive: Trump urges state legislators to reject electoral votes, 'You are the real power,''' *Washington Examiner*, (Jan. 3, 2021), available at https://www.washingtonexaminer.com/washington-secrets/exclusive-trump-urges-state-legislators-to-reject-electoral-votes-you-are-the-real-power.

[65] *Id.*

[66] Documents on file with the Select Committee.

[67] Navarro, *In Trump Time* (2021).

[68] *Id.*, at p. 225.

[69] *Id.*, at pp. 241–42.

[70] *See, e.g., id.*

[71] *Id.*

[72] *Id.*, at pp. 251–52.

[73] *Id.*, at p. 252.

[74] Documents on file with the Select Committee.

[75] Documents on file with the Select Committee.

[76] Tom Dickinson, ''Peter Navarro: Trump Distributed Bogus Election Fraud Research to 'Every' Congressional Republican,'' *Rolling Stone*, (Jan. 3, 2022) available at https://www.rollingstone.com/politics/politics-news/peter-navarro-interview-jan-6-electoral-college-1277938/.

[77] *See* Appendix I, Ex. 1.

[78] *Id.*

[79] *See* Appendix I, Ex. 8.

[80] *McGrain*, 273 U.S. at 174 (''We are of opinion that the power of inquiry—with process to enforce it—is an essential and appropriate auxiliary to the legislative function.''); *Barenblatt v. United States*, 360 U.S. 109, 111 (1959) (''The scope of the power of inquiry, in short, is as penetrating and far-reaching as the potential power to enact and appropriate under the Constitution.'').

[81] *Watkins*, 354 U.S. at 187–88 (''It is unquestionably the duty of all citizens to cooperate with the Congress in its efforts to obtain the facts needed for intelligent legislative action.''); *see also Committee on the Judiciary v. Miers*, 558 F. Supp.2d 53, 99 (D.D.C. 2008) (''The Supreme Court has made it abundantly clear that compliance with a congressional subpoena is a legal requirement.'') (citing *United States v. Bryan*, 339 U.S. 323, 331 (1950)).

[82] *United States v. Bryan*, 339 U.S. 323, 331 (1950).

[83] *United States v. Nixon*, 418 U.S. 683, 703–16 (1974)

[84] *Nixon v. Administrator of General Services (GSA)*, 433 U.S. 425, 449 (1977) (internal quotes and citations omitted).

[85] *Trump v. Thompson*, 2021 U.S. App. LEXIS 36315, at *46 (D.C. Cir. Dec. 9, 2021), *cert. denied*, 2022 U.S. LEXIS 796 (U.S., Feb. 22, 2022).

[86] *See* Appendix I, Ex. 2.

[87] *See* Appendix I, Ex. 6.

[88] *See also United States v. Burr*, 25 F. Cas. 187, 192 (CCD Va. 1807) (ruling that President Jefferson had to personally identify the passages he deemed confidential and could not leave this determination to the U.S. Attorney).

[89] Indeed, as noted above, President Biden has determined that no assertion of executive privilege is warranted by Mr. Navarro with respect to the areas of inquiry by the Select Committee. *See* Appendix I, Ex. 6.

[90] *See Nixon v. GSA*, 433 U.S. at 449.

[91] *In re Sealed Case (Espy)*, 121 F.3d 729, 752 (D.C. Cir. 1997).

[92] Navarro, *In Trump Time*, at pp. 241–42.

[93] *See, e.g., id.*, at p. 222.

[94] *See, e.g., id.*, at p. 266–72.

[95] *See, e.g., Espy*, 121 F.3d at 741–42 (discussing waiver and concluding that ''the White House has waived its claims of [executive] privilege in regard to the specific documents that it voluntarily revealed to third parties outside the White House'').

[96] *See Espy*, 121 F.3d at 752 (''the privilege only applies to communications . . . in the course of performing their function of advising the President on official government matters''); *cf. In re Lindsey*, 148 F.3d 1100, 1106 (D.C. Cir. 1998) (Deputy White House Counsel's ''advice [to the President] on political, strategic, or policy issues, valuable as it may have been, would not be shielded from disclosure by the attorney-client privilege'').

[97] *Espy*, 121 F.3d at 752.

[98] *See supra*, at note 56.

[99] *Trump v. Thompson*, 2021 U.S. App. 36315 (D.C. Cir. Dec. 9, 2021).

[100] *See* Appendix I, Ex. 6.

[101] *See Committee on the Judiciary v. McGahn*, 415 F. Supp.3d 148, 214 (D.D.C. 2019) (and subsequent history) (''To make the point as plain as possible, it is clear to this Court for the reasons explained above that, with respect to senior-level presidential aides, absolute immunity from compelled congressional process simply does not exist.''); *Committee on the Judiciary v. Miers*, 558 F. Supp.2d 53, 101 (D.D.C. 2008) (holding that White House counsel may not refuse to testify based on direction from the President that testimony will implicate executive privilege).

[102] *Id.*

[103] *See, e.g.*, Memorandum Opinion for the Counsel to the President, Office of Legal Counsel, *Testimonial Immunity Before Congress of the Former Counsel to the President*, 43 O.L.C. at 1 (May 20, 2019) (Slip Opinion); Letter Opinion for the Counsel to the President, *Testimonial Immunity Before Congress of the Assistant to the President and Senior Counselor to the President*, 43 O.L.C. 1 at 1 (July 12, 2019) (Slip Opinion).

[104] *See, e.g.*, Memorandum for the Honorable John W. Dean III, Counsel to the President, from Ralph E. Erickson, Assistant Attorney General, Office of Legal Counsel, *Re: Appearance of Presidential Assistant Peter M. Flanigan Before a Congressional Committee* at 1 (Mar. 15, 1972) (emphasis added).

[105] *Eastland v. U.S. Servicemen's Fund*, 421 U.S. 491 (1975).

[106] *See* 2 U.S.C. § 194.

[107] *See* Appendix I, Ex. 4.

[108] Carol Leonnig and Phillip Rucker, *I Alone Can Fix It*, (New York: Penguin, 2021), at p. 377.

[109] Bob Woodward and Robert Costa, *Peril*, (New York: Simon & Schuster, 2021), at p. 231; Michael C. Bender, *''Frankly, We Did Win This Election'': The Inside Story of How Trump Lost*, (New York: Twelve Books, 2021), at p. 373.

[110] Documents on file with the Select Committee.

[111] See Leonnig and Rucker, *I Alone Can Fix It*, at p. 465.

[112] Justin Hendrix, ''TheDonald.win and President Trump's Foreknowledge of the Attack on the Capitol,'' Just Security, (Jan. 12, 2022), available at https://www.justsecurity.org/79813/thedonald-win-and-president-trumps-foreknowledge-of-the-attack-on-the-capitol/ (discussing Mr. Scavino's social media practices for the President and noting that ''[t]he sharing of specific techniques, tactics, and procedures for the assault on the Capitol started on The Donald in earnest on December 19, 2020 . . .'').

[113] *See supra*, at note 56. Mr. Scavino was subject to the same restrictions on campaign activities as Mr. Navarro.

[114] Andrew Restuccia, Daniel Lippman, and Eliana Johnson, '''Get Scavino in here': Trump's Twitter guru is the ultimate insider,'' *Politico*, (May 16, 2019), available at https://www.politico.com/story/2019/05/16/trump-scavino-1327921; Justin Hendrix, ''TheDonald.win and President Trump's Foreknowledge of the Attack on the Capitol,'' Just Security (Jan. 12, 2022), available at https://www.justsecurity.org/79813/thedonald-win-and-president-trumps-foreknowledge-of-the-attack-on-the-capitol/; Woodward and Costa, *Peril*, at p. 231; Documents on file with the Select Committee.

[115] Andrew Restuccia, Daniel Lippman, and Eliana Johnson, '''Get Scavino in here': Trump's Twitter guru is the ultimate insider,'' *Politico*, (May 16, 2019), available at https://www.politico.com/story/2019/05/16/trump-scavino-1327921; Woodward and Costa, *Peril*, at p. 231; Documents on file with the Select Committee.

[116] Donald Trump (@realDonaldTrump), Twitter, Dec. 19, 2020 1:42 a.m. ET, available at http://web.archive.org/web/20201225035520mp__/https://twitter.com/realDonaldTrump/status/1340185773220515840 (archived).

[117] Donald Trump (@realDonaldTrump), Twitter, Dec. 19, 2020 9:41 a.m. ET, available at http://web.archive.org/web/20201225035301mp__/https://twitter.com/realDonaldTrump/status/1340306154031857665 (archived).

[118] Donald Trump (@realDonaldTrump), Twitter, Dec. 19, 2020 2:59 p.m. ET, available at http://web.archive.org/web/20201225035142mp__/https://twitter.com/realDonaldTrump/status/1340386251866828802 (archived).

[119] Donald Trump (@realDonaldTrump), Twitter, Dec. 20, 2020 12:26 a.m. ET, available at http://web.archive.org/web/20201225035219mp__/https://twitter.com/realDonaldTrump/status/1340529063799246848 (archived).

[120] Donald Trump (@realDonaldTrump), Twitter, Dec. 22, 2020 10:29 a.m. ET, available at http://web.archive.org/web/20201227202442mp__/https://twitter.com/realDonaldTrump/status/1341405487057821698 (archived).

[121] Donald Trump (@realDonaldTrump), Twitter, Dec. 26, 2020 9:00 a.m. ET, available at http://web.archive.org/web/20210101075201mp__/https://twitter.com/realDonaldTrump/status/1342832582606598144 (archived).

[122] Donald Trump (@realDonaldTrump), Twitter, Dec. 26, 2020 8:14 a.m. ET, available at http://web.archive.org/web/20201230193535mp__/https://twitter.com/realDonaldTrump/status/1342821189077622792 (archived).

[123] Donald Trump (@realDonaldTrump), Twitter, Dec. 28, 2020 4:00 p.m. ET, available at http://web.archive.org/web/20201230195203mp__/https://twitter.com/realDonaldTrump/status/1343663159085834248 (archived).

[124] Donald Trump (@realDonaldTrump), Twitter, Dec. 30, 2020 2:38 p.m. ET, available at http://web.archive.org/web/20201230212259mp__/https://twitter.com/realdonaldtrump/status/1344367336715857921 (archived).

[125] Donald Trump (@realDonaldTrump), Twitter, Jan. 4, 2021 10:07 a.m. ET, available at http://web.archive.org/web/20210106204726mp__/https://twitter.com/realDonaldTrump/status/1346110956078817280 (archived).

[126] Donald Trump (@realDonaldTrump), Twitter, Jan. 6, 2021 1:00 a.m. ET, available at http://web.archive.org/web/20210106204711mp__/https://twitter.com/realDonaldTrump/status/1346698217304584192 (archived).

[127] Donald Trump (@realDonaldTrump), Twitter, Jan. 6, 2021 8:17 a.m. ET, available at http://web.archive.org/web/20210106204708mp__/https://twitter.com/realDonaldTrump/status/1346808075626426371 (archived).

[128] Donald Trump (@realDonaldTrump), Twitter, Jan. 6, 2021 2:24 p.m. ET, available at http://web.archive.org/web/20210106204701mp__/http://www.twitter.com/realDonaldTrump/status/1346900434540240897 (archived).

[129] Justin Hendrix, ''TheDonald.win and President Trump's Foreknowledge of the Attack on the Capitol,'' Just Security, (Jan. 12, 2022), available at https://www.justsecurity.org/79813/thedonald-win-and-president-trumps-foreknowledge-of-the-attack-on-the-capitol/; Ryan Goodman and Justin Hendrix, ''The Absence of 'The Donald','' Just Security, (Dec. 6, 2021), available at https://www.justsecurity.org/79446/the-absence-of-the-donald/ (noting that a post discussing President Trump's December 19, 2020 ''Wild Protest'' tweet as a call to come to Washington, DC, for January 6th was ''pinned'' to the top of the website).

[130] Amrita Khalid, ''Donald Trump participated in a Reddit AMA, but not much of anything was revealed,'' daily dot, (July 27, 2016, updated May 26, 2021), available at https://www.dailydot.com/debug/donald-trump-reddit-ama-fail/.

[131] Mike Isaac, ''Reddit, Acting Against Hate Speech, Bans 'The__Donald' Subreddit,'' *New York Times*, (June 29, 2020, updated Jan. 27, 2021), available at https://www.nytimes.com/2020/06/29/technology/reddit-hate-speech.html.

[132] Craig Timberg and Drew Harwell, ''TheDonald's owner speaks out on why he finally pulled plug on hate-filled site,'' *Washington Post*, (Feb. 5, 2021), available at https://www.washingtonpost.com/technology/2021/02/05/why-thedonald-moderator-left/.

[133] Ben Schreckinger, ''World War Meme,'' *Politico Magazine*, (March/April 2017), available at https://www.politico.com/magazine/story/2017/03/memes-4chan-trump-supporters-trolls-internet-214856/.

[134] *Id.*

[135] Daniella Silva, ''President Trump Tweets Wrestling Video of Himself Attacking 'CNN','' NBC News, (July 2, 2017), available at https://www.nbcnews.com/politics/donald-trump/president-trump-tweets-wwe-video-himself-attacking-cnn-n779031.

[136] *Id.*

[137] Andrew Restuccia, Daniel Lippman, and Eliana Johnson, '''Get Scavino in here': Trump's Twitter guru is the ultimate insider,'' *Politico*, (May 16, 2019), available at https://www.politico.com/story/2019/05/16/trump-scavino-1327921.

[138] Justin Hendrix, ''TheDonald.win and President Trump's Foreknowledge of the Attack on the Capitol,'' Just Security, (Jan. 12, 2022), available at https://www.justsecurity.org/79813/thedonald-win-and-president-trumps-foreknowledge-of-the-attack-on-the-capitol/.

[139] *Id.*

[140] SITE Intelligence Group, ''How a Trump Tweet Sparked Plots, Strategizing to 'Storm and Occupy' Capitol with 'Handcuffs and Zip Ties','' (Jan. 9, 2021), available at https://ent.siteintelgroup.com/Far-Right-/-Far-Left-Threat/how-a-trump-tweet-sparked-plots-strategizing-to-storm-and-occupy-capitol-with-handcuffs-and-zip-ties.html.

[141] *Id.*

[142] Alex Thomas, ''Team Trump was in bed with online insurrectionists before he was even elected,'' daily dot, (Jan. 15, 2021, updated Feb. 15, 2021), available at https://www.dailydot.com/debug/dan-scavino-reddit-donald-trump-disinformation/.

[143] *Id.*

[144] SITE Intelligence Group, ''How a Trump Tweet Sparked Plots, Strategizing to 'Storm and Occupy' Capitol with 'Handcuffs and Zip Ties','' (Jan. 9, 2021), available at https://ent.siteintelgroup.com/Far-Right-/-Far-Left-Threat/how-a-trump-tweet-sparked-plots-strategizing-to-storm-and-occupy-capitol-with-handcuffs-and-zip-ties.html.

[145] *Id.*

[146] *Id.*

[147] Donald Trump (@realDonaldTrump), Twitter, Dec. 19, 2020 10:24 a.m. ET, available at https://web.archive.org/web/20201219182441/https://twitter.com/realdonaldtrump/status/1340362336390004737 (archived).

[148] Justin Hendrix, ''TheDonald.win and President Trump's Foreknowledge of the Attack on the Capitol,'' Just Security (Jan. 12, 2022), available at https://www.justsecurity.org/79813/thedonald-win-and-president-trumps-foreknowledge-of-the-attack-on-the-capitol/.

[149] Dan Scavino Jr.[American flag][Eagle] (@DanScavino), Twitter, Oct. 16, 2020, 8:26 p.m. ET, available at https://twitter.com/DanScavino/status/1317260632308224000.

[150] Dan Scavino Jr.[American flag][Eagle] (@DanScavino), ''[Video; https://twitter.com/i/status/1324578313420111872]'' Twitter, Nov. 6, 2020, 12:04 a.m. ET, available at https://twitter.com/DanScavino/status/1324578313420111872.

[151] Dan Scavino Jr.[American flag][Eagle] (@DanScavino), Twitter, Dec. 6, 2020, 12:34 a.m. ET, available at https://twitter.com/DanScavino/status/1335457640072310784.

[152] Dan Scavino Jr.[American flag][Eagle] (@DanScavino), ''[Video; https://twitter.com/i/status/1345551501440245762], Twitter, Jan. 2, 2021, 9:04 p.m. ET, available at https://twitter.com/danscavino/status/1345551501440245762.

[153] Criminal Complaint, *United States of America v. Ronald L. Sandlin*, (D.D.C.) (No. 21–cr–00088) (Jan. 20, 2020), available at https://www.justice.gov/opa/page/file/1362396/download.

[154] Indictment, *United States of America v. Marshall Neefe and Charles Bradford Smith*, (D.D.C.) (No. 21–cr–567) (Sept. 8, 2021), ECF 1, at p. 6, available at https://www.justice.gov/usao-dc/case-multi-defendant/file/1432686/download.

[155] First Superseding Indictment, *United States of America v. Caldwell et al.*, (D.D.C.) (No. 21–cr–28) (Feb. 19, 2021) ECF 27, at p. 9, available at https://www.justice.gov/usao-dc/case-multi-defendant/file/1369071/download.

[156] *See* Appendix II, Ex. 6.

[157] *Id.*

[158] *See* Appendix II, Ex. 1.

[159] *Id.*

[160] *Id.*

[161] *See* Appendix II, Ex. 2.

[162] *Id.*

[163] *Id.*

[164] *Id.*

[165] *See* Appendix II, Ex. 7.

[166] *Id.*

[167] *See* Appendix II, Ex. 8.

[168] *See* Appendix II, Ex. 2.

[169] *See* Appendix II, Ex. 9.

[170] *See* Appendix II, Ex. 10.

[171] *See* Appendix II, Ex. 11.

[172] *See* Appendix II, Ex. 3.

[173] *See* Appendix II, Ex. 12.

[174] (D.C. Cir., No. 21–5254) (appeal from D.D.C. No. 21–cv–02769)

[175] *See* Appendix II, Ex. 13.

[176] *See* Appendix II, Ex. 14.

[177] *See* Appendix II, Ex. 15.

[178] 595 U.S.__ (2022) (No. 21A272) (Jan. 19, 2022).

[179] *See* Appendix II, Ex. 4.

[180] *See* Appendix II, Ex. 16.

[181] *See supra*, at note 80.

[182] *See supra*, at note 81.

[183] *United States v. Bryan*, 339 U.S. 323, 331 (1950).

[184] *Nixon v. Administrator of General Services (GSA)*, 433 U.S. 425, 449 (1977) (internal quotes and citations omitted).

[185] *See* Appendix II, Ex. 5.

[186] *Id.*

[187] *Id.*

[188] *See* Appendix II, Ex. 7.

[189] *See also supra*, at note 88.

[190] *Nixon v. GSA*, 433 U.S. at 449.

[191] *Espy*, 121 F.3d 729, 752 (D.C. Cir. 1997).

[192] *Id.*

[193] *Nixon v. GSA*, 433 U.S. at 449 (quoting *U.S. v. Nixon*, 418 U.S. 683 (1974) (internal citations omitted)).

[194] *Trump v. Thompson*, 2021 U.S. App. LEXIS 36315, at *46 (D.C. Cir. Dec. 9, 2021).

[195] *Nixon v. GSA*, 433 U.S. at 449; *cf. In re Lindsey*, 148 F.3d 1100, 1106 (D.C. Cir. 1998) (Deputy White House Counsel's ''advice [to the President] on political, strategic, or policy issues, valuable as it may have been, would not be shielded from disclosure by the attorney-client privilege'').

[196] *Trump v. Thompson*, 2021 U.S. App. LEXIS 36315, at *46 (D.C. Cir. Dec. 9, 2021).

[197] *See* Appendix II, Ex. 5.

[198] *Committee on the Judiciary v. Miers*, 558 F. Supp.2d 53, 106 (D.D.C. 2008) (''Ms. Miers may assert executive privilege in response to any specific questions posed by the Committee'' and ''she must appear before the Committee to provide testimony, and invoke executive privilege where appropriate'').

[199] *See supra*, at notes 101–103.

[200] *Id.*

[201] *Id.*

[202] *Id.*

[203] Documents on file with the Select Committee.

[204] Documents on file with the Select Committee.

[205] *Eastland v. United States Servicemen's Fund*, 421 U.S. 491, 515 (1975).

[206] *See* 2 U.S.C. § 194.

[207] *See* Appendix II, Exs. 8, 11.

Appendix I

Exhibit 1 — Subpoena to Peter K. Navarro (Feb. 9, 2022)

SUBPOENA

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA

To Peter K. Navarro

You are hereby commanded to be and appear before the

Select Committee to Investigate the January 6th Attack on the United States Capitol

of the House of Representatives of the United States at the place, date, and time specified below.

☑ **to produce the things identified on the attached schedule** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of production: [redacted]

Date: February 23, 2022 Time: 10:00 AM

☑ **to testify at a deposition** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: United States Capitol Building, Washington, DC 20515, or by videoconference

Date: March 2, 2022 Time 10:00 AM

☐ **to testify at a hearing** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: _____

Date: _____ Time _____

To any authorized staff member or the United States Marshals Service

_____ to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, D.C. this 9th day of February, 2022.

Chairman or Authorized Member

Attest:

Clerk

PROOF OF SERVICE

Subpoena for
Peter K. Navarro
Address [redacted]
[redacted]
before the Select Committee to Investigate the January 6th Attack on the United States Capitol

U.S. House of Representatives
117th Congress

Served by (print name) _____

Title _____

Manner of service _____

Date _____

Signature of Server _____

Address _____

BENNIE G. THOMPSON, MISSISSIPPI
CHAIRMAN

ZOE LOFGREN, CALIFORNIA
ADAM B. SCHIFF, CALIFORNIA
PETE AGUILAR, CALIFORNIA
STEPHANIE N. MURPHY, FLORIDA
JAMIE RASKIN, MARYLAND
ELAINE G. LURIA, VIRGINIA
LIZ CHENEY, WYOMING
ADAM KINZINGER, ILLINOIS

U.S. House of Representatives
Washington, DC 20515

(202) 225-7800

One Hundred Seventeenth Congress

Select Committee to Investigate the January 6th Attack on the United States Capitol

February 9, 2022

VIA ELECTRONIC MAIL

Peter Navarro
[redacted]

Dear Mr. Navarro:

Pursuant to the authorities set forth in House Resolution 503 and the rules of the House of Representatives, the Select Committee to Investigate the January 6th Attack on the United States Capitol ("Select Committee") hereby transmits a subpoena that compels you to produce the documents set forth in the accompanying schedule by February 23, 2022, and to appear for a deposition on March 2, 2022.

The Select Committee is investigating the facts, circumstances, and causes of the January 6th attack and issues relating to the peaceful transfer of power, in order to identify and evaluate lessons learned and to recommend to the House and its relevant committees corrective laws, policies, procedures, rules, or regulations. The inquiry includes examination of how various individuals and entities coordinated their activities leading up to the events of January 6, 2021.

Based on publicly available information and information produced to the Select Committee, we believe that you have documents and information that are relevant to the Select Committee's investigation. For example, you, then a White House trade advisor, reportedly worked with Steve Bannon and others to develop and implement a plan to delay Congress's certification of, and ultimately change the outcome of, the November 2020 presidential election.[1] In your book, you reportedly described this plan as the "Green Bay Sweep" and stated that it was designed as the "last, best chance to snatch a stolen election from the Democrats' jaws of deceit."[2] In an interview, you reportedly added that former President Trump was "on board with the strategy", as were "more than 100" members of Congress including Representative Paul Gosar and Senator Ted Cruz.[3] That, of course, was not the first time you publicly addressed purported fraud in the election. You also released on your website a three-part report, dubbed the "Navarro

[1] Tim Dickinson, ROLLING STONE, *Trump Adviser Worried He's Not Getting Enough Credit for Trying to Ruin American Democracy* (December 28, 2021) available at https://www.rollingstone.com/politics/politics-news/jan6-peter-navarro-ted-cruz-green-bay-sweep-1276742/.
[2] *Id.*
[3] Jose Pagliery, THE DAILY BEAST, *Trump Adviser Peter Navarro Lays Out How He and Bannon Planned to Overturn Biden's Electoral Win* (December 27, 2021) available at https://www.thedailybeast.com/trump-advisor-peter-navarro-lays-out-how-he-and-steve-bannon-planned-to-overturn-bidens-electoral-win.

Report", repeating many claims of purported fraud in the election that have been discredited in public reporting, by state officials, and courts.[4] And, because you have already discussed these and other relevant issues in your recently published book, in interviews with reporters, and, among other places, on a podcast,[5] we look forward to discussing them with you, too.

Accordingly, the Select Committee seeks documents and a deposition regarding these and other matters that are within the scope of the Select Committee's inquiry. A copy of the rules governing Select Committee depositions, and document production definitions and instructions are attached. Please contact staff for the Select Committee at [redacted] to arrange for the production of documents.

Sincerely,

Bennie G. Thompson
Chairman

[4] Peter Navarro, *The Navarro Report* available at https://peternavarro.com/the-navarro-report/; *see also* Joe Walsh, FORBES, *White House Advisor Peter Navarro Releases Dubious Voter Fraud Report* (December 17, 2020) available at https://www.forbes.com/sites/joewalsh/2020/12/17/white-house-advisor-peter-navarro-releases-dubious-voter-fraud-report/?sh=23b88c221205.

[5] Ewan Palmer, *Steve Bannon Was 'The Heron on Jan. 6,' Says Peter Navarro* (December 17, 2021) available at https://www.newsweek.com/peter-navarro-steve-bannon-hero-january-6-capitol-riots-1660421.

Mr. Peter Navarro
Page 3

SCHEDULE

In accordance with the attached definitions and instructions, you, Peter Navarro, are hereby required to produce all documents and communications in your possession, custody, or control—including any such documents or communications stored or located on personal devices (e.g., personal computers, cellular phones, tablets, etc.), in personal accounts, and/or on personal applications (e.g., email accounts, contact lists, calendar entries, etc.)— referring or relating to the following items. If no date range is specified below, the applicable dates are for the time period September 1, 2020, to present.

1. All documents and communications referring or relating in any way to plans, efforts, or discussions regarding challenging, decertifying, delaying the certification of, overturning, or contesting the results of the 2020 Presidential election.

2. All communications, and documents related to communications, in which you were a participant or witness, relating in any way to the security of election systems in the United States.

3. All communications, documents, and information that are evidence of the claims of purported fraud in the three-volume report you wrote, *The Navarro Report*.

4. All documents and communications referring or relating to, Steve Bannon, Members of Congress, state and local officials, White House officials/employees, representatives of the Trump reelection campaign, and national and local party officials relating to election fraud or malfeasance, as well as delaying or preventing the certification of the November 2020 election. This includes all documents and communications related to the creation or implementation of what you have described publicly as the "Green Bay Sweep."

5. Final or draft press releases, letters, reports, or other documents that you, or someone on your behalf, released addressing election fraud or malfeasance, as well as delaying or preventing the certification of the election.

6. All documents and communications referring or relating in any way to electoral votes in the 2020 presidential election, including, but not limited to, drafts or final versions of documents purporting to be or related to Electoral College votes, meetings and preparations for meetings of purported electors for former President Trump and former Vice President Pence on or about December 14, 2020, and the actual or potential selection of an alternate slate of electors by any state legislature or executive.

7. All documents and communications referring or relating in any way to John Eastman, Rudolph Giuliani, Boris Epshteyn, Bernard Kerik, Jenna Ellis, or Mark Martin.

8. All documents and communications relating in any way to protests, marches, public assemblies, rallies, or speeches in Washington, D.C., on November 14, 2020, December 12, 2020, January 5, 2021, or January 6, 2021 (collectively, "Washington Rallies").

9. All documents and communications referring or relating to the financing or fundraising associated with the Washington Rallies and any individual or organization's travel to or accommodation in Washington, D.C., to attend or participate in the Washington Rallies.

10. All documents and communications related to the January 6, 2021, attack on the U.S. Capitol.

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this request, produce all responsive documents, regardless of classification level, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Select Committee to Investigate the January 6th Attack on the United States Capitol ("Committee").

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.

4. The Committee's preference is to receive documents in a protected electronic form (i.e., password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. With specific reference to classified material, you will coordinate with the Committee's Security Officer to arrange for the appropriate transfer of such information to the Committee. This includes, but is not necessarily limited to: a) identifying the classification level of the responsive document(s); and b) coordinating for the appropriate transfer of any classified responsive document(s).

5. Electronic document productions should be prepared according to the following standards:

   a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

   b. All electronic documents produced to the Committee should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

      BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee's letter to which the documents respond.

9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

11. In accordance with 5 U.S.C.§ 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.

12. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

16. If a date or other descriptive detail set forth in this request referring to a document

is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and
(2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

2. The term "communication" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

3. The terms "and" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.

4. The term "including" shall be construed broadly to mean "including, but not limited to."

5. The term "Company" means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.

6. The term "identify," when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; (b) the individual's business or personal address and phone number; and (c) any and all known aliases.

7. The term "related to" or "referring or relating to," with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.

8. The term "employee" means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, assignee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.

9. The term "individual" means all natural persons and all persons or entities acting on their behalf.

health, safety, and well-being of others present in the Chamber and surrounding areas. Members and staff will not be permitted to enter the Hall of the House without wearing a mask. Masks will be available at the entry points for any Member who forgets to bring one. The Chair views the failure to wear a mask as a serious breach of decorum. The Sergeant-at-Arms is directed to enforce this policy. Based upon the health and safety guidance from the attending physician and the Sergeant-at-Arms, the Chair would further advise that all Members should leave the Chamber promptly after casting their votes. Furthermore, Members should avoid congregating in the rooms leading to the Chamber, including the Speaker's lobby. The Chair will continue the practice of providing small groups of Members with a minimum of 5 minutes within which to cast their votes. Members are encouraged to vote with their previously assigned group. After voting, Members must clear the Chamber to allow the next group a safe and sufficient opportunity to vote. It is essential for the health and safety of Members, staff, and the U.S. Capitol Police to consistently practice social distancing and to ensure that a safe capacity be maintained in the Chamber at all times. To that end, the Chair appreciates the cooperation of Members and staff in preserving order and decorum in the Chamber and in displaying respect and safety for one another by wearing a mask and practicing social distancing. All announced policies, including those addressing decorum in debate and the conduct of votes by electronic device, shall be carried out in harmony with this policy during the pendency of a covered period.

117TH CONGRESS REGULATIONS FOR USE OF DEPOSITION AUTHORITY

COMMITTEE ON RULES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 4, 2021.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

MADAM SPEAKER: Pursuant to section 3(b) of House Resolution 8, 117th Congress, I hereby submit the following regulations regarding the conduct of depositions by committee and select committee counsel for printing in the Congressional Record.

Sincerely,

JAMES P. MCGOVERN,
Chairman, Committee on Rules.

REGULATIONS FOR THE USE OF DEPOSITION AUTHORITY

1. Notices for the taking of depositions shall specify the date, time, and place of examination. Depositions shall be taken under oath administered by a member or a person otherwise authorized to administer oaths. Depositions may continue from day to day.

2. Consultation with the ranking minority member shall include three days' notice before any deposition is taken. All members of the committee shall also receive three days written notice that a deposition will be taken, except in exigent circumstances. For purposes of these procedures, a day shall not include Saturdays, Sundays, or legal holidays except when the House is in session on such a day.

3. Witnesses may be accompanied at a deposition by personal, nongovernmental counsel to advise them of their rights. Only members, committee staff designated by the chair or ranking minority member, an official reporter, the witness, and the witness's counsel are permitted to attend. Observers or counsel for other persons, including counsel for government agencies, may not attend.

4. The chair of the committee noticing the deposition may designate that deposition as part of a joint investigation between committees, and in that case, provide notice to the members of the committees. If such a designation is made, the chair and ranking minority member of the additional committee(s) may designate committee staff to attend pursuant to regulation 3. Members and designated staff of the committees may attend and ask questions as set forth below.

5. A deposition shall be conducted by any member or committee counsel designated by the chair or ranking minority member of the Committee that noticed the deposition. When depositions are conducted by committee counsel, there shall be no more than two committee counsel permitted to question a witness per round. One of the committee counsel shall be designated by the chair and the other by the ranking minority member per round.

6. Deposition questions shall be propounded in rounds. The length of each round shall not exceed 60 minutes per side, and shall provide equal time to the majority and the minority. In each round, the member(s) or committee counsel designated by the chair shall ask questions first, and the member(s) or committee counsel designated by the ranking minority member shall ask questions second.

7. Objections must be stated concisely and in a non-argumentative and non-suggestive manner. A witness's counsel may not instruct a witness to refuse to answer a question, except to preserve a privilege. In the event of professional, ethical, or other misconduct by the witness's counsel during the deposition, the Committee may take any appropriate disciplinary action. The witness may refuse to answer a question only to preserve a privilege. When the witness has refused to answer a question to preserve a privilege, members or staff may (i) proceed with the deposition, or (ii) either at that time or at a subsequent time, seek a ruling from the Chair either by telephone or otherwise. If the Chair overrules any such objection and thereby orders a witness to answer any question to which an objection was lodged, the witness shall be ordered to answer. If a member of the committee chooses to appeal the ruling of the chair, such appeal must be made within three days, in writing, and shall be preserved for committee consideration. The Committee's ruling on appeal shall be filed with the clerk of the Committee and shall be provided to the members and witness no less than three days before the reconvened deposition. A deponent who refuses to answer a question after being directed to answer by the chair may be subject to sanction, except that no sanctions may be imposed if the ruling of the chair is reversed by the committee on appeal.

8. The Committee chair shall ensure that the testimony is either transcribed or electronically recorded or both. If a witness's testimony is transcribed, the witness or the witness's counsel shall be afforded an opportunity to review a copy. No later than five days after the witness has been notified of the opportunity to review the transcript, the witness may submit suggested changes to the chair. Committee staff may make any typographical and technical changes. Substantive changes, modifications, clarifications, or amendments to the deposition transcript submitted by the witness must be accompanied by a letter signed by the witness requesting the changes and a statement of the witness's reasons for each proposed change. Any substantive changes, modifications, clarifications, or amendments shall be included as an appendix to the transcript conditioned upon the witness signing the transcript.

9. The individual administering the oath, if other than a member, shall certify on the transcript that the witness was duly sworn. The transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall be filed, together with any electronic recording, with the clerk of the committee in Washington, DC. Depositions shall be considered to have been taken in Washington, DC, as well as the location actually taken once filed there with the clerk of the committee for the committee's use. The chair and the ranking minority member shall be provided with a copy of the transcripts of the deposition at the same time.

10. The chair and ranking minority member shall consult regarding the release of deposition testimony, transcripts, or recordings, and portions thereof. If either objects in writing to a proposed release of a deposition testimony, transcript, or recording, or a portion thereof, the matter shall be promptly referred to the committee for resolution.

11. A witness shall not be required to testify unless the witness has been provided with a copy of section 3(b) of H. Res. 8, 117th Congress, and these regulations.

REMOTE COMMITTEE PROCEEDINGS REGULATIONS PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

COMMITTEE ON RULES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 4, 2021.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

MADAM SPEAKER: Pursuant to section 3(s) of House Resolution 8, 117th Congress, I hereby submit the following regulations regarding remote committee proceedings for printing in the CONGRESSIONAL RECORD.

Sincerely,

JAMES P. MCGOVERN,
Chairman,
Committee on Rules.

REMOTE COMMITTEE PROCEEDINGS REGULATIONS PURSUANT TO HOUSE RESOLUTION 8

A. PRESENCE AND VOTING

1. Members participating remotely in a committee proceeding must be visible on the software platform's video function to be considered in attendance and to participate unless connectivity issues or other technical problems render the member unable to fully participate on camera (except as provided in regulations A.2 and A.3).

2. The exception in regulation A.1 for connectivity issues or other technical problems does not apply if a point of order has been made that a quorum is not present. Members participating remotely must be visible on the software platform's video function in order to be counted for the purpose of establishing a quorum.

3. The exception in regulation A.1 for connectivity issues or other technical problems does not apply during a vote. Members participating remotely must be visible on the software platform's video function in order to vote.

4. Members participating remotely off-camera due to connectivity issues or other technical problems pursuant to regulation A.1 must inform committee majority and minority staff either directly or through staff.

5. The chair shall make a good faith effort to provide every member experiencing connectivity issues an opportunity to participate fully in the proceedings, subject to regulations A.2 and A.3.

H. Res. 8

In the House of Representatives, U. S.,

January 4, 2021.

Resolved,

SECTION 1. ADOPTION OF THE RULES OF THE ONE HUNDRED SIXTEENTH CONGRESS.

The Rules of the House of Representatives of the One Hundred Sixteenth Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Sixteenth Congress, are adopted as the Rules of the House of Representatives of the One Hundred Seventeenth Congress, with amendments to the standing rules as provided in section 2, and with other orders as provided in this resolution.

SEC. 2. CHANGES TO THE STANDING RULES.

(a) CONFORMING CHANGE.—In clause 2(i) of rule II—

(1) strike the designation of subparagraph (1); and

(2) strike subparagraph (2).

(b) OFFICE OF DIVERSITY AND INCLUSION AND OFFICE OF THE WHISTLEBLOWER OMBUDS.—

SEC. 3. SEPARATE ORDERS.

(a) MEMBER DAY HEARING REQUIREMENT.—During the first session of the One Hundred Seventeenth Congress, each standing committee (other than the Committee on Ethics) or each subcommittee thereof (other than a subcommittee on oversight) shall hold a hearing at which it receives testimony from Members, Delegates, and the Resident Commissioner on proposed legislation within its jurisdiction, except that the Committee on Rules may hold such hearing during the second session of the One Hundred Seventeenth Congress.

(b) DEPOSITION AUTHORITY.—

(1) During the One Hundred Seventeenth Congress, the chair of a standing committee (other than the Committee on Rules), and the chair of the Permanent Select Committee on Intelligence, upon consultation with the ranking minority member of such committee, may order the taking of depositions, including pursuant to subpoena, by a member or counsel of such committee.

(2) Depositions taken under the authority prescribed in this subsection shall be subject to regulations issued by the chair of the Committee on Rules and printed in the Congressional Record.

(c) WAR POWERS RESOLUTION.—During the One Hundred Seventeenth Congress, a motion to discharge a measure introduced pursuant to section 6 or section 7 of the War

Exhibit 2 — Email from Peter K. Navarro to Select Committee Staff (Feb. 9, 2022)

From: pknavarro <[redacted]>
Sent: Wednesday, February 9, 2022 2:19 PM
To: [redacted] <[redacted]>
Subject: Re: U.S. House Select Committee to Investigate the January 6th Attack on the U.S. Capitol

yes. no counsel.
Executive privilege

Sent with ProtonMail Secure Email.

------- Original Message -------
On Wednesday, February 9th, 2022 at 2:16 PM, [redacted] wrote:

Mr. Navarro –

I am a Senior Investigative Counsel for the U.S. House Select Committee to Investigate the January 6th Attack on the U.S. Capitol. The Select Committee is seeking your deposition testimony and documents relevant to issues it is examining. Please confirm whether you are willing to accept service of a subpoena over email. If you are represented by counsel, please let me know his or her name and contact information and we will reach out as soon as possible.

Thank you,

[redacted]

[redacted]

Senior Investigative Counsel

Select Committee to Investigate the January 6th Attack

on the United States Capitol

U.S. House of Representatives

Exhibit 3 — Email from Select Committee Staff to Peter K. Navarro (Feb. 24, 2022)

[redacted]

From: [redacted]
Sent: Thursday, February 24, 2022 4:07 PM
To: pknavarro
Subject: RE: U.S. House Select Committee to Investigate the January 6th Attack on the U.S. Capitol

Mr. Navarro –

I'm following up on the Select Committee's subpoena to you.

The subpoena required you to produce documents to the Select Committee by yesterday, February 23, 2022. We have not received any documents or an indication that you have no documents that are responsive to the subpoena's document schedule.

Also, the date for your deposition is Wednesday, March 2, 2022, at 10:00 AM, and we will convene in a room in the House office buildings. Please contact me at your earliest convenience to discuss the details. Alternatively, please let me know if you do not plan to appear on March 2.

Thank you,
[redacted]

[redacted]
Senior Investigative Counsel
Select Committee to Investigate the January 6th Attack
on the United States Capitol
U.S. House of Representatives

From: [redacted]
Sent: Wednesday, February 9, 2022 4:21 PM
To: pknavarro[redacted]
Subject: RE: U.S. House Select Committee to Investigate the January 6th Attack on the U.S. Capitol

Mr. Navarro –

As promised, attached is a subpoena from the Select Committee, issued today.

Please let me know if you have any questions or would like to discuss.

Thanks,
[redacted]

[redacted]
Senior Investigative Counsel
Select Committee to Investigate the January 6th Attack
on the United States Capitol
U.S. House of Representatives

Exhibit 4 — Email Exchange between Select Committee Staff and Peter K. Navarro (Feb. 27, 2022)

From: [redacted]
To: [redacted]
Subject: RE: Navarro
Date: Sunday, February 27, 2022 6:13:04 PM

Mr. Navarro –

No, it will not be public or open to the press. It will be a staff-led deposition, which members of the Select Committee may also join and in which they may participate.

If you have a scheduling conflict with that date, please let me know and we would be happy to work with to find a date to be scheduled within a reasonable time. Also, please let me know when you anticipate providing documents that are responsive to the subpoena schedule, or a log of specific documents that you are withholding and the basis for withholding, such as executive privilege.

Thank you,
[redacted]

From: pknavarro [redacted]
Sent: Sunday, February 27, 2022 4:43 PM
To: [redacted]
Subject: RE: Navarro

Will this event be open to the public and press?

Sent with ProtonMail Secure Email.

-------- Original Message --------
On Sunday, February 27th, 2022 at 4:27 PM, [redacted] wrote:

> Mr. Navarro –
>
> Thank you for your email. There are topics, including those discussed in the Chairman's letter, that the Select Committee believes it can discuss with you without raising any executive privilege concerns at all. In any event, you must appear to assert any executive privilege objections on a question-by-question basis during the deposition. This will enable the Select Committee to better understand your objections and, if necessary, take any additional steps to address them.
>
> With that in mind, can you please let us know whether you intend to appear for deposition testimony on Wednesday, March 2, 2022, at 10:00 AM as scheduled by the subpoena? For convenience, I'm also attaching my email to you dated Thursday, February 24, 2022.
>
> Thank you again for your email.

[redacted]

[redacted]
Senior Investigative Counsel
Select Committee to Investigate the January 6th Attack
on the United States Capitol
U.S. House of Representatives

From: pknavarro[redacted]
Sent: Sunday, February 27, 2022 4:00 PM
To: [redacted]
Cc: pknavarro[redacted]
Subject: Navarro

March 1, 2022

[redacted]
Senior Investigative Counsel
Select Committee to Investigate the January 6 Attack
US House of Representatives

Dear [redacted]:

Please be advised that President Trump has invoked Executive Privilege in this matter; and it is neither my privilege to waive or Joseph Biden's privilege to waive. Accordingly, my hands are tied.

Your best course of action is to directly negotiate with President Trump and his attorneys regarding any and all things related to this matter.

In closing, I note that the United States government is in possession of all my official White House communications which your committee has requested. While I do not give my permission for your Select Committee to access this information as it involves privilege, I am at least advising you of this fact.

Thank you,

Peter Navarro

Exhibit 5 — Email from Peter K. Navarro to Select Committee Staff (Feb. 28, 2022)

From: pknavarro
To: [redacted]
Subject: RE: Navarro
Date: Monday, February 28, 2022 11:31:44 AM

Please be advised I have been clear in my communications on this matter. Below is my response. As I note, privilege is not mine to waive and it is incumbent on the Committee to directly negotiate with President Trump and his attorneys regarding any and all things related to this matter.

March 1, 2022

[redacted]
Select Committee to Investigate the January 6 Attack
US House of Representatives

Dear [redacted]

Please be advised that President Trump has invoked Executive Privilege in this matter; and it is neither my privilege to waive or Joseph Biden's privilege to waive. Accordingly, my hands are tied.

Your best course of action is to directly negotiate with President Trump and his attorneys regarding any and all things related to this matter.

In closing, I note that the United States government is in possession of all my official White House communications which your committee has requested. While I do not give my permission for your Select Committee to access this information as it involves privilege, I am at least advising you of this fact.

Thank you,

Peter Navarro

Exhibit 6 — Letter from White House Counsel to Peter K. Navarro (Feb. 28, 2022)

THE WHITE HOUSE
WASHINGTON

February 28, 2022

Peter K. Navarro
[redacted]

Dear Mr. Navarro:

I write regarding a subpoena issued to you by the Select Committee to Investigate the January 6th Attack on the United States Capitol (the "Select Committee").

As you are aware, in light of unique and extraordinary nature of the matters under investigation, President Biden has determined that an assertion of executive privilege is not in the national interest, and therefore is not justified, with respect to particular subjects within the purview of the Select Committee. These subjects include: events within the White House on or about January 6, 2021; attempts to use the Department of Justice to advance a false narrative that the 2020 election was tainted by widespread fraud; and other efforts to alter election results or obstruct the transfer of power. President Biden accordingly has decided not to assert executive privilege as your testimony regarding those subjects, or any documents you may possess that bear on them. For the same reasons underlying his decision on executive privilege, President Biden has determined that he will not assert immunity to preclude you from testifying before the Select Committee.

In light of President Biden's determination not to assert executive privilege with respect your testimony, we are not requesting that agency counsel be permitted to attend the deposition. Should you have any questions about the issues addressed in this letter, please contact me at [redacted].

Sincerely,

Jonathan C. Su
Deputy Counsel to the President

cc: [redacted]
Select Committee to Investigate the January 6th Attack on the United States Capitol

Exhibit 7 — Email from Select Committee Staff to Peter K. Navarro (Mar. 1, 2022)

From: [redacted]
To: pknavarro
Subject: RE: Navarro
Date: Tuesday, March 1, 2022 9:43:55 PM
Attachments: RE Navarro (15.9 KB).msg
RE U.S. House Select Committee to Investigate the January 6th Attack on... (13.9 KB).msg

Mr. Navarro –

Thank you for your email. As I mentioned to you in the attached emails, there are topics that the Select Committee believes it can discuss with you without raising any executive privilege concerns at all, including, but not limited to, questions related to your public three-part report about purported fraud in the November 2020 election and the plan you described in your book called the "Green Bay Sweep." If there are specific questions that raise executive privilege concerns, you can assert your objections on the record and on a question-by-question basis.

It is unclear from your correspondence whether you plan attend tomorrow's deposition, as required by the subpoena. We plan to proceed with the deposition at 10 AM in the [redacted]. Please feel free to contact me when you arrive so someone can escort you to the conference room.

Thank you,
[redacted]

From: pknavarro [redacted]
Sent: Monday, February 28, 2022 11:32 AM
To: [redacted]
Subject: RE: Navarro

Please be advised I have been clear in my communications on this matter. Below is my response. As I note, privilege is not mine to waive and it is incumbent on the Committee to directly negotiate with President Trump and his attorneys regarding any and all things related to this matter.

March 1, 2022

[redacted]
Senior Investigative Counsel
Select Committee to Investigate the January 6 Attack
US House of Representatives

Dear [redacted]:

Please be advised that President Trump has invoked Executive Privilege in this matter; and it is neither my privilege to waive or Joseph Biden's privilege to waive. Accordingly, my hands are tied.

Your best course of action is to directly negotiate with President Trump and his attorneys regarding any and all things related to this matter.

In closing, I note that the United States government is in possession of all my official White House communications which your committee has requested. While I do not give my permission for your Select Committee to access this information as it involves privilege, I am at least advising you of this fact.

Thank you,

Peter Navarro

Exhibit 8 — Deposition that Memorialized Peter K. Navarro's Failure to Appear before the Select Committee (Mar. 2, 2022)

SELECT COMMITTEE TO INVESTIGATE THE
JANUARY 6TH ATTACK ON THE U.S. CAPITOL,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

DEPOSITION OF: PETER K. NAVARRO (NO-SHOW)

Wednesday, March 2, 2022

Washington, D.C.

The deposition in the above matter was held in [redacted], commencing at 10:04 a.m.

Appearances:

For the SELECT COMMITTEE TO INVESTIGATE
THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

[redacted]

[redacted]. We are on the record. Today is March 2nd, 2022. The time is 10:04. We're convened in the [redacted] for the deposition of Peter Navarro to be conducted by the House Select Committee to Investigate the January 6th Attack on the United States Capitol. My name is [redacted]. I am the designated select committee senior investigative counsel for this proceeding. I am accompanied by [redacted].

For the record, it's 10:04 a.m. Mr. Peter Navarro is not present. The person transcribing this proceeding is the House stenographer and notary public authorized to administer oaths.

I want to put on the record, briefly, the facts with respect to Mr. Navarro being given notice of this proceeding.

On February 9th, Chairman Bennie Thompson issued a subpoena to Mr. Navarro both to produce documents by February 23rd, 2022, and to testify at a deposition on March 2nd, 2022, at 10 a.m. The subpoena pertains to the select committee's investigation into the facts, circumstances, and causes of the January 6th attack and issues related to the peaceful transfer of power in order to identify and evaluate lessons learned, and to recommend to the House and its relevant committees corrective laws, policies, procedures, rules, or regulations.

On February 9th, 2022, [redacted], reached out to Mr. Navarro by email and asked whether he would be willing to accept the service -- accept service of a subpoena for deposition and documents by email. [redacted] email also asked Mr. Navarro if he was represented by counsel.

Mr. Navarro responded to [redacted] on the same day, stating that he would be willing to accept service of the subpoena by email and that he was not represented by

counsel in the matter. Mr. Navarro also wrote in the email, quote "executive privilege," close quote. He did not explain what he meant by that.

[redacted], following up on Mr. Navarro's email, served Mr. Navarro with the subpoena, which we will attach to the record as exhibit 1.

[Navarro Exhibit No. 1

Was marked for identification.]

[redacted]. And the subpoena called for, as I noted, production of documents by February 23rd, 2022, and testimony on March 2nd, 2022, at 10 a.m.

On February 24th, 2022, having not heard back from Mr. Navarro in response to the subpoena and having received no documents in response to subpoena, [redacted] reached out for Mr. Navarro, again, reminded him of the subpoena compliance date and indicated we had not received any documents. [redacted] also reminded Mr. Navarro that his deposition was set for March 2nd, 2022, at 10 a.m., and that we would be convening in one of the House Office Buildings.

Mr. Navarro wrote back on February 27th, 2022, and advised [redacted] that President Trump had invoked executive privilege in this matter, and it was neither his privilege to waive nor President Biden's privilege to waive. He stated, quote, "Accordingly, my hands are tied," close quote.

[redacted] responded the same day, Sunday, the 27th, to Mr. Navarro and stressed to him that there were topics that would be included in the deposition and were referenced in the chairman's letter that he, Mr. Navarro, could discuss without raising any potential claim of executive privilege.

[redacted] also reminded Mr. Navarro that he would have to assert executive privilege on a question-by-question basis during the deposition and that he was expected to comply with the deposition and appear on March 2nd, at 10 a.m., as noted in the

subpoena.

Mr. Navarro responded that same afternoon asking, will this event be open to the public and press?

[redacted] responded by email the same afternoon answering Mr. Navarro's questions.

On the next day, February 28th, Mr. Navarro emailed [redacted]: Please be advised, I have been cleared in my communications on this matter. Below is my response. As I note, privilege is not mine to waive. And it is incumbent on the committee to directly negotiate with President Trump and his attorneys regarding any and all things related to this matter.

And Mr. Navarro included some further comments, dated March 1st, in that February 28th letter, along the lines of what I just stated that was in the email.

On Tuesday, March 1st, [redacted] again emailed Mr. Navarro thanking him for his email, reminding him that there were topics that we would be talking about at the deposition that did not implicate any executive privilege concerns. And [redacted] provided examples to Mr. Navarro of some of those types of questions, again reminding him that he could assert objections on the record on a question-by-question basis.

[redacted] asked Mr. Navarro to clarify whether he intended to appear at the deposition scheduled for March 2nd, as required by the subpoena. He advised Mr. Navarro that the deposition would begin at 10 a.m. at the [redacted], provided the address, and asked Mr. Navarro to contact him when he arrives so that he could be escorted to the conference room. That email was sent on the night of March 1st -- last night. Now, March 2nd, after 10 a.m., Mr. Navarro has not appeared for his deposition.

With that, I will note for the record that the current time is 10:11. Mr. Navarro

still has not appeared or communicated to the select committee that he will appear today, as required by the subpoena. Accordingly, the record is now closed. And we can go off the record.

[Whereupon, at 10:13 a.m., the deposition was concluded.]

Appendix II

Exhibit 1 — Subpoena to Daniel Scavino, Jr. (Oct. 6, 2021)

SUBPOENA

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA

To Daniel J. Scavino, Jr.

You are hereby commanded to be and appear before the

Select Committee to Investigate the January 6th Attack on the United States Capitol

of the House of Representatives of the United States at the place, date, and time specified below.

☑ **to produce the things identified on the attached schedule** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of production: [redacted]

Date: October 21, 2021 Time: 10:00 a.m.

☑ **to testify at a deposition** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: [redacted]

Date: October 28, 2021 Time: 10:00 a.m.

☐ **to testify at a hearing** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony:

Date: Time:

To any authorized staff member or the United States Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, D.C. this 6th day of October, 2021.

Chairman or Authorized Member

Attest:

Clerk

PROOF OF SERVICE

Subpoena for Daniel J. Scavino, Jr.

Address The Mar-a-Lago Club, [redacted]

[redacted]

before the Select Committee to Investigate the January 6th Attack on the United States Capitol

U.S. House of Representatives
117th Congress

Served by (print name) [redacted]

Title [redacted] U.S. Marshal

Manner of service Personally served Susan Wiles, Chief of Staff to the 45th office (Post-Presidency Office)

Date 10/08/2021

Signature of Server [redacted]

Address [redacted]

BENNIE G. THOMPSON, MISSISSIPPI
CHAIRMAN

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ADAM B. SCHIFF, CALIFORNIA
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U.S. House of Representatives
Washington, DC 20515

january6th.house.gov
(202) 225-7800

One Hundred Seventeenth Congress

Select Committee to Investigate the January 6th Attack on the United States Capitol

October 6, 2021

Mr. Daniel J. Scavino, Jr.
[redacted]

Dear Mr. Scavino:

Pursuant to the authorities set forth in House Resolution 503 and the rules of the House of Representatives, the Select Committee to Investigate the January 6th Attack on the United States Capitol ("Select Committee") hereby transmits a subpoena that compels you to produce the documents set forth in the accompanying schedule by October 21, 2021, and to appear for a deposition on October 28, 2021.

The Select Committee is investigating the facts, circumstances, and causes of the January 6th attack and issues relating to the peaceful transfer of power, in order to identify and evaluate lessons learned and to recommend to the House and its relevant committees corrective laws, policies, procedures, rules, or regulations. The inquiry includes examination of how various individuals and entities coordinated their activities leading up to the events of January 6, 2021, and the messages, videos, and internet communications that were disseminated to the public concerning the election, the transition in administrations, and the constitutional and statutory processes that effect that transition.

The Select Committee has reason to believe that you have information relevant to understanding important activities that led to and informed the events at the Capitol on January 6, 2021, and relevant to former President Trump's activities and communications in the period leading up to and on January 6. For example, the Select Committee has reason to believe that you have knowledge regarding the communications strategy of the former President and his supporters leading up to the events on January 6. As the Deputy Chief of Staff for Communications, reporting indicates that you were with the former President on January 5, when he and others were considering how to convince Members of Congress not to certify the election for Joe Biden.[1] Your public Twitter account makes clear that you were tweeting messages from the White House on January 6, 2021.[2] And prior to January 6, 2021, you promoted, through your Twitter messaging, the January 6 March for Trump, which encouraged people to "be a part of history."[3] Your long service with the former President—spanning more than a decade and which included service as his digital strategy director, overseeing his social media presence, including on Twitter— suggest that you have knowledge concerning communications involving the 2020 presidential election and rallies and activities supporting and including the former President on January 6.

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[1] Bob Woodward & Robert Costa, Peril at 231 (2021).

[2] *E.g.*, Dan Scavino[American flag][eagle] (@DanScavino), Twitter (Jan. 6, 2021, 11:12 AM, from The White House), https://twitter.com/DanScavino/status/1346584866964598785?s=20; Dan Scavino[American flag][eagle] (@DanScavino), Twitter (Jan. 6, 2021, 10:50 AM, from The White House), https://twitter.com/danscavino/status/1346846609905168385?lang=en.

[3] Dan Scavino[American flag][eagle] (@DanScavino), Twitter (Jan. 2, 2021, 9:04 PM), https://twitter.com/DanScavino/status/1345551501440245762?s=20.

It also appears that you were with or in the vicinity of former President Trump on January 6 and are a witness regarding his activities that day. You may also have materials relevant to his videotaping and tweeting messages on January 6. Accordingly, the Select Committee seeks both documents and your deposition testimony regarding these and other matters that are within the scope of the Select Committee's inquiry.

A copy of the rules governing Select Committee depositions, and a copy of document production definitions and instructions are attached. Please contact staff for the Select Committee at [redacted] to arrange for the production of documents.

Sincerely,

Bennie G. Thompson
Chairman

SCHEDULE

In accordance with the attached Definitions and Instructions, you, Mr. Daniel Scavino, Jr., are hereby required to produce all documents and communications in your possession, custody, or control control—including any such documents or communications stored or located on personal devices (e.g., personal computers, cellular phones, tablets, etc.), in personal or campaign accounts, and/or on personal or campaign applications (e.g., email accounts, contact lists, calendar entries, etc.)— referring or relating to the following items. If no date range is specified below, the applicable dates are for the time period April 1, 2020-present.

1. The January 6, 2021, rally on the mall and Capitol grounds in Washington, D.C., in support of President Donald J. Trump and opposition to certification of the results of the 2020 presidential election, including any permitting, planning, objectives, financing, and conduct, as well as any communications to or from any person or group involved in organizing or planning for the January 6, 2021, rally.
2. Then-President Trump's participation in the January 6, 2021, rally, including any communications with President Trump or any paid or unpaid attorney, advisor, assistant, or aide to President Trump relating to the nature, context, or content of President Trump's intended or actual remarks to those attending the January 6, 2021, rally.
3. Communications referring or relating to the nature, planning, conduct, message, purpose, objective, promotion of, or participation in the January 6, 2021, rally that were between or among any person who, during the Administration of former President Trump, worked in the White House complex, including any employee or detailee.
4. Your communications with President Donald J. Trump concerning delaying or preventing the certification of the election of Joe Biden as President or relating to the rallies of January 5 or January 6, 2021.
5. Plans to communicate, or actual communications, relating to alleged fraud or other election irregularities in connection with the 2020 presidential election.
6. Communications with any non-governmental entity, organization, or individual relating to the January 6, 2021, rally, including any statements or other materials you or members of your office provided to any such entity, organization, or individual in connection with the planning, objectives, organization, message of, sponsorship and participation in the January 6, 2021, rally.
7. All communications regarding President Trump's meetings and communications that day.
8. Communications with any individual or organization, within or outside the government, referring or related to the activities and events at the January 6, 2021, rally, including messaging or characterization of those activities and events following the January 6, 2021, rally.
9. Any communications with, including any materials or statements you provided directly or indirectly to, any Member of Congress or the staff of any Member of Congress referring or related to the planning, objectives, organization, message, sponsorship, or participation in the January 6, 2021, rally.

10. Anyone with whom you communicated by any means regarding any aspect of the planning, objectives, conduct, message of, promotion of, or participation in the January 6, 2021, rally.

11. From November 3, 2020, through January 6, 2021, any efforts, plans, or proposals to contest the 2020 Presidential election results or delay, influence, or impede the electoral count, including all tweets or posts on Parler urging attendance at the January 6 rally.

12. The role of the Vice President as the Presiding Officer in the certification of the votes of the electoral college.

13. All briefings or information from the United States Secret Service regarding participants at the January 6 rally on the Ellipse or the march to Capitol Hill, and all information relating to any plans or statements by President Trump that he would attend or participate in the events on Capitol Hill on January 6.

14. All communications with the Trump family on January 6, 2021.

15. All materials relating to former President Trump's videotaped messages on January 6 or regarding January 6, including all unused takes or recordings made that day.

Exhibit 2 — All Email Correspondence between Select Committee Staff and Counsel for Mr. Scavino

From: [redacted]
To [redacted]
Cc: [redacted]
Subject: RE: Dan Scavino
Date: Tuesday, November 30, 2021 8:23:00 PM

Hi Stanley,

Thank you for the conversation this afternoon. Per that discussion, it is our understanding that Mr. Scavino does not intend to appear for tomorrow's scheduled deposition. For your information, we will be proceeding on the record tomorrow to record his absence.

We will be in touch soon regarding next steps.

Best,

[redacted]
Select Committee to Investigate the January 6th Attack on the Capitol of the United States

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From: [redacted]
Sent: Tuesday, November 30, 2021 1:43 PM
To [redacted]
Cc: [redacted]
Subject: RE: Dan Scavino

Hi Stanley,

I do think it would be helpful to discuss. I called earlier but got your voicemail. Please give me a call at [redacted].

From: [redacted]
Sent: Tuesday, November 30, 2021 1:42 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Dan Scavino

[redacted] – as the Select Committee has yet to address the concerns we have raised, I believe our position remains fairly stated in our correspondence. I'm happy to discuss if that would be helpful.

Thanks,

Stanley

From: [redacted]
Sent: Tuesday, November 30, 2021 11:15 AM

To: [redacted]
Cc: [redacted]
Subject: RE: Dan Scavino

Good morning, Stanley,

We are in receipt of your Friday correspondence, but I do not believe we received, as we requested by noon yesterday, confirmation of whether Mr. Scavino intends to appear tomorrow. Please respond to this email to confirm whether he will appear, or give me a call at [redacted].

From: [redacted]
Sent: Friday, November 26, 2021 4:40 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Dan Scavino

Folks – please see the attached correspondence.

From: [redacted]
Sent: Tuesday, November 23, 2021 5:53 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Dan Scavino

Thank you, Stanley. I appreciate the response. Attached, please find a letter reflecting, as I mentioned earlier, a final continuation of the document and deposition dates, as well as the subpoena for Mr. Scavino reflecting those dates.

Please let me know if you have any questions.

Have a happy Thanksgiving!

From: [redacted]
Sent: Tuesday, November 23, 2021 12:45 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Dan Scavino

Hi [redacted] – I have confirmed with Mr. Scavino that we can accept service of the subpoena on his behalf.

Thank you,

Stanley

From: [redacted]
Sent: Tuesday, November 23, 2021 9:21 AM
To: [redacted]
Cc: [redacted]
Subject: RE: Dan Scavino

Hi Stan,

I can move some things around this morning if that's more convenient for you. Would 10 AM work?

From: [redacted]
Sent: Monday, November 22, 2021 10:56 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Dan Scavino

Hi [redacted] – happy to touch base, but am not "at work" tomorrow. I have my 2yo all day and my older boys in the afternoon. I also have a virtual court status hearing at 3pm. I expect that will last at least an hour. So long as you all don't mind the background noise, I'm happy to talk around my hearing at your convenience.

From: [redacted]
Sent: Monday, November 22, 2021 10:49 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Dan Scavino

Hi Stanley,

We'd like to check in tomorrow afternoon. Can you provide a few times when you are available?

Thank you.

From: [redacted]
Sent: Thursday, November 18, 2021 12:00 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Dan Scavino

Folks, please see the attached correspondence.

Thanks,

Stanley

From: [redacted]
Sent: Tuesday, November 16, 2021 1:09 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Dan Scavino

Thank you, Stanley. I am confirming receipt of your letter.

In advance of Friday's scheduled deposition, I am resending the House deposition rules and also attaching the resolution mentioned in those rules.

In light of Mr. Scavino's assertion of privilege over all the documents the Select Committee has requested, does Mr. Scavino intends to appear this Friday to provide substantive testimony – beyond assertions of privilege – about any of the subject matters the Select Committee has identified?

If Mr. Scavino intends to appear, please let us know who will be accompanying him for that deposition. We are taking the necessary logistical steps to prepare for his appearance and need a full list of attendees.

Thank you.

From: [redacted]
Sent: Monday, November 15, 2021 11:29 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Dan Scavino

Folks – please see the attached correspondence on behalf of Mr. Scavino.

Thanks,

Stanley

From: [redacted]
Sent: Wednesday, November 10, 2021 10:10 AM
To: [redacted]
Cc: [redacted]
Subject: RE: Dan Scavino

Hi Stanley,

We are willing to grant one final extension for the deposition to next **Friday, November 19**. We will not be able to grant further continuances beyond that date. We request that we hear from you no later than noon on **Thursday, November 18**, on whether Mr. Scavino intends to testify about any of the identified matters, and if so, which ones.

We are also willing to grant a document production extension to **Monday, November 15**, to allow time for your conference with Mr. Scavino today and subsequent document production or the provision of a privilege log.

Thank you.

[redacted]
Select Committee to Investigate the January 6th Attack on the Capitol of the United States

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From: [redacted]
Sent: Tuesday, November 9, 2021 10:32 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Dan Scavino

Hi [redacted] – thanks for sending this along. I think you will agree that this is a lot of ground to cover in just one day. Even if we were in a position to address what privileges or other objections warrant discussion – and we're cognizant of Judge Chutkan's 40 page opinion issued earlier this evening – I'm not sure I could prepare any witness for a deposition on the breadth of these subjects on such short notice. Next week, I have an in-person meeting with DOJ on Wednesday, but am prepared to travel to and from Palm Beach at least twice, on Tuesday and Thursday. I'm happy to keep the committee apprised of my progress in the interim and perhaps we might hone in on a subset of topics that can be prioritized. In the meantime, we would request a further extension of the deadline for Mr. Scavino to participate in a deposition.

I also acknowledge your request for a privilege log and will address this with Mr. Scavino promptly.

Please let me know if you would like to discuss.

Thanks,

Stanley

From: [redacted]
Sent: Tuesday, November 9, 2021 7:17 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Dan Scavino

Good evening, Stanley,

As promised, please find attached a letter identifying topics the Select Committee would like to explore with Mr. Scavino in a deposition. Our understanding is that you are meeting with him tomorrow and will be able to follow up with us tomorrow evening about the status of document review and Friday's deposition date. We are happy to schedule a time now for us to speak tomorrow evening, if you are amenable to that.

Thank you.

From: [redacted]
Sent: Sunday, November 7, 2021 10:28 AM
To: [redacted]
Cc: [redacted]
Subject: RE: Dan Scavino

That sounds good folks, speak to you soon.

Attached is the letter referenced in our correspondence.

From: [redacted]
Sent: Saturday, November 6, 2021 8:09 PM
To: Stanley Woodward [redacted]
Cc: [redacted]
Subject: Re: Dan Scavino

Hi Stanley,

[redacted] and I will plan to call you at 11 am tomorrow.

Please send along the attachment when you are able.

Thank you.

> On Nov 6, 2021, at 10:29 AM, [redacted] wrote:
>
> Thanks, Stanley. I can do any time tomorrow morning, but would like to connect earlier if you have time later today.
>
> Sent from my iPhone
>
> > On Nov 6, 2021, at 9:36 AM, Stanley Woodward [redacted] wrote:
> >
> > Hi [redacted] - sorry for the delayed response. Yes, I'm happy to connect

this weekend. I just ran out the door for a day of kids' soccer would you have time tomorrow morning?

And I can't seem to pull up the attachment on my phone but will send it as soon as I get home.

Thanks,

Stanley

Brand | Woodward
[redacted]

On Nov 5, 2021, at 6:03 PM, [redacted] wrote:

Hi Stanley,

I gave you a call to follow up on a couple of items but got your voicemail. Can we schedule a time to talk this evening or tomorrow?

Thanks.

From: [redacted]
Sent: Friday, November 5, 2021 4:53 PM
To: [redacted]
Subject: RE: Dan Scavino

Hi Stanley,

The letter refers to an attachment that I don't think was appended to the last email. Can you pass that along?

Thank you.

[redacted]
Select Committee to Investigate the January 6th Attack on the Capitol of the United States

From: [redacted]
Sent: Friday, November 5, 2021 4:49 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Dan Scavino

[redacted] – as discussed, please see the attached correspondence.

Thanks,

Stanley

From: [redacted]
Sent: Wednesday, November 3, 2021 2:00 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Dan Scavino

Stanley,

Good talking with you this afternoon. As discussed, we will continue the deadline for your client to produce documents responsive to the subpoena by one day – now **Friday, 11/5**. I understand that you are imaging your client's machines, reviewing whether he has any responsive documents, and evaluating possible privilege claims. I further understand you are preparing a letter to the Select Committee about this process and can deliver that to us in the next day or so. We will review that letter and be prepared to further engage about documents and the upcoming deposition on Friday.

Talk to you soon,

[redacted]

Cc: [redacted]

From: [redacted]
Sent: Tuesday, November 2, 2021 8:47 PM
To: [redacted]

Cc: [redacted]
Subject: RE: Dan Scavino

Folks – I wanted to follow up and provide a brief update. I'm sorry for not reaching out sooner, but logistics continued to prove challenging. I'm in the middle of a trial in Fairfax, Virginia, but was able to fly down to Palm Beach today to meet with Mr. Scavino because the Court was closed (election day). I'm on my way back to DC now and could connect over teams today, but probably not until after 9. Tomorrow I'm back in trial, so again would probably not be able to do a teams meeting until after 7. I'm also happy to schedule a call tomorrow, but I unfortunately am not given much notice as to when we'll have a break and they're only 15 minutes long.

Alternatively, the trial concludes Thursday at 2:30pm and I could be available for a teams after 3:30pm or any time on Friday.

Thanks,

Stanley

From: [redacted]
Sent: Wednesday, October 27, 2021 5:11 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Dan Scavino

Hi Stanley,

Thanks for your message. We are willing to provide another brief extension to accommodate the schedule you suggest below, though no further delay absent something unforeseen. I want to give you the time you need to search for documents and prepare your client for his deposition, though this has been pending for some time. Let's schedule a call for Tuesday after your meeting with him to confirm timing. Can you suggest some windows when you're available? [redacted] and I will send a Teams invite for a time that works for all.

To confirm, we will delay the document production deadline until Thursday, November 4 and schedule the deposition for

Friday, November 12 (Thursday 11/11 is Veteran's Day).

Thanks,

[redacted]

From: [redacted]
Sent: Wednesday, October 27, 2021 4:39 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Dan Scavino

Hi folks – I wanted to touch base in advance of tomorrow's deadline to request another brief extension. As I think I mentioned, I'm preparing for a trial that starts Monday and Mr. Scavino and I have had trouble finding time to meet in person. At the moment, I'm scheduled to meet with him on Tuesday, November 2, 2021 (because the Court is closed for Election Day). At that time, I'll be making a forensic backup of his electronic devices and will perform an initial search for records responsive to his subpoena. Assuming that it appears there are no responsive records, I will confirm the same with you, subject to a more formal search by me after the forensic backups are completed. If this is amenable to you all, I would propose just another one week extension on both deadlines and we can plan to speak on Tuesday or at your convenience.

Thank you,

Stanley

From: [redacted]
Sent: Wednesday, October 20, 2021 3:35 PM
To: Stanley Woodward [redacted]
Cc: [redacted]
Subject: RE: Dan Scavino

Stanley,

Good talking with you today. This confirms our agreement to postpone the dates on Mr. Scavino's subpoena by one week. That moves the deadline for production of documents to 10/28 and the deposition date to 11/4.

I understand that you are in the process of ascertaining whether Mr. Scavino has any documents responsive to the subpoena, including imaging his phone and computer. Please let us know asap if there are such documents and whether they can be promptly produced. As discussed, we are willing to talk with you about the subject matters that we will seek to develop with Mr. Scavino during his deposition, so you can evaluate privilege issues. We do not believe any valid privilege claim exists, though are willing to talk with you about the scope of our inquiry in the interest of getting the deposition done.

Please let [redacted] and I know when you have more information. Thanks again for reaching out – looking forward to working with you on this moving forward.

[redacted]

Cc: [redacted]

From: Stanley Woodward
[redacted]
Sent: Wednesday, October 20, 2021 1:58 PM
To: [redacted]
Cc: [redacted]
Subject: Re: Dan Scavino

Hi [redacted] - 3 is great. You can call my cell, below.

Thanks,

Stanley

Brand | Woodward
[redacted]

On Oct 20, 2021, at 1:01 PM, [redacted] wrote:

Hi Stanley -

Thanks for your message. Can we talk at 3? It will be [redacted] and I. What is best number for you then?

Thanks,

[redacted]

Sent from my iPhone

On Oct 20, 2021, at 12:30 PM, [redacted] wrote:

[redacted] – we've been retained to represent Dan Scavino in responding to the Select Committee's subpoena to Dan for records and testimony. Is there a convenient time for us to have an introductory call?

Thanks,

Stanley

Brand | Woodward
[redacted]

Exhibit 3 — Letter from Chairman Thompson to Counsel for Mr. Scavino (Nov. 23, 2021)

BENNIE G. THOMPSON, MISSISSIPPI
CHAIRMAN

ZOE LOFGREN, CALIFORNIA
ADAM B. SCHIFF, CALIFORNIA
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U.S. House of Representatives
Washington, DC 20515

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(202) 226-7200

One Hundred Seventeenth Congress

Select Committee to Investigate the January 6th Attack on the United States Capitol

November 23, 2021

Mr. Stanley E. Woodward, Jr.
Mr. Stan M. Brand
[redacted]

Dear Messrs. Woodward and Brand,

The Select Committee to Investigate the January 6th Attack on the U.S. Capitol ("Select Committee") is in receipt of your November 15, 2021, letter regarding document production and your November 18, 2021, letter regarding the requested testimony of your client, Daniel J. Scavino, Jr. In both letters, you and Mr. Scavino have refused to provide any documents or any testimony in response to the Select Committee's October 6, 2021, subpoena. Mr. Scavino's steadfast refusal to cooperate – despite a professed willingness to the contrary – is untenable and grounded in specious and misguided legal arguments.

Select Committee Jurisdiction

Your letter of November 18, 2021, incorrectly asserts that the Select Committee is attempting to assert "broad or otherwise limitless jurisdiction to investigate."[1] The Select Committee's charter, House Resolution 503, 117th Congress, states that the Select Committee is to "investigate and report upon the facts, circumstances, and causes relating to the January 6, 2021, domestic terrorist attack upon the United States Capitol Complex ... and relating to the interference with the peaceful transfer of power."[2] As I stated in my October 6, 2021, letter to Mr. Scavino transmitting the subpoena, the Select Committee's investigation and public reports have revealed evidence indicating that your client has knowledge concerning activities that led to and informed the events of January 6, 2021, and relevant to President Trump's activities and communications in the period leading up to and on January 6.[3] These subjects are squarely within the Select Committee's jurisdiction. Your client is apparently taking the position that he may refuse to comply with the Select Committee subpoena simply because he has a different view of what information should be important to Congress. There is no legal authority – and none is provided by your letter – supporting that position.

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[1] Letter from S. Brand and S. Woodward to Chairman Thompson (Nov. 18, 2021) at p. 3.
[2] Section 3(1), H. Res. 8 (117th Cong.), as adopted on June 30, 2021.
[3] Letter from Chairman Thompson to D. Scavino (Oct. 6, 2021) at p. 1.

Seeking information for congressional investigations is "an essential and appropriate auxiliary to the legislative function."[4] The explicit legislative purpose of the Select Committee is found in its charter: to make "recommendations for … changes in law, policy, [or] procedures … that could be taken[ ] to prevent future acts of violence, domestic terrorism, and domestic violent extremism, including acts targeted at American democratic institutions" … and to "strengthen the security and resilience of" American democratic institutions.[5] The validity of the Select Committee's legislative purpose was recently affirmed in debate on the House floor.[6] And as the Federal District Court recently explained in *Trump v. Thompson*, which reaffirmed the Select Committee's legislative purpose, courts "must be highly deferential to the legislative branch."[7] Far from the issues you cite in your letter involving the House Committee on Un-American Activities investigating the private conduct of private individuals found in *Watkins v. United States* (354 U.S. 178 (1957)), your client was a government official conducting public business potentially relating to a riot on the U.S. Capitol that disrupted a constitutional process, which is indisputably a proper subject for possible legislation.

Deposition Rules

Your letter of November 18, 2021, challenges the Select Committee's ability to "validly conduct a deposition" "absent a duly appointed Ranking Member."[8] This claim reflects a flawed understanding of the Rules of the U.S. House of Representatives. The Select Committee was properly constituted under section 2(a) of House Resolution 503, 117th Congress. As required by that resolution, Members of the Select Committee were selected by the Speaker, after "consultation with the minority leader."[9] A bipartisan selection of Members was appointed pursuant to House Resolution 503 and the order of the House of January 4, 2021, on July 1, 2021, and July 26, 2021.[10] Neither House Resolution 503, the Regulations for the Use of Deposition Authority promulgated by the Chairman of the Committee on Rules pursuant to section 3(b) of House Resolution 8, nor the Rules of the House of Representatives require the Select Committee to include the minority leader's preferred Members on the Select Committee.

Deposition Testimony

You have repeatedly indicated a desire to engage and identify areas where Mr. Scavino is able to testify, but to date, you have not identified any such areas or made any proposals regarding which items your client considers beyond the scope of privilege. As recounted in our November

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[4] *McGrain v. Daugherty*, 273 U.S. 135, 174 (1927); *see also Barenblatt v. United States*, 360 U.S. 109, 111 (1959) ("The scope of the power of inquiry, in short, is as penetrating and far-reaching as the potential power to enact and appropriate under the Constitution.").
[5] Sections 4(a)(3) and 4(c), H. Res. 8 (117th Cong.), as adopted on June 30, 2021.
[6] *See* remarks of Rep. Jim Banks, "Madam Speaker, no one has said that the select committee doesn't have a legislative purpose," 167 Cong. Rec. 185 (Oct. 21, 2021) at p. H5760.
[7] *Trump v. Thompson*, No. 21-cv-2769 (D.D.C. Nov. 9, 2021), at p. 26.
[8] Letter from S. Brand and S. Woodward to Chairman Thompson (Nov. 18, 2021) at p. 5-6.
[9] Speaker Pelosi detailed such consultation and her selection decisions in a July 21, 2021, press release available at https://www.speaker.gov/newsroom/72121-2.
[10] 167 Cong. Rec. 115 (July 1, 2021) at H3597 and 167 Cong. Rec. 130 (July 26, 2021) at H3885. The January 4, 2021, order of the House provides that the Speaker is authorized to accept resignations and to make appointments authorized by law or by the House. *See* 167 Cong. Rec. 2 (Jan. 4, 2021) at p. H37.

9, 2021, letter, we do not believe Mr. Scavino's assertions of privilege are valid with respect to the items of interest to the Select Committee. Indeed, after identifying several topics in that letter, we stated the following:

> We believe that these topics either do not implicate any cognizable claim of executive privilege or raise issues for which the Select Committee's need for the information is sufficiently compelling that it overcomes any such claim. To that end, **please provide your input on the topics that the Select Committee has reiterated by way of this letter no later than Thursday, November 11.** If there are areas listed above that you agree implicate no executive or other privilege, please identify those areas. Conversely, please articulate which privilege you believe applies to each area and how it is implicated. Our hope is that this process will sharpen our differences on privilege issues and allow us to develop unobjectionable areas promptly.[11]

Despite that request and invitation to negotiate areas of inquiry on which the parties could agree, you and your client have provided no such detailed input. If you are indeed interested in "hon[ing] in on a subset of topics that can be prioritized,"[12] please identify the specific topics Mr. Scavino agrees are outside the scope of his asserted privileges, and if you believe a privilege applies, articulate which privilege and how it is implicated for each item no later than **Friday, November 26, 2021.**

To allow time to serve the subpoena on counsel and to permit these further negotiations, the Select Committee will provide a final continuation of the deposition to **Wednesday, December 1, 2021, at 10:00am.** The Select Committee expects Mr. Scavino's appearance at that time. Although you have stated a preference to proceed by written interrogatories, there is simply no substitute for live, in-person testimony and the Select Committee respectfully declines your suggestion to proceed otherwise. We continue to believe that the items identified in the October 6, 2021, subpoena and our November 9, 2021, correspondence do not implicate any privilege that should prevent his testimony. If you disagree about that for particular questions, you will have the opportunity to state privilege objections to specific questions on the record.

Document Request

In your November 15, 2021, correspondence, you reiterated your client's refusal to turn over any responsive document in his possession, asserting privilege, but also represented that your client has still not completed a search to identify all responsive documents. You further refused the Select Committee's request for a privilege log, asserting that "the production of a privilege log, as demanded by the Select Committee, would undermine the private, or otherwise confidential nature of advice given by or to the President and his advisors."[13]

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[11] Letter from Chairman Thompson to D. Scavino (Nov. 9, 2021) at p. 4.
[12] Letter from S. Brand and S. Woodward to Chairman Thompson (Nov. 18, 2021) at p. 1.
[13] Letter from S. Brand and S. Woodward to Chairman Thompson (Nov. 15, 2021) at p. 2.

As we noted in our prior correspondence, categorical claims of executive privilege are improper, and Mr. Scavino must identify an invocation of any claim of executive privilege by Mr. Trump narrowly and specifically. *See, e.g., In re Sealed Case (Espy)*, 121 F.3d 729 (D.C. Cir. 1997); *Comm. on Oversight & Gov't Reform v. Holder*, No. 12-cv-1332, 2014 WL 12662665, at *2 (D.D.C. Aug. 20, 2014) (rejecting a "blanket" executive-privilege claim over subpoenaed documents). Your continued refusal to provide a privilege log, coupled with your extensive and blanket assertions of privilege, are fundamentally at odds with your stated desire to "foster further discussion and the continued collaboration" with the Select Committee. The Committee intends to fully explore the extent and nature of the withheld documents—as well as the scope and sufficiency of the document search—at Mr. Scavino's scheduled deposition. If Mr. Scavino is to cure his non-compliance with the requirement to produce documents, **he must produce them by 12:00pm on Monday, November 29, 2021.**

Finally, as we previously communicated, the incumbent President, not former President Trump, is responsible for guarding executive privilege. *Trump v. Thompson*, No. 21-cv-2769 (D.D.C. Nov. 9, 2021), at p. 13, 20; *see also Dellums v. Powell*, 561 F.2d 242, 247 (D.C. Cir. 1977); *Nixon v. GSA*, 433 U.S. 425, 449 (1977). The incumbent President has expressly declined to assert executive privilege on a number of subjects on which the Select Committee has sought testimony or documents, and the district court has ruled that former President Trump's "assertion of privilege is outweighed by President Biden's decision not to uphold the privilege." *Trump v. Thompson*, No. 21-cv-2769 (D.D.C. Nov. 9, 2021), at p. 21; *see also* Doc. 21 (brief for the NARA defendants), Doc. 21-1 (Declaration of B. John Laster). Therefore, while we have made attempts to accommodate Mr. Scavino's concerns about privilege, he is no position to assert privilege on behalf of the executive branch.

Service of Subpoena

Finally, in your most recent letter sent on the eve of the scheduled deposition, you raised for the first time with the Select Committee an objection to the manner in which Mr. Scavino was served. Pursuant to House rule XI and House Resolution 503, the Select Committee is authorized "to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of books, records, correspondence, memoranda, papers, and documents as it considers necessary."[14] Further, section 5(c)(4) of House Resolution 503 provides that the Chairman of the Select Committee may "authorize and issue subpoenas pursuant to clause 2(m) of rule XI in the investigation and study" conducted pursuant to the enumerated purposes and functions of the Select Committee.[15]

The October 6, 2021, subpoena to Mr. Scavino was duly issued pursuant to section 5(c)(4) of House Resolution 503 and clause 2(m) of rule XI of the Rules of the House of Representatives.[16] The subpoena was served to Susan Wiles at Mar-a-Lago, Mr. Scavino's current place of employment. Ms. Wiles represented herself as Chief of Staff to former President Trump, with

[14] House Rule XI, cl. 2(m)(1)(B), 117th Cong. (2021); H. Res. 503, 117th Cong § 5(c)(4) (2021).
[15] H. Res. 503, 117th Cong § 5(c)(6) (2021).
[16] Section 5(c)(4) of H. Res. 503 invokes clause 2(m)(3)(A)(i) of rule XI, which states in pertinent part: "The power to authorize and issue subpoenas under subparagraph (1)(B) may be delegated to the chair of the committee under such rules and under such limitations as the committee may prescribe."

whom Mr. Scavino is still employed. She further represented that she was authorized to accept the subpoena on Mr. Scavino's behalf. Additionally, we have had no indication that you or your client are not in receipt of the subpoena and schedule. To the contrary, you have quoted extensively from the schedule, which is clearly within your possession. Nonetheless, the Select Committee is prepared to serve the subpoena on you as his counsel of record. Per your email of November 23, 2021, confirming that Mr. Scavino authorized you to accept service of the subpoena on his behalf, the Select Committee will provide you with a new subpoena by email this week reflecting the dates set forth in this letter.

Please confirm receipt of this letter, and **no later than 12:00pm on Monday, November 29**, confirm Mr. Scavino's intent to appear for his deposition on December 1. The Select Committee will view Mr. Scavino's failure to appear for the deposition and respond to the subpoena as willful non-compliance. His continued failure to produce documents pursuant to the subpoena also constitutes willful non-compliance. Mr. Scavino has a short time in which to cure his non-compliance. The continued, willful non-compliance with the subpoena would force the Select Committee to consider invoking the contempt of Congress procedures in 2 U.S.C. §§192, 194—which could result in a referral from the House to the Department of Justice for criminal charges—as well as the possibility of having a civil action to enforce the subpoena brought against Mr. Scavino in his personal capacity.

Sincerely,

Bennie G. Thompson
Chairman

Exhibit 4 — Letter from Chairman Thompson to Counsel for Mr. Scavino (Feb. 4, 2022)

BENNIE G. THOMPSON, MISSISSIPPI
CHAIRMAN

ZOE LOFGREN, CALIFORNIA
ADAM B. SCHIFF, CALIFORNIA
PETE AGUILAR, CALIFORNIA
STEPHANIE N. MURPHY, FLORIDA
JAMIE RASKIN, MARYLAND
ELAINE G. LURIA, VIRGINIA
LIZ CHENEY, WYOMING
ADAM KINZINGER, ILLINOIS

U.S. House of Representatives
Washington, DC 20515

(202) 225-7800

One Hundred Seventeenth Congress

Select Committee to Investigate the January 6th Attack on the United States Capitol

February 4, 2022

Mr. Stanley E. Woodward, Jr.
Mr. Stan M. Brand
[redacted]

Dear Messrs. Woodward and Brand,

I write regarding the documents and deposition testimony sought from your client, Daniel J. Scavino, Jr., by the Select Committee to Investigate the January 6th Attack on the U.S. Capitol ("Select Committee"). As you know, in response to the Select Committee's subpoena to Mr. Scavino for this information, you have repeatedly cited the pendency of litigation brought by former President Trump in *Trump v. Thompson* as a rationale for Mr. Scavino's refusal to provide documents and testimony to the Select Committee.[1] Mr. Scavino then failed to appear for his December 1, 2021, deposition.

The Select Committee is in receipt of your December 13, 2021, letter regarding the requested testimony and documents from your client, Mr. Scavino.[2] That letter failed to state a legitimate basis for Mr. Scavino's non-compliance with the Select Committee's demands. In the interim, in *Trump v. Thompson*—the litigation cited in your letters on November 5, 15, and 25, 2021—the Supreme Court declined to halt the production of documents to the Select Committee based on former-President Trump's blanket assertions of executive privilege.[3] In light of these circumstances, we offer Mr. Scavino a final invitation to reconsider his prior refusal to provide documents and testimony to the Select Committee.

The Select Committee has been more than accommodating to Mr. Scavino's requests. Pursuant to the Select Committee's October 6, 2021, subpoena, Mr. Scavino was required to produce documents by October 21, 2021, and to appear for testimony on October 28, 2021.[4] The Select Committee has extended those deadlines five times. Further, throughout several rounds of correspondence,[5] the Select Committee has more than adequately addressed your questions about the jurisdiction of the Select Committee and subjects we intend to address at the deposition.

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[1] Letter from S. Brand and S. Woodward to Chairman Thompson (Nov. 5, 2021) at pg. 2; Letter from S. Brand and S. Woodward to Chairman Thompson (Nov. 15, 2021), at pg. 3; Letter from S. Brand and S. Woodward to Chairman Thompson (Nov. 26, 2021) at pg. 2.
[2] Letter from S. Brand and S. Woodward to Chairman Thompson (Dec. 13, 2021).
[3] *Trump v. Thompson*, 595 U.S. ___ (2022).
[4] Letter from Chairman Thompson to D. Scavino (Oct. 6, 2021) at pg. 1.
[5] *See* Letter from Chairman Thompson to S. Brand and S. Woodward (Nov. 9, 2021) at pg. 2; Letter from Chairman Thompson to S. Brand and S. Woodward (Nov. 23, 2021) at pg. 3; Letter from Chairman Thompson to S. Brand and S. Woodward (Dec. 9, 2021) at pg. 2.

However, Mr. Scavino has neither produced a single document, nor did he appear for his deposition on December 1, 2021. In a November 30, 2021, phone conversation between counsel, you refused to even concede the pertinence of an inquiry regarding Mr. Scavino's potential knowledge of any planned violence on January 6th, instead asserting that it was likely Mr. Scavino had no such knowledge. When Select Committee counsel attempted to narrow the topics in dispute by requesting that you identify the areas of inquiry for which your client had no responsive information or documents, you declined to do so.

Mr. Scavino's contention that executive privilege exempts him from cooperation with the Select Committee holds no merit. Mr. Trump has never had any correspondence with the Select Committee asserting executive privilege over Mr. Scavino's documents or testimony. However, even if he had, Mr. Scavino would not enjoy absolute immunity from appearing before the Select Committee to assert any privilege claims he may have. All courts that have reviewed this issue have been clear: even senior White House aides who advise the President on official government business are not immune from compelled congressional process simply because executive privilege has been invoked.[6]

Further, as our prior correspondence and communications with you have made clear, the Select Committee seeks information from Mr. Scavino on numerous subjects beyond the scope of executive privilege. The law is clear that executive privilege applies only to communications related to official duties of close presidential advisers, not testimony about unofficial duties.[7] Here, the Select Committee has obtained records demonstrating repeated contacts between Mr. Scavino, campaign officials, and other third parties that are completely unrelated to his official duties or governmental functions. These communications involve messaging and strategy for Mr. Trump's 2020 campaign and subsequent efforts to overturn the election results. Questions regarding these matters, in addition to others also identified in prior correspondence with you, are unrelated to Mr. Scavino's official duties. Additionally, as we have previously noted, the Select Committee has subpoenaed communications on Mr. Scavino's personal social media or other accounts and communications with third-party individuals whose inclusion would mean that they cannot be reached by claims of executive privilege.[8]

Mr. Scavino has a legal obligation to appear before the Select Committee to address these and other topics. Should he continue to object to providing testimony on subjects of the Select Committee's inquiry, he should appear and assert those objections with particularity on the record.

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[6] *See Committee on the Judiciary v. McGahn*, 415 F.Supp.3d 148, 214 (D.D.C. 2019) (and subsequent history) ("To make the point as plain as possible, it is clear to this Court for the reasons explained above that, with respect to senior-level presidential aides, absolute immunity from compelled congressional process simply does not exist."); *Committee on the Judiciary v. Miers*, 558 F. Supp.2d 53, 101 (D.D.C. 2008) (holding that White House counsel may not refuse to testify based on direction from the President that testimony will implicate executive privilege).

[7] *Nixon v. Administrator of General Services (GSA)*, 433 U.S. 425, 449 (1977); *In re Sealed Case (Espy)*, 121 F.3d 729, 752 (D.C. Cir. 1997).

[8] Letter from Chairman Thompson to S. Brand and S. Woodward (Nov. 9, 2021) at pg. 2; Letter from Chairman Thompson to S. Brand and S. Woodward (Nov. 23, 2021) at pg. 1

Please inform the Select Committee not later than February 8, 2022, whether Mr. Scavino will provide documents and testimony, in accordance with clearly articulated Supreme Court precedent.

Finally, I remind you that Mr. Scavino had a legal obligation to provide to the National Archives any official messages he may have sent on his personal devices. As the Trump Administration's White House Counsel stated—in an attached memorandum—the intentional failure to preserve applicable records may subject him to criminal penalties. Destruction of those materials would be a serious matter; they belong to the United States.[9]

If Mr. Scavino persists in his refusal to meaningfully cooperate with the Select Committee's investigation, the Select Committee will consider enforcement action, including the contempt of Congress procedures in 2 U.S.C. §§192, 194—which could result in a referral from the House to the Department of Justice for criminal charges—as well as the possibility of having a civil action to enforce the subpoena brought against Mr. Scavino in his personal capacity.

Sincerely,

Bennie G. Thompson
Chairman

Enclosures.

[9] Memorandum from Donald McGahn to White House Personnel (Feb. 22, 2017) at pg. 3.

THE WHITE HOUSE

WASHINGTON

February 22, 2017

MEMORANDUM FOR ALL PERSONNEL

THROUGH: DONALD F. McGAHN II
Counsel to the President

FROM: STEFAN C. PASSANTINO
Deputy Counsel to the President, Compliance and Ethics

SCOTT F. GAST
Senior Associate Counsel to the President

JAMES D. SCHULTZ
Senior Associate Counsel to the President

SUBJECT: Presidential Records Act Obligations

Purpose

To remind all personnel of their obligation to preserve and maintain presidential records, as required by the Presidential Records Act ("PRA").

Discussion

The PRA requires that the Administration take steps "to assure that the activities, deliberations, decisions, and policies that reflect the performance of the President's constitutional, statutory, or other official or ceremonial duties are adequately documented and that such records are preserved and maintained." This memorandum outlines what materials constitute "presidential records" and what steps you must take to ensure their preservation.

What Are Presidential Records?

"Presidential records" are broadly defined as "documentary materials . . . created or received by the President, the President's immediate staff, or a unit or individual of the Executive Office of the President whose function is to advise or assist the President,[1] in the course of conducting activities which relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of the President." Presidential records include material in both paper and electronic form.

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[1] The PRA applies to the following Executive Office of the President ("EOP") entities: White House Office, Office of the Vice President, Council of Economic Advisors, Executive Residence, Office of Administration, Office of Policy Development (DPC and NEC), National Security Council, President's Commission on White House Fellows, and President's Intelligence Advisory Board.

Some materials that are considered presidential records include:

- Memos, letters, notes, emails, faxes, reports, and other written communications sent to or received from others, including materials sent to or received from persons outside government;
- Drafts, marked-up edits, or comments that are circulated or shown to others;
- Notes or minutes of meetings that are circulated or shown to others;
- Meeting minutes, memos to file, notes, drafts, and similar documents that are created or saved for the purpose of accurately documenting the activities or deliberations of the Administration, even if such materials are not circulated or shown to others;
- PowerPoint presentations, audio recordings, photos, and video footage;
- Emails, chats, and other electronic communications that are created or received in the course of conducting activities related to the performance of the President's duties, but that are sent from or received on non-official accounts; and
- Transition materials, but only if they are used in the course of official government business.

Purely personal records that do not relate to or have an effect upon the carrying out of the President's official duties do not need to be preserved. Similarly, political records need not be preserved unless they relate to or have a direct effect upon the President's official duties. Finally, certain materials that lack historic value are not covered by the PRA – for example, notes, drafts, and similar documents that are not circulated or that are not created or saved for the purpose of documenting the activities or deliberations of the Administration.

What Steps Should Be Taken to Preserve Presidential Records?

Paper Records. You should preserve hard-copy presidential records in organized files. To the extent practicable, you should categorize materials as presidential records when they are created or received. You should file presidential records separately from other material. Paper records are typically collected at the end of your White House service, but may be collected at an earlier point by contacting the White House Office of Records Management ("WHORM"). Any records collected by WHORM remain available to the staff member who provided them.

Electronic Records. You must preserve electronic communications that are presidential records. **You are required to conduct all work-related communications on your official EOP email account**, except in emergency circumstances when you cannot access the EOP system and must accomplish time sensitive work. Emails and attachments sent to and from your EOP account are automatically archived.

*If you ever send or receive email that qualifies as a presidential record using any other account, you **must** preserve that email by copying it to your official EOP email account or by forwarding it to your official email account within twenty (20) days.* After preserving the email, you must delete it from the non-EOP account. ***Any employee who intentionally fails to take these actions may be subject to administrative or even criminal penalties.***

The same rules apply to other forms of electronic communication, including text messages. ***You should not use instant messaging systems, social networks, or other internet-based means of electronic communication to conduct official business without the approval of the Office of the White House Counsel.*** If you ever generate or receive presidential records on such platforms, you must preserve them by sending them to your EOP email account via a screenshot or other means. After preserving the communications, you must delete them from the non-EOP platform.

Electronic documents that qualify as presidential records and only exist in electronic format must be saved on your network drive or regularly synchronized to it. You must archive files that you are no longer using; you must not delete them. Your network drive will be captured upon your departure from the EOP, which will secure any presidential records you have saved.

At all times, please keep in mind that presidential records are the property of the United States. You may not dispose of presidential records. When you leave EOP employment, you may not take any presidential records with you. You also may not take copies of any presidential records without prior authorization from the Counsel's office. The willful destruction or concealment of federal records is a federal crime punishable by fines and imprisonment.

Any questions about compliance with the Presidential Records Act may be directed to Stefan Passantino [redacted], Scott Gast [redacted], or Jim Schultz [redacted].

Exhibit 5 — Letter from White House Counsel to Counsel for Mr. Scavino (Mar. 15, 2022)

THE WHITE HOUSE
WASHINGTON

March 15, 2022

Stanley Woodward
Brand Woodward Law
[redacted]

Dear Mr. Woodward:

I write regarding a subpoena sent to your client, Daniel Scavino, Jr., former Assistant to the President and Director of Social Media, from the Select Committee to Investigate the January 6th Attack on the United States Capitol (the "Select Committee").

As you are aware, in light of unique and extraordinary nature of the matters under investigation, President Biden has determined that an assertion of executive privilege is not in the national interest, and therefore is not justified, with respect to particular subjects within the purview of the Select Committee. These subjects include: events within the White House on or about January 6, 2021; attempts to use the Department of Justice to advance a false narrative that the 2020 election was tainted by widespread fraud; and other efforts to alter election results or obstruct the transfer of power. President Biden accordingly has decided not to assert executive privilege as to Mr. Scavino's testimony regarding those subjects, or any documents he may possess that bear on them. For the same reasons underlying his decision on executive privilege, President Biden has determined that he will not assert immunity to preclude your client from testifying before the Select Committee.

In light of President Biden's determination not to assert executive privilege with respect Mr. Scavino's testimony, we are not requesting that agency counsel be permitted to attend his deposition. Should you have any questions about the issues addressed in this letter, please contact me at [redacted].

Sincerely,

Jonathan C. Su
Deputy Counsel to the President

cc: [redacted]
Select Committee to Investigate the January 6th Attack on the United States Capitol

Exhibit 6 — Subpoena to Daniel Scavino, Jr. (Sept. 23, 2021)

SUBPOENA

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA

Daniel Scavino, Jr.

To _____

You are hereby commanded to be and appear before the

Select Committee to Investigate the January 6th Attack on the United States Capitol

of the House of Representatives of the United States at the place, date, and time specified below.

☑ **to produce the things identified on the attached schedule** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of production: [redacted]

Date: October 7, 2021 Time: 10:00 a.m.

☑ **to testify at a deposition** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: [redacted]

Date: October 15, 2021 Time: 10:00 a.m.

☐ **to testify at a hearing** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: _____

Date: _____ Time: _____

To any authorized staff member or the United States Marshals Service

_____ to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, D.C. this 23rd day of September, 2021

Chairman or Authorized Member

Attest:

Clerk

PROOF OF SERVICE

Subpoena for Daniel Scavino, Jr.

Address [redacted]

[redacted]

before the Select Committee to Investigate the January 6th Attack on the United States Capitol

U.S. House of Representatives
117th Congress

Served by (print name) _____

Title _____

Manner of service _____

Date _____

Signature of Server _____

Address _____

BENNIE G. THOMPSON, MISSISSIPPI
CHAIRMAN

ZOE LOFGREN, CALIFORNIA
ADAM B. SCHIFF, CALIFORNIA
PETE AGUILAR, CALIFORNIA
STEPHANIE N. MURPHY, FLORIDA
JAMIE RASKIN, MARYLAND
ELAINE G. LURIA, VIRGINIA
LIZ CHENEY, WYOMING
ADAM KINZINGER, ILLINOIS

U.S. House of Representatives
Washington, DC 20515

(202) 225-7800

One Hundred Seventeenth Congress

Select Committee to Investigate the January 6th Attack on the United States Capitol

September 23, 2021

Mr. Daniel J. Scavino, Jr.
[redacted]

Dear Mr. Scavino:

Pursuant to the authorities set forth in House Resolution 503 and the rules of the House of Representatives, the Select Committee to Investigate the January 6th Attack on the United States Capitol ("Select Committee") hereby transmits a subpoena that compels you to produce the documents set forth in the accompanying schedule by October 7, 2021, and to appear for a deposition on October 15, 2021.

The Select Committee is investigating the facts, circumstances, and causes of the January 6th attack and issues relating to the peaceful transfer of power, in order to identify and evaluate lessons learned and to recommend to the House and its relevant committees corrective laws, policies, procedures, rules, or regulations. The inquiry includes examination of how various individuals and entities coordinated their activities leading up to the events of January 6, 2021, and the messages, videos, and internet communications that were disseminated to the public concerning the election, the transition in administrations, and the constitutional and statutory processes that effect that transition.

The Select Committee has reason to believe that you have information relevant to understanding important activities that led to and informed the events at the Capitol on January 6, 2021, and relevant to former President Trump's activities and communications in the period leading up to and on January 6. For example, the Select Committee has reason to believe that you have knowledge regarding the communications strategy of the former President and his supporters leading up to the events on January 6. As the Deputy Chief of Staff for Communications, reporting indicates that you were with the former President on January 5, when he and others were considering how to convince Members of Congress not to certify the election for Joe Biden.[1] Your public Twitter account makes clear that you were tweeting messages from the White House on January 6, 2021.[2] And prior to January 6, 2021, you promoted, through your Twitter messaging, the January 6 March for Trump, which encouraged people to "be a part of history."[3] Your long service with the former President—spanning more than a decade and which included service as his digital strategy director, overseeing his social media presence, including on Twitter— suggest that you have knowledge concerning communications involving the 2020 presidential election and rallies and activities supporting and including the former President on January 6.

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[1] BOB WOODWARD & ROBERT COSTA, PERIL, at 231 (2021).

[2] *E.g.*, Dan Scavino[American flag][eagle] (@DanScavino), Twitter (Jan. 6, 2021, 11:12 AM, from The White House), https://twitter.com/DanScavino/status/1346584866964598785?s=20; Dan Scavino[American flag][eagle] (@DanScavino), Twitter (Jan. 6, 2021, 10:50 AM, from The White House), https://twitter.com/danscavino/status/1346846609051685385?lang=en.

[3] Dan Scavino[American flag][eagle] (@DanScavino), Twitter (Jan. 2, 2021, 9:04 PM), https://twitter.com/DanScavino/status/1345551501440245762?s=20.

It also appears that you were with or in the vicinity of former President Trump on January 6 and are a witness regarding his activities that day. You may also have materials relevant to his videotaping and tweeting messages on January 6. Accordingly, the Select Committee seeks both documents and your deposition testimony regarding these and other matters that are within the scope of the Select Committee's inquiry.

A copy of the rules governing Select Committee depositions, and a copy of document production definitions and instructions are attached. Please contact staff for the Select Committee at [redacted] to arrange for the production of documents.

Sincerely,

Bennie G. Thompson
Chairman

SCHEDULE

In accordance with the attached Definitions and Instructions, you, Mr. Daniel Scavino, Jr., are hereby required to produce all documents and communications in your possession, custody, or control control—including any such documents or communications stored or located on personal devices (e.g., personal computers, cellular phones, tablets, etc.), in personal or campaign accounts, and/or on personal or campaign applications (e.g., email accounts, contact lists, calendar entries, etc.)— referring or relating to the following items. If no date range is specified below, the applicable dates are for the time period April 1, 2020-present.

1. The January 6, 2021, rally on the mall and Capitol grounds in Washington, D.C., in support of President Donald J. Trump and opposition to certification of the results of the 2020 presidential election, including any permitting, planning, objectives, financing, and conduct, as well as any communications to or from any person or group involved in organizing or planning for the January 6, 2021, rally.
2. Then-President Trump's participation in the January 6, 2021, rally, including any communications with President Trump or any paid or unpaid attorney, advisor, assistant, or aide to President Trump relating to the nature, context, or content of President Trump's intended or actual remarks to those attending the January 6, 2021, rally.
3. Communications referring or relating to the nature, planning, conduct, message, purpose, objective, promotion of, or participation in the January 6, 2021, rally that were between or among any person who, during the Administration of former President Trump, worked in the White House complex, including any employee or detailee.
4. Your communications with President Donald J. Trump concerning delaying or preventing the certification of the election of Joe Biden as President or relating to the rallies of January 5 or January 6, 2021.
5. Plans to communicate, or actual communications, relating to alleged fraud or other election irregularities in connection with the 2020 presidential election.
6. Communications with any non-governmental entity, organization, or individual relating to the January 6, 2021, rally, including any statements or other materials you or members of your office provided to any such entity, organization, or individual in connection with the planning, objectives, organization, message of, sponsorship and participation in the January 6, 2021, rally.
7. All communications regarding President Trump's meetings and communications that day.
8. Communications with any individual or organization, within or outside the government, referring or related to the activities and events at the January 6, 2021, rally, including messaging or characterization of those activities and events following the January 6, 2021, rally.
9. Any communications with, including any materials or statements you provided directly or indirectly to, any Member of Congress or the staff of any Member of Congress referring or related to the planning, objectives, organization, message, sponsorship, or participation in the January 6, 2021, rally.
10. Anyone with whom you communicated by any means regarding any aspect of the planning, objectives, conduct, message of, promotion of, or participation in the January 6, 2021, rally.

11. From November 3, 2020, through January 6, 2021, any efforts, plans, or proposals to contest the 2020 Presidential election results or delay, influence, or impede the electoral count, including all tweets or posts on Parler urging attendance at the January 6 rally.

12. The role of the Vice President as the Presiding Officer in the certification of the votes of the electoral college.

13. All briefings or information from the United States Secret Service regarding participants at the January 6 rally on the Ellipse or the march to Capitol Hill, and all information relating to any plans or statements by President Trump that he would attend or participate in the events on Capitol Hill on January 6.

14. All communications with the Trump family on January 6, 2021.

15. All materials relating to former President Trump's videotaped messages on January 6 or regarding January 6, including all unused takes or recordings made that day.

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this request, produce all responsive documents, regardless of classification level, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Select Committee to Investigate the January 6th Attack on the United States Capitol ("Committee").

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.

4. The Committee's preference is to receive documents in a protected electronic form (i.e., password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. With specific reference to classified material, you will coordinate with the Committee's Security Officer to arrange for the appropriate transfer of such information to the Committee. This includes, but is not necessarily limited to: a) identifying the classification level of the responsive document(s); and b) coordinating for the appropriate transfer of any classified responsive document(s).

5. Electronic document productions should be prepared according to the following standards:

   a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

   b. All electronic documents produced to the Committee should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

      BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee's letter to which the documents respond.

9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

11. In accordance with 5 U.S.C.§ 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.

12. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

16. If a date or other descriptive detail set forth in this request referring to a document

is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and
(2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

2. The term "communication" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

3. The terms "and" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.

4. The term "including" shall be construed broadly to mean "including, but not limited to."

5. The term "Company" means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.

6. The term "identify," when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; (b) the individual's business or personal address and phone number; and (c) any and all known aliases.

7. The term "related to" or "referring or relating to," with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.

8. The term "employee" means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, assignee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.

9. The term "individual" means all natural persons and all persons or entities acting on their behalf.

health, safety, and well-being of others present in the Chamber and surrounding areas. Members and staff will not be permitted to enter the Hall of the House without wearing a mask. Masks will be available at the entry points for any Member who forgets to bring one. The Chair views the failure to wear a mask as a serious breach of decorum. The Sergeant-at-Arms is directed to enforce this policy. Based upon the health and safety guidance from the attending physician and the Sergeant-at-Arms, the Chair would further advise that all Members should leave the Chamber promptly after casting their votes. Furthermore, Members should avoid congregating in the rooms leading to the Chamber, including the Speaker's lobby. The Chair will continue the practice of providing small groups of Members with a minimum of 5 minutes within which to cast their votes. Members are encouraged to vote with their previously assigned group. After voting, Members must clear the Chamber to allow the next group a safe and sufficient opportunity to vote. It is essential for the health and safety of Members, staff, and the U.S. Capitol Police to consistently practice social distancing and to ensure that a safe capacity be maintained in the Chamber at all times. To that end, the Chair appreciates the cooperation of Members and staff in preserving order and decorum in the Chamber and in displaying respect and safety for one another by wearing a mask and practicing social distancing. All announced policies, including those addressing decorum in debate and the conduct of votes by electronic device, shall be carried out in harmony with this policy during the pendency of a covered period.

117TH CONGRESS REGULATIONS FOR USE OF DEPOSITION AUTHORITY

COMMITTEE ON RULES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 4, 2021.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

MADAM SPEAKER: Pursuant to section 3(b) of House Resolution 8, 117th Congress, I hereby submit the following regulations regarding the conduct of depositions by committee and select committee counsel for printing in the Congressional Record.

Sincerely,

JAMES P. MCGOVERN,
Chairman, Committee on Rules.

REGULATIONS FOR THE USE OF DEPOSITION AUTHORITY

1. Notices for the taking of depositions shall specify the date, time, and place of examination. Depositions shall be taken under oath administered by a member or a person otherwise authorized to administer oaths. Depositions may continue from day to day.

2. Consultation with the ranking minority member shall include three days' notice before any deposition is taken. All members of the committee shall also receive three days written notice that a deposition will be taken, except in exigent circumstances. For purposes of these procedures, a day shall not include Saturdays, Sundays, or legal holidays except when the House is in session on such a day.

3. Witnesses may be accompanied at a deposition by personal, nongovernmental counsel to advise them of their rights. Only members, committee staff designated by the chair or ranking minority member, an official reporter, the witness, and the witness's counsel are permitted to attend. Observers or counsel for other persons, including counsel for government agencies, may not attend.

4. The chair of the committee noticing the deposition may designate that deposition as part of a joint investigation between committees, and in that case, provide notice to the members of the committees. If such a designation is made, the chair and ranking minority member of the additional committee(s) may designate committee staff to attend pursuant to regulation 3. Members and designated staff of the committees may attend and ask questions as set forth below.

5. A deposition shall be conducted by any member or committee counsel designated by the chair or ranking minority member of the Committee that noticed the deposition. When depositions are conducted by committee counsel, there shall be no more than two committee counsel permitted to question a witness per round. One of the committee counsel shall be designated by the chair and the other by the ranking minority member per round.

6. Deposition questions shall be propounded in rounds. The length of each round shall not exceed 60 minutes per side, and shall provide equal time to the majority and the minority. In each round, the member(s) or committee counsel designated by the chair shall ask questions first, and the member(s) or committee counsel designated by the ranking minority member shall ask questions second.

7. Objections must be stated concisely and in a non-argumentative and non-suggestive manner. A witness's counsel may not instruct a witness to refuse to answer a question, except to preserve a privilege. In the event of professional, ethical, or other misconduct by the witness's counsel during the deposition, the Committee may take any appropriate disciplinary action. The witness may refuse to answer a question only to preserve a privilege. When the witness has refused to answer a question to preserve a privilege, members or staff may (i) proceed with the deposition, or (ii) either at that time or at a subsequent time, seek a ruling from the Chair either by telephone or otherwise. If the Chair overrules any such objection and thereby orders a witness to answer any question to which an objection was lodged, the witness shall be ordered to answer. If a member of the committee chooses to appeal the ruling of the chair, such appeal must be made within three days, in writing, and shall be preserved for committee consideration. The Committee's ruling on appeal shall be filed with the clerk of the Committee and shall be provided to the members and witness no less than three days before the reconvened deposition. A deponent who refuses to answer a question after being directed to answer by the chair may be subject to sanction, except that no sanctions may be imposed if the ruling of the chair is reversed by the committee on appeal.

8. The Committee chair shall ensure that the testimony is either transcribed or electronically recorded or both. If a witness's testimony is transcribed, the witness or the witness's counsel shall be afforded an opportunity to review a copy. No later than five days after the witness has been notified of the opportunity to review the transcript, the witness may submit suggested changes to the chair. Committee staff may make any typographical and technical changes. Substantive changes, modifications, clarifications, or amendments to the deposition transcript submitted by the witness must be accompanied by a letter signed by the witness requesting the changes and a statement of the witness's reasons for each proposed change. Any substantive changes, modifications, clarifications, or amendments shall be included as an appendix to the transcript conditioned upon the witness signing the transcript.

9. The individual administering the oath, if other than a member, shall certify on the transcript that the witness was duly sworn. The transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall be filed, together with any electronic recording, with the clerk of the committee in Washington, DC. Depositions shall be considered to have been taken in Washington, DC, as well as the location actually taken once filed there with the clerk of the committee for the committee's use. The chair and the ranking minority member shall be provided with a copy of the transcripts of the deposition at the same time.

10. The chair and ranking minority member shall consult regarding the release of deposition testimony, transcripts, or recordings, and portions thereof. If either objects in writing to a proposed release of a deposition testimony, transcript, or recording, or a portion thereof, the matter shall be promptly referred to the committee for resolution.

11. A witness shall not be required to testify unless the witness has been provided with a copy of section 3(b) of H. Res. 8, 117th Congress, and these regulations.

REMOTE COMMITTEE PROCEEDINGS REGULATIONS PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

COMMITTEE ON RULES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 4, 2021.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

MADAM SPEAKER: Pursuant to section 3(s) of House Resolution 8, 117th Congress, I hereby submit the following regulations regarding remote committee proceedings for printing in the CONGRESSIONAL RECORD.

Sincerely,

JAMES P. MCGOVERN,
Chairman,
Committee on Rules.

REMOTE COMMITTEE PROCEEDINGS REGULATIONS PURSUANT TO HOUSE RESOLUTION 8

A. PRESENCE AND VOTING

1. Members participating remotely in a committee proceeding must be visible on the software platform's video function to be considered in attendance and to participate unless connectivity issues or other technical problems render the member unable to fully participate on camera (except as provided in regulations A.2 and A.3).

2. The exception in regulation A.1 for connectivity issues or other technical problems does not apply if a point of order has been made that a quorum is not present. Members participating remotely must be visible on the software platform's video function in order to be counted for the purpose of establishing a quorum.

3. The exception in regulation A.1 for connectivity issues or other technical problems does not apply during a vote. Members participating remotely must be visible on the software platform's video function in order to vote.

4. Members participating remotely off-camera due to connectivity issues or other technical problems pursuant to regulation A.1 must inform committee majority and minority staff either directly or through staff.

5. The chair shall make a good faith effort to provide every member experiencing connectivity issues an opportunity to participate fully in the proceedings, subject to regulations A.2 and A.3.

health, safety, and well-being of others present in the Chamber and surrounding areas. Members and staff will not be permitted to enter the Hall of the House without wearing a mask. Masks will be available at the entry points for any Member who forgets to bring one. The Chair views the failure to wear a mask as a serious breach of decorum. The Sergeant-at-Arms is directed to enforce this policy. Based upon the health and safety guidance from the attending physician and the Sergeant-at-Arms, the Chair would further advise that all Members should leave the Chamber promptly after casting their votes. Furthermore, Members should avoid congregating in the rooms leading to the Chamber, including the Speaker's lobby. The Chair will continue the practice of providing small groups of Members with a minimum of 5 minutes within which to cast their votes. Members are encouraged to vote with their previously assigned group. After voting, Members must clear the Chamber to allow the next group a safe and sufficient opportunity to vote. It is essential for the health and safety of Members, staff, and the U.S. Capitol Police to consistently practice social distancing and to ensure that a safe capacity be maintained in the Chamber at all times. To that end, the Chair appreciates the cooperation of Members and staff in preserving order and decorum in the Chamber and in displaying respect and safety for one another by wearing a mask and practicing social distancing. All announced policies, including those addressing decorum in debate and the conduct of votes by electronic device, shall be carried out in harmony with this policy during the pendency of a covered period.

117TH CONGRESS REGULATIONS FOR USE OF DEPOSITION AUTHORITY

COMMITTEE ON RULES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 4, 2021.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

MADAM SPEAKER: Pursuant to section 3(b) of House Resolution 8, 117th Congress, I hereby submit the following regulations regarding the conduct of depositions by committee and select committee counsel for printing in the Congressional Record.

Sincerely,

JAMES P. MCGOVERN,
Chairman, Committee on Rules.

REGULATIONS FOR THE USE OF DEPOSITION AUTHORITY

1. Notices for the taking of depositions shall specify the date, time, and place of examination. Depositions shall be taken under oath administered by a member or a person otherwise authorized to administer oaths. Depositions may continue from day to day.

2. Consultation with the ranking minority member shall include three days' notice before any deposition is taken. All members of the committee shall also receive three days written notice that a deposition will be taken, except in exigent circumstances. For purposes of these procedures, a day shall not include Saturdays, Sundays, or legal holidays except when the House is in session on such a day.

3. Witnesses may be accompanied at a deposition by personal, nongovernmental counsel to advise them of their rights. Only members, committee staff designated by the chair or ranking minority member, an official reporter, the witness, and the witness's counsel are permitted to attend. Observers or counsel for other persons, including counsel for government agencies, may not attend.

4. The chair of the committee noticing the deposition may designate that deposition as part of a joint investigation between committees, and in that case, provide notice to the members of the committees. If such a designation is made, the chair and ranking minority member of the additional committee(s) may designate committee staff to attend pursuant to regulation 3. Members and designated staff of the committees may attend and ask questions as set forth below.

5. A deposition shall be conducted by any member or committee counsel designated by the chair or ranking minority member of the Committee that noticed the deposition. When depositions are conducted by committee counsel, there shall be no more than two committee counsel permitted to question a witness per round. One of the committee counsel shall be designated by the chair and the other by the ranking minority member per round.

6. Deposition questions shall be propounded in rounds. The length of each round shall not exceed 60 minutes per side, and shall provide equal time to the majority and the minority. In each round, the member(s) or committee counsel designated by the chair shall ask questions first, and the member(s) or committee counsel designated by the ranking minority member shall ask questions second.

7. Objections must be stated concisely and in a non-argumentative and non-suggestive manner. A witness's counsel may not instruct a witness to refuse to answer a question, except to preserve a privilege. In the event of professional, ethical, or other misconduct by the witness's counsel during the deposition, the Committee may take any appropriate disciplinary action. The witness may refuse to answer a question only to preserve a privilege. When the witness has refused to answer a question to preserve a privilege, members or staff may (i) proceed with the deposition, or (ii) either at that time or at a subsequent time, seek a ruling from the Chair either by telephone or otherwise. If the Chair overrules any such objection and thereby orders a witness to answer any question to which an objection was lodged, the witness shall be ordered to answer. If a member of the committee chooses to appeal the ruling of the chair, such appeal must be made within three days, in writing, and shall be preserved for committee consideration. The Committee's ruling on appeal shall be filed with the clerk of the Committee and shall be provided to the members and witness no less than three days before the reconvened deposition. A deponent who refuses to answer a question after being directed to answer by the chair may be subject to sanction, except that no sanctions may be imposed if the ruling of the chair is reversed by the committee on appeal.

8. The Committee chair shall ensure that the testimony is either transcribed or electronically recorded or both. If a witness's testimony is transcribed, the witness or the witness's counsel shall be afforded an opportunity to review a copy. No later than five days after the witness has been notified of the opportunity to review the transcript, the witness may submit suggested changes to the chair. Committee staff may make any typographical and technical changes. Substantive changes, modifications, clarifications, or amendments to the deposition transcript submitted by the witness must be accompanied by a letter signed by the witness requesting the changes and a statement of the witness's reasons for each proposed change. Any substantive changes, modifications, clarifications, or amendments shall be included as an appendix to the transcript conditioned upon the witness signing the transcript.

9. The individual administering the oath, if other than a member, shall certify on the transcript that the witness was duly sworn. The transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall be filed, together with any electronic recording, with the clerk of the committee in Washington, DC. Depositions shall be considered to have been taken in Washington, DC, as well as the location actually taken once filed there with the clerk of the committee for the committee's use. The chair and the ranking minority member shall be provided with a copy of the transcripts of the deposition at the same time.

10. The chair and ranking minority member shall consult regarding the release of deposition testimony, transcripts, or recordings, and portions thereof. If either objects in writing to a proposed release of a deposition testimony, transcript, or recording, or a portion thereof, the matter shall be promptly referred to the committee for resolution.

11. A witness shall not be required to testify unless the witness has been provided with a copy of section 3(b) of H. Res. 8, 117th Congress, and these regulations.

REMOTE COMMITTEE PROCEEDINGS REGULATIONS PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

COMMITTEE ON RULES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 4, 2021.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

MADAM SPEAKER: Pursuant to section 3(s) of House Resolution 8, 117th Congress, I hereby submit the following regulations regarding remote committee proceedings for printing in the CONGRESSIONAL RECORD.

Sincerely,

JAMES P. MCGOVERN,
Chairman,
Committee on Rules.

REMOTE COMMITTEE PROCEEDINGS REGULATIONS PURSUANT TO HOUSE RESOLUTION 8

A. PRESENCE AND VOTING

1. Members participating remotely in a committee proceeding must be visible on the software platform's video function to be considered in attendance and to participate unless connectivity issues or other technical problems render the member unable to fully participate on camera (except as provided in regulations A.2 and A.3).

2. The exception in regulation A.1 for connectivity issues or other technical problems does not apply if a point of order has been made that a quorum is not present. Members participating remotely must be visible on the software platform's video function in order to be counted for the purpose of establishing a quorum.

3. The exception in regulation A.1 for connectivity issues or other technical problems does not apply during a vote. Members participating remotely must be visible on the software platform's video function in order to vote.

4. Members participating remotely off-camera due to connectivity issues or other technical problems pursuant to regulation A.1 must inform committee majority and minority staff either directly or through staff.

5. The chair shall make a good faith effort to provide every member experiencing connectivity issues an opportunity to participate fully in the proceedings, subject to regulations A.2 and A.3.

Exhibit 7 — Letter from Counsel for Mr. Scavino to Chairman Thompson (Nov. 5, 2021)

BRAND | WOODWARD
Attorneys at Law

Stan M. Brand
[redacted]

Stanley E. Woodward Jr.
[redacted]

November 5, 2021

VIA ELECTRONIC MAIL

The Honorable Bennie G. Thompson
Chairman
Select Committee to Investigate the January 6th Attack on the United States Capitol
U.S. House of Representatives
Washington, District of Columbia 20515

Re: Daniel J. Scavino, Jr.

Dear Chairman Thompson:

We write on behalf of our client, Daniel J. Scavino, Jr. in response to your October 6, 2021, subpoena for records to Mr. Scavino as well as pursuant to our October 20, 2021, October 27, 2021, November 3, 2021, email correspondence with your Staff.

Specifically, you advise: "The Select Committee has reason to believe that [Mr. Scavino] [has] information relevant to understanding important activities that led to and informed the events at the Capitol on January 6, 2021, and relevant to former President Trump's activities and communications in the period leading up to and on January 6." As you are aware, in the period leading up to and on January 6, Mr. Scavino served as senior advisor and Deputy Chief of Staff for Communications to President Trump. As such, the Committee's subpoena requests records related to the communications between and among President Trump and his close advisors – information protected by the executive privilege so as to "safeguard[] the public interest in candid, confidential deliberations within the Executive Branch," and "information subject to the greatest protection consistent with the fair administration of justice." *Trump v. Mazars USA, LLP*, 140 S. Ct. 2019, 2024 (2020) (quoting *United States v. Nixon*, 418 U.S. 683, 715 (1974)) (internal quotations omitted).

To that end, we are aware that on August 25, 2021, the Committee also issued a subpoena to the National Archives and Records Administration seeking records from the Executive Office of the President. On October 8, 2021, President Trump, pursuant to the Presidential Records Act, 44 U.S.C. §§ 2201-2209, and Executive Order No. 13489, advised the Archivist of his formal assertion of executive privilege with respect to the limited number of documents then identified by the Archivist as responsive to the Committee's

subpoena, as well as a protective assertion of executive privilege over any additional materials that may be identified as responsive by the Archivist or otherwise requested by the Committee. Then, on October 18, 2021, President Trump filed suit in the United States Federal District Court for the District of Columbia seeking, *inter alia*, a declaratory judgment recognizing the valid assertion of the executive privilege as well as an injunction enjoining the Archivist from providing such privileged records pursuant to its subpoena. Complaint, *Trump v. Thompson*, No. 1:21-cv-02769 (D.D.C. Oct. 18, 2021) (ECF No. 01). President Trump's legal challenge remains pending as of the date of this correspondence.

The Committee's subpoena for President Trump's records thus presents legitimate separation of powers concerns and exactly the type of interbranch conflict that the Supreme Court acknowledged requiring "careful analysis that takes adequate account of the separation of powers principles at stake, including both the significant legislative interests of Congress and the 'unique position' of the President." *Mazars*, 140 S. Ct. at 2035.

Moreover, our understanding is that any records responsive to the Committee's subpoena to Mr. Scavino are records that would have been generated or otherwise received in his official capacity as a senior advisor to and as Deputy Chief of Staff for Communications to President Trump. These records, accordingly, were provided to the National Archives and Records Administration upon Mr. Scavino's separation from the White House. The Committee's subpoena to Mr. Scavino therefore seeks the same records for which President Trump has asserted executive privilege and places Mr. Scavino in the center of this interbranch conflict. That Mr. Scavino, now a *private citizen*, is *also* in the possession, custody, or control of any duplicate records, does not otherwise resolve the interbranch conflict created by the assertion of executive privilege by a former President. *See Mazars*, 140 S.Ct. at 2035 ("[S]eparation of powers concerns are no less palpable . . . simply because the subpoenas were issued to third parties.").

Mr. Scavino's production of records responsive to the Committee's subpoena would therefore interfere with President Trump's assertion of executive privilege and would serve to inadvertently moot the legal claims validly asserted by President Trump. *See, e.g.*, Saikrishna Prakash, Trump is Right: Former Presidents Can Assert Executive Privilege, *The Washington Post* (Oct. 29, 2021) ("Had Biden quickly released the documents after receiving the request, the privilege claim would have been moot and a suit would have been pointless."). Indeed, this is consistent with the President's own directive to Mr. Scavino that he "not produce any documents concerning [his] official duties in response to the Subpoena" and to invoke all applicable privileges and immunities protecting such records from production pursuant to your subpoena. A copy of this correspondence is attached for your reference. Mr. Scavino can therefore not be compelled to produce such records until a determination of the applicability of President Trump's assertion of Executive Privilege is fully and finally litigated. *See United States v. Bryan*, 339 U.S. 323, 330 (1950) ("Ordinarily, one charged with contempt of court for failure to comply with a court order makes a complete defense by proving that he is unable to comply."). *See also United States ex rel.*

Touhy v. Ragen, 340 U.S. 462 466-467 (1951) (holding that a subordinate acting in pursuance of valid regulation prohibiting disclosure was justified in refusing to comply with a subpoena).

As we have discussed with your Staff, our review of Mr. Scavino's records is ongoing. We have agreed to continue to advise your Staff of the progress of our review and acknowledge the possibility that there may be records within Mr. Scavino's possession, custody, or control that were not generated or otherwise received in Mr. Scavino's professional capacity as senior advisor to or Deputy Chief of Staff for Communications to President Trump. To the extent such records exist, or to the extent of a final adjudication on the merits of President Trump's assertion of the executive privilege issues, we expressly reserve Mr. Scavino's right to assert any other applicable privilege or other objection to the Committee's subpoena. We note, for example, that the House Counsel has made broad assertions of pertinence as to the specific records at issue. While we are not at this time in a position to fully assess those assertions given that the scope of potentially responsive records remains undefined, we are mindful that Congress's access to information is subject to several limitations and any subpoena it issues is valid only if it is "related to, and in furtherance of, a legitimate task of the Congress." *Watkins v. United States*, 354 U.S. 178, 215 (1957) ("It is obvious that a person compelled to make this choice is entitled to have knowledge of the subject to which the interrogation is deemed pertinent. That knowledge must be available with the same degree of explicitness and clarity that the Due Process Clause requires in the expression of any element of a criminal offense.").

Should you have any questions, please do not hesitate to contact us.

Sincerely,

Stan M. Brand

Stanley E. Woodward Jr.

ELECTIONS, LLC

Attorneys at Law
Justin R. Clark
[redacted]

October 6, 2021

Mr. Dan Scavino
[redacted]

Dear Mr. Scavino:

I write in reference to a subpoena, dated September 23, 2021, by the Select Committee to Investigate the January 6th Attack on the United States Capitol (the "Select Committee"), that was issued to you (the "Subpoena"). The Subpoena requests that you produce documents by October 7, 2021, and appear for a deposition on October 15, 2021. While it is obvious that the Select Committee's obsession with President Trump is merely a partisan attempt to distract from the disastrous Biden administration (*e.g.*, the embarrassing withdrawal from Afghanistan, the overwhelming flood of illegal immigrants crossing our southern border, and growing inflation), President Trump vigorously objects to the overbreadth and scope of these requests and believes they are a threat to the institution of the Presidency and the independence of the Executive Branch.

Through the Subpoena, the Select Committee seeks records and testimony purportedly related to the events of January 6th, 2021, including but not limited to information which is unquestionably protected from disclosure by the executive and other privileges, including among others the presidential communications, deliberative process, and attorney-client privileges. President Trump is prepared to defend these fundamental privileges in court. Furthermore, President Trump believes that you are immune from compelled congressional testimony on matters related to your official responsibilities. *See Testimonial Immunity Before Congress of the Former Counsel to the President*, 43 Op. O.L.C. (May 20, 2019), *available at* https://www.justice.gov/olc/opinions-main.

Therefore, to the fullest extent permitted by law, President Trump instructs you to: (a) where appropriate, invoke any immunities and privileges you may have from compelled testimony in response to the Subpoena; (b) not produce any documents concerning your official duties in response to the Subpoena; and (c) not provide any testimony concerning your official duties in response to the Subpoena.

[redacted]

Thank you for your attention to this matter. Please do not hesitate to contact me, or have your counsel contact me, if you have any questions or would like to discuss.

Sincerely,

Justin Clark
Counsel to President Trump

Exhibit 8 — Letter from Chairman Thompson to Counsel for Mr. Scavino (Nov. 9, 2021)

One Hundred Seventeenth Congress

Select Committee to Investigate the January 6th Attack on the United States Capitol

November 9, 2021

Mr. Stanley E. Woodward, Jr.
[redacted]

Dear Mr. Woodward:

The Select Committee to Investigate the January 6th Attack ("Select Committee") is in receipt of your November 5, 2021, letter regarding the subpoena for documents and testimony served on your client, Daniel J. Scavino, Jr. (the "subpoena"). The letter represents that while you are still reviewing Mr. Scavino's records, you believe that "any records responsive to the Committee's subpoena to Mr. Scavino are records that would have been generated or otherwise received in his official capacity" and archived by the National Archives and Records Administration. You then assert that Mr. Scavino is therefore unable to provide the documents because President Donald J. Trump is contesting the release of documents and has instructed Mr. Scavino to "not produce any documents concerning [his] official duties in response to the Subpoena."

You have since communicated to Select Committee staff on November 7, 2021, that you are not currently aware of any responsive documents that fall outside the scope of President Trump's assertion of executive privilege, but that your review is ongoing. You further represented that Mr. Scavino is still considering whether he can provide deposition testimony regarding any topics outside of a claim of executive privilege.

Mr. Scavino was originally served his subpoena on October 8, 2021, and was required to provide documents by October 21 and appear for testimony on October 28. At your request, the Select Committee has twice extended the deadlines for production and testimony, ultimately demanding documents by November 5 and testimony on November 12.

First, regarding documents, you suggest that Mr. Scavino has some responsive documents that you are declining to produce pursuant to instruction from President Trump. If Mr. Scavino has responsive documents that he believes are covered by an applicable privilege, please provide a privilege log that specifically identifies each document and each privilege that he believes applies, so that the Select Committee can evaluate whether any additional actions are appropriate. Categorical claims of executive privilege are improper, and any claim of executive privilege must be asserted narrowly and specifically. *See, e.g.*, *In re Sealed Case (Espy)*, 121 F.3d 729 (D.C. Cir. 1997); *Comm. on Oversight & Gov't Reform v. Holder*, No. 12-cv-1332, 2014 WL 12662665, at *2 (D.D.C. Aug. 20, 2014) (rejecting a "blanket" executive-privilege claim over subpoenaed documents). We also note that the Select Committee has subpoenaed all communications including those conducted on Mr. Scavino's personal social media or other accounts and with outside parties

whose inclusion in a communication with Mr. Scavino would mean that no executive privilege claim can be applicable to such communications.

Second, with respect to Mr. Scavino's deposition, the Select Committee appreciates your apparent willingness to work with us to identify areas of inquiry that are clearly outside any claim of executive privilege. To that end, we will provide further information about the topics we intend to develop with Mr. Scavino during the deposition. You indicated that you intend to meet with your client on November 10, 2021, to discuss whether Mr. Scavino will testify as to any of the below topics. Though the Select Committee reserves the right to question Mr. Scavino about other topics, at present, the Select Committee plans to question Mr. Scavino about his knowledge, actions, and communications, including communications involving Mr. Trump and others, with respect to the following:

(1) Campaign-related activities, including efforts to count, not count, or audit votes, as well as discussions about election-related matters with state and local officials.

(2) Meetings or other communications involving people who did not work for the United States government regarding efforts to overturn the results of the 2020 election. This includes, but is not limited to, an Oval Office meeting on December 18, at which Mr. Trump, Michael Flynn, Patrick Byrne, and others reportedly discussed campaign-related steps that Mr. Trump purportedly could take to change the outcome of the November 2020 election and remain in office for a second term, such as seizing voting machines, litigating, and appointing a special counsel. It also includes communications with organizers of the January 6 rally like Amy Kremer of Women for America First.

(3) Advance knowledge of, and any preparations for, the possibility of violence during rallies and/or protests in Washington, D.C. related to the 2020 election results.

(4) Meetings or communications regarding campaign-related planning and activities at the Willard Hotel, planning and preparation for Mr. Trump's speech at the Ellipse, Mr. Trump and other White House officials' actions and communications during and after the attack on the U.S. Capitol, including contact with members of Congress, law enforcement, the Department of Defense, and other federal agencies to address or respond to the attack.

(5) Mr. Scavino's roles and responsibilities in the White House, and, if applicable, the 2020 Trump campaign.

(6) Messaging to or from the White House, Trump reelection campaign, party officials, and others about purported fraud, irregularities, or malfeasance in the November 2020 election. This includes, but is not limited to, Mr. Trump's and others frequent use of the "Stop the Steal" slogan, even after lawsuits, investigations, public reporting, discussions with agency heads, and internally created documents revealed that there had not been widespread election fraud.

(7) Messaging to or from Mr. Scavino's personal social media, email, or phone regarding any of the topics discussed herein in this list of 18 items.

(8) White House officials' understanding of purported election-related fraud, irregularities, or malfeasance in the November 2020 election.

(9) Efforts to pressure federal agencies, including the Department of Justice, to take actions to challenge the results of the presidential election, advance allegations of voter fraud, interfere with Congress's count of the Electoral College vote, or otherwise overturn President Biden's certified victory. This includes, but is not limited to, Mr. Trump and others' efforts to use the Department of Justice to investigate alleged election-related conduct, file lawsuits, propose that state legislatures take election-related actions, or replace senior leadership. It also includes similar efforts at other agencies such as the Department of Homeland Security, the Department of Defense, and, among others, the Cybersecurity and Infrastructure Security Agency.

(10) Efforts to pressure state and local officials and entities, including state attorneys general, state legislators, and state legislatures, to take actions to challenge the results of the presidential election, advance unsubstantiated allegations of voter fraud, interfere with Congress's count of the Electoral College vote, de-certify state election results, appoint alternate slates of electors, or otherwise overturn President Biden's certified victory. This includes, but is not limited to, an Oval Office meeting that reportedly occurred with legislators from Michigan, as well as a January 2, 2021, call with, among others, state officials, members of Congress, and Mr. Trump.

(11) Theories and strategies regarding Congress and the Vice President's (as President of the Senate) roles and responsibilities when counting the Electoral College vote. This includes, but is not limited to, the theories and/or understandings of John Eastman, Mark Martin, former Vice President Pence, and others.

(12) Efforts to pressure former Vice President Pence, members of his staff, and members of Congress to delay or prevent certification of the Electoral College vote. This includes, but is not limited to, meetings between, or including, the former Vice President, Mr. Trump, John Eastman, members of Congress, and others.

(13) Communications and meetings with members of Congress about the November 2020 election, purported election fraud, actual or proposed election-related litigation, and election-related rallies and/or protests. This includes, but is not limited to, a December 21, 2021, meeting involving Mr. Trump, members of his legal team, and members of the House and Senate, during which attendees discussed objecting to the November 2020 election's certified Electoral College votes as part of an apparent fight "against mounting evidence of voter fraud."

(14) Efforts by federal officials, including White House staff, Mr. Trump, the Trump reelection campaign, and members of Congress to plan or organize rallies and/or protests in Washington, D.C. related to the 2020 election results, including, but not limited to, the January 6 rally on the Ellipse. This includes, but is not limited to, Mr.

Scavino's planned appearance as a speaker at the rally and his communications with outside parties regarding that appearance.

(15) The possibility of invoking martial law, the Insurrection Act, or the 25th Amendment based on election-related issues or the events in the days leading up to, and including, January 6.

(16) Mr. Scavino's activities in generating social media content and monitoring social media for President Trump, including, but not limited to, his monitoring of social media sites like Reddit, Twitter, Facebook, Gab, and theDonald.win. This includes, but is not limited to, Mr. Scavino's knowledge of far-right memes, coded language, and whether or how some domestic violent extremist groups such as the Proud Boys interpreted messages from President Trump and other officials.

(17) The preservation or destruction of any information relating to the facts, circumstances, and causes relating to the attack of January 6th, including any such information that may have been stored, generated, or destroyed on personal electronic devices.

(18) Documents and information, including the location of such documents and information, that are responsive to the Select Committee's subpoena. This includes, but is not limited to, information stored on electronic devices that Mr. Scavino uses and has used.

As our investigation continues, we may develop additional information about the above-described areas or identify additional subjects about which we will seek information from your client.

We believe that these topics either do not implicate any cognizable claim of executive privilege or raise issues for which the Select Committee's need for the information is sufficiently compelling that it overcomes any such claim. To that end, **please provide your input on the topics that the Select Committee has reiterated by way of this letter no later than Thursday, November 11.** If there are areas listed above that you agree implicate no executive or other privilege, please identify those areas. Conversely, please articulate which privilege you believe applies to each area and how it is implicated. Our hope is that this process will sharpen our differences on privilege issues and allow us to develop unobjectionable areas promptly.

Mr. Scavino's deposition, scheduled for November 12, can proceed with a clearer understanding of our respective positions on these topics, and we can move one step closer towards the resolution of outstanding issues.

Finally, it is worth emphasizing an additional point specifically addressed in the pending litigation involving the National Archives. The incumbent President is responsible for guarding executive privilege, not former officials. *See Dellums v. Powell*, 561 F.2d 242, 247 (D.C. Cir. 1977); *see also Nixon v. GSA*, 433 U.S. 425, 449 (1977) (even the one residual privilege that a former president might assert, the communications privilege, exists "for the benefit of the Republic," rather than for the former "President as an individual"). With respect to the Select Committee's work, the incumbent President has expressly declined to assert executive privilege on a number of subjects on which the Select Committee has sought testimony or documents. *See*

Trump v. Thompson, Case No. 1:21-cv-2769 (TSC), Doc. 21 (brief for the NARA defendants); *see also* Doc. 21-1 (Declaration of B. John Laster).

The accommodations process regarding potential claims of executive privilege is a process engaged in between the Executive Branch and the Legislative Branch. *See Trump v. Mazars USA LLP*, 140 S. Ct. 2019, 2030-31 (2020). Mr. Scavino represents neither. Nevertheless, we have in good faith considered your concerns and have proposed a course of action that reflects both that consideration and the Select Committee's urgent need for information.

Our hope is that this description of topics allows us to narrow the list of potentially disputed issues and move forward with Mr. Scavino's deposition.

Sincerely,

Bennie G. Thompson
Chairman

Exhibit 9 — Letter from Counsel for Mr. Scavino to Chairman Thompson (Nov. 15, 2021)

BRAND | WOODWARD
Attorneys at Law

Stan M. Brand
[redacted]

Stanley E. Woodward Jr.
[redacted]

November 15, 2021

VIA ELECTRONIC MAIL

The Honorable Bennie G. Thompson
Chairman
Select Committee to Investigate the January 6th Attack on the United States Capitol
U.S. House of Representatives
Washington, District of Columbia 20515

Re: Daniel J. Scavino, Jr.

Dear Chairman Thompson:

We are in receipt of your November 9, 2021, correspondence as well as the email correspondence from your Staff of the same day advising that the Select Committee will extend the deadline within which Mr. Scavino is to provide documents responsive to its October 6, 2021, subpoena until today, November 15, 2021.

Specifically, your November 9, 2021, correspondence advised that: "If Mr. Scavino has responsive documents that he believes are covered by an applicable privilege, please provide a privilege log that specifically identifies each document and each privilege that he believes applies so that the Select Committee can evaluate whether any additional actions are appropriate." You further advised that the Select Committee "subpoenaed all communications including those conducted on Mr. Scavino's personal social media or other accounts and with outside parties whose inclusion in a communication with Mr. Scavino would mean that no executive privilege claim can be applicable to such communications."

As we advised in our correspondence of November 5, 2021, the Select Committee's subpoena necessarily seeks communications between and among President Trump and his close advisors – information protected by the executive privilege. *See Trump v. Mazars USA, LLP*, 140 S. Ct. 2019, 2024 (2020) ([E]xecutive privilege safeguards the public interest in candid, confidential deliberations within the Executive Branch. . . .") This privilege exists to ensure "the President's access to honest and informed advice and his ability to explore possible policy options *privately* are critical elements in presidential decisionmaking." *In re Sealed Case (Espy)*, 121 F.3d 729, 751 (D.C. Cir. 1997) (emphasis added). Indeed, the communication need not be directed at or by the President, and by extension need not be known to the President, so long as authored or solicited by "presidential advisors in the

course of preparing advice for the President." *Id.* at 752. For this reason, we submit that the production of a privilege log, as demanded by the Select Committee, would undermine the private, or otherwise confidential nature of advice given by or to the President and his advisors and we are aware of no authority to the contrary. *See Comm. on the Judiciary v. Miers*, 558 F. Supp. 2d 53, 107 ("[I]n the absence of an applicable statute or controlling case law, the Court does not have a ready ground by which to *force* the Executive to make such a production strictly in response to a congressional subpoena.").

So as to foster further discussion and the continued collaboration with you and your Staff, and to provide "some way to evaluate assertions going forward," *id.*, Mr. Scavino identifies the following categories of records over which an assertion of executive privilege is being made:

- Communications between Mr. Scavino and "those members of an immediate White House adviser's staff who have broad and significant responsibility for investigating and formulating the advice to be given the President on the particular matter to which the communications relate," *see In re Sealed Case (Espy)*, 121 F.3d at 752;

- Communications between Mr. Scavino and non-Government third-parties related to Mr. Scavino's service as a close advisor to President Trump "in the course of preparing advice for the President," *id.* at 751-752; *see also id.* at 752 ("Given the need to provide sufficient elbow room for advisers to obtain information *from all knowledgeable sources*, the privilege must apply both to communications which these advisors *solicited and received from others* as well as those they authored themselves." (emphasis added)); and

- Communications between Mr. Scavino and Members of Congress related to Mr. Scavino's service as a close advisor to President Trump "in the course of preparing advice for the President," *id.* at 751-752.

As articulated in our correspondence of November 5, 2021, because President Trump has identified sensitive information that he deems subject to executive privilege, "his doing so gives rise to a legal duty on the part of the aide to invoke the privilege on the President's behalf . . ." *Comm. on the Judiciary v. McGahn*, 415 F. Supp. 3d 148, 213 n.34 (D.D.C. 2019).

To that end, we also note that Mr. Scavino served as a close advisor to the President – Deputy Chief of Staff for Communications – regardless of whether the communications in question were sent or received on a personal device or through a personal social media or other account. As we advised in our November 5, 2021, correspondence, while we believe any official communications that were received (or sent) from a personal device or social media account would have separately been provided to the National Archives for

preservation, we will promptly advise the Select Committee should we become aware of any communications not in the possession of the Archivist. As of the date of this correspondence, however, we remain unaware of any records identified by the Archivist as responsive to the Select Committee's subpoena that are sent by or to Mr. Scavino. And we are not otherwise aware of any communications that Mr. Scavino sent or received in his personal capacity that are responsive to the Select Committee's request.

Once again, we expressly reserve Mr. Scavino's right to assert any other applicable privilege or other objection to the Select Committee's subpoena. We note, for example, that the House Counsel has made broad assertions of pertinence as to the specific records at issue. While we are not at this time in a position to fully assess those assertions given that the scope of potentially responsive records remains undefined, we are mindful that Congress's access to information is subject to several limitations and any subpoena it issues is valid only if it is "related to, and in furtherance of, a legitimate task of the Congress." Watkins v. United States, 354 U.S. 178, 215 (1957) ("It is obvious that a person compelled to make this choice is entitled to have knowledge of the subject to which the interrogation is deemed pertinent. That knowledge must be available with the same degree of explicitness and clarity that the Due Process Clause requires in the expression of any element of a criminal offense.").

Please do not hesitate to contact us with any questions or concerns.

Sincerely,

Stan M. Brand

Stanley E. Woodward Jr.

Exhibit 10 — Letter from Counsel for Mr. Scavino to Chairman Thompson (Nov. 18, 2021)

BRAND | WOODWARD
Attorneys at Law

Stan M. Brand
[redacted]

Stanley E. Woodward Jr.
[redacted]

November 18, 2021

VIA ELECTRONIC MAIL

The Honorable Bennie G. Thompson
Chairman
Select Committee to Investigate the January 6th Attack on the United States Capitol
U.S. House of Representatives
Washington, District of Columbia 20515

Re: Daniel J. Scavino, Jr.

Dear Chairman Thompson:

On behalf of our client, Daniel J. Scavino, Jr., we write regarding your October 6, 2021, subpoena for Mr. Scavino to testify at a deposition; your November 9, 2021, correspondence identifying additional "matters of inquiry" for Mr. Scavino's deposition, as well as the email correspondence from your Staff of November 9, 2021, advising that the Select Committee will extend the time for which Mr. Scavino is to appear at a deposition to November 19, 2021. Further, your staff asked that we advise the Select Committee by today, November 18, 2021, *at noon*, whether Mr. Scavino intends to appear for a deposition on November 19.

For the reasons set forth in this correspondence, we submit that Mr. Scavino cannot meaningfully appear for a deposition on Friday, November 19, 2021. As we have previously advised your Staff, the breadth of the "matters of inquiry" identified in your October 6 subpoena as well as your November 9 correspondence make it difficult for us to sufficiently prepare Mr. Scavino to present competent testimony or to ensure that he has adequate representation at such a deposition. Of note, although we invited your Staff to engage with us so as to "hone in on a subset of topics that can be prioritized," we received no response to this invitation.

Instead, the "matters of inquiry" identified within you November 9 correspondence greatly increased the effort necessary to ensure Mr. Scavino's preparedness. Although your October 6 subpoena identified fifteen (15) "items" that are "touching matters of inquiry committed" to the Select Committee, your November 9 correspondence identified an additional eighteen (18) "topics" the Select Committee advised that it "intend[ed] to develop with Mr. Scavino during [his] deposition."

Of note, the "topics" identified by your November 9 correspondence *expand* upon the breadth of the matters of inquiry identified in your October 6 subpoena. Your October 6 subpoena advises that: "The Select Committee has reason to believe that [Mr. Scavino] ha[s] information relevant to understanding important activities that led to and informed the events at the Capitol on

January 6, 2021, and relevant to former President Trump's activities and communications in the period leading up to and on January 6." The "topics" identified in your subpoena then generally reference the events of January 6.

Your November 9 correspondence, however, advises that the Select Committee intends to "develop" with Mr. Scavino "[t]he possibility of invoking . . . the 25th Amendment based on election-related issues or the events in the days leading up to, and including January 6." This one "topic" alone exceeds the breadth of the "matters of inquiry" identified in your October 6 subpoena and requires careful consideration of a plethora if issues implicated by the proposed exploration of this subject. What's more, your November 9 correspondence goes on to advise that you intend to "develop" with Mr. Scavino his "activities in generating social media content and monitoring social media for President Trump" as well as Mr. Scavino's knowledge of "far-right memes, coded language, and whether or how some domestic violent extremist groups such as the Proud Boys interpreted messages from President Trump and other officials." Here again, the scope of the Select Committee's "matters of inquiry" is unbounded and we cannot efficiently address with Mr. Scavino or the Select Committee an appropriate path toward resolving the inter-branch conflict implicated by this "topic." Similarly, your November 9 correspondence identifies as a "matter of inquiry" "[t]heories or strategies regarding Congress and the Vice President's (as President of the Senate) roles and responsibilities when counting the Electoral College vote," a subject not previously identified within your October 6 subpoena.

In summary, your October 9 subpoena makes no reference to the 25th Amendment, Mr. Scavino's social media "activities" as well as knowledge of "far-right memes [or] coded language," or "theories or strategies" regarding the role of the Vice President in the Electoral College vote, to name just a few examples. Rather, these are "topics" that grossly expand upon the breadth of the "matters of inquiry" identified in your subpoena and exacerbate the difficulty of preparing Mr. Scavino for a deposition on such short notice. Finally, as if this task were not already sufficiently challenging, your November 9 correspondence advises that "the Select Committee reserves the right to question Mr. Scavino about other topics" as well.

We acknowledge the important subject matter of the Select Committee's work and have expressed to your Staff a presumed mutual desire to ensure that witnesses appearing before the Select Committee are adequately prepared to provide competent testimony. The importance of that task is heightened by the inter-branch conflict presented by the Select Committee's solicitation of information subject to Executive Branch privilege – a privilege recognized by our first president when he refused to provide information to the House, explaining that "the boundaries fixed by the Constitution between the different departments should be preserved." Pres. George Washington, Message to the House Regarding Documents Relative to the Jay Treaty (Mar. 30, 1796). This centuries-old privilege serves the purpose, as recently delineated by the Supreme Court, to "safeguard[] the public interest in candid, confidential deliberations within the Executive Branch," and covers "information subject to the greatest protection consistent with the fair administration of justice." *Trump v. Mazars USA, LLP*, 140 S. Ct. 2019, 2024 (2020) (quoting *United States v. Nixon*, 418 U.S. 683, 715 (1974)) (internal quotations omitted). *See also In re Sealed Case (Espy)*, 121 F.3d 729, 751 (D.C. Cir. 1997) (holding that "the President's access to honest and informed advice and his ability to explore possible policy options privately are critical elements in presidential

decisionmaking" and recognizing an executive privilege applicable to "communications made by presidential advisers in the course of preparing advice of the President").

Moreover, because President Trump has directed Mr. Scavino to "invoke any immunities and privileges [Mr. Scavino] may have from compelled testimony . . . to the fullest extent permitted by law," Mr. Scavino has a "a legal duty on the part of the aide to invoke the privilege on the President's behalf . . . ." *Comm. on the Judiciary v. McGahn*, 415 F. Supp. 3d 148, 213 n.34 (D.D.C. 2019). We submit that it would be irresponsible for Mr. Scavino to prematurely resolve President Trump's privilege claim by voluntarily waiving privilege and providing testimony implicating the heart of the legal questions at issue. Rather, such inter-branch disputes are to exclusively be resolved by the courts. *See United States v. Nixon*, 418 U.S. 683, 696 (1974) ("We therefore reaffirm that it is the province and duty of [the Supreme Court] 'to say what the law is' with respect to the claim of [executive privilege].'" (*quoting Marbury v. Madison*, 5 U.S. 1 (Cranch) 137, 177 (1803)). We thus continue to monitor the litigation initiated by President Trump and now before the D.C. Circuit *see Trump v. Thompson*, No. 21-5254 (D.C. Cir.), and welcome the opportunity to further discuss the application of the executive privilege to Mr. Scavino's testimony upon receipt of a final order on the merits of this claim. We also acknowledge that the House may, and has, sought judicial resolution of a contested claim of executive privilege, *see Committee on the Judiciary of the House of Reps. v. McGahn*, 965 F.3d 755, 762 (D.C. Cir. 2020) (*en banc*), and that so doing here would not be inappropriate given the potential for current litigation to address only the application of privilege to records.

In addition to the significant issue of the application of executive privilege to Mr. Scavino's potential testimony, we also wish to express concerns about the pertinency of the Committee's stated "matters of inquiry." While we reiterate our acknowledgement of the important subject matter of the Select Committee's work, we also respect the provenance of the U.S. Congress and its role in our co-equal branches of government. We specifically raise this issue prior to resolving the valid application of executive privilege to any potential testimony so as to provide the Select Committee with an opportunity to address our concerns.

Specifically, our review of House Resolution 503 provides no indication that the Select Committee was bestowed with broad or otherwise limitless jurisdiction to investigate. We submit that it does not, because it can not. Our federal courts have plainly held that the jurisdiction of Congressional committees is necessarily limited. *See, e.g., United States v. Kamin*, 136 F. Supp. 791 802 n.4 (D. Mass 1956) (rejecting an interpretation of legislative committee jurisdiction that "would be enormous"). Congress's broad "power of inquiry—with process to enforce it—is an essential and appropriate auxiliary to the legislative function." *McGrain v. Daugherty*, 273 U.S. 135, 174 (1927). Accordingly, Congress and its duly authorized committees may issue a subpoena where the information sought "is related to, and in furtherance of, a legitimate task of Congress," *Watkins v. United States*, 354 U.S. 178, 187 (1957), and the subpoena serves a "valid legislative purpose." *Quinn v. United States*, 349 U.S. 155, 161 (1955).

The "valid legislative purpose" requirement stems directly from the Constitution. *Kilbourn*, 103 U.S. at 168, 182-89 (1880). "The powers of Congress . . . are dependent solely on the Constitution," and "no express power in that instrument" allows Congress to investigate individuals or to issue boundless records requests. *Id.* The Constitution instead permits Congress to enact certain kinds of legislation, *see, e.g.*, U.S. Const. art. I, § 8, and Congress's power to investigate "is

justified as an adjunct to the legislative process, it is subject to several limitations." *Mazars*, 140 S. Ct. at 2031. These limitations include that Congress may not issue a subpoena for the purposes of "law enforcement" because "those powers are assigned under our Constitution to the Executive and the Judiciary," *Quinn*, 349 U.S. at 161, or to "try" someone "of any crime or wrongdoing, *McGrain*, 273 U.S. at 179; nor does Congress have any "general power to inquire into private affairs and compel disclosure," *McGrain*, 273 U.S. at 173-74, or the "power to expose for the sake of exposure," *Watkins*, 354 U.S. at 200. Also importantly, Congressional investigations "conducted solely for the personal aggrandizement of the investigators or to 'punish' those investigated are indefensible." *Watkins*, 354 U.S. at 187, *Mazars*, 140 S. Ct. at 2032.

We are especially troubled by the representation of the legislative purpose of the Select Committee as made by Mr. Douglas Letter on behalf of the U.S. House of Representatives. *See* H'ng T., *Trump v. Thompson*, No. 21-cv-002769 (Nov. 4, 2021). With respect to the Select Committee's legislative purpose, Mr. Letter stated:

> [W]e need to figure out what was the atmosphere that brought . . . about [the events of January 6, including] the many attempts that were made before the election to try to build the nature of mistrust about the election itself, which goes to undermine our democracy, so that if President Trump did lose he would be able to say that his is unfair and to generate lots of anger and rage that led to January 6.

H'ng T. at 40. Contrary to Mr. Letter's assertion, courts have made clear that educating the public is not a valid congressional function. Specifically, the Supreme Court has held that when Congress claims that it is "the duty of Members to tell the public about their activities . . . the transmittal of such information by individual Members in order to inform the public and other Members is not part of the legislative or the deliberations that make up the legislative process." *Hutchinson v. Proxmire*, 443 U.S. 111, 113 (1979). Similarly, congressional investigators have no authority to "collect minutiae on remote topics, on the hypothesis that the past may reflect upon the present." *Watkins*, 354 U.S. at 187.

Mr. Letter goes on to hypothesize as to legislative ends that could be achieved by the Select Committee:

> For example, should we amend the Election Counting Act. Should there be restrictions possibly on ways that federal officials can try to influence state officials to change election results. Should we increase the resources of various committees and bodies who are gathering information. Should we increase resources, for, you know, something that I think has been done many, many decades, rebuilding the confidence of the American people in the election process and our democracy.

H'ng T. at 43. The wide range of *potential* legislative ends cited by Mr. Letter, however, undermine the Select Committee's purported narrowly tailored stated purpose. This one issue is sufficient to defeat any claim of legitimate pertinence. Where, as here, the Select Committee has threatened referrals of criminal contempt, *see* Thompson & Cheney Statement on Bannon Indictment (Nov. 12, 2021) ("Steve Bannon's indictment should send a clear message to anyone who thinks they can ignore the Select Committee or try to stonewall our investigation: no one is above the law. We will not hesitate to use the tools at our disposal to get the information we need."), the Supreme Court

has admonished that the legislative committees are Constitutionally obligated to demonstrate the pertinence of the questions posed to its witnesses with the "explicitness and clarity that the Due Process clause [of the Constitution] requires." *Watkins*, 354 U.S. at 209. As the Court held: "The more vague the committee's charter, the greater becomes the possibility that the committee's specific actions are not in conformity with the will of the parent House of Congress." *Id.* at 201.

Mr. Scavino is thus faced with the precise issue confronted by the Supreme Court in *Watkins*: "It is impossible . . . to ascertain whether any legislative purpose justifies the disclosure sought and, if so, the importance of that information to the Congress in furtherance of its legislative function." *Id.* at 206. In light of the public commentary by Mr. Letter and the Select Committee Members, the legislative purpose of the Select Committee is anything but explicit. Therefore, to facilitate Mr. Scavino's preparation for the provision of competent testimony, we respectfully request the Select Committee furnish an explanation as to how any desired "matter of inquiry" falls within the jurisdiction vested by Congress. Absent further explanation, we submit that the Select Committee has sacrificed its ability to enforce its subpoena. As the Supreme Court observed in *Watkins*: "The reason no court can make this critical judgment [concerning jurisdiction] is that the House of Representatives has never made it." *Id.*

* * *

Finally, we would be remiss were we not to address the Select Committee's public threat to hold in contempt those that do not meet its exacting demands. *See* Katie Benner and Luke Broadwater, Bannon Indicted on Contempt Charges Over House's Capitol Riot Inquiry, *The New York Times* (Nov. 12, 2021) (quoting Rep. Jamie Raskin: "It's great to have a Department of Justice that's back in business . . . I hope other friends of Donald Trump get the message . . . ."). Although Mr. Scavino desires to continue to foster a productive dialogue with your Staff in an effort to identify valid "matters of inquiry" that would produce competent testimony, we feel compelled to highlight significant procedural deficiencies in the Select Committee's threats to refer Mr. Scavino for contempt for asserting legitimate legal challenges to your October 6 subpoena.

First, to our knowledge, Mr. Scavino has not been properly served with the subpoena at issue. Contrary to House Rules, Mr. Scavino was neither handed a copy of the subpoena nor did he waive service of the subpoena. Rather, the subpoena was delivered to a member of President Trump's staff. Indeed, although we are aware of media claims that Mr. Scavino was somehow "evading" service, *see* Ryan Nobles, Zachary Cohen, and Annie Grayer, House Committee Investigating January 6 Can't Find Trump Aide to Serve Subpoena (Oct. 6, 2021), prior to the delivery of the subpoena to Mar-a-Lago on or about October 8, 2021, we are aware of no prior attempts to serve Mr. Scavino with the subpoena (and it bears noting that all visitors to Mar-a-Lago are identified to the U.S. Secret Service).

Second, we do not believe the Select Committee as constituted can validly conduct a deposition. House regulations for the use of deposition authority provide that any committee deposition is to be conducted "in rounds" with "equal time [provided] to the majority and the minority." These regulations further provide that, "[a] deposition shall be conducted by any member or committee counsel designated by the chair or ranking minority member of the Committee that noticed the deposition." 2 Cong. Rec. H41 (daily ed. Jan. 4, 2021) (117th Cong. Reg. for use of Deposition Authority). While we have no desire to enter the political theatre that has

engulfed the important subject matter of the Select Committee's work, we nevertheless must acknowledge the unprecedented refusal of the Speaker of the House to sit the Minority Leader's recommendation for Ranking Member of the Select Committee. We submit that the House regulations do not contemplated this unprecedented decision and absent a duly appointed Ranking Member to the Select Committee it is literally impossible for Mr. Scavino to be questioned by a "member or committee counsel designated by the . . . ranking minority member."

Because of these procedural deficiencies, the Select Committee has sacrificed its ability to enforce its subpoena. As the Supreme Court has held: "[T]he competence of the tribunal must be proved as an independent element of the crime. If the competence is not shown, the crime of perjury is not established regardless of whether the witness relied on the absence of a quorum." *United States v. Reinecke*, 524 F.2d 435, (D.C. Cir. 1975) (citing *Christoffel v. United States*, 338 U.S. 84, 90 (1949). *See Christoffel*, 338 U.S. at 90 ("A tribunal that is not competent is no tribunal, and it is unthinkable that such a body can be the instrument of criminal conviction."). The principal that a Congressional committee must adhere to applicable Rules in pursuit of the enforcement of its subpoenas has similarly resulted in convictions for contempt of congress being overturned. *See Yellin v. United States*, 734 U.S. 109, (reversing conviction for contempt of congress where the Congressional committee failed to adhere to its own rules: "The Committee prepared the groundwork for prosecution in Yellin's case meticulously. It is not too exacting to require that the Committee be equally meticulous in obeying its own rules.").

We further submit that the Select Committee is not without recourse. The House took the relatively unprecedent step of bestowing upon the Select Committee the authority of the Chair "to compel by subpoena the furnishing of information by interrogatory." H. Res. 503 § 5(c)(5). As we have stated repeatedly, we acknowledge the important subject matter of the Select Committee's work and welcome the opportunity to identify "some way to evaluate assertions going forward." *Comm. On the Judiciary v. Miers*, 558 F. Supp. 2d 53, 107 (D.D.C. 2008). Given the complex and unprecedented nature of privilege and pertinency issues the Select Committee's inquiry implicates, the submission of written questions may enable Mr. Scavino, with the assistance of counsel, to parse this critically important vestige of the doctrine of Separation of Powers.

Please do not hesitate to contact us should you wish to discuss.

Sincerely,

Stan M. Brand

Stanley E. Woodward Jr.

Exhibit 11 — Subpoena to Daniel Scavino, Jr. (Nov. 23, 2021)

SUBPOENA

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA

To Mr. Daniel Scavino, Jr.

You are hereby commanded to be and appear before the

Select Committee to Investigate the January 6th Attack on the United States Capitol

of the House of Representatives of the United States at the place, date, and time specified below.

☑ **to produce the things identified on the attached schedule** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of production: [redacted]

Date: November 29, 2021 Time: 12:00 p.m.

☑ **to testify at a deposition** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: [redacted]

Date: December 1, 2021 Time: 10:00 a.m.

☐ **to testify at a hearing** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: _____

Date: _____ Time _____

To any authorized staff member or the United States Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, D.C. this 23 day of November, 2021.

Bennie G. Thompson
Chairman or Authorized Member

Attest: Kevin McCumber
Clerk

PROOF OF SERVICE

Subpoena for
Mr. Daniel Scavino, Jr.
Address via email to: [redacted]

before the Select Committee to Investigate the January 6th Attack on the United States Capitol

U.S. House of Representatives
117th Congress

Served by (print name) [redacted]
Title [redacted]
Manner of service via email to Mr. Scavino's counsel at [redacted]
Date
Signature of Server
Address Select Committe to Investigate January 6th, [redacted]
Washington, DC 20515

One Hundred Seventeenth Congress

Select Committee to Investigate the January 6th Attack on the United States Capitol

November 23, 2021

Mr. Daniel J. Scavino, Jr.
c/o Mr. Stanley E. Woodward
Via e-mail to [redacted]

Dear Mr. Scavino:

Pursuant to the authorities set forth in House Resolution 503 and the rules of the House of Representatives, the Select Committee to Investigate the January 6th Attack on the United States Capitol ("Select Committee") hereby transmits a subpoena that compels you to produce the documents set forth in the accompanying schedule by November 29, 2021, and to appear for a deposition on December 1, 2021.

The Select Committee is investigating the facts, circumstances, and causes of the January 6th attack and issues relating to the peaceful transfer of power, in order to identify and evaluate lessons learned and to recommend to the House and its relevant committees corrective laws, policies, procedures, rules, or regulations. The inquiry includes examination of how various individuals and entities coordinated their activities leading up to the events of January 6, 2021, and the messages, videos, and internet communications that were disseminated to the public concerning the election, the transition in administrations, and the constitutional and statutory processes that effect that transition.

The Select Committee has reason to believe that you have information relevant to understanding important activities that led to and informed the events at the Capitol on January 6, 2021, and relevant to former President Trump's activities and communications in the period leading up to and on January 6. For example, the Select Committee has reason to believe that you have knowledge regarding the communications strategy of the former President and his supporters leading up to the events on January 6. As the Deputy Chief of Staff for Communications, reporting indicates that you were with the former President on January 5, when he and others were considering how to convince Members of Congress not to certify the election for Joe Biden.[1] Your public Twitter account makes clear that you were tweeting messages from the White House on January 6, 2021.[2] And prior to January 6, 2021, you promoted, through your Twitter messaging, the January 6 March for Trump, which encouraged people to "be a part of history."[3] Your long service with the former President—spanning more than a decade and which included service as his digital strategy director, overseeing his social media presence, including on Twitter—

[1] Bob Woodward & Robert Costa, Peril at 231 (2021).
[2] *E.g.*, Dan Scavino (@DanScavino), Twitter (Jan. 6, 2021, 11:12 AM, from The White House), https://twitter.com/DanScavino/status/1346584866964598785?s=20; Dan Scavino[American flag][eagle] (@DanScavino), Twitter (Jan. 6, 2021, 10:50 AM, from The White House), https://twitter.com/danscavino/status/1346846609905168385?lang=en
[3] Dan Scavino (@DanScavino), Twitter (Jan. 2, 2021, 9:04 PM), https://twitter.com/DanScavino/status/1345551501440245762?s=20

suggest that you have knowledge concerning communications involving the 2020 presidential election and rallies and activities supporting and including the former President on January 6. It also appears that you were with or in the vicinity of former President Trump on January 6 and are a witness regarding his activities that day. You may also have materials relevant to his videotaping and tweeting messages on January 6. Accordingly, the Select Committee seeks both documents and your deposition testimony regarding these and other matters that are within the scope of the Select Committee's inquiry.

A copy of the rules governing Select Committee depositions, and a copy of document production definitions and instructions are attached. Please contact staff for the Select Committee at [redacted] to arrange for the production of documents.

Sincerely,

Bennie G. Thompson
Chairman

Mr. Daniel J. Scavino, Jr.
Page 3

SCHEDULE

In accordance with the attached definitions and instructions, you, Mr. Daniel Scavino, Jr., are hereby required to produce all documents and communications in your possession, custody, or control control—including any such documents or communications stored or located on personal devices (e.g., personal computers, cellular phones, tablets, etc.), in personal or campaign accounts, and/or on personal or campaign applications (e.g., email accounts, contact lists, calendar entries, etc.)— referring or relating to the following items. If no date range is specified below, the applicable dates are for the time period April 1, 2020-present.

1. The January 6, 2021, rally on the mall and Capitol grounds in Washington, D.C., in support of President Donald J. Trump and opposition to certification of the results of the 2020 presidential election, including any permitting, planning, objectives, financing, and conduct, as well as any communications to or from any person or group involved in organizing or planning for the January 6, 2021, rally.

2. Then-President Trump's participation in the January 6, 2021, rally, including any communications with President Trump or any paid or unpaid attorney, advisor, assistant, or aide to President Trump relating to the nature, context, or content of President Trump's intended or actual remarks to those attending the January 6, 2021, rally.

3. Communications referring or relating to the nature, planning, conduct, message, purpose, objective, promotion of, or participation in the January 6, 2021, rally that were between or among any person who, during the administration of former President Trump, worked in the White House complex, including any employee or detailee.

4. Your communications with President Donald J. Trump concerning delaying or preventing the certification of the election of Joe Biden as President or relating to the rallies of January 5 or January 6, 2021.

5. Plans to communicate, or actual communications, relating to alleged fraud or other election irregularities in connection with the 2020 presidential election.

6. Communications with any non-governmental entity, organization, or individual relating to the January 6, 2021, rally, including any statements or other materials you or members of your office provided to any such entity, organization, or individual in connection with the planning, objectives, organization, message of, sponsorship and participation in the January 6, 2021, rally.

7. All communications regarding President Trump's meetings and communications that day.

8. Communications with any individual or organization, within or outside the government, referring or related to the activities and events at the January 6, 2021, rally, including messaging or characterization of those activities and events following the January 6, 2021, rally.

9. Any communications with, including any materials or statements you provided directly or indirectly to, any Member of Congress or the staff of any Member of Congress referring or related to the planning, objectives, organization, message, sponsorship, or participation in the January 6, 2021, rally.

10. Anyone with whom you communicated by any means regarding any aspect of the planning, objectives, conduct, message of, promotion of, or participation in the January 6, 2021, rally.

11. From November 3, 2020, through January 6, 2021, any efforts, plans, or proposals to contest the 2020 Presidential election results or delay, influence, or impede the electoral count, including all tweets or posts on Parler urging attendance at the January 6 rally.

12. The role of the Vice President as the Presiding Officer in the certification of the votes of the electoral college.

13. All briefings or information from the United States Secret Service regarding participants at the January 6 rally on the Ellipse or the march to Capitol Hill, and all information relating to any plans or statements by President Trump that he would attend or participate in the events on Capitol Hill on January 6.

14. All communications with the Trump family on January 6, 2021.

15. All materials relating to former President Trump's videotaped messages on January 6 or regarding January 6, including all unused takes or recordings made that day.

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this request, produce all responsive documents, regardless of classification level, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Select Committee to Investigate the January 6th Attack on the United States Capitol ("Committee").

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.

4. The Committee's preference is to receive documents in a protected electronic form (i.e., password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. With specific reference to classified material, you will coordinate with the Committee's Security Officer to arrange for the appropriate transfer of such information to the Committee. This includes, but is not necessarily limited to: a) identifying the classification level of the responsive document(s); and b) coordinating for the appropriate transfer of any classified responsive document(s).

5. Electronic document productions should be prepared according to the following standards:

   a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

   b. All electronic documents produced to the Committee should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

      BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee's letter to which the documents respond.

9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

11. In accordance with 5 U.S.C.§ 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.

12. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

16. If a date or other descriptive detail set forth in this request referring to a document

is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and
(2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

2. The term "communication" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

3. The terms "and" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.

4. The term "including" shall be construed broadly to mean "including, but not limited to."

5. The term "Company" means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.

6. The term "identify," when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; (b) the individual's business or personal address and phone number; and (c) any and all known aliases.

7. The term "related to" or "referring or relating to," with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.

8. The term "employee" means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, assignee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.

9. The term "individual" means all natural persons and all persons or entities acting on their behalf.

health, safety, and well-being of others present in the Chamber and surrounding areas. Members and staff will not be permitted to enter the Hall of the House without wearing a mask. Masks will be available at the entry points for any Member who forgets to bring one. The Chair views the failure to wear a mask as a serious breach of decorum. The Sergeant-at-Arms is directed to enforce this policy. Based upon the health and safety guidance from the attending physician and the Sergeant-at-Arms, the Chair would further advise that all Members should leave the Chamber promptly after casting their votes. Furthermore, Members should avoid congregating in the rooms leading to the Chamber, including the Speaker's lobby. The Chair will continue the practice of providing small groups of Members with a minimum of 5 minutes within which to cast their votes. Members are encouraged to vote with their previously assigned group. After voting, Members must clear the Chamber to allow the next group a safe and sufficient opportunity to vote. It is essential for the health and safety of Members, staff, and the U.S. Capitol Police to consistently practice social distancing and to ensure that a safe capacity be maintained in the Chamber at all times. To that end, the Chair appreciates the cooperation of Members and staff in preserving order and decorum in the Chamber and in displaying respect and safety for one another by wearing a mask and practicing social distancing. All announced policies, including those addressing decorum in debate and the conduct of votes by electronic device, shall be carried out in harmony with this policy during the pendency of a covered period.

117TH CONGRESS REGULATIONS FOR USE OF DEPOSITION AUTHORITY

COMMITTEE ON RULES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 4, 2021.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

MADAM SPEAKER: Pursuant to section 3(b) of House Resolution 8, 117th Congress, I hereby submit the following regulations regarding the conduct of depositions by committee and select committee counsel for printing in the Congressional Record.

Sincerely,

JAMES P. MCGOVERN,
Chairman, Committee on Rules.

REGULATIONS FOR THE USE OF DEPOSITION AUTHORITY

1. Notices for the taking of depositions shall specify the date, time, and place of examination. Depositions shall be taken under oath administered by a member or a person otherwise authorized to administer oaths. Depositions may continue from day to day.

2. Consultation with the ranking minority member shall include three days' notice before any deposition is taken. All members of the committee shall also receive three days written notice that a deposition will be taken, except in exigent circumstances. For purposes of these procedures, a day shall not include Saturdays, Sundays, or legal holidays except when the House is in session on such a day.

3. Witnesses may be accompanied at a deposition by personal, nongovernmental counsel to advise them of their rights. Only members, committee staff designated by the chair or ranking minority member, an official reporter, the witness, and the witness's counsel are permitted to attend. Observers or counsel for other persons, including counsel for government agencies, may not attend.

4. The chair of the committee noticing the deposition may designate that deposition as part of a joint investigation between committees, and in that case, provide notice to the members of the committees. If such a designation is made, the chair and ranking minority member of the additional committee(s) may designate committee staff to attend pursuant to regulation 3. Members and designated staff of the committees may attend and ask questions as set forth below.

5. A deposition shall be conducted by any member or committee counsel designated by the chair or ranking minority member of the Committee that noticed the deposition. When depositions are conducted by committee counsel, there shall be no more than two committee counsel permitted to question a witness per round. One of the committee counsel shall be designated by the chair and the other by the ranking minority member per round.

6. Deposition questions shall be propounded in rounds. The length of each round shall not exceed 60 minutes per side, and shall provide equal time to the majority and the minority. In each round, the member(s) or committee counsel designated by the chair shall ask questions first, and the member(s) or committee counsel designated by the ranking minority member shall ask questions second.

7. Objections must be stated concisely and in a non-argumentative and non-suggestive manner. A witness's counsel may not instruct a witness to refuse to answer a question, except to preserve a privilege. In the event of professional, ethical, or other misconduct by the witness's counsel during the deposition, the Committee may take any appropriate disciplinary action. The witness may refuse to answer a question only to preserve a privilege. When the witness has refused to answer a question to preserve a privilege, members or staff may (i) proceed with the deposition, or (ii) either at that time or at a subsequent time, seek a ruling from the Chair either by telephone or otherwise. If the Chair overrules any such objection and thereby orders a witness to answer any question to which an objection was lodged, the witness shall be ordered to answer. If a member of the committee chooses to appeal the ruling of the chair, such appeal must be made within three days, in writing, and shall be preserved for committee consideration. The Committee's ruling on appeal shall be filed with the clerk of the Committee and shall be provided to the members and witness no less than three days before the reconvened deposition. A deponent who refuses to answer a question after being directed to answer by the chair may be subject to sanction, except that no sanctions may be imposed if the ruling of the chair is reversed by the committee on appeal.

8. The Committee chair shall ensure that the testimony is either transcribed or electronically recorded or both. If a witness's testimony is transcribed, the witness or the witness's counsel shall be afforded an opportunity to review a copy. No later than five days after the witness has been notified of the opportunity to review the transcript, the witness may submit suggested changes to the chair. Committee staff may make any typographical and technical changes. Substantive changes, modifications, clarifications, or amendments to the deposition transcript submitted by the witness must be accompanied by a letter signed by the witness requesting the changes and a statement of the witness's reasons for each proposed change. Any substantive changes, modifications, clarifications, or amendments shall be included as an appendix to the transcript conditioned upon the witness signing the transcript.

9. The individual administering the oath, if other than a member, shall certify on the transcript that the witness was duly sworn. The transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall be filed, together with any electronic recording, with the clerk of the committee in Washington, DC. Depositions shall be considered to have been taken in Washington, DC, as well as the location actually taken once filed there with the clerk of the committee for the committee's use. The chair and the ranking minority member shall be provided with a copy of the transcripts of the deposition at the same time.

10. The chair and ranking minority member shall consult regarding the release of deposition testimony, transcripts, or recordings, and portions thereof. If either objects in writing to a proposed release of a deposition testimony, transcript, or recording, or a portion thereof, the matter shall be promptly referred to the committee for resolution.

11. A witness shall not be required to testify unless the witness has been provided with a copy of section 3(b) of H. Res. 8, 117th Congress, and these regulations.

REMOTE COMMITTEE PROCEEDINGS REGULATIONS PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

COMMITTEE ON RULES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 4, 2021.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

MADAM SPEAKER: Pursuant to section 3(s) of House Resolution 8, 117th Congress, I hereby submit the following regulations regarding remote committee proceedings for printing in the CONGRESSIONAL RECORD.

Sincerely,

JAMES P. MCGOVERN,
Chairman,
Committee on Rules.

REMOTE COMMITTEE PROCEEDINGS REGULATIONS PURSUANT TO HOUSE RESOLUTION 8

A. PRESENCE AND VOTING

1. Members participating remotely in a committee proceeding must be visible on the software platform's video function to be considered in attendance and to participate unless connectivity issues or other technical problems render the member unable to fully participate on camera (except as provided in regulations A.2 and A.3).

2. The exception in regulation A.1 for connectivity issues or other technical problems does not apply if a point of order has been made that a quorum is not present. Members participating remotely must be visible on the software platform's video function in order to be counted for the purpose of establishing a quorum.

3. The exception in regulation A.1 for connectivity issues or other technical problems does not apply during a vote. Members participating remotely must be visible on the software platform's video function in order to vote.

4. Members participating remotely off-camera due to connectivity issues or other technical problems pursuant to regulation A.1 must inform committee majority and minority staff either directly or through staff.

5. The chair shall make a good faith effort to provide every member experiencing connectivity issues an opportunity to participate fully in the proceedings, subject to regulations A.2 and A.3.

H. Res. 8

In the House of Representatives, U. S.,

January 4, 2021.

Resolved,

SECTION 1. ADOPTION OF THE RULES OF THE ONE HUNDRED SIXTEENTH CONGRESS.

The Rules of the House of Representatives of the One Hundred Sixteenth Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Sixteenth Congress, are adopted as the Rules of the House of Representatives of the One Hundred Seventeenth Congress, with amendments to the standing rules as provided in section 2, and with other orders as provided in this resolution.

SEC. 2. CHANGES TO THE STANDING RULES.

(a) CONFORMING CHANGE.—In clause 2(i) of rule II—

(1) strike the designation of subparagraph (1); and

(2) strike subparagraph (2).

(b) OFFICE OF DIVERSITY AND INCLUSION AND OFFICE OF THE WHISTLEBLOWER OMBUDS.—

SEC. 3. SEPARATE ORDERS.

(a) MEMBER DAY HEARING REQUIREMENT.—During the first session of the One Hundred Seventeenth Congress, each standing committee (other than the Committee on Ethics) or each subcommittee thereof (other than a subcommittee on oversight) shall hold a hearing at which it receives testimony from Members, Delegates, and the Resident Commissioner on proposed legislation within its jurisdiction, except that the Committee on Rules may hold such hearing during the second session of the One Hundred Seventeenth Congress.

(b) DEPOSITION AUTHORITY.—

(1) During the One Hundred Seventeenth Congress, the chair of a standing committee (other than the Committee on Rules), and the chair of the Permanent Select Committee on Intelligence, upon consultation with the ranking minority member of such committee, may order the taking of depositions, including pursuant to subpoena, by a member or counsel of such committee.

(2) Depositions taken under the authority prescribed in this subsection shall be subject to regulations issued by the chair of the Committee on Rules and printed in the Congressional Record.

(c) WAR POWERS RESOLUTION.—During the One Hundred Seventeenth Congress, a motion to discharge a measure introduced pursuant to section 6 or section 7 of the War

Exhibit 12 — Letter from Counsel for Mr. Scavino to Chairman Thompson (Nov. 26, 2021)

BRAND | WOODWARD
Attorneys at Law

Stan M. Brand
[redacted]

Stanley E. Woodward Jr.
[redacted]

November 26, 2021

VIA ELECTRONIC MAIL

The Honorable Bennie G. Thompson
Chairman
Select Committee to Investigate the January 6th Attack on the United States Capitol
U.S. House of Representatives
Washington, District of Columbia 20515

Re: Daniel J. Scavino, Jr.

Dear Chairman Thompson:

On behalf of our client, Daniel J. Scavino, Jr., we write in response to your November 23, 2021 correspondence. We regret that in your apparent haste to acknowledge the Select Committee's failure to properly serve Mr. Scavino with your October 6, 2021, subpoena, that you appear to have inadvertently transposed dates in your correspondence. For example, although you request that we "confirm receipt" of your correspondence "no later than 12:00pm Monday, November 29," you ask that we "identify the specific topics Mr. Scavino agrees are outside the scope of his asserted privileges . . . no later than Friday, November 26, 2021." It is unclear why it would be necessary for us to provide you with any information today, Friday, when we are not asked to confirm receipt of your correspondence until Monday.[1]

While no doubt an inadvertent oversight, this discrepancy does cast doubt on the Select Committee's careful consideration of the numerous legal and procedural issues raised by our prior correspondence. Where, as here, the threat of criminal contempt is invoked, the Supreme Court has made clear that Mr. Scavino is entitled to the "the specific provisions of the Constitution relating to the prosecution of offenses and those implied restrictions under which courts function." *Watkins v. United States*, 354 U.S. 178, 216 (1957) (Frankfurter, J., concurring).

With respect to Mr. Scavino's deposition, you demand that we "identify the specific topics Mr. Scavino agrees are outside the scope of his asserted privileges, and if you believe a privilege applies, articulate which privilege and how it is implicated for each item no later than Friday, November 26, 2021." As articulated in our correspondence of November 18, 2021, the Select Committee has now identified thirty-three (33) "matters of inquiry" for which it purportedly seeks

[1] Today, the Friday after Thanksgiving, is recognized as a paid holiday for over 43 percent (43%) of employees who receive any paid holidays. *See* U.S. Bureau of Labor Statistics, Employee Benefits Survey, Holiday Profile – Day After Thanksgiving, https://www.bls.gov/ncs/ebs/day-after-thanksgiving-2018.htm (last visited Nov. 26, 2021).

testimony from Mr. Scavino. Indeed, your correspondence of November 23, 2021, acknowledges that despite our request to "hone in on a subset of topics that can be prioritized," no effort to do so has been made on your part. Rather, you submit that Mr. Scavino bears the responsibility of "identify[ing] the specific topics Mr. Scavino agrees are outside the scope of his asserted privileges." Tellingly, you cite no authority – law, regulation, rule, historical precedent, or otherwise – for the proposition that the subject of a deposition subpoena bears the obligation of identifying topics of information about which that deponent may be questioned. You do not, we submit, because you cannot. Never in the history of our Nation's legal system has the compelled subject of testimonial inquiry been required to volunteer the testimony believed to be of relevance to that witnesses' inquisitor. 0In fact, the precepts of Due Process require otherwise: As the Supreme Court held in *Watkins*: "It is obvious that a person compelled to [testify] is entitled to have knowledge of the subject to which the interrogation is deemed pertinent [and] [t]hat knowledge must be available with the same degree of explicitness and clarity that the Due Process Clause requires in the expression of any element of a criminal offense." 354 U.S. at 208-09. Your approach – to have Mr. Scavino volunteer the topics of testimony for his own deposition – would vitiate the clear due process protections delineated by the *Watkins* Court.

To that end, you seem to divorce the requirement that the Select Committee identify the "pertinency of [each] question[] propounded to the witness," *id.* at 208, from a determination of what privilege may apply. Without the requisite showing of pertinency, however, Mr. Scavino cannot be in a position to determine whether an applicable privilege requires invocation. In our correspondence of November 18, 2021, for example, we highlighted several "matters of inquiry" for which a claim of pertinency seemed untenable. Rather than address our concerns, you mischaracterize our position. Mr. Scavino does not, "tak[e] the position that he may refuse to comply with the Select Committee subpoena simply because he has a different view of what information should be important to Congress." To the contrary, he asserts his right to request that the Select Committee clearly articulate the pertinence of the "matters of inquiry" it seeks to "develop" with him. *See Watkins*, 354 U.S. at 208. Only once this prerequisite has been established can Mr. Scavino – whom as you concede "was a government official conducting public business" at all times relevant to your "matters of inquiry" – assess whether to make an assertion of executive privilege over any information he may possess. *See Comm. on the Judiciary v. McGahn*, 415 F. Supp. 3d 148, 213 n.34 (D.D.C. 2019) (acknowledging the "legal duty on the part of the aide to invoke the privilege on the President's behalf").

The assertion in your correspondence of November 23, 2021, that Mr. Scavino "is in no position to assert privilege on behalf of the executive branch" is similarly without merit. We are, of course, aware of President Trump's litigation with the National Archives concerning a former President's assertion of privilege in the face of an incumbent President's waiver of the same. *See Trump v. Thompson*, No. 21-5254 (D.C. Cir.). Indeed, the fact that this litigation remains pending should be proof enough that the issue remains unsettled. We reiterate that it would be irresponsible for Mr. Scavino to prematurely resolve President Trump's privilege claim by voluntarily waiving privilege and providing testimony or producing documents implicating the heart of the legal questions at issue. Rather, such inter-branch disputes are to exclusively be resolved by the courts and we patiently await the outcome of that judicial process. *See United States v. Nixon*, 418 U.S. 683, 696 (1974) ("We therefore reaffirm that it is the province and duty of

[the Supreme Court] 'to say what the law is' with respect to the claim of [executive privilege].'" (*quoting Marbury v. Madison*, 5 U.S. 1 (Cranch) 137, 177 (1803)).

In short, we vehemently disagree with your characterization of Mr. Scavino's compliance with your subpoena. To describe our efforts as "continued, willful non-compliance" or "Mr. Scavino's steadfast refusal to cooperate" strain credulity. In your correspondence of November 23, 2021, you write: "Mr. Scavino is apparently taking the position that he may refuse to comply with the Select Committee subpoena simply because he has a different view of what information should be important to Congress." We encourage your careful consideration of what representations were *actually* made in our prior correspondence. Why has the Select Committee not addressed our request for an articulation of the pertinence of each of its delineated "matters of inquiry." You also write: "Mr. Scavino's continued refusal to provide a privilege log, coupled with your extensive and blanket assertions of privilege, are fundamentally at odds with your stated desire to 'foster further discussion and the continued collaboration' with the Select Committee." Again, we encourage your careful consideration of our prior correspondence. No "blanket assertions of privilege" have been lodged. Rather, we have specifically articulated categories of privilege we believe applicable to the communications potentially relevant to the Select Committee's "matters of inquiry." Absent from your correspondence is any acknowledgement of that assertion or any attempt to negotiate with Mr. Scavino concerning his testimony. The Select Committee's posturing is perhaps best evidenced by your position that, "there is simply no substitute for live, in-person testimony" in rejecting our request that the Select Committee propound written interrogatories so that together we might carefully parse important questions of both pertinence and privilege. Would not the receipt of *any* information be a compelling substitute for the immediate desire of live, in-person testimony?

We provide this response, per your demand, within 72 hours (including the Thanksgiving Holiday) of receipt of your correspondence of November 23, 2021. We do so and explicitly reiterate our acknowledgement of the important subject matter of the Select Committee's work. We would be remiss, however, were we not to observe the Select Committee's apparent failure to address the important procedural defects we identified in the Select Committee's process (other than correcting the Select Committee's failure to properly serve Mr. Scavino).

First, your demand that we expeditiously respond to the Select Committee's correspondence over the Thanksgiving Holiday does nothing to further our stated desire of ensuring that Mr. Scavino, and his counsel, be thoroughly prepared to address the "matters of inquiry" the Select Committee intends to "develop" with him. This challenge remains exacerbated by the Select Committee advising that it "reserves the right to question Mr. Scavino about other topics" in addition to those "matters of inquiry" delineated in its subpoena and subsequent correspondence. In that you acknowledge that Mr. Scavino is entitled to the representation of counsel in his deposition, you must further acknowledge that for this representation to be meaningful, both he and his counsel must be adequately prepared. *See Yellin v. United States*, 374 U.S. 109, 123-24 (1963) (reversing conviction for contempt of congress where the Congressional committee failed to adhere to its own rules: "The Committee prepared the groundwork for prosecution in Yellin's case meticulously. It is not too exacting to require that the Committee be equally meticulous in obeying its own rules.").

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Attorneys at Law

November 26, 2021
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Second, you mischaracterize our concern over the Select Committee's stated approach to the taking of Mr. Scavino's deposition. Our position is not that any applicable law, resolution, rule or other authority requires "the minority leader's preferred Members" to be appointed to the Select Committee. Rather, our inquiry focused on whether House Rules contemplate the procedure for conducting a deposition *when the minority leader's recommended Members are not appointed to the Select Committee*. Here, no Member recommended by the minority leader has been appointed to the Select Committee. In turn, no Ranking Member has been designated by the minority leader (or as far as we are aware, by anyone). Therefore, because the Select Committee lacks a Ranking Member, no "committee counsel" can be "designated" by the Ranking Member for the purpose of the Select Committee's taking a deposition, as required by the Regulations for the Use of Deposition Authority promulgated by the Chairman on Rules pursuant to section 3(b) of House Resolution 8. As the Supreme Court has held: "the competence of the tribunal must be proved as an independent element of the crime [and] [i]f the competence is not shown, the crime of perjury is not established regardless of whether the witness relied on the absence of a quorum." *United States v. Reinecke*, 524 F.2d 435, (D.C. Cir. 1975) (citing *Chrisoffel v. United States*, 338 U.S. 84, 90 (1949)), and the "chain of authority from the House to the questioning body is an essential element of the offense." *Gojack v. United States*, 384 U.S. 702, 716 (1966).

Because of these procedural deficiencies, the Select Committee has sacrificed its ability to enforce its subpoena – the principal that a Congressional committee must adhere to applicable Rules in pursuit of the enforcement of its subpoenas has similarly resulted in convictions for contempt of congress being overturned. *See Yellin*, 374 U.S. at 123-24.

Please do not hesitate to contact us should you wish to discuss.

Sincerely,

Stan M. Brand

Stanley E. Woodward Jr.

Exhibit 13 — Deposition that Memorialized Daniel Scavino, Jr.'s Failure to Appear before the Select Committee (Dec. 1, 2021)

SELECT COMMITTEE TO INVESTIGATE THE
JANUARY 6TH ATTACK ON THE U.S. CAPITOL,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

DEPOSITION OF: DANIEL J. SCAVINO, JR. (NO-SHOW)

Wednesday, December 1, 2021

Washington, D.C.

The deposition in the above matter was held in [redacted], commencing at 9:59 a.m.

Appearances:

For the SELECT COMMITTEE TO INVESTIGATE
THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

[redacted]

[redacted]. We are on the record.

Today is Wednesday, December 1st, 2021. The time is 10 a.m. We are convened in the [redacted], for the deposition of Daniel J. Scavino, Jr., to be conducted by the House Select Committee to Investigate the January 6th Attack on the United States Capitol.

The person transcribing this proceeding is the House stenographer and notary public authorized to administer oaths.

My name is [redacted]. I am a [redacted] to the select committee and the select committee's designated staff counsel for this proceeding. I'm accompanied by [redacted], [redacted], and [redacted], [redacted].

For the record, it is now 10:01, and Mr. Scavino is not present.

On October 6th, 2021, Chairman Bennie Thompson issued a subpoena to Mr. Scavino both to produce documents by October 21st, 2021, and to testify at a deposition on October 28th, 2021, at 10 a.m.

The subpoena is in connection with the select committee's investigation into the facts, circumstances, and causes of the January 6th attack and issues related to the peaceful transition of power in order to identify and evaluate lessons learned and to recommend to the House and its relevant committees corrective laws, policies, procedures, rules, or regulations.

This inquiry includes examination of how various individuals, to include Mr. Scavino, and entities coordinated their activities leading up to the events of January 6th, 2021, and the messages, videos, and internet communications that were disseminated to the public concerning the election, the transition of administrations, and

the constitutional and statutory processes that affect that transition.

After Mr. Scavino retained counsel, Mr. Stanley Woodward and Mr. Stan Brand, the select committee agreed several times to postpone the subpoena deadline to enable his counsel to overcome varied logistical challenges.

Ultimately, the select committee set new deadlines to produce documents and appear for testimony. Mr. Scavino was required to produce documents by November 29th, 2021, and appear for testimony on December 1st, 2021.

By letters dated between November 5th and November 26th, the select committee engaged with counsel for Mr. Scavino. In the letters, the select committee addressed Mr. Scavino's claims of, among other things, extensive and blanket assertions of privilege.

In the letter dated November 9th, the select committee also instructed Mr. Scavino to assert privilege claims in a privilege log based on the topics provided by the select committee no later than November 11th, 2021.

On November 18th, 2021, Mr. Scavino, through counsel, informed the select committee that he would not appear at the deposition then scheduled for November 19th. Specifically, counsel said that, quote, "Mr. Scavino cannot meaningfully appear for a deposition on Friday, November 19th, 2021," end quote.

Counsel also, for the first time, objected to the method of the select committee's service of Mr. Scavino's October 6th, 2021, subpoena despite having all relevant documentation, including the subpoena itself, in counsel's possession.

On November 23rd, 2021, Mr. Woodward, counsel for Mr. Scavino, agreed to accept service of a subpoena on Mr. Scavino's behalf, and the new subpoena was issued to Mr. Woodward that same day.

In a letter also dated November 23rd, 2021, the select committee addressed

Mr. Scavino's other concerns and allowed a final continuance of the deposition date.

The select committee also reiterated the importance of a privilege log based on the topics provided by the select committee in the letter dated November 9th, 2021, and set a November 26th, 2021, deadline for this log.

The select committee further informed Mr. Scavino that, quote, "The select committee will view Mr. Scavino's failure to appear for the deposition and respond to the subpoena as willful noncompliance. His continued failure to produce documents pursuant to the subpoena also constitutes willful noncompliance.

"Mr. Scavino has a short time in which to cure his noncompliance. The continued willful noncompliance with a subpoena would force the select committee to consider invoking the contempt of Congress procedures in 2 USC, Sections 192 and 194, which could result in a referral from the House to the Department of Justice for criminal charges, as well as the possibility of having a civil action to enforce a subpoena brought against Mr. Scavino in his personal capacity," end quote.

Although the select committee continued to engage with counsel, Mr. Scavino, through counsel, informed the select committee that he would not appear today.

Specifically, Mr. Woodward informed counsel for the select committee on November 30th that, quote, "I believe our position remains fairly stated in our correspondence," end quote.

Mr. Woodward clarified to counsel for the select committee over the phone on November 30th, 2021, that this meant that Mr. Scavino would not be appearing on the record today, either to answer questions or to assert specific claims of privilege. Counsel for the select committee then confirmed this understanding over email correspondence.

To date, Mr. Scavino has not produced any documents or a privilege log, and

Mr. Scavino has not appeared today to answer questions or assert privilege objections.

I will mark as exhibit 1 and enter into the record the October 6th select committee subpoena to Mr. Scavino included with materials that accompanied the subpoena, namely, a letter from the chairman, a document schedule with accompanying production instructions, and a copy of the deposition rules.

[Scavino Exhibit No. 1

Was marked for identification.]

[redacted]. I will mark as exhibit 2 and enter into the record the receipt of service for the October 6th subpoena, which was personally served to Susan Wiles, chief of staff to the former President Trump, recorded on the proof of service as chief of staff for the 45th Office, on October 8th, 2021.

[Scavino Exhibit No. 2

Was marked for identification.]

[redacted]. Ms. Wiles reportedly represented to the U.S. marshal who served her that she was authorized to accept service on Mr. Scavino's behalf.

I will mark as exhibit 3 and enter into the record the November 23rd select committee subpoena to Mr. Scavino included with materials that accompanied the subpoena, namely, a letter from the chairman, a document schedule with accompanying production instructions, and a copy of deposition rules.

[Scavino Exhibit No. 3

Was marked for identification.]

[redacted] I personally served the subpoena to Mr. Scavino's counsel, Stanley Woodward, over email pursuant to agreement with counsel.

I will mark as exhibit 4 and enter into the record a series of letters and emails exchanged between the select committee and counsel for Mr. Scavino.

[Scavino Exhibit No. 4

Was marked for identification.]

[redacted]. Specifically, they are an email exchange between Mr. Woodward, myself, and [redacted], who is [redacted] for the select committee, dated from October 20th until November 30th, 2021. This exchange includes emails of service of the November 23rd, 2021, subpoena for Mr. Scavino reflecting extended deadlines.

It also includes a letter from Mr. Woodward and Mr. Brand to the select committee on November 5th, 2021. Attached to that letter is a letter from Mr. Justin Clark, counsel to the former President, Donald J. Trump, to Mr. Scavino on October 6th, 2021.

There is also a letter from the select committee to Mr. Woodward and Mr. Brand dated November 9th, 2021; a letter from Mr. Woodward and Mr. Brand to the select committee dated on November 15th, 2021; a letter from Mr. Woodward and Mr. Brand to the select committee dated November 18th, 2021; a letter from the select committee to Mr. Woodward and Mr. Brand dated November 23rd, 2021; and finally, a letter from Mr. Brand and Mr. Woodward to the select committee dated November 26th, 2021.

I will note for the record that the time is now 10:08 a.m., and Mr. Scavino still has not appeared or communicated to the select committee that he will appear today as required by the subpoena.

Accordingly, as we await Mr. Scavino's compliance with the October 6th and November 23rd subpoenas, this section of the deposition stands in recess, subject to the call of the chair, at 10:09 a.m.

We are off the record.

[Whereupon, at 10:09 a.m., the deposition was recessed, subject to the call of the

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chair.]

Exhibit 14 — Letter from Chairman Thompson to Counsel for Mr. Scavino (Dec. 9, 2021)

One Hundred Seventeenth Congress

Select Committee to Investigate the January 6th Attack on the United States Capitol

December 9, 2021

Mr. Stanley E. Woodward, Jr.
Mr. Stan M. Brand
[redacted]

Dear Messrs. Woodward and Brand,

The Select Committee to Investigate the January 6th Attack on the U.S. Capitol ("Select Committee") is in receipt of your November 26, 2021, letter and subsequent communications regarding the requested testimony and documents from your client, Daniel J. Scavino, Jr.

Pursuant to the Select Committee's October 6, 2021, subpoena, Mr. Scavino was required to produce documents by October 21, 2021, and to appear for testimony on October 28, 2021.[1] The Select Committee has extended those deadlines five times. In our correspondence dated November 23, 2021, the Select Committee noted that a fifth and final continuance would be granted to November 29, 2021, for documents, and to December 1, 2021, for deposition testimony.

During a phone call on November 30, 2021, Mr. Woodward, counsel for Mr. Scavino confirmed that his client would not appear for testimony the following day and demanded the Select Committee identify in detail each inquiry that would be posed to Mr. Scavino during the deposition. Mr. Woodward asserted that his client could not properly prepare, nor could he advise his client regarding privilege, without more detail, including regarding the pertinence of the Select Committee's inquiries.

My letter dated letter dated November 9, 2021, identified with sufficient detail the items we intend to discuss with Mr. Scavino. The Select Committee is not obligated to provide a question-by-question preview to Mr. Scavino in advance of the deposition.

Additionally, counsel has demanded that the Select Committee explain the pertinence of its investigation of Mr. Scavino's knowledge and activities as outlined in the subpoena and the November 9, 2021, letter. As stated in the subpoena, pursuant to House Resolution 503, the Select Committee is investigating the facts, circumstances, and causes of the January 6th attack and issues relating to the peaceful transfer of power, in order to identify and evaluate lessons learned and to

[1] Though counsel, for the first time on November 18, challenged service of the October 6, 2021, subpoena, counsel has produced a letter from President Trump's attorney dated October 6, 2021, requesting that Mr. Scavino assert privilege. Additionally, counsel has represented Mr. Scavino since at least October 20, and at no time indicated that he did not have access to the original subpoena or knowledge of the subjects therein. Thus, as of the date of this letter, Mr. Scavino has had at least seven weeks to produce responsive documents and identify topics that he believes to be beyond the scope of privilege. To date, he has done neither.

recommend to the House and its relevant committees corrective laws, policies, procedures, rules, or regulations. The inquiry includes examination of how various individuals and entities coordinated their activities leading up to the events of January 6, 2021, and the messages, videos, and internet communications that were disseminated to the public concerning the election, the transition in administrations, and the constitutional and statutory processes that effect that transition.

The Select Committee has reason to believe that Mr. Scavino has information relevant to understanding important activities that led to and informed the events at the Capitol on January 6, 2021, and relevant to former President Trump's activities and communications in the period leading up to and on January 6. For example, the Select Committee has reason to believe that he has knowledge regarding the communications strategy of the former President and his supporters leading up to the events on January 6. Mr. Scavino served the former President in various roles advising on or running social media, from the 2016 presidential campaign through his service in the Trump White House across the tenure of the Trump Administration. As the Deputy Chief of Staff for Communications, reporting indicates that he was with the former President on January 5, when he and others were considering how to convince Members of Congress not to certify the election for Joe Biden.[2] Mr. Scavino's public Twitter account makes clear that he was tweeting messages from the White House on January 6, 2021, including after President Trump was suspended from several social media platforms.[3] Mr. Scavino was reportedly with or in the vicinity of former President Trump on January 6 and is a witness regarding his activities that day. He may also have materials relevant to his videotaping and tweeting messages on January 6.

Prior to January 6, 2021, Mr. Scavino promoted, through his Twitter messaging, the January 6 March for Trump, which encouraged people to "be a part of history,"[4] and also used his personal, unofficial social media accounts to post messages about President Trump, including content that many of the President's followers interpreted as covert messaging about "stop the steal" and January 6.

Mr. Scavino was also reportedly present for meetings in November 2020 where President Trump consulted with outside advisors about ways to challenge and/or overturn the results of the 2020 election, including when and whether Mr. Trump should concede.[5]

The items identified in the Select Committee's subpoena and the November 9, 2021, letter regarding deposition topics are tailored to illuminate Mr. Scavino's understanding and knowledge of events leading up to, on, and in the aftermath of January 6. As such, they are unquestionably pertinent to the Select Committee's jurisdiction as outlined in House Resolution 503.

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[2] Bob Woodward & Robert Costa, Peril at 231 (2021).
[3] *E.g.*, Dan Scavino (@DanScavino), Twitter (Jan. 6, 2021, 11:12 AM, from The White House), https://twitter.com/DanScavino/status/1346584866864598785?s=20; Dan Scavino[American flag][eagle] (@DanScavino), Twitter (Jan. 6, 2021, 10:50 AM, from The White House), https://twitter.com/danscavino/status/1346846609905168385?lang=en.
[4] Dan Scavino (@DanScavino), Twitter (Jan. 2, 2021, 9:04 PM), https://twitter.com/DanScavino/status/1345551501440245762?s=20.
[5] Carol Leonnig & Phillip Rucker, I Alone Can Fix It (2021).

Though counsel for Mr. Scavino has indicated a desire to cooperate with the Select Committee's investigation, Mr. Scavino has repeatedly rebuffed every request that he identify particularized assertions of privilege, as required by law, areas of inquiry for which he does not intend to assert a privilege, areas of inquiry for which he has no responsive information, and/or areas of inquiry for which he does not object as to pertinence.[6] If Mr. Scavino believes he can respond to any of the Select Committee's inquiries without an assertion of privilege, he had an opportunity to do so on the record at the scheduled December 1, 2021, deposition, during which he also could have made the particularized assertions of privilege in response to specific questions as required.

However, Mr. Scavino did not appear for his deposition on December 1, nor has he produced a single document to date. The Select Committee conducted the deposition proceeding on that date and recorded Mr. Scavino's absence and failure to comply with the subpoena. As Mr. Scavino has yet to meaningfully cooperate with any of the pending requests, the Select Committee is considering enforcement action, including the contempt of Congress procedures in 2 U.S.C. §§192, 194—which could result in a referral from the House to the Department of Justice for criminal charges—as well as the possibility of having a civil action to enforce the subpoena brought against Mr. Scavino in his personal capacity. If Mr. Scavino wishes to avoid this enforcement, he should move expeditiously to cure his non-compliance.

Sincerely,

Bennie G. Thompson
Chairman

[6] Contrary to counsel's assertion, the Select Committee has not asked Mr. Scavino to identify items of relevance to its investigation; rather, the Select Committee has asked Mr. Scavino to identify which areas of inquiry already described by the Select Committee do not trigger any assertions of privilege or objections to pertinence. To date, Mr. Scavino has refused to inform the Select Committee whether there are any items of agreement between the parties.

Exhibit 15 — Letter from Counsel for Mr. Scavino to Chairman Thompson (Dec. 13, 2021)

BRAND | WOODWARD
Attorneys at Law

Stan M. Brand
[redacted]

Stanley E. Woodward Jr.
[redacted]

December 13, 2021

VIA ELECTRONIC MAIL

The Honorable Bennie G. Thompson
Chairman
Select Committee to Investigate the January 6th Attack on the United States Capitol
U.S. House of Representatives
Washington, District of Columbia 20515

Re: Daniel J. Scavino, Jr.

Dear Chairman Thompson:

We are in receipt of your correspondence of December 9, 2021. For the second time in as many weeks, you have demanded an immediate response from us with little regard for either our, or our client's, time and availability. Specifically, your staff provided us with your correspondence Thursday, at 7:15pm est, and advised that they wished to speak with us today, as early as at 9:30am the following day. Similarly, your last correspondence provided us with a mere 72 hours to respond, including the Thanksgiving Holiday. Yet, as you acknowledge in your correspondence, *more than two weeks* have passed without the courtesy of a reply. Unfortunately, public records will show that the undersigned was in court Friday and not otherwise available for a teleconference with your staff.

To that end, we respectfully disagree with the way in which you have characterized our non-written conversations with your staff. We again encourage your careful consideration of our prior correspondence, which clearly articulates our client's specific concerns with the Select Committee's subpoenas. Out of an abundance of caution, that correspondence, dated November 5, 2021, November 15, 2021, November 18, 2021, and November 23, 2021, is attached for your reference.

Although we hope it obvious, the tone of your latest correspondence compels us to unambiguously affirm the high esteem with which we hold United States House of Representatives, a body for which Mr. Brand served as Chief Counsel, and its important function within our co-equal branches of government. It is our profound respect for the institution that obliges us to ensure that the work of the House, and by extension its committees, carefully accords with the limits imposed by the doctrine of Separation of Powers. On behalf of our client, Dan Scavino, we ask of the Select Committee of nothing more than that to which he is entitled under the law.

We wish not to reiterate the concerns we have specifically articulated in our prior correspondence and again encourage your careful consideration of the same. We would

respectfully disagree, however, with your characterization of Mr. Scavino's exercise of these important rights as his having "repeatedly rebuffed every request that he identify particularized assertions of privilege, as required by law, areas of inquiry for which he does not intend to assert privilege, areas of inquiry for which he has no responsive information, and/or areas of inquiry for which he does not object to pertinence." We address these mischaracterizations in turn.

You write that Mr. Scavino has "repeatedly rebuffed" the Select Committee's request "to identify particularized assertions of privilege" as "required by law." To the contrary, in our correspondence of November 15, 2021, Mr. Scavino articulated with great detail several categories of communications over which we submit an assertion of executive privilege would be warranted. Moreover, we advised that because President Trump has directed Mr. Scavino to assert any applicable privilege as to those records, which "gives rise to a legal duty on the part of [Mr. Scavino] to invoke the privilege on the President's behalf." *Comm. On the Judiciary v. McGahn*, 415 F. Supp. 3d 148, 213 n.34 (D.D.C. 2019). The Select Committee has provided no response to this proffer by Mr. Scavino, instead simply mischaracterizing Mr. Scavino's response as an improper blanket assertion of privilege. Moreover, Mr. Scavino cannot even begin to address how the executive privilege will implicate his testimony given that the Select Committee has failed to provide Mr. Scavino with the information necessary to do so.

To that end, you write that Mr. Scavino has "repeatedly rebuffed" the Select Committee's request that he identify "areas of inquiry for which he does not intend to assert privilege." Again, this mischaracterizes Mr. Scavino's position. Rather, in our correspondence of November 18, 2021, we requested that the Select Committee "furnish an explanation as to how any desired 'matter of inquiry' falls within the jurisdiction vested by Congress." Rather than respond to Mr. Scavino's request, your correspondence of November 23, 2021, failed to address the issue of pertinence at all. Now, your correspondence of December 9, 2021, broadly asserts: "The items identified by the Select Committee's subpoena and the November 9, 2021 letter . . . *are unquestionably pertinent* to the Select Committee's jurisdiction." Respectfully, Mr. Chairman, such *ipse dixit* – mere "blanket assertions" of jurisdiction – is what has stymied our efforts to foster further discussion and continued collaboration with the Select Committee. And while your correspondence of December 9, 2021, does portend to address our concern over the pertinence of the "matters of inquiry" identified by the Select Committee, merely reciting the language within your initial October 9, 2021 correspondence to Mr. Scavino does little to elucidate the matter. To be clear, our ask is not that the Select Committee "provide a question-by-question preview to Mr. Scavino in advance of [his] deposition." However, the Select Committee has failed to address in any way the specific "matters of inquiry" we identified in our correspondence of November 18, 2021, that appear to be beyond the scope of the Select Committee's jurisdiction, including your admonishment that "the Select Committee reserves the right to question Mr. Scavino about other topics."

You also write that Mr. Scavino has "repeatedly rebuffed" the Select Committee's request that he identify "areas of inquiry for which he has no responsive information, and/or areas of inquiry for which he does not object to pertinence." This is simply not true – the Select Committee has yet to ask Mr. Scavino to identify any "matter of inquiry" for which he has no responsive information – and this mischaracterization again casts doubt on the Select Committee's careful consideration of the numerous legal and procedural issues raised by our prior correspondence. For it is this mischaracterization that highlights what has been a consistent theme in the Select

Committee's demands – the obligation of *Mr. Scavino* to facilitate the Select Committee's taking of his deposition. Contrary to the Select Committee's assertion, however, Mr. Scavino has a Constitutional right to the information he has requested: "It is obvious that a person compelled to [testify] is entitled to have knowledge of the subject to which the interrogation is deemed pertinent [and] [t]hat knowledge must be available with the same degree of explicitness and clarity that the Due Process Clause requires in the expression of any element of a criminal offense." *Watkins*, 354 U.S. 178, 208-09 (1957). The Select Committee's demand in effect amounts to forcing Mr. Scavino to waive his Constitutional rights, which the Select Committee cannot do. *See Johnson v. Zerbst*, 304 U.S. 458, 464 (1938). *See also United States v. North*, 920 F.2d 940, 946 (D.C. Cir. 1990) (*en banc*) ("The political needs of the majority, or Congress, or the President, never, never, never should trump an individual's explicit constitutional protections.").

Sincerely,

Stan M. Brand

Stanley E. Woodward Jr.

Exhibit 16 — Letter from Counsel for Mr. Scavino to Chairman Thompson (Feb. 8, 2022)

BRAND | WOODWARD
Attorneys at Law

Stan M. Brand
[redacted]

Stanley E. Woodward Jr.
[redacted]

February 8, 2022

VIA ELECTRONIC MAIL

The Honorable Bennie G. Thompson
Chairman
Select Committee to Investigate the January 6th Attack on the United States Capitol
U.S. House of Representatives
Washington, District of Columbia 20515

Re: Daniel J. Scavino, Jr.

Dear Chairman Thompson:

We are in receipt of your correspondence of February 4, 2022. The irony of your threat to hold Mr. Scavino in contempt for failing to respond to this correspondence within just two business days, despite having waited fifty-three (53) days to respond to our correspondence of December 13, 2021, *without actually providing the information requested therein*, is not lost on our client and exemplifies the "prosecution tactics" with which the Select Committee has been accused of adopting.[1] Put bluntly, your latest correspondence exemplifies the Select Committee's pattern and practice of intimidation and disregard for the rule of law, its application to the important function of the House of Representatives, and the important doctrine of Separation of Powers. Nevertheless, in a continued effort to foster collaboration with the Select Committee we provide the following response to your inquiry.

Mr. Scavino's Subpoena for Documents

Your February 4, 2022, correspondence mischaracterizes our position with respect to Mr. Scavino's production of documents in response to the Select Committee's November, 23, 2021, subpoena. As we advised in our November 5, 2021, correspondence, Mr. Scavino served as a close advisor to the President – Deputy Chief of Staff for Communications – regardless of whether the communications in question were sent or received on a personal device or through a personal social media or other account.[2] As we also advised in our November 5, 2021, correspondence, we

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[1] Michael S. Schmidt and Luke Broadwater, In Scrutinizing Trump and his Allies, Jan. 6 Panel Adopts Prosecution Tactics, *The New York Times* (Feb. 5, 2022), *available at* https://www.nytimes.com/2022/02/05/us/politics/january-6-committee.html?referringSource=articleShare.

[2] We are unaware of any recorded communications between Mr. Scavino, campaign officials, and other third parties that are not properly considered official communications, but invite the Select Committee

believe any official communications that were received (or sent) from a personal device or social media account would have separately been provided to the National Archives and/or otherwise preserved. We have acknowledged the remote possibility that Mr. Scavino may be in possession of an errant record of a communication sent or received from a personal device or account that has not otherwise been provided to the Archives. Thus, as we have repeatedly advised, including in our correspondence of November 15, 2021, we will promptly inform the Select Committee if we become aware of a record responsive to a lawful subpoena of the Select Committee not otherwise in the possession of the National Archives.[3]

The Supreme Court's decision not to consider President Trump's petition for a stay of the D.C. Circuit's mandate (and thus the D.C. District's Court's denial of a motion for a preliminary injunction restraining order) does not resolve the issue of President Trump's directive, as detailed in our correspondence of November 5, 2021, that Mr. Scavino "not produce any documents concerning [his] official duties in response to [the Select Committee's] subpoena" and to invoke all applicable privileges and immunities protecting such records from production pursuant to your subpoena.[4] As the Circuit Court articulated in its opinion, "[t]his preliminary injunction appeal *involves only a subset of those requested documents* over which former President Trump has claimed executive privilege, but for which President Biden has expressly determined that asserting a claim of executive privilege to withhold the documents from the January 6th Committee is not warranted." *Trump v. Thompson*, No. 21-5254, 2021 U.S. App. LEXIS 36315, at *4 (D.C. Cir. Dec. 9, 2021) (emphasis added). Further, the Circuit Court expressly limited its holding, "to those documents in the Archivist's *first three tranches* over which President Biden has determined that a claim of executive privilege is not justified." *Id.* at *7 (emphasis added). It remains to be known whether Presidents Trump and Biden will agree on the assertion of any applicable privilege with respect to communications sent to or from Mr. Scavino that are identified by the Archivist as

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to provide additional detail concerning your vague and ambiguous assertion that any such "repeated contacts" would have generated records lawfully responsive to the Select Committee's subpoena.

[3] Mr. Scavino takes seriously his duty to preserve "presidential records" and is aware of his obligation to takes steps to "assure that the activities, deliberations, decisions, and policies that reflect the performance of the President's constitutional, statutory, or other official or ceremonial duties are adequately documented and that such records are preserved and maintained," and thanks the Select Committee for its attention to the same.

[4] For at least the second time, your correspondence of February 4, 2022, suggests that because, "Mr. Trump has never had any correspondence with the Select Committee asserting executive privilege over Mr. Scavino's documents or testimony," Mr. Scavino's assertion of all applicable privilege and immunities is improper. However, we are aware of no authority requiring President Trump to communicate his assertion of privilege directly with the Select Committee and would note that you cite none.

responsive to the Select Committee's subpoena in the future,[5] and we note the Select Committee's agreement to withdraw its request for certain records at President Biden's prompting.[6]

Mr. Scavino's Subpoena for Deposition Testimony[7]

Your February 4, 2022, correspondence again baldly misrepresents that, "the Select Committee has more than adequately addressed [Mr. Scavino's] questions about the jurisdiction of the Select Committee and subjects [the Select Committee] intends to address at [Mr. Scavino's] deposition." Rather, the Select Committee has merely articulated "blanket assertions" of jurisdiction – mere *ipse dixit* – including, for example, by asserting in your correspondence of December 9, 2021, that, "[t]he items identified by the Select Committee's subpoena and November 9, 2021, letter . . . *are unquestionably pertinent to* the Select Committee's jurisdiction." (emphasis added). Specifically, in our correspondence of November 18, 2021, we requested that the Select Committee "furnish an explanation as to how any desired 'matter of inquiry' falls within the jurisdiction vested by Congress." Despite subsequent correspondence on November 23, 2021, December 9, 2021, and now February 4, 2022, the Select Committee has yet to articulate the specific nexus as between its proffered matters of inquiry, including your admonishment that "the Select Committee reserves the right to question Mr. Scavino about other topics," and the specific legislative purpose it seeks to advance. *Trump v. Mazars USA, LLP*, 140 S. Ct. 2019, at *2024 (2019) ("Most importantly, a congressional subpoena is valid only if it is 'related to, and in furtherance of, a legitimate task of the Congress.'" (quoting *Watkins*, 354 U.S. at 187)).

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[5] We also note that the Parties to this litigation, yourself included, recently advised the District Court that, [t]he parties have again conferred with respect to Defendants' forthcoming responses to the Complaint and the future of the litigation [and] agreed that the best course was to further defer the Defendants' response for thirty days so that Plaintiff can determine his next steps." Mot. Ext., *Trump v. Thompson*, No. 21-cv-02769-TSC (D.D.C. Feb. 4, 2022) (ECF No. 52). This representation confirms that the litigation remains pending and will remain pending for another thirty (30) days.

[6] *See* Correspondence from Jonathan C. Su, Deputy Counsel to the President, to [redacted] to the Select Committee to Investigate the January 6th Attack on the U.S. Capitol (Dec. 16, 2021), *available at* https://www.archives.gov/files/foia/su-letter-to-amerling.12.16.2021-attached-to-12.17.2021-remus-letter-to-ferriero.pdf (confirming the Select Committee's agreement to withdraw or defer its requests for all or part of 511 documents deemed sensitive or unrelated to the Select Committee's investigation).

[7] We feel compelled to note, for the benefit of history, that the Select Committee's arbitrary deposition date of December 1, 2021, was functionally ceremonial. Prior to that date, the Select Committee had yet to (and still has yet to) respond to Mr. Scavino's request for information contained within his November 18, 2021, correspondence. Then, in response to Mr. Scavino's November 26, 2021, correspondence, your staff wrote to confirm whether Mr. Scavino would attend a deposition arbitrarily set for December 1, 2021. In response, counsel advised that, "as the Select Committee has yet to address the concerns we raised, I believe our position remains fairly stated in our correspondence." Your staff responded by advising that, "[f]or your information, we will be proceeding on the record tomorrow to record [Mr. Scavino's] absence." Had your staff meaningfully engaged counsel in an effort to resolve our concerns with the proposed deposition, your staff would have learned that counsel was scheduled to appear that morning, and did appear, before U.S. District Court Judge Paula Xinis. *See* H'rg T., *United States v. Schulman*, No. 20-cr-00434-PX (Dec. 1, 2021) (ECF No. 97).

Your February 4, 2022, correspondence again suggests that Mr. Scavino has "declined to" "narrow the topics in dispute by requesting that [Mr. Scavino] identify the areas of inquiry for which [Mr. Scavino] ha[s] no responsive information or documents." Notwithstanding your representation to the contrary, the Select Committee has yet to ask Mr. Scavino to identify any "matter of inquiry" for which he has no responsive information – and this mischaracterization again casts doubt on the Select Committee's careful consideration of the numerous legal and procedural issues raised by our prior correspondence.[8] For it is this mischaracterization that highlights what has been a consistent theme in the Select Committee's demands – the obligation of *Mr. Scavino* to facilitate the Select Committee's taking of his deposition. Contrary to the Select Committee's assertion, however, Mr. Scavino has a Constitutional right to the information he has requested and he does not now, nor has he ever, asserted absolute immunity from subpoenaed testimony before the Select Committee. Rather, we ask only that the Select Committee afford Mr. Scavino the rights guaranteed to him – and every citizen irrespective of their service as senior Presidential advisors – under the law: "It is obvious that a person compelled to [testify] is entitled to have knowledge of the subject to which the interrogation is deemed pertinent [and] [t]hat knowledge must be available with the same degree of explicitness and clarity that the Due Process Clause requires in the expression of any element of a criminal offense." *Watkins v. United States*, 354 U.S. 178, 208-09 (1957). Only once this information has been furnished can the application of an applicable privilege or immunity, including the executive privilege, be properly assessed.

To that end, we note that the Supreme Court's decision not to consider President Trump's petition for a stay of the D.C. Circuit's mandate has no bearing on President Trump's directive that Mr. Scavino invoke all applicable privileges and immunities, including with respect to any testimony subpoenaed by the Select Committee. Specifically, that action *only* involves the challenge of *a subpoena for documents* issued by the Select Committee, and not a subpoena for testimony. *See* Complaint, *Trump v. Thompson*, No. 21-cv-02769 (Oct. 18, 2021) (ECF No. 1). The D.C. Circuit defined the breadth of the suit as a challenge to, "a request to the Archivist of the United States under the Presidential Records Act, seeking the expeditious disclosure of *presidential records* pertaining to the events of January 6th . . .." *Trump v. Thompson*, No. 21-5254, 2021 U.S. App. LEXIS 35315, at *3-4 (Dec. 9, 2021). Put simply, the Presidential Records Act, 44 U.S.C. § 2205(2)(C), does not apply to assertions of executive privilege as to deposition testimony.

* * *

Finally, we respectfully request that our good faith negotiations in furtherance of an amicable resolution of our challenges to the Select Committee's subpoenas continue to be memorialized in writing. As you are no doubt aware, the Department of Justice has taken the position that the representation of an individual before the Select Committee potentially renders them a witness in any future contempt action. *See* Mot. Compel, *United States v. Bannon*, No. 21-cr-00670, at Ex. 2 (Feb. 4, 2022) (ECF No. 26-2) (Correspondence from Amanda R. Vaughn, Assistant United States Attorney, United State's Attorney's Office for the District of Columbia, to David I.

[8] We note that your correspondence of February 4, 2022, incorrectly asserts that we cite the pending litigation brought by President Trump against the Committee and the National Archives in our correspondence of November 15, 2021. That correspondence identified, as the Select Committee requested, categories of records over which an assertion of executive privilege was being made. To date, Mr. Scavino *has received no response* to this correspondence.

Schoen, Esq. (Jan. 7, 2022)) ("As you are aware. . . . . Mr. Costello represented Mr. Bannon before the January 6th Committee . . . in relation to the subpoena it issued to Mr. Bannon and is, therefore, a witness to the conduct charged in the Indictment."). Therefore, we again encourage your careful consideration of our prior correspondence, which clearly articulates our client's specific concerns with the Select Committee's subpoenas, including our correspondence dated November 5, 2021, November 15, 2021, November 18, 2021, November 23, 2021, and December 13, 2021.

We look forward to the courtesy of your response.

Sincerely,

Stan M. Brand

Stanley E. Woodward Jr.

Mr. THOMPSON of Mississippi. Mr. Speaker, by direction of the Select Committee to Investigate the January 6th Attack on the United States Capitol, I call up the resolution (H. Res. 1037) recommending that the House of Representatives find Peter K. Navarro and Daniel Scavino, Jr., in contempt of Congress for refusal to comply with subpoenas duly issued by the Select Committee to Investigate the January 6th Attack on the United States Capitol, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 1023, the resolution is considered read.

The text of the resolution is as follows:

H. RES. 1037

Resolved, That Peter K. Navarro and Daniel Scavino, Jr., shall be found to be in contempt of Congress for failure to comply with congressional subpoenas.

Resolved, That pursuant to 2 U.S.C. §§ 192 and 194, the Speaker of the House of Representatives shall certify the report of the Select Committee to Investigate the January 6th Attack on the United States Capitol, detailing the refusal of Peter K. Navarro to produce documents or appear for a deposition before the Select Committee to Investigate the January 6th Attack on the United States Capitol as directed by subpoena, to the United States Attorney for the District of Columbia, to the end that Mr. Navarro be proceeded against in the manner and form provided by law.

Resolved, That pursuant to 2 U.S.C. §§ 192 and 194, the Speaker of the House of Representatives shall certify the report of the Select Committee to Investigate the January 6th Attack on the United States Capitol, detailing the refusal of Daniel Scavino, Jr., to produce documents or appear for a deposition before the Select Committee to Investigate the January 6th Attack on the United States Capitol as directed by subpoena, to the United States Attorney for the District of Columbia, to the end that Mr. Scavino be proceeded against in the manner and form provided by law.

Resolved, That the Speaker of the House shall otherwise take all appropriate action to enforce the subpoenas.

The SPEAKER pro tempore. The resolution shall be debatable for 1 hour equally divided among and controlled by the gentleman from Mississippi (Mr. THOMPSON), the gentlewoman from Wyoming (Ms. CHENEY), and an opponent, or their respective designees.

The gentleman from Mississippi (Mr. THOMPSON), the gentlewoman from Wyoming (Ms. CHENEY), and the gentleman from Indiana (Mr. BANKS) each will control 20 minutes.

The Chair recognizes the gentleman from Mississippi.

GENERAL LEAVE

Mr. THOMPSON of Mississippi. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include any extraneous material on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to start our debate by talking a little bit about what the American people ought to expect of their leaders, of those who hold positions of public trust and the responsibilities that come with it.

I have been thinking about those responsibilities for more than 50 years, in all the time I have been fortunate enough to hold a position of public trust. It doesn't matter if you are an alderman, a mayor, Member of Congress, President of the United States, or a staff member working as a civil servant, or a political appointee. When you work for the public, when the people's taxes pay your salary, those jobs come with serious rules and serious obligations.

Dan Scavino and Peter Navarro both held positions of public trust. Mr. Scavino was a top communications official in the Trump White House. Mr. Navarro was a trade adviser. They each drew salaries paid by the American people to the tune of over $180,000 per year. They both were to abide by certain rules and obligations. They both swore oaths of allegiance to the Constitution.

The select committee wants to talk to both of them, but about a lot more than their White House jobs. We want to talk to them about their roles in trying to overturn the 2020 election. We subpoenaed them for their records and testimony. They told us to buzz off. Not a single record. No-shows for their deposition.

Their excuse was: As former White House employees, the information we wanted—again, information about overturning an election—was shielded by executive privilege, a protection for the President to make sure sensitive, official conversations stay private.

In other words, they are arguing that their roles in trying to overturn an election had to stay secret because they had official roles as advisers to the ex-President.

If they want to make those claims, ridiculous as they sound, here is what the law requires: They need to show up and make those claims on the record, under oath. They refused to do that. That alone means they are in contempt of Congress. But I want to dig a little deeper into the argument these men are making.

As I mentioned before, these are rules and obligations that bind public servants. One of the most important rule is that you can't do campaign work on government time or using taxpayer money. Pretty straightforward. Plenty you can do on your own time, but not when you are on the clock. That is the law.

If you have heard of the Hatch Act, it has probably been when a Cabinet Secretary or White House official had crossed the line from their official duties into political matters. In fact, in 2020, Mr. Navarro was dinged by a government watchdog for violating the Hatch Act by using his official role to attack President Joe Biden. That law prohibits, among other things, someone from using ''official authority or influence for the purpose of interfering with or affecting the results of an election.''

Sounds familiar? In the case of Mr. Navarro and Mr. Scavino, trying to affect the result of an election wasn't knocking on doors or putting signs in people's front yards. They were trying to help a defeated President stay in power. It is not conceivable that their involvement in that effort could have legally overlapped with their official duties.

But beyond that, it was a betrayal of the oath these men took. It was a betrayal of the public trust. Even if you do it on your own time, trying to overturn an election is still trying to overturn an election. We know that the people who stormed this building on January 6 had the same goal: trying to overturn an election. That is what the select committee is investigating. That is why we need to hear from Mr. Scavino and Mr. Navarro.

But as the select committee works to provide answers to the American people, these two are saying: ''I worked at the White House when all this took place. Even if I was plotting to overturn the government, I was collecting a government salary at the time, so I don't have to talk about it.''

Can you imagine? I have served my community and my country most of my life. Like my colleagues in this body, I have labored to uphold my oath and do right by the people I serve. I know my constituents expect that of me.

To run into this kind of obstruction, this kind of cynical behavior, as we investigate a violent insurrection, is just despicable. It can't stand.

Dan Scavino and Peter Navarro must be held accountable for their abuses of the public trust. They must be held accountable for their defiance of the law. They are in contempt of Congress, which is a crime, and I call on my colleagues to do their duty to defend this institution and the rule of law and to vote ''yes'' on this resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. CHENEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the select committee has now conducted over 800 interviews and depositions of witnesses who have knowledge of the events of January 6. This includes more than a dozen former Trump White House staff members.

Mr. Speaker, when you hear my colleagues make political, partisan attacks on the select committee, I hope that all of us can remember some basic facts: Through these interviews, we have learned that President Trump and his team were warned in advance, and repeatedly, that the efforts they undertook to overturn the 2020 election

would violate the law and our Constitution; they were warned that January 6 could, and likely would, turn violent; and they were told repeatedly by our State and Federal courts, by our Justice Department, and by agencies of our intelligence community, that the allegations of widespread fraud, sufficient to overturn an election, were false and were unsupported by the evidence.

Yet, despite all of these specific warnings, President Trump and his team moved willfully through multiple means to attempt to halt the peaceful transfer of power, to halt the constitutional process for counting votes, and to shatter the constitutional bedrock of our great Nation.

As a Federal judge has recently concluded, the illegality of President Trump's plan for January 6 was ''obvious.''

We are here today to address two specific witnesses who have refused to appear for testimony before the committee.

The committee has many questions for Mr. Scavino about his political social media work for President Trump, including his interactions with an online forum called ''theDonald.win'' and with QAnon, a bizarre and dangerous cult.

Mr. Scavino worked directly with President Trump to spread President Trump's false message that the election was stolen and to recruit Americans to come to Washington on January 6 to ''take back their country.'' This effort to deceive was widely effective and widely destructive, and Donald Trump's stolen election campaign succeeded in provoking the violence on January 6.

On this point, there is no doubt. The committee has videos, interviews, and sworn statements from violent rioters demonstrating these facts.

Mr. Navarro will also be a key witness. He has written a book boasting about his role in planning and coordinating the activity of January 6. We have many questions for Mr. Navarro, including about his communications with Roger Stone and Steve Bannon regarding the planning for January 6.

As Judge Carter recently concluded: ''Based on the evidence, the Court finds it more likely than not that President Trump corruptly attempted to obstruct the joint session of Congress on January 6, 2021.''

In the case of both of these witnesses, Mr. Speaker, the committee would rather have their testimony than have to move this contempt citation. When you hear my colleagues attack the select committee, remember Mr. Scavino and Mr. Navarro have chosen not to appear. They did not have to make this choice, but they did.

In America, no one is above the law. Neither Mr. Trump nor Mr. Scavino nor Mr. Navarro is some form of royalty. There is no such thing in America as the privileges of the crown. Every citizen has a duty to comply with a subpoena.

Mr. Speaker, when you hear my colleagues challenge the committee's legislative purpose, remember the D.C. Circuit and the Supreme Court of the United States have affirmed our legislative purpose. Too many Republicans are, once again, ignoring the rulings of the courts, as many of them did in the run-up to January 6.

Mr. Speaker, the tale of what happened following the 2020 election, resulting in the violence of January 6, is a tale of stunning deceit. It is a tale of lies about our election and contempt for the rulings of our courts.

The election claims made by Donald Trump were so frivolous and so unfounded that the President's lead lawyer did not just lose these cases; he lost his license to practice law. The New York Supreme Court found: ''There is uncontroverted evidence that Mr. Giuliani communicated demonstrably false and misleading statements to courts, lawmakers, and the public at large in his capacity as lawyer for former President Donald J. Trump and the Trump campaign in connection with Trump's failed effort at reelection in 2020.''

□ 1700

Mr. Speaker, those in this Chamber who continue to embrace the former President and his dangerous and destructive lies ought to take a good, hard look at themselves. At a moment of real danger to our Republic, when the need for fidelity to our Constitution is paramount, they have abandoned their oaths in order to perform for Donald Trump. That will be their legacy.

Mr. Speaker, this is not a close call. Mr. Navarro and Mr. Scavino have chosen not to comply with a congressional subpoena. They are in contempt. I urge my colleagues to vote ''yes'' on this resolution, and I reserve the balance of my time.

Mr. BANKS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I hope this is the last time that we do this. Just last week, we watched members of the January 6th Select Committee criticize the DOJ for not jailing their political opponents fast enough.

Now the committee is trying to refer two more of President Trump's advisers to the DOJ for criminal prosecution. The same DOJ, by the way, that has slandered concerned parents as domestic terrorists; a DOJ overseen by a President who said President Trump should be prosecuted.

So let's be clear, we aren't voting today to rename a post office. So, please, let's be honest with ourselves. A vote to hold Dan Scavino and Peter Navarro in contempt of Congress is a vote to put them in jail for a year. Neither of these men deserve this. The party line isn't a good enough excuse today. Disliking their politics isn't an excuse.

Mr. Scavino has two boys. He is a good dad. He doesn't deserve this. His boys definitely don't deserve this. So before we vote today, I have got to ask, could anyone here explain to those boys why their dad deserves to be behind bars for a year?

Mr. Scavino grew up in a working-class family in New York City. He is a former caddy who worked his way up to the White House through hard work and determination. Mr. Scavino lived the American Dream. Now, thanks to the select committee, he is living an authoritarian nightmare.

The select committee will say that it is Mr. Scavino's fault for refusing to cooperate. That is simply not true. Mr. Scavino asked time and again for the committee to follow the rule of law and provide him with a narrow and specific legislative purpose for the information that they were seeking. He asked, ''How is what you want from me pertinent to your investigation?'' And they refused to explain.

But remember what they said last week. The January 6th Committee must enforce its subpoenas. But contempt is not enforcement; it is punishment. Contempt won't get the committee any information. Only the court can do that. But they don't want to go to the judiciary. They don't want neutral arbitration. They want political punishment.

The select committee has never been interested in factfinding. In fact, JIM JORDAN and I were both blocked from sitting on the committee because we promised to fully investigate the security failure at the Capitol. The Democrat leaders don't want that. They claim they blocked us for being too partisan.

Meanwhile, the committee's lead staffer signed his name to a false letter calling the Hunter Biden laptop Russian disinformation. Apparently, lying to undermine democracy is a key qualification for employment of this committee.

If the January 6th Committee gets its way, Congress will have referred four former Trump officials for prosecution in under 6 months, another record for the 117th Congress.

The select committee aims to do two things: silence legitimate questions about the breakdown of security at the Capitol and punish their political opponents. It is that simple.

Dan Scavino is accused of listening to his boss, the former Commander in Chief, who told him to ''invoke all applicable privileges and immunities.'' Today's vote is not about wrongdoing, and it isn't about anybody's character, no matter what they say.

Today's vote is about the character of this House. It is about abusing the seat of our democracy to attack American democracy. The question is, do we live in a country where you can go to jail for working for the wrong politician? Would you want to live in that country? The question is, will you help create that country? Because I think we have had a pretty good thing going for the last 240 years, and that is exactly why I urge all of my colleagues

to vote ''no'' on this resolution today. Madam Speaker, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Madam Speaker, just for the record, let me say that we are here for this contempt process today, but the President's own daughter complied with the wishes of the committee. I would think that if his daughter complied with the wishes of the committee, everyone else should, even the people who worked for him.

Madam Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER), the distinguished majority leader of the House.

Mr. HOYER. Madam Speaker, I thank the gentleman from Mississippi for yielding. I thank the gentlewoman from Wyoming for her courage in standing for the truth.

I disagree with many things that the previous speaker said. I disagree with his premises and with his conclusion in many respects. But I do agree with him on one thing: This vote is about the character of the House—I agree with him on that—which is why 435 of us ought to vote for this resolution, so that the House can do its duty.

Madam Speaker, once again we are forced to take this step, asking the Justice Department to charge individuals with criminal contempt for refusing to answer subpoenas as issued by the committee investigating the attack on our Capitol and our democracy on January 6, 2021.

The two gentlemen of which the previous speaker spoke I don't know. I have no quarrel with them individually. But we are a Nation of laws, not of men, and if we are to be a Nation of laws, then we need to respond to legal process; and if we think the assertions are wrong, we need to make our case.

On the merits of this resolution there should be no doubt, and it is about the character of this House, the courage of this House to seek honesty, to seek truth. The individuals in question had intimate knowledge of the former President's actions and decisions on that day. No matter who their children are, no matter what their life has been, they have knowledge that it is important for the American people to have through their Representatives in Congress.

Americans must have a full accounting of what transpired on January 6 and in the weeks leading up to it and perhaps subsequent. That is what the bipartisan select committee has been tasked with undertaking, by a vote of this House. Sadly, I expect maybe most of my colleagues across the aisle will vote against this resolution. It is about the character of this House.

Perhaps they agree with the Republican National Committee, which has said that the violent Trump-led insurrection at the U.S. Capitol, the deaths and injury of U.S. Capitol police officers, and an effort to prevent the certification of an election was, and I quote the Republican National Committee, ''legitimate political discourse.''

How can anybody make that assertion? How can anybody in the Republican National Committee vote for it? Why doesn't everybody on the Republican Party side of the aisle say, ''That is not what we believe''? Silence prevails.

There is no doubt that the insurrection on January 6 itself was a danger to our democracy, but I agree with The Washington Post columnist and former White House speech writer for Republican President George W. Bush, Michael Gerson, who wrote on December 16, ''It is Republican tolerance for the intolerable that threatens American democracy.''

Very frankly, my friends on the other side of the aisle ought to be celebrating those in their ranks who have the courage to stand up for the truth. I have told LIZ CHENEY, if JOHN KENNEDY were writing his book on Profiles in Courage today, I would urge him to include her and ADAM KINZINGER in that book.

January 6 was a day of peril for America, but the greater crisis is when one of our two main political parties has become so hijacked by extremism and so enthralled to a dangerous demagogue that it condones, even celebrates insurrection and violence.

Madam Speaker, how can the same party that claims it honors law enforcement simultaneously declare that violent attacks against police officers are legitimate? How can one of our two political parties be so craven for short-term partisan gain that it is willing to encourage and condone insurrection? How can its Members use their sacred votes in the House, the people's House, in an effort to impede the investigation of this dark and dangerous day in the history of our democracy?

That is what this vote is about. Not only the character of this House, but the character of this country, the character of the people who demand, hopefully, truth, because that is what will set us all free.

Because that is what this vote is about: Whether you believe that the violent attack on January 6, one in which a mob threatened the life of the Republican Vice President and threatened the life of the Speaker of this House—the Speaker of all the House—in an attempt to overthrow our democracy, does that constitute legitimate political discourse? Madam Speaker, I can't believe Americans believe that.

We must reject that theory, that the violence that we saw on January 6, the hate that we saw on January 6, is somehow legitimate political discourse, because if people believe that, then our democracy is in grave danger. This vote is about whether you believe a certain individual can be held above the law in our country. It is about whether you believe the American people deserve to know all the facts about January 6 and whether those responsible for the attack ought to be held responsible. And most fundamentally, Madam Speaker, it is about whether the Congress can fulfill its constitutional responsibility and ability to determine the truth.

Madam Speaker, this vote will reveal to us who was willing to show tolerance for the intolerable. It will reveal to us who is willing to stand up and defend our democracy and the rule of law, irrespective of party, irrespective of personality. That is a call to patriotism, to love of country and to love of Constitution.

My fellow colleagues, let us do our duty to the Constitution, to the Declaration, to our democracy, and to the people we represent. Vote ''yes.''

Ms. CHENEY. Madam Speaker, I think it is very important, as our colleagues consider their vote on this resolution, to keep in mind the facts.

Number one, neither Mr. Scavino nor Mr. Navarro has appeared in front of this committee. As I mentioned earlier, we have interviewed over 800 witnesses. The vast majority of them have cooperated fully and answered our questions. Some of the witnesses have taken the Fifth. Some of the witnesses have answered some questions and asserted a privilege on other questions.

But the notion that somehow the former President can instruct someone not to appear, that is not sustainable, that is not found anywhere in the law. If Mr. Scavino or Mr. Navarro wants to assert some kind of a privilege—and again, our questions for them have to do with their activities that are political activities that are not covered by executive privilege, but if they wish to assert that privilege, they can appear and do so.

Ms. CHENEY. Madam Speaker, I would also note that in Trump v. Thompson, the D.C. Circuit held, and then we were upheld in the Supreme Court, that the committee's need for this information outweighs the former President's rights to any kind of confidentiality.

I think it is important for those facts to be clear and to be on the RECORD.

Madam Speaker, I reserve the balance of my time.

□ 1715

Mr. BANKS. Madam Speaker, I yield 2 minutes to the gentleman from Florida (Mr. GAETZ).

Mr. GAETZ. Madam Speaker, gas prices are rising; the border has become a turnstile; inflation is crushing our fellow Americans; and here we are, back on the floor of the House, reliving January 6.

Some of the members of the January 6th Committee come from the swamps of Washington, D.C. I come from the swamps of Florida, and I know alligator tears when I see them. Yet, we are lectured about performing for the former President.

The reason Scavino and Navarro shouldn't be held in contempt is that the January 6th Committee itself is so

performative, illegitimate, and unconstitutional, kicking off the Republicans that Leader MCCARTHY sent to serve on the committee.

We were accused by the majority leader of having our party hijacked. Our party is ascendant, and time is on our side because when we take the majority back, this nonsense will come to an end.

It is baffling to me that Democrats are so eager to conduct oversight over the last administration that is out of power, but it is hear no evil, see no evil, speak no evil when it comes to the Biden administration.

They are more worried about Trump's trade adviser than Joe Biden's son trading influence for foreign money.

They are more worried about Trump's Deputy Chief of Staff than deputizing the right folks to secure America's border.

The January 6th Committee is a sham. If you took the position of the committee, legally, no President would ever have privilege that would extend beyond the life of that Presidency. No President would have the ability to have candid conversations with staff and advisers that might not immediately come back to bite them the moment they left the Oval Office.

The American people see this for the partisan exercise that it is. Probably some folks at the Justice Department even see that it is a partisan exercise because not all of these contempt citations are well-received at the Justice Department right now.

This contempt referral should similarly be ignored and rejected, and certainly, it is a stain on this House.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. KINZINGER), a distinguished veteran of the Air Force and a member of the select committee.

Mr. KINZINGER. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, for all practical purposes, Dan Scavino's career is Donald Trump. Scavino was 16 when they met, and he is, to this day, a Trump stalwart.

Scavino was central to the Trump administration's social media program. He was, for 2 years, President Trump's Deputy Chief of Staff for Communications. Using social media to monitor trends and shape political views was Dan Scavino's core business.

He did that for Donald Trump during the 2016 campaign, and he kept doing it right on through the ''stop the steal'' and the fraudulent challenge to the 2020 election. He also monitored extremist social media sites for the President.

Dan Scavino was with the President on January 5 and 6. He spoke with Trump by phone several times on January 6 and was with the President as many urged him to help stop the violence at the Capitol. So, Dan Scavino could shed light on what then-President Trump thought would happen on January 6, especially the potential for violence.

Did the President know that the rally could turn violent; that his rhetoric on the Ellipse could send an angry mob to storm the Capitol; that what on the evening of January 5 President Trump called a fired-up crowd might take it literally when, the next morning, he told them to ''fight hard''; that he was pouring fuel on the flames?

Dan Scavino was there, so if he were willing to do his duty as a citizen, he could tell us a lot about that. But instead, he has chosen to stiff-arm the American people.

President Trump acknowledged that Scavino sometimes helped shape his tweets. On December 19, Trump retweeted a video that urged viewers to ''fight for Trump.'' The January 6 attack was then just 2½ weeks away.

Why did Donald Trump retweet that particular message? Dan Scavino could give us the inside scoop.

While Trump and his stop the steal gaggle were working hard to subvert the Constitution and steal the election for themselves, President Trump retweeted, after QAnon already had, a video called, ''How to Steal an Election.''

What would Dan Scavino say about why Trump retweeted a QAnon-blessed video on how to steal an election? He won't risk telling us.

What did President Trump's extremist followers on ''The Donald'' and other hard-right sites make of Trump urging them to join a wild protest on January 6? Polls show that some took it as marching orders, in fact. Dan Scavino had to know they would.

Dan Scavino knew very well what his boss wanted. He knew that sites like ''The Donald'' attracted violent extremists. Scavino himself sent out a video that a user on that site understood as literal marching orders and literal war drums.

President Trump and Dan Scavino had been in the White House for 4 years by then. They knew the January 6 crowd could turn violent. They knew exactly what they were doing.

We are here today because Dan Scavino, a key witness, is unwilling to speak with us. He failed to produce a single document in response to the subpoena, and he has clearly demonstrated his complete and utter contempt for Congress.

The SPEAKER pro tempore (Ms. MCCOLLUM). The time of the gentleman has expired.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield the gentleman an additional 30 seconds.

Mr. KINZINGER. Madam Speaker, I thank the gentleman for yielding time.

Dan Scavino's blatant disregard for our subpoena is his effort to ensure that Congress and the American people never get the firsthand story that he has to tell.

None of us should find that acceptable. It is contempt for the law and contempt for Congress.

Madam Speaker, I urge my colleagues to vote in favor of this resolution.

Ms. CHENEY. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. AGUILAR).

Mr. AGUILAR. Madam Speaker, I thank the vice chair for yielding time.

Madam Speaker, we have been entrusted by the American people to investigate the attempt to overturn a free and fair election. That attempt to subvert the will of the American people resulted in a deadly attack on the people in this building. But it was bigger than just 1 day of violence and destruction that resulted in the deaths of U.S. Capitol Police officers.

For weeks, various schemes were hatched by individuals, ranging from State legislators to the former President's senior aides to Members of Congress, with a singular objective: Keep Donald Trump in office.

These are the facts, Madam Speaker, facts that were backed up last week by a Federal judge, who, after reviewing some of the evidence our committee has in its possession, said, in part, ''The illegality of the plan was obvious.''

We are here today to hold two individuals involved, Peter Navarro and Dan Scavino, in contempt of Congress.

Peter Navarro has failed to comply with our investigation in any way despite the fact that he has given multiple TV interviews. In fact, Mr. Navarro appeared on television in support of the former President's failed reelection efforts, so much so that he was found to have repeatedly violated the Hatch Act.

But his political work did not stop when the election was over. We know Mr. Navarro led a call with State legislators about the efforts to convince Vice President Pence to delay election certification for 10 days. We know Mr. Navarro spoke to Steve Bannon, both during and after the attack on the U.S. Capitol.

Mr. Navarro has publicly stated that he is protected by executive privilege, but he has never sought counsel, as others have, and he has not filed any case seeking relief from his responsibilities to comply with our lawful subpoena.

This is a textbook case for contempt, Madam Speaker. While I am not surprised by some of my colleagues who refuse to pull their heads out of the sand and face the facts of what really happened and continues to happen, I remain deeply concerned about what this country looks like if the perpetrators aren't held accountable.

Madam Speaker, I urge my colleagues to support House Resolution 1037.

Mr. BANKS. Madam Speaker, I yield 3 minutes to the gentleman from North Dakota (Mr. ARMSTRONG).

Mr. ARMSTRONG. Madam Speaker, the fact is, President Trump has exerted executive privilege, and Mr. Scavino has raised the issue of executive privilege at President Trump's request.

No matter how much my colleagues on the other side want to say differently, it is a legitimate assertion, considering the D.C. Circuit Court, in Nixon v. Administrator, held that the executive privilege can be raised by a former President, a determination recently reinforced by Justice Kavanaugh in Trump v. Thompson by stating that the right of a former President to assert executive privilege exists, even if the sitting President does not support that privilege. Concluding otherwise would, in fact, actually eviscerate the privilege in total.

Keep in mind that the ruling on executive privilege in Trump v. Thompson deals with a narrow set of documents from the National Archives. It has no bearing on whether Mr. Scavino testifies. The ruling does not apply to documents at issue in this case, nor does it apply to the testimony sought by the committee or whether the committee has a legitimate purpose for conversations between President Trump and his aide.

The select committee has refused to acknowledge President Trump's assertion of privilege as it applies to Mr. Scavino, and the committee takes an overexpansive view of what Trump v. Thompson actually says and fails to even acknowledge that the Supreme Court case of Nixon v. Administrator exists.

This is not a settled question, and it is not nearly as clear-cut as some would have you believe.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield 3 minutes to the gentlewoman from California (Ms. LOFGREN), the chairperson of the Committee on House Administration and a member of the select committee.

Ms. LOFGREN. Madam Speaker, no one is above the law.

We have all heard that phrase. It is a bedrock principle, and we know it is what distinguishes democracies like ours from autocracies such as Russia.

Sadly, a few of the former President's closest aides and allies seem to think they are special, that they are above the law, including senior communications official Daniel Scavino, Jr.

Now, who is he? According to many reports, Mr. Scavino worked with the former President to use social media to spread lies regarding nonexistent election fraud and to recruit a violent, angry mob to D.C.

Mr. Scavino also followed violent, extremist social media on behalf of Mr. Trump. We have reason to believe that doing so provided Mr. Scavino with explicit advance warnings of the violence that was to occur on January 6. He may have shared these warnings of violence with Mr. Trump before the 6th, and we need to ask him about that.

He reportedly attended several meetings with Mr. Trump and others regarding reversing the legitimate victory of President Biden and was also with the former President during the Capitol attack when Mr. Trump failed to immediately try to stop it, despite urgent bipartisan calls for him to do so.

Madam Speaker, a Federal court recently concluded that Mr. Trump likely committed a Federal felony and that he and his allies ''launched a campaign to overturn a democratic election'' that ''spurred violent attacks on the seat of our Nation's government, led to the deaths of several law enforcement officers, and deepened public distrust in our political process.''

The court said that his effort was ''a coup in search of a legal theory.'' The court found that if President Trump's ''plan had worked, it would have permanently ended the peaceful transition of power, undermining American democracy and the Constitution.''

Democrats and Republicans have agreed that the very foundation of our constitutional republic was threatened. We must prevent that from ever happening again.

Senate Minority Leader MITCH MCCONNELL rightly explained that the public needs to know everything about what caused and occurred on January 6. To inform both the American people and legislative reform proposals, the select committee needs to speak with Mr. Scavino. He has to fulfill his legal and moral obligation to provide testimony and documents. Otherwise, he should face consequences.

We must vote ''yes'' on this resolution to find him in contempt of Congress. In the United States of America, no one, including Mr. Scavino, is above the law.

□ 1730

Ms. CHENEY. Madam Speaker, I yield myself such time as I may consume.

I know my colleague and friend, Mr. ARMSTRONG, knows very well that, first of all, executive privilege is a qualified privilege.

Secondly, former President Trump has not asserted executive privilege.

Third, I have tremendous respect, obviously, for Justice Kavanaugh, but my colleagues continue to quote Justice Kavanaugh without noting that the opinion in the D.C. circuit, which was upheld by the Supreme Court, in that opinion the judge found a number of things, including ''to allow the privilege of a no-longer sitting President to prevail over Congress' need to investigate a violent attack on its home and its constitutional operations would gravely impair the basic function of the legislature.''

The Court also held that under any of the tests advocated by former President Trump, the profound interests in disclosure advanced by President Biden and the Select Committee to Investigate the January 6th Attack on the United States Capitol far exceed his generalized concerns for executive branch confidentiality.

And I would just repeat again, Madam Speaker, that Mr. Scavino and Mr. Navarro both have chosen not to appear in front of the committee to answer questions that are clearly outside of any potential claim of privilege they may have, and even if they believe there is a claim of privilege, they are obligated to appear and make that assertion. They cannot simply refuse to respond to the committee's subpoena.

Madam Speaker, I yield 3 minutes to the gentlewoman from Florida (Mrs. MURPHY).

Mrs. MURPHY of Florida. Madam Speaker, I thank the gentlewoman for yielding.

Madam Speaker, as a member of the committee charged with investigating the attack on our Capitol, our Constitution, and our country, I support this resolution to refer Peter Navarro and Daniel Scavino to the Department of Justice for contempt of Congress.

I will focus my remarks on Mr. Navarro.

There is clear evidence that Mr. Navarro was involved in efforts to keep President Trump in power after he lost the election.

We subpoenaed Mr. Navarro seeking testimony and documents regarding the actions he took to discredit the election and prevent the results from being certified. Mr. Navarro made a blanket claim of executive privilege. This claim lacks merit as a matter of law and common sense.

No President, either sitting or former, has claimed privilege regarding Mr. Navarro's testimony or documents. And Mr. Navarro has no authority to assert privilege himself.

Beyond that fundamental flaw, since the election, Mr. Navarro has written and spoken widely about the subjects that are the focus of our subpoena. He is eager to tell his story, if he can do so on his terms in a way that serves his interests.

He published a book where he details the actions he took to change the outcome of the election. He writes that he worked with Steve Bannon on a scheme called the ''Green Bay Sweep.'' Its purpose was to encourage Vice President Pence to delay certification of the votes and send the election back to State legislatures.

Mr. Navarro writes that he called Attorney General Barr, urging the Department of Justice to support President Trump's efforts to challenge the election in court, which Barr declined to do.

Mr. Navarro notes that he kept a journal detailing this episode and other actions he took.

And finally, while he was refusing to comply with our subpoena, Mr. Navarro made numerous media appearances discussing his role in the events culminating on January 6.

Mr. Navarro has significant relevant knowledge. He is happy to share it on television and in podcasts, but he won't provide this information in response to a lawful subpoena.

Mr. Navarro is in contempt of Congress and should be referred for prosecution.

Mr. BANKS. Madam Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. RODNEY DAVIS.)

Mr. RODNEY DAVIS of Illinois. Madam Speaker, 15 months have passed since January 6 of 2021, yet I have seen little evidence over that time to indicate the necessary progress has been made to ensure the Capitol complex is more secure.

And I have seen no evidence that the politicized select committee is serious about identifying or addressing the issues that led to our Capitol being so unprepared on that day, which should be its top priority.

On February 17 of this year, the GAO released a report detailing the lack of security preparedness by Capitol Police leadership and the Capitol Police Board on and in the lead-up to January 6. The rank-and-file men and women who serve Congress as members of the Capitol Police put their lives on the line every day. Yet, the Capitol Police Board, controlled by Speaker PELOSI, failed them. They deserve better.

Instead of working to ensure our Capitol Police officers have the tools and the training they need to prevent another event like January 6 or taking long-overdue steps to reform the Capitol Police Board, the House is once again voting on a contempt resolution because two individuals are not complying with another sham subpoena issued by House Democrats.

I have a newsflash for members of the Select Committee: You do not have limitless power. You cannot demand testimony, documents, or even view the information of your political opponents without their consent or without the law on your side. You have neither.

Specifically, Mr. Scavino and Mr. Navarro are unable to testify on specific topics that are related to their work in the White House, nor can they testify on communications between President Trump and the President's closest advisers, as those communications are protected under President Trump's claim of executive privilege.

As a reminder, the American taxpayer is spending millions of dollars on this select committee. According to The Washington Post, the select committee is on pace to spend $9.3 million by the end of December.

To put that into perspective, that amount exceeds the current budgets for the Committees on the Judiciary; Agriculture; Budget; Ethics; the Committee on House Administration; Rules; Science, Space, and Technology; Small Business; Natural Resources; Homeland Security; Veterans' Affairs; and the Permanent Select Committee on Intelligence.

That is right, this select committee is using more taxpayer resources on their partisan investigation than Democrats have devoted to serving veterans, addressing rising prices in inflation, or helping our farmers during a massive supply chain crisis.

This is nothing more than a sham investigation full of misuses of congressional authority, including Speaker PELOSI violating 230 years of precedent by refusing to allow the minority party to select its own committee members, failing to investigate pursuant to a valid legislative purpose, altering evidence to fit a certain narrative, lying to witnesses, falsely accusing witnesses, violating deponents' right to challenge subpoenas, and perhaps above all, refusing to investigate why Speaker PELOSI and the Capitol Police Board left the Capitol so unprotected that day.

I urge my colleagues to oppose the resolution.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield 3 minutes to the distinguished gentlewoman from Virginia (Mrs. LURIA), a veteran of the United States Navy.

Mrs. LURIA. Madam Speaker, I have come to the floor many times over the last 3 years and discussed the oath of office. The oath to protect and defend our Constitution against all enemies foreign and domestic.

Every Member of this body swore that oath, and it is the same oath that our President and military officers, including those like Mr. BANKS, swear in service to our Nation.

That is service.

When an American enlists or commissions in our Armed Forces, or when someone takes elected office, or even a senior position in the executive branch, they do so to serve the American people.

Mr. Scavino and Mr. Navarro had the duty to serve the American people. Unfortunately, they instead chose to serve the interests of one man, who sought to advance his own agenda at the peril of American democracy.

They now have the duty to respond to the subpoenas of this committee, but they have apparently decided that they are above the law.

The American people deserve the truth about the attack that attempted to prevent the peaceful transition of power, and the committee is united in our duty to investigate.

This committee has conducted over 800 voluntary depositions and interviews, with more scheduled, including witnesses who worked in the previous administration and even close family members of the former President.

The committee has received nearly 90,000 documents pertaining to January 6, and we followed up over 435 tips received through the committee's tip line.

Hundreds of witnesses have voluntarily come forward and cooperated with our investigation, but Mr. Scavino and Mr. Navarro have refused to do their part.

They have been given every opportunity to come forward, yet they have attempted to obstruct the pursuit of justice and to stonewall the committee's work and conceal the truth, despite both publicly acknowledging their roles in promoting election fraud conspiracies and counseling the former President on changing the outcome of the election.

Mr. MEADOWS, and today Mr. Scavino and Mr. Navarro, my question remains: What are you covering up, and who are you covering for?

Their failure to answer that question about January 6 is disregarding the law, and they should be held accountable. That is why I will vote, and I will urge my colleagues to vote to hold Mr. Navarro and Mr. Scavino in contempt of Congress.

Ms. CHENEY. Madam Speaker, I yield myself such time as I may consume.

I think it is again very important as our colleagues are contemplating their vote on this resolution that they keep in mind the facts. And we are hearing a number of things that are not consistent with the facts.

First of all, with respect to the establishment of the committee, Mr. DAVIS knows, and my colleagues know that we initially attempted to have a bipartisan commission, which, in fact, Leader MCCARTHY instructed Mr. KATKO to negotiate with Chairman THOMPSON. Mr. KATKO did that, secured everything the Republicans asked for, at which point, Mr. MCCARTHY walked away from the bipartisan commission, and then went over to the Senate side and lobbied against the establishment of a bipartisan commission.

The establishment of the select committee, again, is not what we would have hoped. The 35 Republicans who voted for the bipartisan commission wanted a bipartisan outside commission, but we cannot let this attack go uninvestigated.

Mr. DAVIS also knows that with respect to the membership of the committee, Speaker PELOSI said that she would not name two Members who had been identified by Mr. MCCARTHY; that is completely consistent with the resolution. And Mr. MCCARTHY then himself withdrew the other three and determined that he would not participate.

Finally, Madam Speaker, I continue to hear this allegation that the committee is not investigating what happened at the Capitol, not investigating what happened with respect to the Capitol Police, not investigating what happened with respect to security that day. That is just not true. The committee has an entire team that is very focused on and investigating what happened with respect to security at the Capitol.

And it is also the case, though, Madam Speaker, we must all remember that the former President provoked a violent assault on this body, and the extent to which there were security lapses, the extent to which people did not anticipate that there would be a violent assault on the Capitol, provoked by the former President, is not the fault of the Capitol Police. That is the responsibility of the former President.

And I would also note, Madam Speaker, that Mr. DAVIS voted ''yes'' on the bipartisan commission when it came up.

Madam Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. RASKIN), my good friend and colleague.

Mr. RASKIN. Madam Speaker, I want to underscore first the point that was just made by Ms. CHENEY. The distinguished ranking member of the House Administration Committee was appointed to this committee, or the appointment was accepted by Speaker PELOSI, but it was withdrawn by the minority leader. It was not rejected by the majority; it was rejected by the minority.

Madam Speaker, we are here in the broadest sense to defend American democratic institutions and the rule of law. And our colleague said before that if this investigation were valid, then we would be talking to officials from the Sergeant at Arms Office and the National Guard.

Well, I have got good news for my friends. First, every court that has looked at their claim that this is an invalid investigation either because of its composition or because it was intrinsically flawed in its pursuit of the facts about January 6, has rejected those arguments. Every court that looked at it has rejected the precise arguments our colleagues are floating on the floor today.

But I will go even further than that. We have, in fact, interviewed precisely the people that they set up as a test for the validity of our investigation from the Sergeant at Arms and the National Guard. And as patriotic public officials living out their oaths of office and not bowing down to the humiliating cult of Donald Trump, they didn't need a subpoena from this committee; they came voluntarily. They not only understood their legal duty to testify, a duty our colleagues, like my friend, the gentleman from Ohio, clearly understands when they wield the gavel, but they have come forward and said that it is a patriotic honor for them. It is not just a legal duty, it is a patriotic honor for them to render truthful testimony on this horrific attack against America, which interrupted the counting of electoral college votes for the first time in American history.

□ 1745

This is mandated in the 12th Amendment to the Constitution, which says that the House and the Senate must meet in joint session in order to count electoral college votes the first week of January, on the Wednesday following a Presidential election.

What is remarkable to me is that the caucus that is now so drenched in the Trump-Putin propaganda is not just trying to denounce the Democrats for searching the truth right now. Today, they have begun the utterly cannibalistic process of vilifying and castigating Republicans just because they disagree with the orthodoxy, the dogma handed down by Donald Trump.

Ms. CHENEY is the former chair of the House Republican Conference, and it is left to Democrats to defend her against the vilification and the castigating that we hear.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. CHENEY. I yield the gentleman an additional 30 seconds.

Mr. RASKIN. It is up to us to defend Mr. KINZINGER and to defend Ms. CHENEY, because if you don't go along with what Donald Trump says, if you don't act like you are a robot, or a member of a religious cult, they will attack you, they will vilify you, they will denounce you.

These people, Mr. KINZINGER and Ms. CHENEY, are constitutional heroes, and they don't deserve your contempt. The insurrectionists and the lawbreakers deserve your contempt because they are acting in contempt of the rule of law and the Constitution of the United States.

Mr. BANKS. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. JACKSON).

Mr. JACKSON. Madam Speaker, I thank my colleague from Indiana for the time.

Madam Speaker, I rise today to speak about two great patriots who I am proud to call my friends, Dan Scavino and Peter Navarro. These two men have served our country honorably. Sadly, they are now targets of the political witch hunt simply because they served our country and they are loyal to our great former President, Donald J. Trump.

The illegitimate January 6th Committee's ruthless crusade against President Trump and his close allies is yet another smear on this great body. It will go down in history as another failed attempt by my colleagues on the other side of the aisle to bring down good people simply because they disagree with their political beliefs.

As someone who has been a target of the left and their ruthless tactics in the past, I know firsthand how damaging this can be. The American people are tired of this partisan January 6 circus. It is time to stop this nonsense now.

I urge my colleagues to stand up against this charade and oppose this baseless resolution.

Mr. THOMPSON of Mississippi. Madam Speaker, I reserve the balance of my time.

Ms. CHENEY. Madam Speaker, I reserve the balance of my time.

Mr. BANKS. Madam Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. JORDAN).

Mr. JORDAN. Madam Speaker, I thank the gentleman for yielding.

The majority leader, just a few minutes ago said—used the term ''danger to our democracy.'' Danger to our democracy.

Think about this. Democrats have closed the Capitol, allowed proxy voting, kicked Republicans off committees, won't let Republicans serve on this select committee—the first time in the history of the Congress the minority leader was not allowed to put on a select committee the individuals he or she selected; first time in the history of our Nation.

The Democrats are trying to end the electoral college; trying to end the filibuster; trying to pack the Court.

This committee, the January 6th Committee, altered evidence and presented it to the American people as if it were true. And they accuse us of being a danger to our democracy?

Mr. GAETZ was right. We have got a border that is complete chaos. We have $6 gas in California, $4 gas everywhere else in the country. We have crime at record levels in every major urban area in this Nation. And we have an inflation problem that is at a 40-year high.

And this committee has more contempt resolutions for a purely political reason. I think the whole committee is pure political, designed to do one thing; keep President Trump off the ballot in 2024.

The gentlewoman from Wyoming, in her opening comments, used the term, ''false message.'' False message. She used to say big lie. Now I guess it is false message. When she said it, I started jotting things down.

Think about all the false messages we have got from them in the last few years. They told us the protests in the summer of 2020 were peaceful. We got a billion dollars' worth of damage around our cities that says it wasn't.

They told us the dossier was real. They told us it was Republicans, Republicans who wanted to defund the police. That one is almost laughable, if it wasn't so serious for our law enforcement and for the families who live in those areas where mayors and city councils did defund the police.

They told us the FBI didn't spy on the Trump campaign. We know that wasn't true. We have got inspectors general reports that tell us all kinds of things of what they did in front of the FISA Court.

They said Trump colluded with Russia. We have got a Mueller report, 19 lawyers, 40 FBI agents, 30 million hard-earned American tax dollars in that report that said that false message was just that, false.

They told us COVID didn't start in the lab; sure looks like it did.

They told us the lab wasn't doing gain-of-function research; sure looks like it was.

They told us the vaccinated can't get it. We know that is wrong. Every day there is a new announcement: Member of Congress is getting it; fully vaccinated, boosted, and everything else.

They told us those who are vaccinated can't transmit it. They told us that was wrong.

And you talk about the biggest false message, the biggest false message that has just been confirmed in the last week, how false it was? The Hunter Biden laptop was Russian disinformation. The Hunter Biden laptop was Russian disinformation.

October 22, 2020, 2 weeks before the election, Candidate Biden, in a debate,

is asked about his son's business dealings with foreign companies. He says: ''Nothing was unethical.'' He said: My son has not made money with business interests—with companies with an interest in China.

And we all know there are 4.8 million reasons why that statement was not accurate. And how do we know? Washington Post told us. Not me, not President Trump, not Republicans, The Washington Post told us last week, two stories last week, a week ago today, one at 11 a.m., one at 11:04 a.m.; two eight-page articles, 4 minutes apart, confirming what we knew, but what big media, big tech, Democrats colluded to keep from the American people just days before, just days before the most important election we have, the Presidential election, who is going to be our next Commander in Chief.

The laptop was real. The eyewitness was real. The emails were real. The only thing fake was that collusion from those individuals, those entities to keep important information from we, the people, in the run-up to the most important election we have.

And oh, by the way, they were joined by 51 former intel officials, joined in the collusion.

You know what is also interesting? It is funny how that story has changed. Eighteen months ago, it started off, it wasn't his laptop. It quickly switched to well, it was his laptop, but it was Russian disinformation.

And now it is, well, it wasn't Russian disinformation, but Joe Biden had nothing to do with it. Now it was, well, Joe knew what was going on, but he wasn't really involved in anything wrong. Ron Klain told us that, the Chief of Staff told us that Sunday.

We need to be focusing on the issues that the American people want us to focus on. You want to talk about danger to our democracy and the biggest false message. I would say what happened—one of the biggest dangers to our democracy and one of the biggest false messages is what happened 18 months ago, where that story was kept from the American people. We could dig into that, find out what went on there, why that happened.

And we could also focus on the record crime, record inflation, record price of gas, and the chaos on our southern border that is about to get worse.

The SPEAKER pro tempore (Mr. PANETTA). The time of the gentleman has expired.

Mr. BANKS. I yield the gentleman an additional 30 seconds.

Mr. JORDAN. It is about to get worse as the Democrats look to—as the Biden administration looks to repeal title 42. I urge a ''no'' vote.

Mr. THOMPSON of Mississippi. Mr. Speaker, I have no further speakers, and I am prepared to close. I reserve the balance of my time.

Ms. CHENEY. Mr. Speaker, I have no further speakers. I am prepared to close. I reserve the balance of my time.

Mr. BANKS. Mr. Speaker, I am prepared to close. I yield myself the balance of my time.

Mr. Speaker, it might feel really good today for my opponents on the other side of the aisle. It might feel really good in a vindictive sort of way, to vote to put their political opponents behind bars. That might feel really good for my opponents across the aisle.

But I guarantee you, the history will not look back kindly on those actions in the years to come. I guarantee it. It couldn't be anymore un-American what they want to do today, to vote to put two men behind bars purely because they disagree with their politics and the man that they worked for.

I can't think of a bigger reason for my opponents to vote ''no'' on such an un-American resolution. I urge all of my colleagues to vote ''no'' and do the same.

Mr. Speaker, I yield back the balance of my time.

Ms. CHENEY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, it does not feel really good today. It feels sad, and it feels tragic that so many in my own party are refusing to address the constitutional crisis and the challenge that we face.

The ranking member of the Judiciary Committee went to law school. I am not sure if he passed the bar. But he knows that we all have an obligation to abide by the rulings of the courts.

So, yes, it was a false story. Yes, it was a big lie. In fact, former Vice President Pence has said that what President Trump wanted him to do was ''un-American.'' It was also unconstitutional, and it was illegal.

Mr. Speaker, what gives me tremendous hope though is although so many in my party in this body have put loyalty to Donald Trump ahead of their oath to the Constitution, the committee has interviewed scores of Republicans from around the country who, in fact, have shown the kind of tremendous bravery and dedication to public service that every American can be proud of: Republicans who were appointed by President Trump to posts in the Department of Justice; Republicans who stood firm; Republicans who threatened to resign and who refused to participate in President Trump's efforts to corrupt the Department of Justice with the stolen election lies—yes, lies—that led to January 6.

We have heard from Republicans serving in State legislatures, in State and local governments who also stood firm.

Mr. Speaker, it is crucially important that this body hold these gentlemen in contempt. It is crucially important that they have to abide by their subpoena.

I urge a ''yes'' vote, and I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, let me say for the record, if there is any Member on the other side who feels the strength to come and testify before our committee, I invite them, right now, to let us know and we will gladly entertain whatever information they have as to what happened on January 6. Some of them ran out of this building fearing for their lives, so there is no question that something happened.

And H. Res. 503 says, absolutely, we have to find the facts and circumstances as to what happened and why and make recommendations; and that is what we have to do.

We have the constitutional power to issue subpoenas. If people do not follow subpoenas, we have the right to bring them before this body and recommend contempt citations; and that is what we are doing today.

So it doesn't matter if they were a father, a mother, a sister, or a brother, had children; if they break the law, they break the law. No one is above the law, and that is the point we are trying to make.

We asked the individuals, subpoenaed them to come before the committee, and they chose not to come and, therefore, they broke the law, and that is why we are here today.

So, Mr. Speaker, as I have mentioned, when I testified before the Rules Committee, it is absurd that there should be any disagreement at all about why we are here for this contempt resolution.

If you listen to the arguments from some of my friends on the other side, they have very little to say of substance of this matter. We hear excuses. We hear attacks about process. We hear scare-mongering about the select committee.

Let me remind my colleagues, we have conducted over 830 interviews and depositions. And again, I invite any of them to come talk to us if they want to. Now, if, for some reason, they are reluctant or afraid, then I feel sorry for them.

Our constitutional democracy was challenged on January 6. We have to fix this. Over 200 years, we have operated in complete freedom, and all of a sudden, this institution was attacked; and we have to fix that.

□ 1800

We are the number one democracy in the world, but we lead by example. Democrats are leading by example. The select committee is leading by example by bringing these two gentlemen who broke the law, who decided that it is better to deal with the law of Donald Trump rather than the Constitution of the United States of America.

Mr. Speaker, I thank my colleagues, especially my friend from Wyoming (Ms. CHENEY).

Mr. Speaker, I urge every Member to support adoption of this resolution, and I yield back the balance of my time.

Mr. SCHIFF. Mr. Speaker, I rise today in support of a simple, but sacred principle: No one is above the law.

Peter Navarro was one of the former president's closest allies. And, by his own admission, played a direct role in planning and coordinating the events of January 6. He speaks

to that role on television, on podcasts, and even in his own book—yet he refuses to do so before Congress, even when compelled by a lawful subpoena. That is unjustifiable, and in light of the subpoena, a criminal form of contempt.

Dan Scavino was similarly close to the former president—and similarly involved in the events leading up to and on January 6. Mr. Scavino played an intimate role in crafting former President Trump's social media strategy and served as his Deputy Chief of Staff for Communications. And, like Mr. Navarro, he was called before our committee because our evidence and public reporting, suggests he possesses direct, personal knowledge of the events leading up to January 6, and while the Capitol was under siege.

Unfortunately, both Mr. Navarro and Mr. Scavino have chosen at every turn to obstruct, to conceal their knowledge, forgoing their legal duty to comply with a congressional subpoena and attempting instead to hide behind spurious claims of privilege.

But let me be clear: There is no privilege that allows a witness to simply refuse to appear. President Biden has declined to assert any privilege and properly concluded that the national interests in hearing the testimony of Navarro and Scavino clearly outweigh any other consideration. And there is certainly no privilege that allows a witness to refuse to appear before Congress while sitting for press interviews or discussing the matter in a book.

I urge all of my colleagues to vote in favor of this resolution. To do otherwise would set a dangerous precedent: That Congress is not a body that is capable of, or willing to, carry out meaningful oversight. That our subpoenas can be shrugged off or ignored. And that the American people can no longer have faith in our ability to investigate potential abuses of power by any president—past, present, or future.

As Judge Carter said last week in his ruling, 'If the country does not commit to investigating and pursuing accountability for those responsible, the Court fears January 6 will repeat itself.' He is right. We must commit to the pursuit of accountability and justice. Not as Democrats or Republicans, but as Americans who love and cherish our democracy.

And I will take just one more moment to urge the Department of Justice to act with all due haste when they receive the criminal contempt referrals for Mr. Scavino and Mr. Navarro. And not just with respect to these referrals, but on any evidence of criminality connected to efforts to overturn the election. The rule of law must apply equally to all Americans, including former presidents. To do otherwise, risks another repetition of January 6th—or worse.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the rule, the previous question is ordered on the resolution.

The SPEAKER pro tempore. The question is on adoption of the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BANKS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, this 15-minute vote on adoption of the resolution will be followed by 5-minute votes on:

Ordering the previous question on House Resolution 1033;

Adoption of House Resolution 1033, if ordered; and

The motion to suspend the rules and pass H.R. 7276.

The vote was taken by electronic device, and there were—yeas 220, nays 203, not voting 6, as follows:

[Roll No. 118]

YEAS—220

Adams
Aguilar
Allred
Auchincloss
Axne
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Bourdeaux
Bowman
Boyle, Brendan F.
Brown (MD)
Brown (OH)
Brownley
Bush
Bustos
Butterfield
Carbajal
Cárdenas
Carson
Carter (LA)
Cartwright
Case
Casten
Castor (FL)
Castro (TX)
Cheney
Cherfilus-McCormick
Chu
Cicilline
Clark (MA)
Clarke (NY)
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Craig
Crist
Crow
Cuellar
Davids (KS)
Davis, Danny K.
Dean
DeFazio
DeGette
DeLauro
DelBene
Delgado
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Escobar
Eshoo
Espaillat
Evans
Fletcher
Foster
Frankel, Lois
Gallego
Garamendi
García (IL)
Garcia (TX)
Golden
Gomez
Gonzalez, Vicente
Gottheimer
Green, Al (TX)
Grijalva
Harder (CA)
Hayes
Higgins (NY)
Himes
Horsford
Houlahan
Hoyer
Huffman
Jackson Lee
Jacobs (CA)
Jayapal
Jeffries
Johnson (TX)
Jones
Kahele
Kaptur
Keating
Kelly (IL)
Khanna
Kildee
Kim (NJ)
Kind
Kinzinger
Kirkpatrick
Krishnamoorthi
Kuster
Lamb
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee (CA)
Lee (NV)
Leger Fernandez
Levin (CA)
Levin (MI)
Lieu
Lofgren
Lowenthal
Luria
Lynch
Malinowski
Maloney, Carolyn B.
Maloney, Sean
Manning
Matsui
McBath
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Mfume
Moore (WI)
Morelle
Moulton
Mrvan
Murphy (FL)
Nadler
Napolitano
Neal
Neguse
Newman
Norcross
O'Halleran
Ocasio-Cortez
Omar
Pallone
Panetta
Pappas
Pascrell
Payne
Perlmutter
Peters
Phillips
Pingree
Pocan
Porter
Pressley
Price (NC)
Quigley
Raskin
Rice (NY)
Ross
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan
Sánchez
Sarbanes
Scanlon
Schakowsky
Schiff
Schneider
Schrader
Schrier
Scott (VA)
Scott, David
Sewell
Sherman
Sherrill
Sires
Slotkin
Smith (WA)
Soto
Spanberger
Speier
Stansbury
Stanton
Stevens
Strickland
Suozzi
Swalwell
Takano
Thompson (CA)
Thompson (MS)
Titus
Tlaib
Tonko
Torres (CA)
Torres (NY)
Trahan
Trone
Underwood
Vargas
Veasey
Velázquez
Wasserman Schultz
Waters
Watson Coleman
Welch
Wexton
Wild
Williams (GA)
Wilson (FL)
Yarmuth

NAYS—203

Aderholt
Amodei
Armstrong
Arrington
Babin
Bacon
Baird
Balderson
Banks
Barr
Bentz
Bergman
Bice (OK)
Biggs
Bilirakis
Bishop (NC)
Boebert
Brady
Brooks
Buchanan
Buck
Bucshon
Budd
Burchett
Burgess
Calvert
Cammack
Carey
Carl
Carter (GA)
Carter (TX)
Cawthorn
Chabot
Cline
Cloud
Clyde
Cole
Comer
Crawford
Crenshaw
Curtis
Davidson
Davis, Rodney
DesJarlais
Diaz-Balart
Donalds
Duncan
Ellzey
Emmer
Estes
Fallon
Feenstra
Ferguson
Fischbach
Fitzgerald
Fitzpatrick
Fleischmann
Foxx
Franklin, C. Scott
Fulcher
Gaetz
Gallagher
Garbarino
García (CA)
Gibbs
Gimenez
Gohmert
Gonzales, Tony
Gonzalez (OH)
Good (VA)
Gooden (TX)
Gosar
Granger
Graves (LA)
Graves (MO)
Green (TN)
Greene (GA)
Griffith
Grothman
Guthrie
Harris
Harshbarger
Hartzler
Hern
Herrell
Herrera Beutler
Hice (GA)
Higgins (LA)
Hill
Hinson
Hollingsworth
Hudson
Huizenga
Issa
Jackson
Jacobs (NY)
Johnson (LA)
Johnson (OH)
Johnson (SD)
Jordan
Joyce (OH)
Joyce (PA)
Katko
Keller
Kelly (MS)
Kelly (PA)
Kim (CA)
Kustoff
LaHood
LaMalfa
Lamborn
Latta
LaTurner
Lesko
Letlow
Long
Loudermilk
Lucas
Luetkemeyer
Mace
Malliotakis
Mann
Massie
Mast
McCarthy
McCaul
McClain
McClintock
McHenry
McKinley
Meijer
Meuser
Miller (IL)
Miller (WV)
Miller-Meeks
Moolenaar
Mooney
Moore (AL)
Moore (UT)
Mullin
Murphy (NC)
Nehls
Newhouse
Norman
Obernolte
Owens
Palazzo
Palmer
Pence
Perry
Pfluger
Posey
Reed
Reschenthaler
Rice (SC)
Rodgers (WA)
Rogers (AL)
Rogers (KY)
Rose
Rosendale
Rouzer
Roy
Rutherford
Salazar
Scalise
Schweikert
Scott, Austin
Sessions
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smucker
Spartz
Stauber
Steel
Stefanik
Steil
Steube
Stewart
Taylor
Tenney
Thompson (PA)
Tiffany
Timmons
Turner
Upton
Valadao
Van Drew
Van Duyne
Wagner
Walberg
Walorski
Waltz
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams (TX)
Wilson (SC)
Wittman
Womack
Zeldin

NOT VOTING—6

Allen
Bost
Dunn
Guest
Johnson (GA)
Kilmer

□ 1837

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

Bass (Beyer)
Bilirakis (Fleischmann)
Blumenauer (Beyer)
Bowman (Evans)
Cárdenas (Soto)
Castro (TX) (Correa)
Cawthorn (Gaetz)
Clark (MA) (Blunt Rochester)
Connolly (Wexton)
Cooper (Correa)
Crawford (Fleischmann)
Crist (Soto)
Cuellar (Correa)
Doyle, Michael F. (Evans)
Gohmert (Weber (TX))
Gomez (Soto)
Gottheimer (Pallone)
Grijalva (Stanton)
Harder (CA) (Correa)
Huffman (Stanton)
Johnson (TX) (Jeffries)
Joyce (OH) (Garbarino)
Kahele (Mrvan)
Kirkpatrick (Pallone)
Lawson (FL) (Evans)
Long (Fleischmann)
McCaul (Kim (CA))
Meeks (Jeffries)
Mfume (Evans)
Newman (García (IL))

Owens (Tenney)
Payne (Pallone)
Peters (Jeffries)
Porter (Wexton)
Price (NC) (Butterfield)
Roybal-Allard (Pallone)
Rush (Evans)
Schiff (Beyer)
Scott, David (Jeffries)
Sires (Pallone)
Steube (Donalds)
Suozzi (Beyer)
Taylor (Jackson)
Wasserman Schultz (Soto)
Watson Coleman (Pallone)

PROVIDING FOR CONSIDERATION OF H.R. 3807, RESTAURANT REVITALIZATION FUND REPLENISHMENT ACT OF 2021

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on ordering the previous question on the resolution (H. Res. 1033) providing for consideration of the bill (H.R. 3807) to amend the American Rescue Plan Act of 2021 to increase appropriations to the Restaurant Revitalization Fund, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 221, nays 206, not voting 2, as follows:

[Roll No. 119]

YEAS—221

Adams
Aguilar
Allred
Auchincloss
Axne
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Bourdeaux
Bowman
Boyle, Brendan F.
Brown (MD)
Brown (OH)
Brownley
Bush
Bustos
Butterfield
Carbajal
Cárdenas
Carson
Carter (LA)
Cartwright
Case
Casten
Castor (FL)
Castro (TX)
Cherfilus-McCormick
Chu
Cicilline
Clark (MA)
Clarke (NY)
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Craig
Crist
Crow
Cuellar
Davids (KS)
Davis, Danny K.
Dean
DeFazio
DeGette
DeLauro
DelBene
Delgado
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Escobar
Eshoo
Espaillat
Evans
Fletcher
Foster
Frankel, Lois
Gaetz
Gallego
Garamendi
García (IL)
Garcia (TX)
Golden
Gomez
Gonzalez, Vicente
Gottheimer
Green, Al (TX)
Grijalva
Harder (CA)
Hayes
Higgins (NY)
Himes
Horsford
Houlahan
Hoyer
Huffman
Jackson Lee
Jacobs (CA)
Jayapal
Jeffries
Johnson (GA)
Johnson (TX)
Jones
Kahele
Kaptur
Keating
Kelly (IL)
Khanna
Kildee
Kilmer
Kim (NJ)
Kind
Kirkpatrick
Krishnamoorthi
Kuster
Lamb
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee (CA)
Lee (NV)
Leger Fernandez
Levin (CA)
Levin (MI)
Lieu
Lofgren
Lowenthal
Luria
Lynch
Malinowski
Maloney, Carolyn B.
Maloney, Sean
Manning
Matsui
McBath
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Mfume
Moore (WI)
Morelle
Moulton
Mrvan
Murphy (FL)
Nadler
Napolitano
Neal
Neguse
Newman
Norcross
O'Halleran
Ocasio-Cortez
Omar
Pallone
Panetta
Pappas
Pascrell
Payne
Perlmutter
Peters
Phillips
Pingree
Pocan
Porter
Pressley
Price (NC)
Quigley
Raskin
Rice (NY)
Ross
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan
Sánchez
Sarbanes
Scanlon
Schakowsky
Schiff
Schneider
Schrader
Schrier
Scott (VA)
Scott, David
Sewell
Sherman
Sherrill
Sires
Slotkin
Smith (WA)
Soto
Spanberger
Speier
Stansbury
Stanton
Stevens
Strickland
Suozzi
Swalwell
Takano
Thompson (CA)
Thompson (MS)
Titus
Tlaib
Tonko
Torres (CA)
Torres (NY)
Trahan
Trone
Underwood
Vargas
Veasey
Velázquez
Wasserman Schultz
Waters
Watson Coleman
Welch
Wexton
Wild
Williams (GA)
Wilson (FL)
Yarmuth

NAYS—206

Aderholt
Amodei
Armstrong
Arrington
Babin
Bacon
Baird
Balderson
Banks
Barr
Bentz
Bergman
Bice (OK)
Biggs
Bilirakis
Bishop (NC)
Boebert
Bost
Brady
Brooks
Buchanan
Buck
Bucshon
Budd
Burchett
Burgess
Calvert
Cammack
Carey
Carl
Carter (GA)
Carter (TX)
Cawthorn
Chabot
Cheney
Cline
Cloud
Clyde
Cole
Comer
Crawford
Crenshaw
Curtis
Davidson
Davis, Rodney
DesJarlais
Diaz-Balart
Donalds
Duncan
Dunn
Ellzey
Emmer
Estes
Fallon
Feenstra
Ferguson
Fischbach
Fitzgerald
Fitzpatrick
Fleischmann
Foxx
Franklin, C. Scott
Fulcher
Gallagher
Garbarino
Garcia (CA)
Gibbs
Gimenez
Gohmert
Gonzales, Tony
Gonzalez (OH)
Good (VA)
Gooden (TX)
Gosar
Granger
Graves (LA)
Graves (MO)
Green (TN)
Greene (GA)
Griffith
Grothman
Guthrie
Harris
Harshbarger
Hartzler
Hern
Herrell
Herrera Beutler
Hice (GA)
Higgins (LA)
Hill
Hinson
Hollingsworth
Hudson
Huizenga
Issa
Jackson
Jacobs (NY)
Johnson (LA)
Johnson (OH)
Johnson (SD)
Jordan
Joyce (OH)
Joyce (PA)
Katko
Keller
Kelly (MS)
Kelly (PA)
Kim (CA)
Kinzinger
Kustoff
LaHood
LaMalfa
Lamborn
Latta
LaTurner
Lesko
Letlow
Long
Loudermilk
Lucas
Luetkemeyer
Mace
Malliotakis
Mann
Massie
Mast
McCarthy
McCaul
McClain
McClintock
McHenry
McKinley
Meijer
Meuser
Miller (IL)
Miller (WV)
Miller-Meeks
Moolenaar
Mooney
Moore (AL)
Moore (UT)
Mullin
Murphy (NC)
Nehls
Newhouse
Norman
Obernolte
Owens
Palazzo
Palmer
Pence
Perry
Pfluger
Posey
Reed
Reschenthaler
Rice (SC)
Rodgers (WA)
Rogers (AL)
Rogers (KY)
Rose
Rosendale
Rouzer
Roy
Rutherford
Salazar
Scalise
Schweikert
Scott, Austin
Sessions
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smucker
Spartz
Stauber
Steel
Stefanik
Steil
Steube
Stewart
Taylor
Tenney
Thompson (PA)
Tiffany
Timmons
Turner
Upton
Valadao
Van Drew
Van Duyne
Wagner
Walberg
Walorski
Waltz
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams (TX)
Wilson (SC)
Wittman
Womack
Zeldin

NOT VOTING—2

Allen
Guest

□ 1846

So the previous question was ordered.

The result of the vote was announced as above recorded.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

Bass (Beyer)
Bilirakis (Fleischmann)
Blumenauer (Beyer)
Bowman (Evans)
Cárdenas (Soto)
Castro (TX) (Correa)
Cawthorn (Gaetz)
Clark (MA) (Blunt Rochester)
Connolly (Wexton)
Cooper (Correa)
Crawford (Fleischmann)
Crist (Soto)
Cuellar (Correa)
Doyle, Michael F. (Evans)
Gohmert (Weber (TX))
Gomez (Soto)
Gottheimer (Pallone)
Grijalva (Stanton)
Harder (CA) (Correa)
Huffman (Stanton)
Johnson (TX) (Jeffries)
Joyce (OH) (Garbarino)
Kahele (Mrvan)
Kilmer (Larsen (WA))
Kirkpatrick (Pallone)
Lawson (FL) (Evans)
Long (Fleischmann)
McCaul (Kim (CA))
Meeks (Jeffries)
Mfume (Evans)
Newman (García (IL))
Owens (Tenney)
Payne (Pallone)
Peters (Jeffries)
Porter (Wexton)
Price (NC) (Butterfield)
Roybal-Allard (Pallone)
Rush (Evans)
Schiff (Beyer)
Scott, David (Jeffries)
Sires (Pallone)
Steube (Donalds)
Suozzi (Beyer)
Taylor (Jackson)
Wasserman Schultz (Soto)
Watson Coleman (Pallone)

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. FISCHBACH. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 218, nays 206, not voting 5, as follows:

[Roll No. 120]

YEAS—218

Adams
Aguilar
Allred
Auchincloss
Axne
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Bourdeaux
Bowman
Boyle, Brendan F.
Brown (MD)
Brown (OH)
Brownley
Bush
Bustos
Butterfield
Carbajal
Cárdenas
Carson
Carter (LA)
Cartwright
Case
Casten
Castor (FL)
Castro (TX)
Cherfilus-McCormick
Chu
Cicilline
Clark (MA)
Clarke (NY)
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Craig
Crist
Crow
Cuellar
Davids (KS)
Davis, Danny K.
Dean
DeFazio
DeGette
DeLauro
DelBene
Delgado
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Escobar
Eshoo
Espaillat
Evans
Fletcher
Foster
Frankel, Lois
Gallego
Garamendi
García (IL)
Garcia (TX)
Golden
Gomez
Gonzalez, Vicente
Gottheimer
Green, Al (TX)
Grijalva
Harder (CA)
Hayes
Higgins (NY)
Himes
Horsford
Houlahan
Hoyer
Huffman
Jackson Lee
Jacobs (CA)
Jayapal
Jeffries
Johnson (GA)
Johnson (TX)
Jones
Kahele
Kaptur
Keating
Kelly (IL)
Khanna
Kildee
Kilmer
Kim (NJ)
Kind
Kirkpatrick
Krishnamoorthi
Kuster
Lamb
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee (CA)
Lee (NV)
Leger Fernandez
Levin (CA)
Levin (MI)
Lieu
Lofgren
Lowenthal
Luria
Lynch
Malinowski
Maloney, Carolyn B.
Maloney, Sean
Manning
Matsui
McBath
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Mfume
Moore (WI)
Morelle
Moulton
Mrvan
Murphy (FL)
Nadler

Napolitano
Neal
Neguse
Newman
Norcross
O'Halleran
Ocasio-Cortez
Omar
Pallone
Panetta
Pappas
Pascrell
Payne
Perlmutter
Peters
Phillips
Pingree
Pocan
Porter
Pressley
Price (NC)
Quigley
Raskin
Rice (NY)
Ross
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan
Sánchez
Sarbanes
Scanlon
Schakowsky
Schiff
Schneider
Schrader
Schrier
Scott (VA)
Scott, David
Sewell
Sherman
Sherrill
Sires
Smith (WA)
Soto
Spanberger
Speier
Stanton
Stevens
Strickland
Suozzi
Swalwell
Takano
Thompson (CA)
Thompson (MS)
Titus
Tlaib
Tonko
Torres (CA)
Torres (NY)
Trahan
Trone
Underwood
Vargas
Veasey
Velázquez
Wasserman Schultz
Waters
Watson Coleman
Welch
Wexton
Wild
Williams (GA)
Wilson (FL)
Yarmuth

NAYS—206

Aderholt
Amodei
Armstrong
Arrington
Babin
Bacon
Baird
Balderson
Banks
Barr
Bentz
Bergman
Bice (OK)
Biggs
Bilirakis
Bishop (NC)
Boebert
Bost
Brady
Brooks
Buchanan
Buck
Bucshon
Budd
Burchett
Burgess
Calvert
Cammack
Carey
Carl
Carter (GA)
Carter (TX)
Cawthorn
Chabot
Cheney
Cline
Cloud
Clyde
Cole
Comer
Crawford
Crenshaw
Curtis
Davidson
Davis, Rodney
DesJarlais
Diaz-Balart
Donalds
Duncan
Dunn
Ellzey
Emmer
Estes
Fallon
Feenstra
Ferguson
Fischbach
Fitzgerald
Fitzpatrick
Fleischmann
Foxx
Franklin, C. Scott
Fulcher
Gaetz
Gallagher
Garbarino
Garcia (CA)
Gibbs
Gimenez
Gohmert
Gonzales, Tony
Good (VA)
Gooden (TX)
Gosar
Granger
Graves (LA)
Graves (MO)
Green (TN)
Greene (GA)
Griffith
Grothman
Guthrie
Harris
Harshbarger
Hartzler
Hern
Herrell
Herrera Beutler
Hice (GA)
Higgins (LA)
Hill
Hinson
Hollingsworth
Hudson
Huizenga
Issa
Jackson
Jacobs (NY)
Johnson (LA)
Johnson (OH)
Johnson (SD)
Jordan
Joyce (OH)
Joyce (PA)
Katko
Keller
Kelly (MS)
Kelly (PA)
Kim (CA)
Kustoff
LaHood
LaMalfa
Lamborn
Latta
LaTurner
Lesko
Letlow
Long
Loudermilk
Lucas
Luetkemeyer
Mace
Malliotakis
Mann
Massie
Mast
McCarthy
McCaul
McClain
McClintock
McHenry
McKinley
Meijer
Meuser
Miller (IL)
Miller (WV)
Miller-Meeks
Moolenaar
Mooney
Moore (AL)
Moore (UT)
Mullin
Murphy (NC)
Nehls
Newhouse
Norman
Obernolte
Owens
Palazzo
Palmer
Pence
Perry
Pfluger
Posey
Reed
Reschenthaler
Rice (SC)
Rodgers (WA)
Rogers (AL)
Rogers (KY)
Rose
Rosendale
Rouzer
Roy
Rutherford
Salazar
Scalise
Schweikert
Scott, Austin
Sessions
Simpson
Slotkin
Smith (MO)
Smith (NE)
Smith (NJ)
Smucker
Spartz
Stauber
Steel
Stefanik
Steil
Steube
Stewart
Taylor
Tenney
Thompson (PA)
Tiffany
Timmons
Turner
Upton
Valadao
Van Drew
Van Duyne
Wagner
Walberg
Walorski
Waltz
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams (TX)
Wilson (SC)
Wittman
Womack
Zeldin

NOT VOTING—5

Allen
Gonzalez (OH)
Guest
Kinzinger
Stansbury

□ 1854

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

Bass (Beyer)
Bilirakis (Fleischmann)
Blumenauer (Beyer)
Bowman (Evans)
Cárdenas (Soto)
Castro (TX) (Correa)
Cawthorn (Gaetz)
Clark (MA) (Blunt Rochester)
Connolly (Wexton)
Cooper (Correa)
Crawford (Fleischmann)
Crist (Soto)
Cuellar (Correa)
Doyle, Michael F. (Evans)
Gohmert (Weber (TX))
Gomez (Soto)
Gottheimer (Pallone)
Grijalva (Stanton)
Harder (CA) (Correa)
Huffman (Stanton)
Johnson (TX) (Jeffries)
Joyce (OH) (Garbarino)
Kahele (Mrvan)
Kilmer (Larsen (WA))
Kirkpatrick (Pallone)
Lawson (FL) (Evans)
Long (Fleischmann)
McCaul (Kim (CA))
Meeks (Jeffries)
Mfume (Evans)
Newman (García (IL))
Owens (Tenney)
Payne (Pallone)
Peters (Jeffries)
Porter (Wexton)
Price (NC) (Butterfield)
Roybal-Allard (Pallone)
Rush (Evans)
Schiff (Beyer)
Scott, David (Jeffries)
Sires (Pallone)
Steube (Donalds)
Suozzi (Beyer)
Taylor (Jackson)
Wasserman Schultz (Soto)
Watson Coleman (Pallone)

UKRAINE INVASION WAR CRIMES DETERRENCE AND ACCOUNTABILITY ACT

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 7276) to direct the President to submit to Congress a report on United States Government efforts to collect, analyze, and preserve evidence and information related to war crimes and any other atrocities committed during the full-scale Russian invasion of Ukraine since February 24, 2022, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MEEKS) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 7, not voting 4, as follows:

[Roll No. 121]

YEAS—418

Adams
Aderholt
Aguilar
Allred
Amodei
Armstrong
Arrington
Auchincloss
Axne
Babin
Bacon
Baird
Balderson
Banks
Barr
Barragán
Bass
Beatty
Bentz
Bera
Bergman
Beyer
Bice (OK)
Bilirakis
Bishop (GA)
Bishop (NC)
Blumenauer
Blunt Rochester
Boebert
Bonamici
Bost
Bourdeaux
Bowman
Boyle, Brendan F.
Brady
Brooks
Brown (MD)
Brown (OH)
Brownley
Buchanan
Buck
Bucshon
Budd
Burchett
Burgess
Bush
Bustos
Butterfield
Calvert
Cammack
Carbajal
Cárdenas
Carey
Carl
Carson
Carter (GA)
Carter (LA)
Carter (TX)
Cartwright
Case
Casten
Castor (FL)
Castro (TX)
Cawthorn
Chabot
Cherfilus-McCormick
Chu
Cicilline
Clark (MA)
Clarke (NY)
Cleaver
Cline
Cloud
Clyburn
Clyde
Cohen
Cole
Comer
Connolly
Cooper
Correa
Costa
Courtney
Craig
Crawford
Crenshaw
Crist
Crow
Cuellar
Curtis
Davids (KS)
Davis, Danny K.
Davis, Rodney
Dean
DeFazio
DeGette
DeLauro
DelBene
Delgado
Demings
DeSaulnier
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Donalds
Doyle, Michael F.
Duncan
Dunn
Ellzey
Emmer
Escobar
Eshoo
Espaillat
Estes
Evans
Fallon
Feenstra
Ferguson
Fischbach
Fitzgerald
Fitzpatrick
Fleischmann
Fletcher
Foster
Foxx
Frankel, Lois
Franklin, C. Scott
Fulcher
Gaetz
Gallagher
Gallego
Garamendi
Garbarino
Garcia (CA)
Garcia (IL)
Garcia (TX)
Gibbs
Gimenez
Gohmert
Golden
Gomez
Gonzales, Tony
Gonzalez, Vicente
Good (VA)
Gooden (TX)
Gottheimer
Granger
Graves (LA)
Graves (MO)
Green (TN)
Green, Al (TX)
Griffith
Grijalva
Grothman
Guthrie
Harder (CA)
Harris
Harshbarger
Hartzler
Hayes
Hern
Herrell
Herrera Beutler
Hice (GA)
Higgins (LA)
Higgins (NY)
Hill
Himes
Hinson
Hollingsworth
Horsford
Houlahan
Hoyer
Hudson
Huffman
Huizenga
Issa
Jackson
Jackson Lee
Jacobs (CA)
Jacobs (NY)
Jayapal
Jeffries
Johnson (GA)
Johnson (LA)
Johnson (OH)
Johnson (SD)
Johnson (TX)
Jones
Jordan
Joyce (OH)
Joyce (PA)
Kahele
Kaptur
Katko
Keating
Keller
Kelly (IL)
Kelly (MS)
Kelly (PA)
Khanna
Kildee
Kilmer
Kim (CA)
Kim (NJ)
Kind
Kirkpatrick
Krishnamoorthi
Kuster
Kustoff
LaHood
LaMalfa
Lamb
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latta
LaTurner
Lawrence
Lawson (FL)
Lee (CA)
Lee (NV)
Leger Fernandez
Lesko
Letlow
Levin (CA)
Levin (MI)
Lieu
Lofgren
Long
Loudermilk
Lowenthal
Lucas
Luetkemeyer
Luria
Lynch
Mace
Malinowski
Malliotakis
Maloney, Carolyn B.
Maloney, Sean
Mann
Manning
Mast
Matsui
McBath
McCarthy
McCaul
McClain
McClintock
McCollum
McEachin
McGovern
McHenry
McKinley
McNerney
Meeks
Meijer
Meng
Meuser
Mfume
Miller (IL)
Miller (WV)
Miller-Meeks
Moolenaar
Mooney
Moore (AL)
Moore (UT)
Moore (WI)
Morelle
Moulton
Mrvan
Mullin
Murphy (FL)
Murphy (NC)
Nadler
Napolitano
Neal
Neguse
Nehls
Newhouse
Newman
Norcross
Norman
O'Halleran
Obernolte
Ocasio-Cortez
Omar
Owens
Palazzo
Pallone
Palmer
Panetta
Pappas
Pascrell
Payne
Pence
Perlmutter
Peters
Pfluger
Phillips
Pingree
Pocan
Porter
Posey
Pressley
Price (NC)
Quigley
Raskin
Reed
Reschenthaler
Rice (NY)
Rice (SC)
Rodgers (WA)
Rogers (AL)
Rogers (KY)
Rose
Rosendale
Ross
Rouzer
Roy
Roybal-Allard
Ruiz
Ruppersberger
Rush
Rutherford
Ryan
Salazar
Sánchez
Sarbanes
Scalise
Scanlon
Schakowsky
Schiff
Schneider
Schrader
Schrier
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sessions
Sewell
Sherman
Sherrill

Simpson	Takano	Wagner
Sires	Taylor	Walberg
Slotkin	Tenney	Walorski
Smith (MO)	Thompson (CA)	Waltz
Smith (NE)	Thompson (MS)	Wasserman Schultz
Smith (NJ)	Thompson (PA)	Waters
Smith (WA)	Tiffany	Watson Coleman
Smucker	Timmons	Weber (TX)
Soto	Titus	Webster (FL)
Spanberger	Tlaib	Welch
Spartz	Tonko	Wenstrup
Speier	Torres (CA)	Westerman
Stansbury	Torres (NY)	Wexton
Stanton	Trahan	Wild
Stauber	Trone	Williams (GA)
Steel	Turner	Williams (TX)
Stefanik	Underwood	Wilson (FL)
Steil	Upton	Wilson (SC)
Steube	Valadao	Wittman
Stevens	Van Drew	Womack
Stewart	Van Duyne	Yarmuth
Strickland	Vargas	Zeldin
Suozzi	Veasey	
Swalwell	Velázquez	

NAYS—7

Biggs	Gosar	Perry
Cheney	Greene (GA)	
Davidson	Massie	

NOT VOTING—4

Allen	Guest
Gonzalez (OH)	Kinzinger

□ 1902

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: ''A bill to direct the President to submit to Congress a report on United States Government efforts to collect, analyze, and preserve evidence and information related to war crimes and other atrocities committed during the full-scale Russian invasion of Ukraine since February 24, 2002, and for other purposes.''.

A motion to reconsider was laid on the table.

Stated for:

Ms. CHENEY. Mr. Speaker, on rollcall No. 121, I intended to vote ''yea.''

PERSONAL EXPLANATION

Mr. ALLEN. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted ''nay'' on rollcall No. 116, ''nay'' on rollcall No. 117, ''nay'' on rollcall No. 118, ''nay'' on rollcall No. 119, ''nay'' on rollcall No. 120 and ''nay'' on rollcall No. 121.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

Bass (Beyer)	Gomez (Soto)	Newman (García (IL))
Bilirakis (Fleischmann)	Gottheimer (Pallone)	Owens (Tenney)
Blumenauer (Beyer)	Grijalva (Stanton)	Payne (Pallone)
Bowman (Evans)	Harder (CA) (Correa)	Peters (Jeffries)
Cárdenas (Soto)	Huffman (Stanton)	Porter (Wexton)
Castro (TX) (Correa)	Johnson (TX) (Jeffries)	Price (NC) (Butterfield)
Cawthorn (Gaetz)	Joyce (OH) (Garbarino)	Roybal-Allard (Pallone)
Clark (MA) (Blunt Rochester)	Kahele (Mrvan)	Rush (Evans)
Connolly (Wexton)	Kilmer (Larsen (WA))	Schiff (Beyer)
Cooper (Correa)	Kirkpatrick (Pallone)	Scott, David (Jeffries)
Crawford (Fleischmann)	Lawson (FL) (Evans)	Sires (Pallone)
Crist (Soto)	Long (Fleischmann)	Steube (Donalds)
Cuellar (Correa)	Meeks (Jeffries)	Suozzi (Beyer)
Doyle, Michael F. (Evans)	Mfume (Evans)	Taylor (Jackson)
Gohmert (Weber (TX))		Wasserman Schultz (Soto)
		Watson Coleman (Pallone)

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1297

Mr. GALLAGHER. Mr. Speaker, I hereby remove my name as cosponsor of H.R. 1297.

The SPEAKER pro tempore (Mr. MRVAN). The gentleman's request is accepted.

PROHIBITING NEW INVESTMENT IN AND CERTAIN SERVICES TO THE RUSSIAN FEDERATION IN RESPONSE TO CONTINUED RUSSIAN FEDERATION AGGRESSION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 117–106)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3, United States Code, I hereby report that I have issued an Executive Order in order to take additional steps with respect to the national emergency declared in Executive Order 14024 of April 15, 2021, with respect to the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States posed by specified harmful foreign activities of the Government of the Russian Federation.

The order prohibits the following: (i) new investment in the Russian Federation by a United States person, wherever located; (ii) the exportation, reexportation, sale, or supply, directly or indirectly, from the United States, or by a United States person, wherever located, of any category of services as may be determined by the Secretary of the Treasury, in consultation with the Secretary of State, to any person located in the Russian Federation; and (iii) any approval, financing, facilitation, or guarantee by a United States person, wherever located, of a transaction by a foreign person where the transaction by that foreign person would be prohibited by this section if performed by a United States person or within the United States.

I am enclosing a copy of the Executive Order I have issued.

JOSEPH R. BIDEN, Jr.
THE WHITE HOUSE, *April 6, 2022*.

CONGRATULATING WEST CAREER AND TECHNICAL ACADEMY'S WE THE PEOPLE TEAM

(Mrs. LEE of Nevada asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LEE of Nevada. Mr. Speaker, I rise today to congratulate West Career and Technical Academy's We the People team. They are not only studying history; they are making it.

Mr. Speaker, 1999 was the last time a southern Nevada We the People team qualified for nationals. But now, 14 students from West Tech's We the People team have changed that.

As part of We the People, these students are going that extra mile in their civic education to study our history, our Constitution, and our democracy.

To Mrs. Rozar and all the outstanding We the People teachers, we say thank you.

I have no doubt of West Tech's success later this month when they compete here in Washington, but I am even more excited to watch where this passion takes them as leaders in Nevada's future.

Congratulations to West Tech's We the People team, and good luck in D.C.

HONORING ARMY VETERAN LYNN LIPPS

(Mr. ROSENDALE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSENDALE. Mr. Speaker, I rise today to congratulate Army veteran, Mr. Lynn Lipps, from Roundup, Montana, for being awarded the Army Good Conduct Medal.

The Army Good Conduct Medal is awarded for exemplary behavior, efficiency, and fidelity in active Federal military service.

Mr. Lipps demonstrated exceptional skills and was a reliable and conscientious worker during his service as a medic in the emergency treatment clinic at Irwin Army Hospital at Fort Riley.

In addition to his skills, Mr. Lipps displayed a genuine concern for the well-being of the patients that he tended to.

Mr. Lipps worked long, arduous hours to ensure that the best possible medical care was provided to the soldiers and their families, and he was always willing to serve above and beyond that which was required.

Mr. Lipps' accomplishments not only reflected well upon himself but also upon his unit.

Congratulations, Lynn, on receiving this noble achievement, and thank you for your service to our country.

RECOGNIZING STEVEN KRAMER

(Mr. MRVAN asked and was given permission to address the House for 1 minute.)

Mr. MRVAN. Madam Speaker, it is with great pride I rise today to recognize Steve Kramer from Dyer, Indiana, as the 2020 recipient of the United Steelworkers' Leo Gerard Visionary Award.

Steve has been a proud union member in the United Steelworkers District 7 for over 36 years. He is the former president of the USW Local 9777 and

now serves as vice president. He is also a councilman for the town of Dyer in the First District.

Steve's hard work and dedication to our steelworkers' labor unions and his community is what makes his work truly visionary and commendable.

I am proud that northwest Indiana is home to so many hardworking and dedicated members of the United Steelworkers. Every day, I appreciate their invaluable contributions to the strength of our economy, our workforce, and our community.

Congratulations, Steve, for your exemplary leadership of the steelworkers and all workers.

NATIONAL LIBRARY WEEK AND NATIONAL LIBRARY OUTREACH DAY

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Madam Speaker, I rise today to celebrate National Library Week and National Library Outreach Day. This week is dedicated to promoting the importance of our local libraries.

Our libraries serve as a place to connect. Some use the library as a place to connect to the internet. Others may use it as a place to connect with new ideas or classes. Most importantly, our libraries connect our communities.

Today's focus, National Library Outreach Day, otherwise known as National Bookmobile Day, highlights the important outreach activities conducted by our local libraries.

Bookmobiles and other outreach events hosted by our libraries connect individuals who otherwise might not be able to access a local library. From events at elementary schools to senior living centers, these services are essential to our community.

Madam Speaker, I encourage you all to make a visit to your local library this week and thank the librarians for the work that they do.

□ 1915

HONORING THE LIFE OF TREY MARSHALL SUTTON

(Ms. SPANBERGER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SPANBERGER. Mr. Speaker, I stand here today to honor the life of Henrico County Police Officer Trey Marshall Sutton.

Officer Sutton was described as kind, confident, and someone who devoted his life to others.

Originally from Chesterfield County, Officer Sutton graduated from the police academy earlier this year, and he was training to serve in the Henrico County PD's patrol bureau. He was also soon to be married.

Last week, Officer Sutton's life was cut tragically short in a car crash during field training. In an instant, Virginia lost one of our best, someone who demonstrated both bravery and compassion through his actions.

We will remember Officer Sutton for his service to our community. We will remember his commitment to our Commonwealth. And we will remember his story as one of purpose and inspiration for our country.

In the words of the ''Hero's Welcome'': ''And through your selfless actions, others will hear the call.''

My prayers are with Officer Sutton's fellow officers in the Henrico County Police Department, his classmates at the academy, his fiance, Zoe, and all of his loved ones.

Please join me in honoring the life of Officer Trey Marshall Sutton.

FOOD SHORTAGE

(Mr. ROSE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSE. Mr. Speaker, the President of the United States of America, the most prosperous country in the world, has warned the American people that a food shortage is a real possibility in our near future.

Much like our national energy shortage, this potential crisis has been made much more likely by President Biden's out-of-control spending and his unwillingness to tap into American resources, ingenuity, and its people.

Since January of 2021, the prices of many of the key inputs used to produce our Nation's food supply have substantially increased. Ammonia is up 203 percent; liquid nitrogen is up 162 percent; and farm diesel, used in almost every piece of farm equipment, is up a whopping 95 percent.

Spending more money won't fix this; in fact, it has made it worse by causing the prices of everything to go up.

If a food shortage does come to the United States, the sole person to blame will be President Biden, who has wasted no time spending our country into a crisis.

UKRAINIAN STORIES

(Ms. SPEIER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SPEIER. Mr. Speaker, I rise tonight to condemn Vladimir Putin for what he is doing to the children of Ukraine.

Listen to these stories.

Ukrainian mothers are putting the contact details of their relatives on the bodies of their children because they want to make sure that if the children survive and they don't, there will be some place for their children to go.

Emergency service workers are teaching children how to identify Russian explosives made to look like toys.

Thousands of children have been abducted in Ukraine and taken to Russia.

And Ukrainian children have witnessed the murder and torture of their parents, including severed limbs, slashed throats, rapes, and burning bodies.

I am proud to colead an appropriations request with Representatives SCHIFF, KAPTUR, and QUIGLEY to ensure at least $100 million for Eastern Europe's demining budget in FY23.

RECOGNIZING PETIT JEAN MEATS

(Mr. HILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILL. Mr. Speaker, I rise today to recognize the remarkable achievement of Petit Jean Meats, marking 100 years of business in central Arkansas.

Petit Jean Meats was established in 1922 by the late Felix Schlosser, searching for a better opportunity after escaping an inflation-ravaged Germany.

He found that opportunity in Morrilton, Arkansas, and opened a small retail market, which has now expanded into a 48,000-square foot processing plant.

The story of Petit Jean Meats is truly inspirational, and today, it is still owned by that same family.

Current owner David Ruff says: ''We still do things the old-fashioned way, which gives our meats that old-fashioned flavor.''

I commend Petit Jean Meats for this outstanding achievement, and I wish them continued success.

UKRAINIAN CHILDREN

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, I rise tonight outraged over the systemic slaughter of Ukrainian children by Russian murderer Vladimir Putin.

Countless Ukrainian children are being murdered and orphaned. An entire generation is watching as everything around them is destroyed by Russia's war machine.

Fathers and mothers are being ripped from sons and daughters. The littlest are being left to fend for themselves, as Russia lays waste to everything Ukrainians have ever known.

No little child should be left to weep next to the unmarked grave of their parent that they will never see again.

No child should have to ponder how they will eat or where they will sleep due to the actions of a tyrant who derives satisfaction from their despair.

We have a global responsibility to end this bloodshed. Fully arm Ukraine now. Isolate Russia from the community of responsible nations. Starve Putin and his oligarchs. Make sure that we help Ukraine withstand all that they must in order to win this war against Russia's killing machine. Let all democratic nations do everything they can to assure liberty in Ukraine is victorious.

DISASTER AT THE SOUTHERN BORDER

(Mr. GROTHMAN asked and was given permission to address the House for 1 minute.)

Mr. GROTHMAN. Mr. Speaker, I rise to educate my colleagues and the public one more time as to what sort of disaster we are soon to have on the southern border.

Recently, we have had frequently 90,000 to 100,000 people cross the border every month. People of whom we know little. People are skipping to the head of the line over people who want to come here legally, people that come from countries that are hostile to us.

But as bad as it is to have 80,000 to 100,000 people come across, the Biden administration is claiming that within the next month and a half they will remove title 42, opening up the border to perhaps another 200,000 or 300,000 or 400,000 people a month above what we are already getting here.

I personally think they are doing this because the Ukraine war is going on, and they think they can really land a death blow to the future of this country by opening up the border to people all over the world.

I call upon American citizens and my colleagues to not forget about what is going on at the border. I call upon the press to treat this story with the gravity it should be given and to report on all the people who are going to come here in the second half of May.

We cannot have 400,000 people a month coming across the border.

UKRAINE CHILDREN

(Ms. DEAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DEAN. Mr. Speaker, while preparing remarks, I considered showing much more graphic photos of Ukrainian children brutalized at the hands of Vladimir Putin. But then I thought of some of the people who might see this—refugees of war, war veterans who would be reminded of their own pain and suffering.

The truth is, for survivors who actually see the end to war, the trauma never recedes, it never leaves. The cost of war is simply too high.

I come to the floor tonight not as a Congresswoman, but as a mother and a grandmother. My heart breaks at these sights of horror of children lost or scarred forever.

Last night, my son sent me a photo of a child who is nearly the same age as his daughter, my granddaughter. On her back, her mother had written her name, her contact information, her birth date in case the mother was killed, or the daughter was left alone.

I cannot imagine that planning—the fear, the despair, the trauma.

No matter the war, we must think of the children in Syria, Afghanistan, Ethiopia, Cameroon, anywhere on our planet.

I pray for peace for anyone suffering at the hands of a brutal dictator.

We must do everything we can to find a peaceful resolution.

''Slava Ukrani,'' ''Glory to Ukraine.'' ''Slava heroem,'' ''Glory to the heroes.''

ENOUGH IS ENOUGH

(Ms. JACKSON LEE asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE. Mr. Speaker, I will start with associating myself with my colleagues who have just spoken and say, ''Glory to Ukraine'' and to indicate that my heart is broken. The words will not elevate the despicable actions of Vladimir Putin.

Today we voted to secure and seek, I hope, an indictment. He is a war criminal, and he is killing children.

But I must, Mr. Speaker, suggest that we have a difficult problem at the border exacerbated by Governor Greg Abbott, who wishes to make a mockery of the desperate people coming, including Ukrainian refugees, who gather at the southern border. Today, he has announced that he will bus these migrants to Washington, D.C.

I am embarrassed.

With the likes of George H.W. Bush, Ann Richards, Henry B. Gonzalez, as well as Barbara Jordan, who are brothers and sisters of Texas, I now have to live with Governor Greg Abbott who disgraces us by suggesting that we must take migrants and drop them off on the steps of the Capitol.

I welcome them.

Why don't we sit down and resolve how we deal with these desperate people? Why don't we find a way, as we were trying to do with George W. Bush, to have an immigration policy? But when he does that, he will also do that to Ukrainian refugees at the southern border.

Enough is enough.

CRISES THE WHITE HOUSE IS CAUSING AT HOME AND ABROAD

The SPEAKER pro tempore (Mr. MRVAN). Under the Speaker's announced policy of January 4, 2021, the gentleman from Louisiana (Mr. JOHNSON) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Mr. JOHNSON of Louisiana. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. JOHNSON of Louisiana. Mr. Speaker, during the last election, the Democratic Party managed to win a razor-thin majority here in this House and a split Senate, 50–50. No objective person can look at those numbers and suggest that the President of this party, President Biden, was given any kind of authority whatsoever to try to radically transform our country, but, you know, that is exactly what he has tried to do for the worse.

And the latest offense, the latest overstep, the latest overreach is this President has made the most leftwing nomination to the Supreme Court in American history.

For those who didn't see this over the weekend, Judge Ketanji Brown Jackson testified in her post-confirmation hearing written questions for the record: ''I do not hold a position on whether individuals possess natural rights.''

You heard that correctly. President Biden's nominee for the highest court in this land cannot say whether individuals possess natural rights. We can hardly imagine a more un-American position than denying the first self-evident truth of America.

The central and foundational premise of our great country is that all individuals are endowed by their creator with certain inalienable rights. Among those are the right to life, liberty, and the pursuit of happiness.

We have a newsflash for the judge: Those rights don't come from government; they don't come from any human authority. They come from our creator himself. We are endowed with those rights by God.

The fact that Judge Jackson cannot or will not acknowledge this simple fact is disqualifying for the highest court in this land, period, full stop.

Mr. Speaker, the President's nomination is truly out of step with the country and this fateful moment.

And the primary job Americans elected President Biden to do was to help unite this country. This is doing the opposite.

His nomination for the Supreme Court is the latest example of just how badly he has failed.

I am very thankful to my colleagues for joining me on the floor this evening to discuss President Biden's radical nominee to the United States Supreme Court, but also, as you will hear, the myriad number of other crises the White House is creating at home and abroad.

Mr. Speaker, I yield to the gentlewoman from Illinois (Mrs. MILLER).

□ 1930

Mrs. MILLER of Illinois. Mr. Speaker, title 42 is the only thing keeping President Biden from fully handing our border to cartels and smugglers already taking full advantage of his incompetence and neglect.

Last week, the Biden administration announced that they will be stopping Border Patrol from enforcing COVID–19 restrictions on illegal immigrants by ending title 42.

Title 42 must stay in place. It is a matter of national security, and my colleagues and I are calling on Democrats to act in a bipartisan effort to

force a vote on the bill to keep it in place.

Biden's open border policies are an unmitigated disaster. The crisis at our southern border is out of control and our Customs and Border Patrol is already dangerously overwhelmed.

Ending title 42 expulsions will signal to cartels and migrants that our border is now wide open, inciting more violence and lawlessness.

It is also being reported that the Biden administration is going to divert resources from our veterans in order to give free medical care to illegal migrants.

I wrote a letter to the secretary of Veterans Affairs to oppose these efforts because we must put our heroes first and stand up for our veterans.

Mr. JOHNSON of Louisiana. Mr. Speaker, I thank the gentlewoman for drawing attention to that. The gentlewoman is exactly right, and some of the Border Patrol officials have said that they estimate that by rescinding title 42, that the number of illegal border crossings will double overnight. So instead of having 7,000 a day, we will go to 18, 20,000 a day. The numbers are just staggering.

Mr. Speaker, I am happy to yield next to the gentleman from Tennessee (Mr. BURCHETT).

Mr. BURCHETT. Mr. Speaker, I thank the gentleman for yielding to the great State of Tennessee.

Mr. Speaker, a recent CNBC survey illustrates how Americans are feeling about inflation. Fifty-two percent of adults reported they are under more financial stress today than they were 1 year ago.

The poll also shows how consumers spending habits changed over the last 6 months in response to rising prices: Fifty-three percent say they are cutting back on dining out; 39 percent are driving less; 32 percent switched from a brand-name product; and 29 percent canceled a vacation.

The economy is in a tailspin, Mr. Speaker, thanks to President Biden's Big Government agenda. His failed policies are making the cost of doing business more expensive, and those increased costs are passed directly on to consumers.

Many companies use catchy slogans and taglines to advertise their services but, in this economy, some businesses might rethink their marketing campaigns.

Remember the $5 foot-long at Subway? It costs at least $10 for a foot-long sandwich from Subway these days, Mr. Speaker.

Southwest Airlines' low-cost flight motto is ''Wanna Get Away?'' Flights are now so expensive; Southwest should change its offers to Wanna Go One Way? Did you catch that? One way, since that is all travelers obviously can afford.

Walmart tells customers they will ''Save Money, Live Better'' by shopping at its stores. Americans are probably thinking more along the line of Spend Money, Live Worse after making a trip to Walmart in recent weeks.

Finally, Mr. Speaker, lots of folks are doing their banking with Capital One, which asks ''What's in Your Wallet?'' Pretty soon Capital One will be asking consumers What's Left in Your Wallet?'' Thanks to rising prices.

Mr. Speaker, Americans are really just fed up with President Biden's handling of the economy. From the same CNBC poll I referenced earlier, 61 percent disapprove of the President's response to inflation, and 81 percent fear a recession is coming in 2022. And I would dare say, CNBC is not the most conservative folks out there.

Earlier this week, thank goodness, Elon Musk, he swooped into Twitter to save the company from the woke politics that are running it into the ground, censorship being one of those.

President Biden needs a similar hero who can come in and stop this administration from destroying the economy. Alternatively, he could simply give up on his Big Government agenda that is failing American citizens, Mr. Speaker.

I appreciate Vice Chairman JOHNSON's lackluster leadership and his constant mention of complimentary snacks which are not here, coming forthwith.

Mr. JOHNSON of Louisiana. Mr. Speaker, I thank my friend; we always need a little moment of brevity, don't we? The news is so bad, but the gentleman pointed out and highlighted how difficult the times are, and that is a serious subject.

Mr. Speaker, I am delighted to yield next to the gentleman from Michigan (Mr. BERGMAN), who holds the distinction of being the highest-ranking military officer ever elected to the United States Congress, my classmate, president of our freshman class. I still call him the general.

Mr. BERGMAN. Mr. Speaker, I thank my esteemed colleague from Louisiana, who I rely on. If you are going to be worth anything as a military commander, you rely on the folks who work for you. And I can tell you, I spent a lot of time with lawyers, and the gentleman is the best when it comes to constitutional law. So I am proud to be here with him today to talk about kind of a certain level of, you could say, lawlessness.

President Biden's favorite policy, public policy shop, also known as the CDC, announced that it would lift title 42, which has been used nearly 2 million times since March of 2020, to remove illegal immigrants.

When title 42 is lifted this May, even more illegal immigrants will be incentivized to cross our southern border. This will spark an unprecedented surge, considering that we have already experienced record-high illegal border crossings under President Biden in his first year plus.

As border violations rise, so does the number of violent criminals allowed into our communities. I regret these circumstances forced upon our Nation by President Biden's careless policies. Because of this, we must be prepared for more illegal immigrant crime.

For this reason, I will be introducing legislation next week called the Victims of Immigration Crime Engagement Restoration Act, or the VOICE Restoration Act.

VOICE was an office set up by President Trump to connect victims of illegal immigrant crimes; connect them to their legal representatives, to any witnesses, with supportive resources like a hotline to answer questions, local contacts, Social Services referrals, and information about the custody status of detained illegal immigrants.

In 2021, President Biden dismantled VOICE—I repeat, dismantled VOICE.

Think, for a second, what that says about him and his policies, and what he thinks about innocent American citizens.

My legislation will permanently reinstate the VOICE office, and I look forward to sharing more of the details soon.

We have an out-of-control crisis on our southern border; predictable and avoidable, but it is so massive that it is impacting cities and towns all across our country.

The Democrat leadership in Congress and in the White House have done nothing about this. This must change soon. And I know it is going to change here in probably about another 8 months, because we are going to have some new leadership.

And my promise to you, as a marine who doesn't know the word ''quit,'' is that, in the meantime, every day between now and then, I won't stop fighting, along with others, to secure our borders.

Mr. JOHNSON of Louisiana. Mr. Speaker, I thank the gentleman for that fight and that very worthwhile legislation, and we look forward to seeing that.

The gentleman is right. The surge in crime is directly related to border in so many ways because we know dangerous people have come across that border. It is completely open to MS–13 gang members, violent criminals, convicted persons, criminals who come from other countries. You have child predators, even terrorists who have come across that border. We know this for a fact, and still they won't change the policies.

Mr. Speaker, I am happy to yield next to the gentleman from California (Mr. LAMALFA.)

Mr. LAMALFA. Mr. Speaker, President Biden recently announced his fiscal year 2023 budget, the proposal includes a plan to spend $73 trillion in a 10-year period that will add $15 trillion to our national debt; this at a time when government spending is already driving inflation and making all these items that much more expensive: Airline fares, lodging, gas, the cost of automobiles, new or used.

I stopped in at a dealer the other day and they are finding that people are actually willing to pay more for a used

car than what the car cost new, or trucks. It is crazy.

So the American people are suffering right now under these economic conditions, all man-caused, all government-caused, pretty much.

So with record-breaking inflation and gas prices, we are, instead, having a budget that is crafted to not combat these issues, but add to them. It radicalizes our energy in the new Green Deal that these guys want to do, making more cost, making energy even less available to Americans.

It includes zero mention of resuming the Keystone Pipeline, since that was something on the first day of office they decided to put a stop to.

The budget should be focused on getting people back to work, to making America thrive, combating inflation, not causing it; strengthening our energy independence, which will bring prices down, not playing around with the strategic reserve and, you know, bleeding out a million barrels per day.

That strategic reserve has a purpose, and it isn't playing economics with it; it is supposed to be there for, indeed, a time of crisis for our country.

So, instead of relying on Russian oil and relying on other imported oil from Venezuela, Saudi Arabia, whoever, we can do our own national oil independence with our own known reserves.

So, the direction the Biden administration is taking with all this spending, it is starting to mimic my home State of California really, because our regulatory and tax policies there are already the model for what not to do. The Federal Government shouldn't follow that.

So let's come back to common sense. I urge President Biden and the Democrats to not adopt this giant spending plan but move in a direction of getting people back into production again. Come out of this COVID crisis, put them back to work, have our economy thrive, with our energy independence, food independence, because California's ag situation is being decimated by the water being taken away.

I asked the President to help us on this. Help us grow food in this country and get prices back down and not have empty shelves. That should be focus of how you help American people, not more crazy spending.

Mr. JOHNSON of Louisiana. Mr. Speaker, I thank the gentleman. So much of that is just common sense, and I appreciate him pointing it out.

But sadly, unfortunately, this White House shows no intention whatsoever of reversing its policies and positions, which could fix these problems.

Mr. Speaker, I am grateful to yield next to the gentleman from the great State of Texas (Mr. BABIN).

Mr. BABIN. Mr. Speaker, I certainly appreciate my good friend from my neighbor, Louisiana, Mr. JOHNSON, for having this Special Order.

No, it doesn't look like things are going to change, as the gentleman said. Joe Biden has no interest in securing the southern border. He has proven it time and time again over the last 14 months.

On day one of his Presidency, our Commander in Chief stopped completely the construction of our border wall, which is, by the way, something that Congress appropriated funds for and is something that we know for a fact deters illegal crossings.

In fact, the Department of Homeland Security reported that illegal entries in areas with the new border wall system along the Yuma sector plummeted more than 87 percent in fiscal year 2020, compared with the previous year of 2019.

President Biden's foolish decision to stop construction of this wall left millions of taxpayer dollars' worth of steel just rusting away in the hot sun and the cold, wet winters; millions of your tax dollars simply gone to waste.

He ended remain in Mexico, a policy that The Washington Post reported made illegal apprehensions fall by 30 percent in its very first year alone.

He has tied the hands of ICE who, last year, deported the lowest number of illegal aliens since 1995, despite more than 2 million alien apprehensions. Interior enforcement is drying up to nothing.

And now he is scrapping title 42, the very last policy that saves CBP from drowning in a complete sea of chaos.

But if all of this isn't enough to convince you that Joe Biden doesn't have your best interests in mind, take a look at his budget request for 2023. He wants $73 trillion—that is with a T—in spending, $58 trillion—another T—more in taxes. And our debt will increase by $16 trillion—with a T—over the next decade.

I did a quick search for the phrase ''border security'' in this budget. It is mentioned twice. We are facing the worst border crisis on record and a historic number of fentanyl overdoses from drugs illegally smuggled into our country, over 100,000 dead Americans from drug overdoses, and yet, the President mentioned border security only twice.

Do you know how often he mentions the word ''climate''? 187 times.

Joe Biden claims that he is working to protect America but, folks, the facts actually say otherwise. The facts show that he doesn't care about keeping you and your family safe. The facts show he doesn't care about protecting the livelihood that you worked so hard for. And the facts show that he doesn't care about the sovereignty or the security of our great Nation that we love, a beacon of liberty and freedom for all the world to look at and envy.

That is why they are coming here. Shame on President Biden.

□ 1945

Mr. JOHNSON of Louisiana. Mr. Speaker, John Adams said facts are stubborn things, and those are some tough facts. They cannot refute it because everyone can see for themselves.

By the way, Dr. Babin, I just pulled up the U.S. debt clock, this thing that everybody can see on their smartphone. Currently, right now, as we stand here, the national debt is $30,367,412,900. You can't count it or follow it with the naked eye. Unbelievable. And he is proposing more.

Mr. Speaker, I yield to the gentleman from Georgia (Mr. CLYDE).

Mr. CLYDE. Mr. Speaker, I really appreciate your leadership and willingness to highlight the issues facing our country, including the very serious issue of the possible confirmation of an unqualified person, Judge Ketanji Brown Jackson, to the U.S. Supreme Court.

President Biden's Supreme Court nominee, Judge Ketanji Brown Jackson, commonly known as KBJ, is simply unfit to serve our Nation's highest court.

Throughout her legal career, Judge Jackson has garnered a disconcerting record of being soft on crime, as evidenced by her lenient sentencing, particularly for criminals convicted of egregious acts involving child sex torture. Judge Jackson simply is incapable of holding dangerous criminals accountable.

Additionally, Judge KBJ has revealed her allegiance to the radical left by refusing to define what a woman is, excusing her extremism by claiming she isn't a biologist. There are indisputable differences between men and women, and those differences must be both acknowledged and accepted in order for KBJ to properly adjudicate title IX cases.

Judge Jackson also recently declined to recognize Americans' natural rights, the precious rights granted to us by God. Failing to accept the basic principle that individuals possess unalienable rights, a principle that is the very foundation of our American values, is supremely disqualifying for any individual seeking to serve our Nation's highest court.

Yet, despite Judge Jackson's frightening record and recent disqualifying revelations, the Senate intends to vote to potentially confirm her to the Supreme Court this week.

While it is true that Judge Jackson's confirmation will not immediately alter the makeup of the Court, it is naive and cowardly to make excuses when the stakes are this high. Our country, our liberties, and the makeup of the Supreme Court are on the line.

If Judge Jackson becomes a Supreme Court Justice, she will serve for decades, solidifying and strengthening the left's menacing grip of our rule of law. Her decisions will impact future Americans for generations to come, setting precedent that will ultimately guide our great Nation once many of us in these Chambers are long gone.

This is exactly why Judge Jackson's confirmation is much larger than just one vote. It is about preserving justice, protecting our freedoms, and defending our Constitution.

Mr. Speaker, I urge every solitary Senator to contemplate their vote and the significant weight that it carries for our future. I encourage them to vote ''no'' on this confirmation.

Without question, Americans from Maine to Utah to Alaska, from sea to shining sea, are watching intently, praying their Senators' votes will represent our Nation's constitutional principles rather than appeasement to the left.

America is watching. Will our Senators defend America by voting ''no,'' or will they shrink back? We will not forget.

Mr. JOHNSON of Louisiana. Mr. Speaker, I thank my friend for highlighting that. It is a serious issue.

The longest-lasting legacy of any President is who they put on those Federal courts, and, of course, the most important is the highest court in the land. We cannot overstate how important this is.

Mr. Speaker, I yield to the gentleman from Tennessee (Mr. ROSE), my good friend.

Mr. ROSE. Mr. Speaker, I thank the gentleman for yielding and for hosting this Special Order tonight.

Mr. Speaker, President Biden's budget is symbolic of his wasteful build back broke agenda that was filled with partisan provisions.

There is $73 trillion in new spending, $58 trillion in taxes, and $16 trillion in new debt, all over the next 10 years.

When hardworking Tennesseans get together and come up with a household budget, they have difficult conversations with one another about what exactly they can afford. If something falls under the category of unnecessary and unaffordable, the last thing they do is put it on their grandchildren's credit cards. That is exactly what this budget does.

President Biden and congressional Democrats praising his proposal are now on record seeming to have no issue with mortgaging our country and its children's futures, even amidst the largest increase in inflation since 1982.

There are many wasteful provisions in President Biden's budget proposal, like the $11 billion being sent to foreign developing countries to help adapt to global warming. The one that I struggle with the most is the one that gives $400 million to Planned Parenthood and other entities that perform abortions.

The Hyde amendment has existed in every Federal appropriations bill since 1976. It is one of the most longstanding and bipartisan agreements to protect Federal taxpayer dollars from going toward abortion.

President Biden's decision to purposefully keep this out of his budget proposal is wrong and will never get my support nor the support of my constituents in middle Tennessee who are firmly pro-life.

Leaving out the Hyde amendment is only another partisan attempt to advertise the President's anti-life position and satisfy those who support the horrible atrocities of abortion.

Mr. Speaker, I urge all Members of the Congress to stand firm in their commitment to protecting life. We must restore the Hyde amendment and reject President Biden's budget because no Tennessean's tax dollars, nor dollars borrowed from our children and grandchildren, should go toward subsidizing Planned Parenthood and the immoral practice of abortion.

Mr. JOHNSON of Louisiana. Mr. Speaker, that was so well said. I appreciate the gentleman highlighting that issue. It is one of so many that we have deep concerns about with this administration and their budget and everything they do.

We have to protect the sanctity of every single human life. To defend the defenseless is the job that we have—the first job, the primary job.

Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. GROTHMAN).

Mr. GROTHMAN. Mr. Speaker, our country is obviously in bad shape, and I think our forefathers, if they saw the way we operated today, would be quite stunned and wonder where in their Constitution they let us down to wind up where we are today.

I think of the three branches of government. The judiciary is the one which right now has let down the Framers the most. Our forefathers realized that a country with elections usually eventually fails because the majority can either want, or be manipulated into wanting, more stuff, or ordering other people around to order them to be obeyed the way they would like other people to be behaved.

The Bill of Rights is almost exclusively about restricting the role of government in American life. Obviously, the Supreme Court has largely abandoned that function. Things got bad in the 1930s and 1940s, and again in the 1960s. Today, one wonders what the Court will ever say no to.

Where will Judge Jackson fit as we try to defend our Constitution? We look at her inability to say what a woman is and her inability to talk about judicial philosophy, and we know where she will stand. She stands with woke America. I hate that word, but that is what it is. It is somebody who has no respect for tradition. If you have no respect for tradition or common sense, you certainly don't have that near reverence, which should be a requirement for any Supreme Court Justice.

Furthermore, President Biden got himself in a position in which he said he is going to have to promote a Black woman to that position. The very idea that you think decisions on a court should vary with the background of the person who is on that court shows you don't have that respect for the Constitution.

All Americans should have an originalist view of the Constitution and consider it the great, almost God-given, document that it is.

In any event, when you don't have that respect for the Constitution, you know you are not going to respect the Second Amendment. You are not going to respect the 10th Amendment; it is a disaster we have ignored it. You are going to continue to stretch the Commerce Clause all out of whack. You are going to look at every individual as a member of a group, never as an individual in their own right.

Right now, about 2 percent of the lawyers in the country are Black women. So, what Joe Biden did is he took 98 percent of the possible resumes for this very important job and threw them in the garbage.

I wonder if President Biden does that anywhere else in his life? Does he throw away 98 percent of the resumes or potential resumes when he is looking for a new dentist, a new plumber, a new clergyman, throw out 98 percent willy-nilly? That is what he has done in picking a new Supreme Court Justice who could well be on the Court for the next 40 years.

Our forefathers felt that by giving us this Constitution—they pointed out that this Constitution is fit for moral and religious people and not fit for anyone else. Will Judge Jackson respect that? I don't know.

When they finished the Constitution, Benjamin Franklin said: We are giving you a republic, if you can keep it.

We are, right now, being tested whether we are the moral and religious people that can keep the republic that the forefathers felt they described in the Constitution.

It looks to me, from everything you hear about her, that Judge Jackson is not going to have that reverence to keep that Constitution, to keep that republic. We will, therefore, with judges like that, wind up collapsing.

Mr. JOHNSON of Louisiana. Mr. Speaker, there is a lot of wisdom there. The gentleman is exactly right. If a judge begins with the premise that we have no natural rights, that does not bode well for where that logic leads.

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. KELLER).

Mr. KELLER. Mr. Speaker, many times, we have heard President Biden and his administration say that the crisis we are facing at our southern border is seasonal. There is nothing seasonal about 1 million illegal aliens crossing our southern border in 6 months. There is nothing seasonal about 400,000 illegal alien got-aways going undetected into our country.

The crisis at our southern border is the direct result of President Biden overturning successful policies put in place by Donald Trump.

First, Biden halted the construction of the border wall. Then, he rescinded the remain in Mexico policy. Now, he is taking aim at one of the final remaining Trump policies, title 42, which allows law enforcement to expel illegal aliens who pose a health risk.

The Department of Homeland Security predicts that as many as 12,000 to

18,000 illegal aliens will cross our southern border per day if title 42 is lifted—18,000 illegal aliens in 1 day. In 3 days, that would be greater than the population of Pennsylvania's capital city, Harrisburg—in less than 3 days. In a little more than a day, it would be greater than the population of Williamsport, Pennsylvania, the largest city in Pennsylvania's 12th Congressional District.

If President Biden removes title 42, it goes beyond bad judgment. It is reckless, and it will turn the crisis into chaos at our southern border.

Mr. JOHNSON of Louisiana. Mr. Speaker, I thank Mr. KELLER for that. These words are not hyperbole. This is what the experts are saying. Customs and Border Patrol agents, those officials who are there every day watching this chaos, this calamity that has developed, they are the ones that are giving us these numbers. They project 18,000 illegals a day. It is just hard to wrap your mind around that.

□ 2000

Mr. KELLER. That is the executive branch, homeland security.

Mr. JOHNSON of Louisiana. Absolutely. And these are the results of policy choices, and they could easily be reversed if the White House would wake up and do something.

So I thank the gentleman for bringing that to our attention tonight.

Mr. Speaker, you have heard Members from across the country—north, south, east, and west—who have expressed their outrage and their concern with all of the terrible policy choices that are leading to absurd results for our country. These are very dangerous times. There is no leadership in the White House. There is no leadership in the administration. There is no leadership from the Democratic majority in this House or in the split Senate down the Hall. We can turn these things around, and we can stop these crises if we make different decisions, but they will not do it.

Mr. Speaker, I am thankful for my colleagues who have shown up tonight to articulate this for the American people. We can't say it often enough or loudly enough.

There is going to be a sea change in November, and we pray that we can hold on and keep this Republic until then.

Mr. Speaker, I yield back the balance of my time.

ENERGY INDEPENDENCE, NATIONAL SECURITY, AND FOREIGN POLICY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2021, the Chair recognizes the gentleman from Pennsylvania (Mr. KELLY) for 30 minutes.

Mr. KELLY of Pennsylvania. Mr. Speaker, today I rise to address some of the biggest problems facing the United States today and, quite frankly, the world.

As the war between Russia and Ukraine wages on, many Americans have been quickly reminded of just how global our economy really is.

Now, prior to the war, Russia provided the United States with 8 percent of our Nation's oil and refined products. A war involving Russia can suddenly spike fuel prices at your local gas station. Like many nationwide, drivers in my home district of western Pennsylvania have seen gasoline at over $4 a gallon for well over a month.

The interruption of our Nation's oil supply and subsequent skyrocketing prices are just the latest reminder that we need to refocus our energy policies in Washington and produce more energy right here at home in America.

Let's go back to May 2021, when two things happened: the United States imported a record amount of Russian oil, and President Biden waived sanctions on Nord Stream 2. That is the Russian natural gas pipeline set to supply much of Europe with energy.

Now, 4 months earlier the President canceled the Keystone XL pipeline between the United States and Canada. That pipeline would have delivered an additional 830,000 barrels of crude oil a day. That is 830,000 barrels of crude oil per day.

That would have gone to U.S. refineries, and it would have created thousands and thousands of jobs. That is more oil than the United States imports from Russia each day. This is a no-brainer. Just bring back the pipeline. It is so easy to do and so easy to institute.

Why would we not do that?

Why would we not be energy independent?

We can't depend on bad foreign actors such as Russia, Venezuela, or Iran to help provide our Nation's energy. Above all I applaud the collective effort right here in Washington to stop bankrolling the Russian war machine by buying their products.

According to the Council on Foreign Relations, revenue from the energy sector is responsible for more than 40 percent of Russia's federal budget. Some quick, back-of-the-envelope math, the 8 percent of Russian oil we imported equates to 672,000 barrels of oil per day.

But this moment calls for a broader push to end our reliance on foreign energy sources.

To start, President Biden should reverse his executive order banning the Keystone pipeline.

Next, we must return to Trump-era energy policies that made the U.S. energy independent. To amend the former President's famous tag line, let's change it to make North America great again.

According to the U.S. Energy Information Administration, 61 percent of U.S. crude oil imports come from Canada. Another 11 percent comes from Mexico. Seventy-two percent comes from our neighbors to the north and our neighbors to the south.

We should be expanding oil imports from our allies and neighbors rather than paying our adversaries who can hold our energy sector hostage. Doing so not only makes economic sense, but it improves relations with those closest to us and further strengthens our national security by becoming less dependent on bullies like Russia, Venezuela, and Iran.

Now, on the other hand, President Biden has single-handedly made Americans poorer and our Nation's security weaker during his first year in office. His anti-fossil fuel, Green New Deal wish list has placed unnecessary burdens on the oil and gas industry.

Even as gas prices are reaching record highs here nationwide, just last month President Biden had announced that he is pausing decisions about new Federal oil and gas drilling as part of his plan to tackle climate change. And that is just the beginning.

So far, President Biden has announced the release of 80 million barrels of oil from the Nation's Strategic Petroleum Reserve. Just last week President Biden announced he will release up to another 180 million barrels of oil over the next 6 months in an effort to drive down gas prices. That doesn't drive down gas prices.

That theory really sounds good, but, Mr. Speaker, I want you to think about where that oil is coming from. The Strategic Petroleum Reserve is to be used in times of a national emergency when we don't have a supply. It is not used to just try and rack up some cheap political points by saying: I am doing this so you won't have to pay that much at the pump.

It is not working. It never will work.

Now, on November 23, the administration released 50 million barrels from the Strategic Petroleum Reserve. According to the U.S. Energy Information Administration, the average price of gas dropped by a whopping 2 cents. In following days, by December 6, it dropped another 3 cents. So we saved a nickel, but we attacked our Strategic Petroleum Reserve.

Now, as of March 25 the reserve supply was 568 million barrels, meaning that President Biden is ready to take one-third of our Nation's reserve and use them for his short-term political gain that has already proven to not lower gas prices for America but has weakened the reserve.

Now, keep in mind, the purpose of the Strategic Petroleum Reserve is to counter severe supply chain disruptions and enhance national security. It is not to make your polls look better, Mr. President.

The 80 million barrels the President previously released are worth only about 4 days of U.S. oil consumption. Only the President can decide to withdraw oil from or refill the reserve. What is even more frightening so far is China has hardly tapped their oil reserves. President Biden's shortsighted decision-making is dangerously harming our national security.

Now, I am proud to represent the great Commonwealth of Pennsylvania, a place once deemed and called the Saudi Arabia of natural gas. Pennsylvania produces 21 percent of the natural gas extracted in the United States. That is second only to Texas, according to the Energy Information Administration.

In 2020, the Energy Information Administration adds that U.S. dry natural gas production was about 10 percent greater than U.S. total natural gas consumption. That means we can export natural gas that we produce creating energy security for other nations, notably our European allies who are currently dependent on Russia for their natural gas, and it forges a stronger foreign policy in the process.

Russia's invasion of Ukraine and the spike in fuel costs go hand in hand with American foreign policy. If we are dependent on bad actors for energy, then we are subjecting ourselves to their demands. But if we can supply the world with affordable energy, then we can strengthen our international ties and reinforce relationships instead of falling behind. Most importantly, we give the American people a greater sense of security that Russia so desperately seeks to have only for itself.

On the topic of foreign policy, Mr. Speaker, I want to quote a great fellow Pennsylvanian, Benjamin Franklin, who said: ''By failing to prepare, you are preparing to fail.''

Now, I have thought an awful lot about our Founding Father's words as we watched current events unfold around the world. So much of what we are seeing right now mirrors itself in history.

Russia's unprovoked invasion of Ukraine is a stark reminder that bullies like Vladimir Putin will stop at nothing to achieve their end game to upend democracy and freedom while chilling all the opposition in the process.

This type of takeover carries a precedent. Putin's quest to conquer Ukraine should remind all of us of what happened in the 1930s and 1940s when Adolph Hitler began a similar pursuit across Europe. Now, for far too long the free world watched from the sidelines hoping that European forces could prevent further escalation only to find that Hitler and the Axis Powers were relentless. Thankfully, the Allied forces defeated the global bullies of that era.

Now, over 80 years later, we can consult history for potential answers to modern power struggles. As Russia's military assault on Ukraine continues, the United States and NATO allies must respond together. After all, NATO, which is a collection of over 30 nations, was formed in 1949 after World War II to prevent what?

Soviet aggression.

NATO has a responsibility to step up. Those member countries have a responsibility to step in. All in all, hand in hand, the United States—which is also the first responder to anything that goes wrong in the world—needs to have help from other people, not America alone, but America with our allies.

NATO's purpose remains as important today as it was back then. A powerful, unified response has served the free world well throughout history.

Now, much like World War II, we have existing or looming conflicts in multiple regions or theaters of the world including Asia. Today, China is threatening Taiwan. Now, as we are deflected from watching what is going to happen in Taiwan and watching the dangerous situation in Taiwan by what is going on in Ukraine—and I don't say we should take our eyes off of what is going on in Ukraine—we should just not think that that is the only theater that we have to be concerned with.

Taiwan is one of our major allies, and in recent months multiple reports indicate that China has been quietly conducting combat readiness drills near Taiwan, an island territory that China still claims to own. This matters for two reasons: First, the Chinese are watching the world's response to Putin's attempt at a land grab in Ukraine because China is threatening to take over their own neighbor as well.

Secondly, this could directly impact the American consumer. Ninety-two percent of the world's supply of advanced semiconductor chips—used in everything from automobiles to cellphones—are made in Taiwan.

If we have learned nothing from the COVID pandemic, it is that we cannot depend on other people around the world to supply us with those things that we need the most. It is a fool's errand to think that somehow this ends well. It does not. It ends terribly for us, and it ends terribly for the free world.

Any large-scale attack on Taiwan means these chips would likely become very scarce as almost everything else in the world is right now, and in some cases probably unavailable altogether. That is why I am cosponsoring the Facilitating American-Built Semiconductors, or the FABS Act, with Congressman MIKE MCCAUL.

This piece of legislation allows for a new tax credit through 2032 for investment in any semiconductor manufacturing facility and semiconductor-designed expenditures right here at home.

What an unusual concept: to invest in American technology with American workers to make America safer and stronger, not somebody a world away from us. Let's do it right here at home. Let's do it right here at home.

Now, currently we make just 12 percent of the world's semiconductor chip supply. That is hard for me to imagine that we knew at the time how necessary the semiconductor chips were, but we had kind of a blind eye and a deaf ear to what it was that manufacturers were talking about. We said: Do you know what? For a couple of pennies we can save, let's send them over to Taiwan and have them make it. And we walked away from what is so critical to us.

Now, the scary thing is that these are just the crises before us right now. History reflects how a robust American foreign policy has significantly shaped the world, specifically the Western Hemisphere. So when we talk about the Western Hemisphere, this is one of the things I think that is probably going more unnoticed than anything: In the 1800s President Monroe knew that in its infancy the United States was developing at a very quick rate, and it really looked like something that other places around the world would look at with envy and say: Do you know what? They are getting stronger every day, and they are getting better every day. Maybe we need to get over there and colonize. Maybe we need to get involved there.

So the Monroe Doctrine came into effect, and the whole idea behind that was, let's make sure that people around the world cannot make an effort to come in and get into our Western Hemisphere and cause us great danger.

So the Monroe Doctrine came out. But then as things went on and we got more powerful and we had more and more going for us, all of a sudden, the world looked to us, and they just didn't take a slight glance at us, but they looked at us with covetousness. They looked at us with who we were and what we were becoming and all the valuable things that were right here in our hemisphere.

□ 2015

So Teddy Roosevelt says: You know what? I am going to put together the Roosevelt Corollary that really establishes guidelines for any intervention in the United States or our Western Hemisphere.

The content within these policies largely addressed actions by European nations or the inactions of Latin American nations. But I believe they are relevant, once again, and are worth further review, and here is why.

If you were to take a look at the Western Hemisphere and just take a real broad look at it and say: Okay, fine, let's take a close look. South America, Central America, up into the triangle, the deepwater ports in Cuba, and both ends of the Panama Canal all have significant foreign countries—and they are mainly China.

People tell me: You don't need to worry about that Panama Canal; China is not really taking it over. I say: You know what? If you don't read history, you don't study history, you are doomed to repeat it.

Why would we not look at what is going on right now in our Western Hemisphere and say, we have put things into place to protect us from foreign intervention.

I want to tell you, you look at the Western Hemisphere, South America, Central America, the triangle, the

deepwater ports in Cuba, that would be ideal for heavy military use, and both ends of the Panama Canal. If you don't think that is a threat to American security, then you need to wake up. We are in great danger right now and not knowing it.

First of all, the Chinese are not very quiet about what they are trying to do. They have a theory that they want to take over the world. They don't whisper about it; they don't sneak around about it; they just do what they want to do. Their presence in Africa should be a great awakening for us.

We have crippled ourselves with regulations and sanctions on so many things that we need, and I don't know for what reason, other than somehow we think that we are smarter than everybody else and we know that we can protect ourselves. And the question is: Really, how? And the answer is: Well, we really can't.

I guess our answer will be what it always is: We will write a strong letter, and Jinping will get it. We will tell them: Please, stay out of our hemisphere and please stop trying to influence the rest of the world for evil. And we will tell Putin: You need to stop doing what you are doing in Ukraine.

At some point, we will actually read history and say we have been down this road before, but we failed to take action at a time that was absolutely critical and pushed it on and pushed it out of sight, and the price we paid was incredible. Let's not do that again.

There is an old saying that is: To be foretold is to be forewarned. With everything going on in the world today, we hear a lot of people using the term ''world war III.'' I am not here tonight telling you that that is what is going to happen. I am here telling you tonight that America and the free world have to understand that we have seen this action before. We know what lies ahead of us, and we know the cost of not addressing it early. We can do it through policy, but peace always comes through strength, not through weakness.

Diplomacy is one thing, as Teddy Roosevelt said: ''Walk softly, but carry a big stick.''

I would just suggest to you that if you go back to the year 2016—actually 2017, when our 45th President of the United States, Donald Trump, came into office, please tell me why for the 4 years Mr. Trump was in office, the rest of the world stayed at bay? The bad actors of the world didn't attempt to do any of the things that they are doing today.

Certainly, last summer, in our demonstration of how we would leave a country high and dry, that we would take out our military first and leave our military equipment and citizens to face what was going on in Afghanistan was a warning to the rest of the world that you better be careful with the United States, because if you are not, they will pack up their bags in the middle of the night and leave. That is not who we are, that is not who we have ever been, and that is not who we can be in a free world.

If our friends and allies in the free world take a look at what our actions have been later—because actions always speak louder than words—but we continue to use words, thinking that somehow bad actors will cower and walk away from us, that is not the America that we know. That is not the America that 1.4 million of our men and women in uniform have died to protect and to send a message to the bad actors of the world, we will always be here, we will always be on guard, and we will never walk away from our responsibilities.

I don't know what has happened to America in a little bit over a year. People always say: I think it is better to be respected than feared. I think both have a great effect on everybody. I want both those to be in effect.

I will tell you this: When Donald Trump was our President, nobody but nobody messed with the U.S.A.

Mr. Speaker, we have so many things going on right now. We wonder: What is the future? What is the future not only for America but for America's friends and allies? We look at energy as one of the key issues that we are talking about today, and we know that in America we have endless supplies of energy. What is holding us back now are our own regulations.

I heard the administration say: We have thousands of permits; why don't you just go ahead and use them? Which really shows that they have absolutely no idea that having a permit isn't the same as extracting energy. Somehow, I guess, if you say it long enough and loud enough and to the right crowd, they will nod their heads and say: I know. You are right.

You know what? Get out into the field and see the people that actually do it. Talk to the people that know how to extract energy. Talk to the people that can go offshore. Talk to the people that go deep down into the Earth. Talk to all of those people and tell them: Don't worry. You have a permit. Just go ahead and use it. And by the way, if you don't use it, we will start taxing you on your nonuse. How upside down is this thinking?

PRO-LIFE INFORMATION

Mr. KELLY of Pennsylvania. Mr. Speaker, the last thing I am going to address tonight is probably the most important issue of all, because everything we talk about right now, everything we have addressed already, is about life.

There was a tradition here that on Wednesdays people would wear red, and they would wear red to remind people of the girls that had been kidnapped by Boko Haram. We wanted those girls back, so we would wear red and would walk around here and say: We have got red on today because we want those girls back; Boko Haram has got to return those girls.

So I started wearing red on Wednesdays. Friends on the other side would say to me: So you are in concert with us; you believe the same things we do? I would say: I absolutely do. I absolutely do. They said: You want those girls back? I said: Yes, I do. But I don't want just the girls that Boko Haram took; I want the girls back that have been aborted. I want those girls back whose lives were ended. I want you to really face the truth of what is going on in America today.

The wordsmithing that takes place here in the people's House, on the floor, people talk about abortion as healthcare, taking the life of a little boy or a little girl is healthcare.

Every night, we see pictures of what Russia is doing to Ukraine. Yet, we have a deaf ear to the cries of the unborn, and we don't look at all to those who are being lost every day. Because if you don't see them, I guess they don't count.

Congress has long required that taxpayer dollars are not to be used for abortions, and President Biden has actively tried to circumvent this requirement. In April of 2021, under President Biden's leadership, the NIH announced it would no longer require fetal tissue research projects funded by the agency to go through an ethics advisory board.

So the question then becomes: Why do we have an ethics advisory board, if we are not going to go to them to find out what it is that we are talking about?

Then in September of 2021, we began hearing the horrific allegations of illegal abortions being performed at the University of Pittsburgh for harvesting fetal tissue.

I can tell you, me being on the floor tonight will resonate in Pittsburgh and, unfortunately, it won't be by those who are pro-life; it will be by those that think that somehow this is an attack on Pitt and not an attack on little unborn boys and girls.

For all of those who do not like what I am saying tonight, please take off your blinders and understand what is taking place.

We began hearing all of these horrible allegations of illegal abortions being performed at the University of Pittsburgh for harvesting fetal tissue. These abortions were performed as part of Pitt's participation in an NIH program for the university to operate as a fetal tissue repository for research happening around the country.

The types of abortions Pitt is accused of performing are horrific. Babies that survived the abortion would be born alive and then killed. This was to preserve—this is really hard to understand—this is to preserve the fetal cells longer, a process known as maximizing warm ischemia time.

When you say: Well, what is that? When you talk to the scientists, well, the idea is the warm tissue is actually more valuable for our studies. So a baby boy or girl that survives this abortion, that is the tissue that is the most valuable to us.

Now, I think if any of us came upon some kind of accident or saw somebody

who was in grave danger, we would want to save them. Somebody who has endured an unbelievable process and survived it, we would save them; we would not take advantage of that.

This program was supported by taxpayer funding through the NIH program. So congratulations, Mr. and Mrs. Taxpayer, for all the things that you hate, you are helping to fund it.

This isn't the only abortion project that the National Institutes of Health is funding, though. The NIH expects to spend $88 million on human fetal tissue research in this year alone.

When these allegations began coming out—which I thought was a real good move by the university—they hired a law firm to conduct an independent review of Pitt's abortion process. Somebody is questioning the process you do, so you say: Here is what I will do. I want to participate with you, so I will provide the funding to an independent research group. That law firm was a Washington, D.C.-based consulting firm that employs Pitt grads. What a surprise.

The review determined that Pitt was totally in compliance with the law. They didn't say what Pitt was doing was right; they said they were in compliance with the law, even though that report completely failed to look into Planned Parenthood or UPMC, who were partners with this NIH program.

When all of this came out, we sent a letter, along with Representative MORGAN GRIFFITH and over 50 of our colleagues, asking the NIH for answers on how it funds and oversees these abortions programs. It took them months to respond to me, which is not unusual for any letter you send to any agency here in Washington, D.C.

When they finally did reply to us, they simply pointed out to me and to the rest of us: Please, look at Pitt's independent review.

Now, this level of accountability to Congress is completely unacceptable, and it shouldn't take months for a government agency to respond to letters from any of us here in the House of Representatives. We are here representing the people who voted us in office. And when they do respond, they should respond with a substantive answer. I don't need to be horsed around and told something and told: Well, you just don't understand.

Which is absolutely correct. I don't understand. In the United States of America, why are we doing things and then covering them up and saying, we did an independent review. We paid for it, and these guys actually came up with an answer that we were looking for. So they followed the money.

A few weeks ago, Congress finally passed a budget, the first since President Biden has been in office. It was far from perfect, but it included strong protections for the unborn, protections which have been in place since the 1970s.

Less than 2 weeks later, President Biden released his 2023 budget proposal, which included a full wish list of Democrat anti-life priorities.

Here are some examples from his recent budget: Number 1, it eliminates the Hyde amendment, which prohibits federal funding for abortions. It became law in 1976. The Hyde amendment has saved over 2.4 million lives.

□ 2030

It also wants to eliminate the Dornan amendment. The Dornan amendment prevents taxpayer dollars from being used to pay for abortion in the District of Columbia. Without this protection, D.C. taxpayer dollars could pay for an estimated 1,400 to 1,500 abortions every year. Every year.

It increased Title X family planning funding by $113 million. Title X is a prime funding source for Planned Parenthood, providing it with $56 million taxpayer dollars annually. Now, on January 21, 2022, the Biden administration awarded $6.6 million in Title X funds from the American Rescue Plan to abortion providers. $6.6 million in American taxpayer money to provide funds for abortion providers.

Now, I am Catholic, and oftentimes I have gone to my priest and I have said, ''Father, is there some reason you cannot go into the pulpit and talk about the horrendous things that are going on in our country today?'' You know what the United States Conference of Catholic Bishops said? ''The USCCB remains gravely concerned about the continued efforts to expand taxpayer funding of abortion, which would occur if the Hyde amendment or any other lifesaving appropriations riders were to be removed from the annual appropriations bill.''

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. KELLY of Pennsylvania. ''We take this stand because abortion is not healthcare. It is the antithesis of healthcare.''

Now, I know I am out of time, but me being out of time here on the floor does not take this country from being out of time to address the most egregious actions that are taking place.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. KELLY of Pennsylvania. Now, I just tell you, I am going to use up some time, and you can keep hammering me, but you know what? In the time we have been talking, so far, as of April 5——

The SPEAKER pro tempore. The gentleman is no longer recognized.

CRISIS AT THE SOUTHERN BORDER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2021, the Chair recognizes the gentlewoman from Colorado (Mrs. BOEBERT) for 30 minutes.

Mrs. BOEBERT. Mr. Speaker, this past Friday, Biden's CDC, formally known as the Centers for Disease Control, but often referred to now as the center for Democrat control, announced that it would be ending title 42.

At a time when liberal mayors across our country are extending mask mandates on our children in schools, and the American public is still being forced to mask-up on airplanes, the Biden regime has decided that protecting the American people from diseases, including but not limited to COVID, is not a priority if it comes at the expense of their amnesty and open borders agenda.

Now, it is no coincidence that the Biden regime has decided to drop title 42, a policy that has been used to prevent communicable diseases from spreading into the homeland via illegal aliens entering our southern border.

In fact, more than 2 million illegal aliens have been apprehended at our southern border since Joe Biden took office, and Border Patrol agents estimate another 70 percent of these illegal immigrants have not been apprehended. They call them got-aways. So, in fact, that means nearly 3.5 million illegal aliens have come across our border on Biden's watch.

Now, Republicans and Democrats from both the House and Senate have condemned canceling title 42. Some have called it dangerous, and others have called it frightening. I call it an attack on the safety and security of the American people.

It has been reported that by the time the mid-terms roll around in November of 2022, nearly 7 million illegal aliens will have crossed the southern border this year. That is larger than the populations of Denver, San Francisco, Atlanta, Washington, D.C., Boston, Seattle, Miami, Las Vegas, New Orleans, Portland, Tampa, and Detroit combined. Can you imagine?

We have a product here that is working. We have a policy that is working to deter some people away from the border, but we are going to take whatever sliver we have that is keeping people out of our country illegally and do away with it.

Maybe it is to overrun our system, maybe it is to create chaos; 8 to 10 years of backlogs, so then the American people have to accept amnesty. I am not sure exactly what the plan is, but it certainly is intentional, and that is what members of the House Freedom Caucus are here to discuss tonight.

I have with me members from the House Freedom Caucus who are going to address what has been going on at the southern border. We have been to the southern border multiple times to see firsthand what is happening—the invasion that is taking place in our country—unlike the border czar, who has failed to visit the most dangerous parts of our southern border. I think she made a trip to El Paso. And then, of course, the Commander in Chief, who is in command of nothing, he hasn't been there at all.

Mr. Speaker, I yield to the former chairman of the House Freedom Caucus, the gentleman from Arizona (Mr. BIGGS), my good friend.

Mr. BIGGS. Mr. Speaker, I thank the gentlewoman for yielding to me. I would like to help set the stage here just for a moment. Imagine, if you will, 100,000 people entering the country illegally and stopped on our border just in the first 2 weeks of March of this year. But because of title 42, which allows the Border Patrol agents to immediately turn people away because of communicable diseases, that is the term used in title 42, they sent 50,000 of them back away. You don't have to imagine it because that is true. That is exactly what happened.

If you extrapolate that out, because you can, just looking at it from January, February, March of this year, they turned away over a quarter million people under title 42.

Now, when title 42 goes away on May 23, because that is exactly what this administration wants, you will double the amount of people who are coming in just through the apprehension route. We have another record month in March. Those numbers are just out. That means that you are going to be sitting on about 300,000 to 400,000 apprehensions that you are going to be releasing right into the United States of America.

What does that do? Everybody in here knows this because you have been down to the border. I have been down to the border with you. The cartels are in it to make money. As they see this opening up, more and more people getting freedom to the United States caught and released, what they will do, and what they are already doing, by the way, is they will advertise.

The NGOs that we help fund, that the United Nations funds, will advertise. It will be chaos, chaos on the border. My prediction is somewhere around 400,000 to 500,000 people a month coming in. But it actually could be more. A lot of people are talking about the ceiling now being 18,000 people a day when that goes away. I don't think it is going to be 18,000. I think it will exceed 20,000. If it exceeds 20,000, that is 600,000 a month coming in. That is bigger than the city of Mesa in Arizona, which is Arizona's second largest city.

You know what that means? In the last half of this year, the last half of the year alone, you are going to be sitting, as you said, at 4½ to 5 million people brought into this country illegally, and that is not counting the get-aways. The get-aways last year were at least 800,000.

It is enormous; it is dangerous; it is inhumane. I haven't even touched on the inhumanity of it. We are just talking up here. We are not getting granular. We are just talking about the overrunning of America, our culture, and our sovereignty. We won't have much of a nation after this is done.

You said it yourself, is this incompetence? The answer is no, this is willful. This is willful, and this is what they want.

Mrs. BOEBERT. Mr. BIGGS, do you believe that the cartels have been emboldened during Biden's first year as President of the United States?

Mr. BIGGS. Absolutely, 100 percent. Do you know how we know they have been emboldened? Because it used to be they would have the coyotes take the people up and locate them in the U.S. They don't do that anymore. The coyotes take them up, they put them on the border and say, ''We don't have to go in with you. Go in. Go in with your cell phone.'' Oh, by the way, Biden administration says now they are going to give away a cell phone to every illegal alien crossing the border.

But they will just come across. I have seen it; you have all seen it. They are walking across, they are FaceTiming their friends back home: ''Yeah, I made it in.'' They are dressed nice; they are dressed clean. The cartels are emboldened not just at the southern border any longer.

This is spilling over into the country, and we are seeing violence along the border because of it, and you are seeing cartel members ship all over. If there are drugs being distributed anywhere in the United States, you have got cartels there.

Mrs. BOEBERT. What about these illegal aliens who are coming through with the help of the cartel, what do they owe the cartel for getting into the United States?

Mr. BIGGS. The average price right now is $4,000 to $7,000, unless you are from China, and then it is $35,000. Very few of these people have that to pay. Guess what happens? Either they can work it off by delivering illicit drugs, helping to smuggle human beings, including sex trafficking, or they come in, they get a job, and they are indentured servants. They are effectively slaves to the cartel, and they will never work it off, because the cartels are taskmasters at this. They know exactly how to keep these folks under their thumb.

Mrs. BOEBERT. Mr. BIGGS, you also chair the Border Security Caucus, and you recently brought in Secretary Mayorkas. Thank you for bringing him here to the Hill so we could ask some questions.

Now, he was talking about title 42 being a CDC issue, and that is not really his issue to enforce. That is not his policy to enforce. What is a policy that he could enforce that would effectively secure our border?

Mr. BIGGS. He could enforce the MPP, the migrant protection protocols. That is the remain in Mexico policy. What he could do is, instead of enforcing that at 9 people a day—that is the number we heard earlier this week, 9 people a day—you could actually enforce it the way it was intended to be enforced, and that would be thousands a day because we have thousands of folks coming in. That would be another deterrent. That is just one of the things that he could do.

He could actually go in and encourage us to fix the Flores law or the TVPRA laws. All of those things would be deterrents. But, instead, he has opened it wide open. He has taken away any deterrent. Instead, he is basically encouraging people to come into this country illegally.

Mrs. BOEBERT. Thank you. Now, one final question for you here. You are a businessman. We may have 7 million undocumented workers in our country by November. What does that mean for our economy?

Mr. BIGGS. Well, first of all, the underground economy right now for people, my estimate is about 25 to 27 million illegal aliens in the country. You are going to bring in another 7 million, so you are going to have an underground economy. Those people who are not skilled laborers are going to have a tough time getting jobs. A lot of these folks are going to go on social welfare programs, even though they are not supposed to be allowed to. They will get on social welfare programs.

We are already on the verge of stagflation right now, high inflation and a shrinking GDP. As that happens, and you bring in that many people undocumented, you are going to actually exacerbate both those problems, and we may see the likes of something we haven't seen since Jimmy Carter. It might even exceed what happened under Jimmy Carter, who was probably the most unfortunate and incompetent President in my lifetime.

Mrs. BOEBERT. We have more Members joining us here from the House Freedom Caucus to talk about title 42. Thank you so much, Congressman BIGGS, for your insight on this. I know that you work really hard in studying what is going on at the southern border.

I have the gentleman from South Carolina (Mr. NORMAN) here now. Do you believe that this regime is responsible for signaling to poor and desperate people that now is the time to take this dangerous journey, to break our laws, to come into our country, and live under the freedoms and protections our country provides but not as a citizen?

Mr. NORMAN. Well, first of all, thank you for organizing this discussion to inform the American people what is going on. As Andy has said, this President is willfully and directly causing this to happen to the American people.

You are a businessperson. You run a restaurant. I am in the development world. Who would let anybody come into your business or to your home, not know who they were, not know why they were there?

It is insane what this administration is doing. By taking title 42, as has been said, it prohibits—that is the only tool that President Trump had at his disposal and President Biden has, but he is doing away with it because that is what he is encouraging.

Lauren, think about this, how unfair is it to that law enforcement agency,

that law enforcement official stopping a car not knowing who is in it, not knowing what his background is, having no information, how safe is that for that law enforcement officer?

□ 2045

Mr. NORMAN. Mr. Speaker, how unfair is it to the municipalities and the cities that are going to have to pay for the hospital care, for the schooling? How fair is that?

Well, it is not. It is intentional. It is willful.

As people ask me all the time, why is he doing this? He is burning the house down before, I assume, the November elections, which the House will turn over, and hopefully, we will elect Freedom Caucus members who have got the steel and the spine to do something about it.

He sold out not only to the citizens; he sold out to China and those that he is indebted to. We are going to find out more and more about that as we move forward.

Mrs. BOEBERT. Mr. Speaker, I yield to the gentleman from Pennsylvania.

Mr. PERRY. Mr. Speaker, I am so happy that the gentlewoman from Colorado organized this effort tonight. We need to be speaking about it, and of course, I would call on our friends from this side of the aisle.

It is interesting that we are standing on this side of the aisle. I mean, thank goodness somebody is willing to stand over here and defend the country.

Mr. Speaker, I call on my Democrat colleagues to start answering some questions and start defending their country from this invasion.

But if the gentleman doesn't know this, if you do a quick calculation—this isn't Congressman PERRY, Congresswoman BOEBERT, Congressman ROY, any of us up here. This is DHS. The Department of Homeland Security is bracing for 18,000 crossings a day, 18,000 people coming across the border illegally each day.

Now, I don't know, for each one of you, the size of your town where you come from, but I suspect 18,000 in any town would make a pretty big dent unless you are talking about one of the major cities like Los Angeles or something like that.

Even so, 18,000 a day, Mr. Speaker, that is over 6½ million people, if we keep that rate up, 6½ million people in 1 year illegally coming to our country.

Congressman NORMAN or Congresswoman BOEBERT, could your business sustain something like that?

Mrs. BOEBERT. Mr. Speaker, absolutely not. The city of Rifle just hit 10,000 for our population. I mean, 18,000 people a day, that right there exceeds the little city of Rifle, Colorado.

But this is something that we absolutely cannot endure, so I am glad that we have this time tonight to discuss this.

Representative GOOD, you have been to the southern border. You have talked to Border Patrol agents. Can you tell me what you have seen, what you have heard from Border Patrol agents?

Mr. GOOD of Virginia. Mr. Speaker, I have been there four times in my first year, the first 14 months here in this Congress.

February a year ago was the largest February in terms of illegal border crossings in the history of the country. We had 101,000 cross, some 3,000 a day, in February a year ago.

We exceeded that by 64 percent this most recent February. We went from 101,000 to 165,000.

Now, it is so bad with what this President has allowed to happen in the last year that 165,000 in a month doesn't sound like a really bad month for this President.

That is because, again, it was 101,000 last February, but it increased as the year went on to where it was some 200,000 a month later on into the year, as we know, and 2 million in the first year this President was in office.

As others have already pointed out, with him rescinding title 42, I guess he was afraid that is a policy, a law, that might help repel some illegals back across the border, might allow us to return some if we actually would enforce the law.

So, we are rescinding title 42, which, as already has been said, will take it from 7,000 to 2½ times as large. Mr. Speaker, 18,000 a day is the average, 500,000 in the first 30 days.

This President is on pace for some 10 to 15 million illegal entries into our country in his first and hopefully only term.

I was in a Budget Committee hearing today with Congresswoman BOEBERT. We had Secretary Becerra there, the HHS Secretary. HHS has been called in not to help stop the border crossings but to help facilitate those.

Mr. Speaker, I asked him today, I said: Who do you think should be let across our border, or who should be prevented from going across our border? Are there any restraints you would put upon anyone who wants to come across our border, or do you think everyone should be able to come across illegally?

He said: Well, we are talking about violating the law. You are saying it is illegal. Why would we permit anyone to violate the law?

Our President is violating the highest law of the land. The Constitution that we all and he swore to uphold, Article IV, Section 4 says: ''The United States shall guarantee to every State in this Union a republican form of government and shall protect them against invasion.''

As we look to next year, I want to go on record and say—some of you were on the articles of impeachment with me. Congresswoman BOEBERT drafted those. How do we declare this the public health emergency that it is, the national security crisis that it is, the health crisis that it is, the social services crisis that it is, the education crisis that it is, and the unlawful process that it is and not hold this President responsible when we have the House majority, Lord willing, a year from now? How can we not impeach this President?

Mrs. BOEBERT. Mr. Speaker, I agree that that absolutely needs to be brought up in the next Congress.

Now, these appointed Secretaries, they really have turned our Border Patrol agents into travel agents. They are being shipped all throughout our country, these illegal immigrants, and every State is now a border State.

Congressman GOOD is from Virginia. We have Congressman RALPH NORMAN here from South Carolina. I am from Colorado. But someone who has a front seat view here, the gentleman from Texas (Mr. ROY), this has been a really hot topic for him, and rightfully so.

Republicans and Democrats from both Houses of Congress have said that they don't support ending title 42, yet no legislation or action has been taken to reinstate it. What are your thoughts on that?

Mr. ROY. Mr. Speaker, I thank the gentlewoman from Colorado (Mrs. BOEBERT), and I thank all colleagues from the House Freedom Caucus for joining me here on the floor.

I thank my friend from Virginia, who joined me down in Del Rio, Texas, just a month ago, where we saw firsthand what is actually happening in real-time on the border, something that we know and, unfortunately, my colleagues on this side of the aisle refuse to acknowledge and refuse to do anything about.

Now, as you all know, one of our Freedom Caucus colleagues from New Mexico (Ms. HERRELL) filed, 14 months ago, a piece of legislation to require that title 42 be enforced at our border.

For those listening at home, title 42 is our power as a country to stop communicable diseases and people with communicable diseases from coming across our border. It is an important tool that President Trump and his administration put in place in the last year of his administration to ensure that we stop the flow of people across the border from inundating and overwhelming Border Patrol.

We knew this was coming. Fourteen months ago, we knew this was coming. A year ago, we came together. I filed a discharge petition as part of this team to say that we can force a vote on the floor of the House.

Well, the Speaker of the House refuses to bring to a vote a measure to enforce title 42. Everybody listening at home, the Speaker of the House, who has control of the floor, refuses to bring forward a vote on title 42 to require enforcement of the border. We are trying to change that.

We have almost every single Republican, I think save one, who has filed that, 210 signatures. We need 218. Where are my colleagues on the other side of the aisle? Where are those from border States?

Mr. Speaker, we have zero Democrats on that title 42 discharge position.

Now, as the gentlewoman from Colorado (Mrs. BOEBERT) noted, there are at least four noteworthy United States Senators who are Democrats who said we should not end title 42: Mr. TESTER, Mr. MANCHIN, Ms. SINEMA, and Mr. KELLY. Those four Senators have said we should not end title 42.

Now, I will wrap up and pass it to someone else just to say this: How many dead migrants is enough? How many dead Americans from fentanyl poisoning is enough? How much money in the pockets of dangerous cartels is enough? How many bullets need to fly at the border? How many homes need to be destroyed? How many cars need to be wrecked?

How many DPS agents need to be killed or endangered? How many people need to be harmed before this administration will do its job? How many criminals need to be let off in the United States and not prosecuted under ICE? When are we going to change this and actually secure our country?

Those are my questions for Secretary Mayorkas.

Mrs. BOEBERT. Mr. Speaker, we talk about this issue regularly in our meetings with the House Freedom Caucus, and one question that comes up regularly is, where is KAMALA HARRIS? Where is the border czar in this? Are there any plans for her to visit the southern border?

Mr. Speaker, I yield to the gentleman from Wisconsin.

Mr. TIFFANY. Mr. Speaker, KAMALA who? In all seriousness, it is unfortunate that Vice President HARRIS has not fulfilled her mission to be the border czar. It is awful.

Did you see the news today in regard to the free phones that the White House Press Secretary talked about today, free phones for migrants?

Think about it. I was down in Panama almost a year ago and went to the Darien Gap. Who did I see? IOM, the International Organization for Migration. Where do they get their money? They get a lot of their money from the United Nations. Who puts the most money into the United Nations? Yes, Americans do.

Back home on the farm, we used to refer to this as—my colleague from Texas just said how many, how many? I would say to you also: How much?

We used to refer to it as eating your seed corn. Americans pay an international organization to send debit cards for these people to take themselves up the Panama pipeline all the way to the southern border. Then you pay for a bus ride to get them to the airport. Then you pay for an airline ride: Philadelphia, Baltimore, wherever. They are going around the country.

Then you pay for the education, the free education they are going to get.

You pay for the healthcare.

That is what you Americans are paying for every single day for over 2 million people, and it is about to get worse.

To highlight how it is going to get worse and how obtuse this side of the aisle is, we are sitting in the Committee on the Judiciary today creating another loophole in the Virgin Islands. There is another loophole that is being created for visa waiver privileges, something that we saw in the Mariana Islands that was created about a decade ago under the Obama administration where they allowed parole for people to be able to come in, Chinese nationals.

There were maybe, like, eight births that were being done on those islands prior to this change that was quietly made in the law. It accelerated to—there were, like, 600 births of Chinese nationals that happened in the Mariana Islands as a result of this loophole.

If you want to see the reporting on it, The Wall Street Journal did an excellent job. It was one of our intelligence agencies in 2017 that really dug into this.

Yes, here is this huge loophole, and they want to now create it in the Virgin Islands. That is what we are voting on tonight in the Committee on the Judiciary.

They want to create another loophole, and they are, like, oh, it will only be a few people. Do the American people believe that?

Mr. ROY. Mr. Speaker, I appreciate my fellow border Stater being down here. You hold those Mounties back up there, okay? Keep them at bay.

Mr. TIFFANY. Mr. Speaker, every State is a border State, including my State of Wisconsin.

Mr. NORMAN. Mr. Speaker, it is not just the phones. What about the gas cards that are in the latest budget that the President had? What about that?

Just to put some context to this, Texas, I think you have about 15 to 20 million people. South Carolina has 5.3 million. That is the number that is going to be coming into this country in the next 4 months if the pace continues.

It is a travesty. It is something that Americans have to be aware of and stop. God help us all if they do exactly what was said. To fund all of this, America is at the breaking point.

Mr. TIFFANY. Mr. Speaker, so if I may extend my point a little bit. Think about it. Tonight, we are debating, in the Judiciary Committee, creating another loophole. It shows how unserious they are, how they do not have the interests of the American people at hand. They want to create another loophole, and this one is in the Virgin Islands, not in the South Pacific.

People are going to be able to be funneled in here by the thousands as a result of that loophole—just another way to bring people into this country to compete against hardworking Americans who have to not only try to make their way up the scale, the economic ladder here in America, but now, with inflation, they have to fight that, too.

Mrs. BOEBERT. Mr. Speaker, we are wrapping up here. We have 30 seconds.

Mr. Speaker, I ask the chairman for his final thoughts.

Mr. PERRY. Mr. Speaker, my final thoughts are that there are Democrats that are decrying this. We can do something about it, and they can do something about it right here in this House. They can walk right down there to the well and sign this discharge petition. We don't need all of them; we need eight of them.

Bring the bill up. If they don't believe we ought to continue to try and secure our border with title 42, they can vote against it, but let us have a vote.

We are just asking for a vote. Let's see what the vote count is, and then the American people will know who stands with them and who stands for a wide-open border because that is what we are going to have. Think about that.

To the gentlewoman from Colorado (Mrs. BOEBERT), we certainly appreciate her putting this together for us and providing the opportunity to come and talk on behalf of our constituents that are very concerned about this.

Mr. TIFFANY. Mr. Speaker, the chairman could lead the way. He could lead the way.

Mr. ROY. Mr. Speaker, I would only add that I have seen some reports that there are a number of Democrats in the Senate joining with Republicans in the Senate to try to do something about this. I hope that is true.

But my little warning to that is, I keep hearing words about, well, let's keep title 42 in place until we see a plan. Look, I don't want one of these plans full of words, okay? I want the border secure. I want title 42 enforced. That ought to be the metric that we are gauging everything by.

□ 2100

Mr. GOOD of Virginia. Mr. Speaker, it is simple. Complete the wall. End catch and release. Reinstate remain in Mexico and title 42. Require E-verify. Take amnesty off the table.

Speaker Mrvan, we would love to have you on that petition.

Mr. NORMAN. Mr. Speaker, sign the petition.

Folks, have the courage to call your Congressman. And, folks, it is time, as Winston Churchill said: ''Sometimes doing your best is not good enough.'' We have to do what is required to close this border.

Mrs. BOEBERT. Mr. Speaker, I thank my colleagues from the House Freedom Caucus for joining me here on the House floor tonight to discuss this issue.

I would encourage all Members of Congress—both bodies, the House and Senate—to talk to a Border Patrol agent. Ask them about the policies that they need to secure our southern border. I guarantee you, they won't be telling you they need funding or personnel or even infrastructure. They

just need the policy to do their jobs so they can go home feeling like they have accomplished something and have protected American citizens.

Mr. Speaker, I yield back the balance of my time.

ENROLLED BILL SIGNED

Cheryl L. Johnson, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3197. An act to direct the Secretary of the Interior to convey to the City of Eunice, Louisiana, certain Federal land in Louisiana, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 233.—An act to designate the Rocksprings Station of the U.S. Border Patrol located on West Main Street in Rocksprings, Texas, as the ''Donna M. Doss Border Patrol Station''.

S. 1226.—An act to designate the United States courthouse located at 1501 North 6th Street in Harrisburg, Pennsylvania, as the ''Sylvia H. Rambo United States Courthouse'', and for other purposes.

S. 2126.—An act to designate the Federal Office Building located at 308 W. 21st Street in Cheyenne, Wyoming, as the ''Louisa Swain Federal Office Building'', and for other purposes.

S. 2629.—An act to establish cybercrime reporting mechanisms, and for other purposes.

ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 11(b) of House Resolution 188, the House stands adjourned until 9 a.m. tomorrow.

Thereupon (at 9 o'clock and 1 minute p.m.), under its previous order, the House adjourned until tomorrow, Thursday, April 7, 2022, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

EC–3719. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 24-361, ''Closing of Public Streets and Alleys Adjacent to Squares 3039, 3040, and 3043 Clarification Temporary Amendment Act of 2022'', pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Reform.

EC–3720. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 24-362, ''Department of Human Services Emergency Powers Temporary Amendment Act of 2022'', pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Reform.

EC–3721. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 24-363, ''Limited Coronavirus Procurement Second Extension Temporary Amendment Act of 2022'', pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Reform.

EC–3722. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 24-364, ''Medical Marijuana Patient Access Extension Temporary Amendment Act of 2022'', pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Reform.

EC–3723. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 24-365, ''Tenant Payment Plan Phasing Temporary Act of 2022'', pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Reform.

EC–3724. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 24-366, ''Department of Insurance, Securities and Banking Emergency Powers Temporary Amendment Act of 2022'', pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Reform.

EC–3725. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 24-367, ''East Capitol Gateway Eminent Domain Authority Temporary Act of 2022'', pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Reform.

EC–3726. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 24-357, ''Eviction Recording Sealing Authority and Fairness in Renting Amendment Act of 2022'', pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Reform.

EC–3727. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 24-358, ''Armstead Barnett Way Designation Act of 2022'', pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Reform.

EC–3728. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 24-359, ''Developmental Disability Eligibility Reform Amendment Act of 2022'', pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Reform.

EC–3729. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 24-360, ''Grandparent and Close Relative Caregivers Program Amendment Act of 2022'', pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DEFAZIO: Committee on Transportation and Infrastructure. H.R. 1951. A bill to increase the Federal share provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act for a certain time frame during fiscal year 2020; with amendments (Rept. 117–289). Referred to the Committee of the Whole House on the state of the Union.

Mr. MORELLE: Committee on Rules. House Resolution 1033. Resolution providing for consideration of the bill (H.R. 3807) to amend the American Rescue Plan Act of 2021 to increase appropriations to the Restaurant Revitalization Fund, and for other purposes (Rept. 117–290). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LUCAS:

H.R. 7411. A bill to direct certain financial regulators to exclude representatives of the People's Republic of China from certain banking organizations upon notice of certain threats or danger, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MOONEY (for himself, Mr. WILLIAMS of Texas, Mr. KUSTOFF, Mr. HILL, Mr. DAVIDSON, Mr. BUDD, Mr. ROSE, Mr. HUIZENGA, Mr. POSEY, Mr. TIMMONS, Mr. EMMER, Mr. HOLLINGSWORTH, Mrs. WAGNER, and Mr. LUETKEMEYER):

H.R. 7412. A bill to enhance rulemaking requirements for the Bureau of Consumer Financial Protection, and for other purposes; to the Committee on Financial Services.

By Mr. POSEY:

H.R. 7413. A bill to authorize States to request that the Secretary of Homeland Security enforce the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. HUFFMAN (for himself, Mr. CASE, and Mr. GROTHMAN):

H.R. 7414. A bill to amend chapter 73 of title 38, United States Code, to direct the Secretary of Veterans Affairs to establish a rural recruitment office within the Department of Veterans Affairs to recruit health care professionals, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MASSIE (for himself, Mrs. BOEBERT, Mr. BIGGS, Mr. BROOKS, Mr. CLYDE, Mr. COMER, Mr. DUNCAN, Mr. GAETZ, Mr. GOHMERT, Mr. GOSAR, Mrs. GREENE of Georgia, Mr. HICE of Georgia, Mr. LAMALFA, Mr. MCCLINTOCK, Mr. MOONEY, Mr. ROSENDALE, Mr. ROY, and Mrs. MILLER of Illinois):

H.R. 7415. A bill to repeal the Gun-Free School Zones Act of 1990 and amendments to that Act; to the Committee on the Judiciary.

By Ms. BASS (for herself, Ms. SCANLON, Mrs. CHERFILUS-MCCORMICK, Mrs. HAYES, and Mrs. LAWRENCE):

H.R. 7416. A bill to amend parts B and E of title IV of the Social Security Act to remove barriers and encourage kinship guardianship, foster, or adoptive placements for children who cannot be safely cared for in their own homes, and for other purposes; to the Committee on Ways and Means.

By Mrs. BICE of Oklahoma (for herself, Mr. HERN, Mr. MULLIN, Mr. COLE, and Mr. LUCAS):

H.R. 7417. A bill to designate the facility of the United States Postal Service located at 120 East Oak Avenue in Seminole, Oklahoma, as the ''Sergeant Bret D. Isenhower Memorial Post Office Building''; to the Committee on Oversight and Reform.

By Mr. CAWTHORN:

H.R. 7418. A bill to amend title XI of the Social Security Act to exclude certain individuals and entities from participation in Medicare and State health programs that discriminate on the basis of a covered statement; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COSTA (for himself, Mr. FITZPATRICK, Mrs. WAGNER, and Mrs. LESKO):

H.R. 7419. A bill to reauthorize the Victims of Child Abuse Act of 1990, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EMMER:

H.R. 7420. A bill to amend the Congressional Budget Act of 1974 to set responsible budget targets; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. FISCHBACH (for herself, Mr. STAUBER, and Mr. HIGGINS of Louisiana):

H.R. 7421. A bill to authorize a Law Enforcement Education Grant program to encourage students to pursue a career in law enforcement; to the Committee on Education and Labor.

By Mr. FOSTER (for himself, Mr. MEEKS, Mrs. DEMINGS, Mr. GRIJALVA, and Mrs. BEATTY):

H.R. 7422. A bill to amend the HITECH Act to allow an individual to obtain a copy of such individual's protected health information at no cost unless certain circumstances apply, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GIMENEZ (for himself, Mrs. CAMMACK, Mr. DONALDS, and Ms. SALAZAR):

H.R. 7423. A bill to prohibit imposing certain COVID-19 face covering and vaccine mandates, and for other purposes; to the Committee on Education and Labor, and in addition to the Committees on Transportation and Infrastructure, Energy and Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOHMERT:

H.R. 7424. A bill to reduce instances of placement of inmates in restrictive housing, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOHMERT (for himself and Mr. GOSAR):

H.R. 7425. A bill to eliminate Federal regulatory crimes, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Financial Services, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JOHNSON of Georgia (for himself, Mr. NADLER, Mr. JONES, Mr. CICILLINE, and Mr. QUIGLEY):

H.R. 7426. A bill to amend title 28, United States Code, to provide for the establishment of a code of conduct for the justices of the Supreme Court of the United States, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Oversight and Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MATSUI (for herself, Mr. MULLIN, Ms. DAVIDS of Kansas, and Mr. ESTES):

H.R. 7427. A bill to amend title XI of the Social Security Act to require CMI testing of incentive payments for behavioral health providers and certain other providers for adoption and use of certified electronic health record technology, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. PORTER (for herself and Mr. CONNOLLY):

H.R. 7428. A bill to amend the Internal Revenue Code of 1986 to require electronically prepared tax returns to include scannable code when submitted on paper; to the Committee on Ways and Means.

By Mr. SHERMAN (for himself, Mr. GREEN of Texas, Ms. DEAN, Ms. ADAMS, Ms. BOURDEAUX, Mr. LAWSON of Florida, Mr. CLEAVER, Mr. COSTA, Mr. DOGGETT, Mr. GARAMENDI, Mr. LIEU, Mrs. CAROLYN B. MALONEY of New York, Mr. MFUME, Mr. PAPPAS, Mr. VARGAS, and Ms. WILD):

H.R. 7429. A bill to impose sanctions with respect to the use of cryptocurrency to facilitate transactions by Russian persons subject to sanctions, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Nebraska (for himself, Mr. BUCHANAN, Mr. FERGUSON, Mrs. WALORSKI, Mr. LAHOOD, Mr. WENSTRUP, Mr. MURPHY of North Carolina, Mr. ESTES, Mrs. MILLER of West Virginia, Mr. SMUCKER, and Mr. HERN):

H.R. 7430. A bill to establish limitations on modifications to trade agreements, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SOTO (for himself, Ms. SALAZAR, Mr. POSEY, Mr. CASE, Mr. GIMENEZ, Mr. LAWSON of Florida, Ms. MALLIOTAKIS, Mr. RUPPERSBERGER, and Mr. BILIRAKIS):

H.R. 7431. A bill to direct the Secretary of Commerce to establish a grant program to facilitate the training and employment of veterans for certain conservation activities, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. STAUBER:

H.R. 7432. A bill to amend the Internal Revenue Code of 1986 to equalize the charitable mileage rate with the business travel rate; to the Committee on Ways and Means.

By Mr. SWALWELL (for himself and Mr. FITZPATRICK):

H.R. 7433. A bill to protect airline crew members, security screening personnel, and passengers by banning abusive passengers from commercial aircraft flights, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCNERNEY (for himself, Ms. BLUNT ROCHESTER, Mr. CASTEN, Mr. RUSH, Ms. STEVENS, Ms. NORTON, Mr. GRIJALVA, Mr. TONKO, Mr. GALLEGO, Mr. CICILLINE, Mr. OBERNOLTE, Ms. TITUS, Ms. ROSS, Mr. FOSTER, Mr. KRISHNAMOORTHI, Mr. WESTERMAN, Mr. SCHIFF, Mr. KILMER, Ms. HOULAHAN, Mr. SOTO, and Mr. CASE):

H. Res. 1034. A resolution supporting the goals and ideals of Mathematics and Statistics Awareness Month; to the Committee on Education and Labor.

By Ms. LOFGREN (for herself and Mr. RODNEY DAVIS of Illinois):

H. Res. 1035. A resolution adjusting the amount provided for the expenses of certain committees of the House of Representatives in the One Hundred Seventeenth Congress; to the Committee on House Administration.

By Ms. BONAMICI (for herself, Ms. CLARK of Massachusetts, Ms. SPEIER, Mr. RUPPERSBERGER, Mr. BISHOP of Georgia, Ms. NORTON, Mr. BOWMAN, Ms. WILLIAMS of Georgia, Ms. JACOBS of California, Mrs. HAYES, Mrs. MCBATH, Mr. MOULTON, Mr. JONES, Mr. POCAN, Ms. VELÁZQUEZ, Ms. ADAMS, Mr. CÁRDENAS, Mrs. CHERFILUS-MCCORMICK, Ms. CLARKE of New York, Ms. NEWMAN, and Ms. LOIS FRANKEL of Florida):

H. Res. 1036. A resolution expressing the sense of the House of Representatives that all young children and families should have access to high-quality, affordable childcare and early education; to the Committee on Education and Labor.

By Mr. THOMPSON of Mississippi:

H. Res. 1037. A resolution recommending that the House of Representatives find Peter K. Navarro and Daniel Scavino, Jr., in contempt of Congress for refusal to comply with subpoenas duly issued by the Select Committee to investigate the January 6th attack on the United States Capitol; considered and agreed to.

By Mrs. SPARTZ (for herself, Mrs. BICE of Oklahoma, Mr. MOOLENAAR, Mr. FITZPATRICK, Mr. HUDSON, Mr. JOHNSON of Ohio, Mr. DUNN, Mr. DIAZ-BALART, and Mr. WEBSTER of Florida):

H. Res. 1038. A resolution expressing the sense of the House of Representatives condemning the Russian Federation, President Vladimir Putin, members of the Russian Security Council, the Russian Armed Forces, and Russian military commanders for committing atrocities, including alleged war crimes, against the people of Ukraine and others; to the Committee on Foreign Affairs.

By Mr. BISHOP of North Carolina:

H. Res. 1039. A resolution providing for the consideration of the joint resolution (H.J. Res. 72) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Centers for Disease Control and Prevention relating to ''Requirement for Persons To Wear Masks While on Conveyances and at Transportation Hubs''; to the Committee on Rules.

By Mr. LEVIN of Michigan (for himself, Mr. KEATING, Mr. FITZPATRICK, Mr. QUIGLEY, Mr. CARSON, Mr. CICILLINE, Mrs. CAROLYN B. MALONEY of New York, Ms. NEWMAN, Ms. JACKSON LEE, Ms. SHERRILL, and Mr. TRONE):

H. Res. 1040. A resolution expressing the sense of the House of Representatives regarding the boycott of certain companies that continue to operate in Russia and provide financial benefits to the Putin regime; to the Committee on Foreign Affairs.

By Mr. MAST (for himself, Ms. SCHAKOWSKY, Mr. GALLAGHER, Mr. LANGEVIN, and Mr. TRONE):

H. Res. 1041. A resolution supporting the designation of July 20, 2022, as ''Glioblastoma Awareness Day''; to the Committee on Energy and Commerce.

By Mr. TORRES of New York:

H. Res. 1042. A resolution expressing the sense that there should be established a ''National Garifuna Immigrant Heritage Month'' in April to celebrate the great contributions of Americans of Garifuna immigrant heritage in the United States who have enriched the history of the Nation; to the Committee on Oversight and Reform.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. LUCAS:

H.R. 7411.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3: The Congress shall have Power To regulate Commerce with foreign nations, and among the several States, and with the Indian Tribes.

By Mr. MOONEY:

H.R. 7412.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the United States Constitution

By Mr. POSEY:

H.R. 7413.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8

By Mr. HUFFMAN:

H.R. 7414.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 18

By Mr. MASSIE:

H.R. 7415.

Congress has the power to enact this legislation pursuant to the following:

2nd Amendment of the U.S. Constitution

By Ms. BASS:

H.R. 7416.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1 of the United States Constitution, providing—''All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.''

By Mrs. BICE of Oklahoma:

H.R. 7417.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 7. To establish Post Offices and post Roads.

By Mr. CAWTHORN:

H.R. 7418.

Congress has the power to enact this legislation pursuant to the following:

Article 1. Section 8

By Mr. COSTA:

H.R. 7419.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the U.S. Constitution.

By Mr. EMMER:

H.R. 7420.

Congress has the power to enact this legislation pursuant to the following:

Article 1 of the Constitution

By Mrs. FISCHBACH:

H.R. 7421.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8

By Mr. FOSTER:

H.R. 7422.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8 of the United States Constitution.

By Mr. GIMENEZ:

H.R. 7423.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8. To make laws which shall be neccesary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer therof.

By Mr. GOHMERT:

H.R. 7424.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the U.S. Constitution: The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. GOHMERT:

H.R. 7425.

Congress has the power to enact this legislation pursuant to the following:

Amendment IV

Amendment V

Article I, Section 8, Clause 18

By Mr. JOHNSON of Georgia:

H.R. 7426.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, section 8, clause 9 and Article I, section 8, clause 18 of the United States Constitution.

By Ms. MATSUI:

H.R. 7427.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 of the U.S. Constitution

By Ms. PORTER:

H.R. 7428.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. SHERMAN:

H.R. 7429.

Congress has the power to enact this legislation pursuant to the following:

The power granted to Congress under Article I, Section 8, Clauses 1 and 18 of the United States Constitution.

By Mr. SMITH of Nebraska:

H.R. 7430.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, clause 3

By Mr. SOTO:

H.R. 7431.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the U.S. Constitution.

By Mr. STAUBER:

H.R. 7432.

Congress has the power to enact this legislation pursuant to the following:

Atiicle 1, Section 8

By Mr. SWALWELL:

H.R. 7433.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, of the United States Constitution, specifically clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress).

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 82: Mr. BOWMAN.

H.R. 310: Mr. KIND.

H.R. 471: Mr. CARTER of Georgia, Mr. BUCSHON, Mr. HILL, Mr. BENTZ, Mr.SCHWEIKERT, Mr. SIMPSON, Mr. BALDERSON, Mr. BOST, and Mr. MEUSER.

H.R. 515: Mr. CALVERT.

H.R. 816: Mrs. LAWRENCE.

H.R. 1179: Ms. STEVENS, Mr. KELLY of Pennsylvania, and Mr. STEUBE.

H.R. 1255: Mr. EVANS.

H.R. 1271: Mr. LANGEVIN.

H.R. 1346: Mr. MOONEY.

H.R. 1542: Mr. KILDEE.

H.R. 1607: Ms. TITUS and Mr. PAPPAS.

H.R. 1729: Mr. NEWHOUSE.

H.R. 1735: Ms. ROSS and Ms. CASTOR of Florida.

H.R. 1745: Ms. SALAZAR, Mr. MOOLENAAR, and Mrs. MILLER-MEEKS.

H.R. 1756: Ms. JAYAPAL.

H.R. 1803: Mr. LOWENTHAL.

H.R. 1842: Mr. MCCAUL and Ms. DELAURO.

H.R. 2007: Mrs. KIRKPATRICK, Mr. TAKANO, Ms. STRICKLAND, and Mr. BOWMAN.

H.R. 2067: Mr. GREEN of Tennessee.

H.R. 2192: Mr. DUNN.

H.R. 2198: Mr. SCOTT of Virginia.

H.R. 2209: Ms. MALLIOTAKIS.

H.R. 2222: Mr. SIRES.

H.R. 2549: Mr. GARCÍA of Illinois and Mrs. LAWRENCE.

H.R. 2965: Mr. LIEU.

H.R. 3072: Mr. PHILLIPS and Mr. MFUME.

H.R. 3114: Mr. TAKANO.

H.R. 3149: Ms. SÁNCHEZ and Mr. JEFFRIES.

H.R. 3215: Mr. NEWHOUSE.

H.R. 3252: Mr. WITTMAN.

H.R. 3297: Ms. SCHAKOWSKY.

H.R. 3342: Ms. SPANBERGER.

H.R. 3461: Mrs. LESKO.

H.R. 3474: Mr. MALINOWSKI.

H.R. 3549: Ms. WILD and Mr. CARTER of Louisiana.

H.R. 3572: Mr. NEGUSE.

H.R. 3577: Ms. PINGREE and Ms. KAPTUR.

H.R. 3630: Mr. CAWTHORN, Mr. BEYER, Mr. DAVIDSON, Mr. GOLDEN, and Ms. STANSBURY.

H.R. 3650: Mr. BACON.

H.R. 3816: Mrs. LAWRENCE and Ms. WILD.

H.R. 3860: Mr. MULLIN.

H.R. 3897: Ms. UNDERWOOD.

H.R. 3959: Mr. LEVIN of Michigan.

H.R. 4043: Mr. LAMB.

H.R. 4108: Ms. LEE of California.

H.R. 4122: Ms. NORTON.

H.R. 4134: Ms. BARRAGÁN.

H.R. 4277: Ms. BROWN of Ohio.

H.R. 4290: Mr. NEHLS.

H.R. 4319: Mr. VAN DREW.

H.R. 4568: Ms. FOXX, Mr. MCKINLEY, Mr. AUSTIN SCOTT of Georgia, Mr. BACON, Mr. CURTIS, Mr. WILSON of South Carolina, Mr. GRAVES of Missouri, Mr. PALAZZO, Mr. CALVERT, and Mr. OWENS.

H.R. 4607: Mr. MCKINLEY and Mr. HUDSON.

H.R. 4700: Ms. TITUS and Mr. COHEN.

H.R. 4750: Mr. PRICE of North Carolina and Mr. PANETTA.

H.R. 4766: Mr. CARSON, Mr. THOMPSON of Mississippi, and Ms. NEWMAN.

H.R. 4803: Mr. FITZPATRICK.

H.R. 4817: Mr. LANGEVIN.

H.R. 4949: Mr. PAPPAS.

H.R. 5129: Mr. SCHNEIDER, Mr. CARTER of Louisiana, Mr. NADLER, Mr. BROWN of Maryland, Mr. DANNY K. DAVIS of Illinois, Ms. LEE of California, Ms. DEAN, Mr. PAYNE, and Mr. THOMPSON of California.

H.R. 5189: Mr. CARBAJAL.

H.R. 5227: Mr. SHERMAN and Mr. GOMEZ.

H.R. 5514: Mr. ARRINGTON.

H.R. 5754: Mrs. BUSTOS, Ms. PORTER, Mr. TIMMONS, Mr. BISHOP of Georgia, Mr. VAN DREW, and Mr. WEBSTER of Florida.

H.R. 5819: Mr. BISHOP of Georgia.
H.R. 5874: Mr. MOONEY.
H.R. 5972: Mr. PANETTA.
H.R. 5987: Ms. KUSTER.
H.R. 6087: Mr. POCAN, Mr. TAKANO, and Ms. BONAMICI.
H.R. 6100: Ms. KUSTER, Mr. PANETTA, Mrs. MCBATH, Mr. HUFFMAN, Mr. SHERMAN, Ms. MACE, Ms. PINGREE, and Ms. BOURDEAUX.
H.R. 6117: Ms. SCHAKOWSKY.
H.R. 6132: Mr. PANETTA, Mr. FITZGERALD, Mr. AUSTIN SCOTT of Georgia, Mrs. FISCHBACH, Mr. FLEISCHMANN, Mrs. RADEWAGEN, Mrs. BICE of Oklahoma, and Mr. RUTHERFORD.
H.R. 6151: Mr. MOONEY.
H.R. 6161: Mr. LUETKEMEYER and Mr. LEVIN of Michigan.
H.R. 6192: Mr. NEGUSE.
H.R. 6203: Mr. LATURNER.
H.R. 6207: Mr. MRVAN and Ms. BOURDEAUX.
H.R. 6215: Ms. NEWMAN.
H.R. 6273: Ms. BROWN of Ohio.
H.R. 6283: Mr. RUPPERSBERGER.
H.R. 6319: Ms. SALAZAR.
H.R. 6366: Ms. MATSUI.
H.R. 6397: Mr. HILL.
H.R. 6398: Mr. MRVAN.
H.R. 6405: Mr. RUIZ.
H.R. 6411: Mr. LAMB.
H.R. 6532: Mr. LYNCH.
H.R. 6571: Mr. BALDERSON and Mr. GRAVES of Louisiana.
H.R. 6611: Mr. BRENDAN F. BOYLE of Pennsylvania.
H.R. 6613: Mr. PANETTA, Mr. LAMB, Ms. DEAN, Ms. KUSTER, and Ms. HERRERA BEUTLER.
H.R. 6630: Mr. AGUILAR, Mr. SCHIFF, Ms. LEE of California, and Mr. GARAMENDI.
H.R. 6631: Mr. AGUILAR, Mr. SCHIFF, Ms. LEE of California, and Mr. GARAMENDI.
H.R. 6658: Mr. VALADAO.
H.R. 6766: Ms. SEWELL.
H.R. 6785: Ms. PORTER and Mr. FITZPATRICK.
H.R. 6825: Ms. MALLIOTAKIS and Ms. BONAMICI.
H.R. 6826: Mr. GARBARINO.
H.R. 6836: Ms. ROSS.
H.R. 6860: Mr. CARTER of Louisiana.
H.R. 6889: Ms. CRAIG, Ms. NORTON, Mr. FEENSTRA, Mrs. MCCLAIN, Mr. MOORE of Alabama, and Mr. GARBARINO.
H.R. 6945: Mr. BERGMAN.
H.R. 6967: Mr. CONNOLLY.
H.R. 6970: Mr. BARR and Mr. WITTMAN.
H.R. 7021: Mr. BENTZ.
H.R. 7026: Mr. NORMAN.
H.R. 7053: Ms. CASTOR of Florida and Ms. BLUNT ROCHESTER.
H.R. 7057: Mr. MCKINLEY.
H.R. 7058: Mr. GROTHMAN, Mr. CARTER of Georgia, and Mr. CRAWFORD.
H.R. 7072: Mr. STANTON and Mr. MCCLINTOCK.
H.R. 7076: Mrs. MCBATH, Mr. VAN DREW, Mr. MCKINLEY, and Mr. LOWENTHAL.
H.R. 7088: Mr. KATKO.
H.R. 7107: Mr. GOHMERT and Mr. FITZPATRICK.
H.R. 7116: Ms. BASS.
H.R. 7131: Mrs. LAWRENCE.
H.R. 7144: Mr. CARSON and Mrs. MILLER-MEEKS.
H.R. 7147: Ms. MOORE of Wisconsin.
H.R. 7152: Mrs. HAYES and Ms. JACKSON LEE.
H.R. 7176: Mrs. MILLER-MEEKS.
H.R. 7179: Mr. C. SCOTT FRANKLIN of Florida.
H.R. 7210: Mr. HARDER of California.
H.R. 7222: Mr. HUFFMAN, Mrs. MILLER-MEEKS, and Mr. PFLUGER.
H.R. 7240: Mr. THOMPSON of Mississippi.
H.R. 7246: Ms. DEAN.
H.R. 7249: Mr. MOULTON.
H.R. 7260: Mr. MULLIN and Mrs. MILLER-MEEKS.
H.R. 7263: Mr. GOOD of Virginia.
H.R. 7276: Miss GONZÁLEZ-COLÓN, Mr. SWALWELL, and Mr. BROWN of Maryland.
H.R. 7293: Mr. CLOUD.
H.R. 7294: Mrs. RODGERS of Washington, Mr. MCKINLEY, and Mr. LATTA.
H.R. 7303: Mr. ZELDIN, Mr. BOWMAN, Miss RICE of New York, Ms. CLARKE of New York, Ms. VELÁZQUEZ, and Mr. ESPAILLAT.
H.R. 7310: Mr. TAKANO and Mr. ESPAILLAT.
H.R. 7311: Mr. FITZPATRICK.
H.R. 7344: Mr. PALAZZO and Mr. HARRIS.
H.R. 7356: Mrs. BOEBERT.
H.R. 7359: Mrs. HARTZLER, Mr. ALLEN, Mr. VAN DREW, Mr. MCKINLEY, Mr. BANKS, Mr. ROSE, Ms. MALLIOTAKIS, Mr. WEBER of Texas, Mr. GIMENEZ, Mr. CLINE, and Mr. GOOD of Virginia.
H.R. 7374: Mr. TORRES of New York.
H.R. 7376: Mr. RASKIN, Ms. NORTON, and Mr. LYNCH.
H.R. 7381: Mrs. CHERFILUS-MCCORMICK and Ms. MANNING.
H.R. 7382: Mr. SCHRADER, Mr. WILLIAMS of Texas, and Mr. PANETTA.
H.R. 7385: Ms. ROSS, Ms. MANNING, and Ms. GARCIA of Texas.
H.R. 7403: Mr. JOYCE of Pennsylvania.
H.R. 7407: Mr. GOSAR, Mr. JOHNSON of Ohio, Mrs. MILLER of Illinois, Mr. WITTMAN, Mrs. RODGERS of Washington, Mr. GOHMERT, Mr. LAMBORN, and Mr. CLINE.
H.J. Res. 3: Mr. SIMPSON and Mr. BUCSHON.
H.J. Res. 53: Ms. UNDERWOOD and Ms. NEWMAN.
H.J. Res. 72: Mr. BAIRD and Mr. BILIRAKIS.
H.J. Res. 79: Mrs. MCCLAIN and Mr. BABIN.
H. Con. Res. 45: Mr. GARBARINO.
H. Res. 47: Mr. NEAL and Mr. BACON.
H. Res. 174: Ms. MCCOLLUM.
H. Res. 404: Mr. BERA.
H. Res. 901: Mr. NEGUSE, Mr. PAPPAS, Mr. VAN DREW, and Mr. CURTIS.
H. Res. 917: Mr. CARSON.
H. Res. 987: Mrs. WATSON COLEMAN, Ms. PRESSLEY, Mr. CARTWRIGHT, Mr. KIM of New Jersey, Ms. DEAN, Mr. THOMPSON of Mississippi, Ms. SHERRILL, Mr. COLE,
Mr. WILSON of South Carolina, Mr. JEFFRIES, Mr. COHEN, Mr. MRVAN, Mr. KHANNA, Ms. CASTOR of Florida, Mr. YARMUTH, Mr. SUOZZI, Mr. KIND, Mrs. CHERFILUS-MCCORMICK, Ms. BUSH, and Mr. BUCSHON.
H. Res. 990: Mr. VAN DREW.
H. Res. 1015: Mr. BUCSHON.
H. Res. 1022: Mr. CARSON and Mrs. WATSON COLEMAN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions, as follows:

H.R. 1297: Mr. GALLAGHER.

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 117th CONGRESS, SECOND SESSION

Vol. 168 WASHINGTON, WEDNESDAY, APRIL 6, 2022 *No. 61*

Senate

The Senate met at 10 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, listen to our cries for help. Guide our lawmakers, empowering them to act with integrity. Lord, give them wisdom to test their motives as they become more aware of Your mercy. Keep them from drowning in shallow water. Inspire them to resolve to cultivate an unwavering trust in the unfolding of Your prevailing providence.

Lord, we thank You that Your mercies are new each day. Great is Your faithfulness.

And, Lord, we continue to pray for Ukraine.

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 6, 2022.

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.

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 senior assistant legislative clerk read the nomination of Ketanji Brown Jackson, of the District of Columbia, to be an Associate Justice of the Supreme Court of the United States.

RECOGNITION OF THE MINORITY LEADER

The Republican leader is recognized.

NOMINATION OF KETANJI BROWN JACKSON

Mr. MCCONNELL. Mr. President, yesterday, I explained how Democrats created the current norms around judicial appointments.

These days, the Senate takes an assertive role. In particular, most Senators do not merely check resumes and basic legal qualifications but also look into judicial philosophy.

This is a discussion Republicans welcomed because judicial philosophy is not a routine policy disagreement, like debates over spending or tax rates or energy. These are the sorts of normal policy differences that our system of government is built to handle.

But if judges misunderstand the judicial role, that damages the system itself.

Our genius Founding Fathers set up three branches of government. Two of them get to make policy. Congress writes and passes laws, Presidents sign or veto them, and they are both accountable through frequent elections.

The third branch responsibilities are completely and totally different. The courts exist not to rewrite laws but to apply them as written; to protect every American's right to the consistent, impartial rule of law. So the judiciary is insulated and independent.

Republicans want to uphold the separation of powers the Framers left us. We want judges to honor their limited role in our Republic, stick to the text, rule impartially, and leave policymaking to policymakers. And then we want those judges to have total freedom from political threats and bullying.

The political left has long held exactly the opposite. They believe the Framers got the judicial role wrong. They want the Supreme Court to be another forum where progressives can pursue policy outcomes and social changes.

When liberals fail to convince 218 House Members and 60 Senators of a position, they want to cross the street and try to persuade five lawyers instead. They want judges going beyond the text, roaming through policy questions and moral judgements.

So this is a huge difference. It has consequences for American families on issues from crime to border security, to religious liberty, and to the health of our institutions.

So the key question for the Senate is this: Where does Judge Jackson come down? Where does her record land along this spectrum?

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

Well, before the nominee was announced, President Biden gave a troubling hint. He said whomever he nominated to the Court would have to ''have an expansive view of the Constitution,'' acknowledge rights that our founding documents leave unsaid, and guarantee specific outcomes in certain categories of cases. The President promised he would only nominate a judicial activist for the job.

So I could only support Judge Jackson if her record and testimony suggested President Biden actually made a mistake; that he had accidentally chosen a nominee who was not the kind of liberal activist that he promised.

But, unfortunately, Judge Jackson's record and testimony suggests she is exactly the kind of liberal activist that the President promised. In case after case, when statutory text, standards, or guidelines pointed in one direction, Judge Jackson set them aside and charted a course for a different outcome.

As a district court judge, the nominee heard the case of a liberal activist group challenging the Federal Government's authority to deport illegal immigrants. The statute in question plainly gave the Department of Homeland Security ''sole and unreviewable discretion'' to enforce the policy.

But, apparently, it didn't lead to the policy outcome Judge Jackson wanted. So she ignored the statute, sided with the activists, and used a nationwide injunction—a nationwide injunction—to impose her new policymaking on the entire country.

This was such a blatant act of judicial activism that even the liberal DC Circuit overturned her ruling.

Or take another case involving a fentanyl trafficker. If you read the initial trial transcripts, Judge Jackson editorialized and expressed regret that the law forced her to punish him somewhat harshly. She literally apologized to this self-described ''kingpin'' that she wasn't allowed to go softer.

But the next time she saw this criminal at a compassionate release hearing, Judge Jackson was ready to legislate from the bench to give him the sentence she wished that she could have given him before.

Even after the judge explicitly acknowledged the First Step Act was not retroactive, she tortured its compassionate release provisions to make it retroactive anyway.

The fentanyl kingpin will be coming soon to a neighborhood near you, thanks to Judge Jackson. Congressional intent was no match for Judge Jackson's intent.

And then there is Judge Jackson's troubling record in a variety of cases involving child exploitation. On average, where these awful crimes are concerned, Judge Jackson's peers on the Federal bench fall within the stiff sentences Congress prefers a third of the time. But in 11 cases, Judge Jackson didn't fall within the guidelines even once.

At her confirmation hearing last month, the Judiciary Committee gave Judge Jackson a chance to clear up the activist track record. The nominee did not reassure.

She repeatedly declined to answer why her discretion slanted so dramatically and consistently in the direction of going soft on crime. She just kept repeating that she had the discretion. Clearly, what Senators wanted to know is why she used the discretion the way she did.

Judge Jackson did tip her hand on a few occasions. She acknowledged that her ignoring the guidelines amounted to ''making policy determinations.'' Another time she referenced her personal ''policy disagreements'' to explain her jurisprudence.

So if you look at her sentencing transcripts, that is exactly right. Not only did the judge herself make frequent reference to her ''policy disagreement'' with the guidelines, but you can see the prosecutors in her courtroom knew they had to acknowledge her bias as well before arguing that she should finally get tough in their particular case. But always in vain, of course, because she never got tough once—not once—in this area. But prosecutors knew what policy bias they were going to get when they showed up in Judge Jackson's courtroom.

Of course, this is exactly, precisely what we do not want judges doing.

Senate Republicans gave the judge many opportunities to reassure, but in many cases, the nominee just dug deeper. At one point, the judge even echoed an infamous quotation from one of the most famous judicial activists in American history, the archliberal Justice Brennan used to say the most important rule in constitutional law was the ''Rule of Five''—the ''Rule of Five.''

And Judge Jackson told the Senate ''any time the Supreme Court has five votes, then they have a majority for whatever opinion they determine.''

That is judicial activism summarized in one sentence.

So to summarize, Judge Jackson's nomination started off on the wrong foot because President Biden had promised he would only nominate a judicial activist. I hoped that maybe the judge's record and testimony would persuade us otherwise. Maybe she would persuade the Senate that she understands the proper judicial role. Unfortunately, what happened was just the opposite.

I opposed Judge Jackson's confirmation to her current post last year over these very same concerns, and this process has only made those concerns stronger.

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. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

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

The majority whip.

NOMINATION OF KETANJI BROWN JACKSON

Mr. DURBIN. Mr. President, I listened to the Republican leader speaking about the Supreme Court nominee Judge Ketanji Brown Jackson, who is coming before the Senate either today or tomorrow, we hope, for a confirmation vote. We have solid support for her nomination on the Democratic side and three Republican Senators who have announced that they will join us to make it a bipartisan majority in her favor.

She is deserving of this. She has an extraordinary background. She has the kind of resume that every lawyer would dream of: to graduate from Harvard Law School and then to clerk at every level of the Federal judiciary, including clerk to the Justice she hopes to succeed, Stephen Breyer; and then to serve on the Sentencing Commission, which is considered one of the more prestigious assignments, trying to rationalize the sentencing under Federal law; and then, of course, to serve on the district court in the DC district and to issue some 570 or 80 different opinions—written opinions—during that time; to be elevated to the DC Circuit Court, often called the second highest court in the land, where she served as well with distinction; and now to be the first African-American woman nominated to serve on the U.S. Supreme Court. It is an incredible record.

And she has made the rounds, as they say, in the Senate, visiting 95 or 96 different Senators, sitting down with them privately in their offices, answering any questions or concerns that they wish to express.

So I think she is an exceptional person. If you look at her record in all of these cases that she has handed down written opinions in—as I said, it is close to 600, and 100 of them were criminal cases where she imposed sentences, and some 10 or 15 of those cases which have been highlighted by her Republican critics, relating to the issue of the exploitation of children and pornography, in every single case, she imposed a prison sentence.

So to argue that she is soft on crime is to ignore that reality and to ignore the reality that she is endorsed—endorsed—by the largest law enforcement organization in America, the Fraternal Order of Police. She is endorsed by the International Association of Chiefs of Police and other noteworthy organizations, the National Organization of Black Law Enforcement, former prosecutors in the District of Columbia.

She has made it very clear that when it comes to applying the law to the facts, she does it with evenhandedness, so much so that she is respected by both sides of the table—the prosecutor's side of the table and the defense side of the table. That takes some doing, but she has achieved it. And

that is why her selection by President Biden is the right person for the right time for the right job. She is going to make history if we give her this confirming vote.

Now, I will tell you, when you publish some 580 to 600 opinions, you are going to find something in one of those opinions to raise. I listened carefully as Senator MCCONNELL went to one of those opinions and drew his own conclusions. I would ask him to take care in accepting that as the fair way to measure a person. People often say that in the U.S. Senate—they ask us: Are you conservative or are you liberal or are you a fiscal conservative? Where do you stand on civil liberties? And people announce a position that they would like to believe they fit in. Then folks go back and look at your voting record and then ask: Well, how do you explain this, Senator? So in any given day, any given vote can raise a question as to a generalization about who you are and what you believe.

For instance, there was a time, as hard as it may be to believe, when people were suggesting amending the Constitution of the United States to make burning an American flag a violation—controversial. All of us revere the flag, but the notion of making this an amendment to the Constitution was a matter of great controversy and debate.

I remember it well in the Senate Judiciary Committee. I came down against it, saying that I revered the flag, but the principles and values behind it were equally or more important to me, and so I opposed flag burning and so did the Senator from Kentucky. Yes, the minority leader, Senator MCCONNELL, opposed flag burning. The organization that agreed with our position was the ACLU. Now, can I generalize from that position which Senator MCCONNELL took years ago that he is an ACLU-type of Senator? It would be wrong to draw that conclusion. There may have been other instances where he agreed with them, but it was rare.

What I am saying is, if you can take one vote and measure a Senator and realize that it falls short of being an accurate and honest measurement, the same thing is true for a judge, to take one opinion and say: Well, she ruled against President Trump on the issue of immigration, therefore, she is an activist liberal judge. She ruled as well for President Trump in other cases in his favor, and ruled against Democratic Presidents when they came up with their proposals before the court. So generalizations are not fair for her or for individual Members of the Senate based on one opinion, one vote, and that is what many are trying to do.

I will also tell you that this notion—and it pains me to even bring it to the floor, but I know it is going to come up in the next day or two—that she is soft on crime. As I mentioned, the law enforcement groups would not be endorsing her if they believed she was soft on crime.

And the notion that she is somehow, in the words of one Republican Senator—that her sentencing ''endangers children,'' that is painful because he said as much in front of her family. And I thought about that, how painful that must have been for her to hear those words. They are not true. And to take one or two situations, each of them unique in their factual circumstances, and to generalize in terms of her position on an issue of that gravity is fundamentally unfair. But we have done it, too, on the Democratic side, and I am going to be the first to admit, as I look back in history, there are things that should have been handled better when Republican nominees were before us.

And the majority of Republican Senators on the Senate Judiciary Committee, led by Ranking Member CHUCK GRASSLEY, I believe, were respectful and dealt with the judge in a fair manner. They asked tough questions, as they were expected to, but did not cross the line into personal attack.

There were three or four who broke that rule, as far as I was concerned, but the vast majority of Republican Senators were factual, were fair, and were basing their questions on sound legal questions before any Supreme Court nominee's consideration. That I think will be talked about over the next couple days, as it should be.

TRIBUTE TO ERIK RAVEN

Mr. President, I want to take a moment to thank a former member of my staff who is an extraordinary man. He is smart, he gives wise counsel, and is truly devoted to this Nation. He worked for me for years.

I have worked with Erik Raven since 2014, when I became ranking member of the Senate Appropriations Subcommittee on Defense, and Erik was the chief clerk of the subcommittee. The title ''clerk'' is misleading. He was the brains and the operational force behind that subcommittee.

As my right hand, Erik led the massive and critically important effort to appropriate an average of $700 billion a year for our national defense budget. Incidentally, that is about half of our Government's annual discretionary spending—a big assignment—and Erik was the right person for that assignment.

As I mentioned before, my first introduction to the Senate was many years ago, as an intern to a former Illinois Senator, Paul Douglas. Douglas was a respected economist who joined the Marines at age 50—50—to defend democracy in World War II. He was badly wounded, became a war hero, and then was elected to the Senate.

Douglas famously said that you don't have to be a wastrel to be a liberal. Douglas fought against waste in government because he understood that every misspent dollar weakens our national defense, every wasted dollar undermines our ability to build a better future. I think Paul Douglas would have liked Erik Raven.

Erik has been a stalwart ally in my efforts to advance our national defense capabilities while also protecting taxpayers' dollars and investing in things like defense medical research and domestic sourcing of the components critical to our defense industrial base.

I traveled with Erik to more places than I can remember. There was one particularly eye-opening visit to a classified facility in a desert outside Las Vegas. You might say it was out of this world. I will also remember a trip we made to Poland and the Baltics in 2018, wherein we discussed the danger of the overreliance on Russian gas and other issues. Today, we see that playing out, tragically, in Ukraine.

It was also a relief to have Erik at my side. His deep institutional knowledge, his sense of humor, and his black bag full of secrets have served me and the committee and America well.

I know that Senator JON TESTER of Montana, the new chair of that same subcommittee, and other Senators with whom Erik worked share my high regard for him.

In his 20 years in the Senate, Erik has worked for Senator DIANNE FEINSTEIN, the late Senator Ted Kennedy, Robert Byrd, Senator Inouye, our former colleague Senator Mikulski, and our current chairman, Senator LEAHY. To countless Senate staffers along the way, Erik has been a mentor, a cheerleader, and always a friend.

In addition to his public service, he is a pilot and a black belt in karate. He enjoys golfing and running. He is a devoted husband to Ann, his wife, and father to Edward, his 7-year-old son.

Very soon, pending Senate approval, he will be our Nation's next Under Secretary of the Navy.

The Senate's loss is the Navy's and America's gain. I am confident that Erik will excel in his new challenge just as he has in the Senate. I wish him the very best of luck and thank him for his outstanding service.

FOR-PROFIT COLLEGES

Mr. President, it has been almost 6 years since the disastrous collapse of the infamous for-profit college chain ITT Tech.

At that time, ITT Tech was one of the largest chains of for-profit colleges in the country—130 campuses spread over 38 States and 40,000 students enrolled. It closed its campuses 2 weeks after the Federal Department of Education barred the parent company from enrolling any more students while using Federal student aid dollars.

I have come to this floor countless times to talk about the deceptive, predatory, desperate tactics of the for-profit college industry at large.

At the peak of its profitability, in 2000 to 2003, it was the hottest sector on Wall Street. Publicly traded shares in for-profit colleges rose 460 percent according to one analysis. In 2010, these for-profit colleges swept up more than $32 billion in Federal student aid dollars. Hundreds of millions more flowed in through the GI bill. For ITT

Tech, the total haul in Federal dollars that year reached $1.1 billion. Six years later, the whole ITT Tech house of cards collapsed in a cloud of scandal, leaving students and taxpayers holding the bag.

Now a new report by the Project on Predatory Student Lending reveals disturbing facts about ITT Tech—their deception, their high-pressure recruiting tactics, and other forms of fraud and abuse that they used to rack up massive profits. The report is entitled ''Dreams Destroyed: How ITT Technical Institute Defrauded a Generation of Students.''

What makes this new report particularly damning is that the details of these abuses came not only from defrauded students but from the company's own recruiters and top executives. Like the internal company memos that finally shed light on the inner workings of the tobacco industry, the ITT records reveal a company that prioritized profits over everything else.

Two years before ITT Tech's collapse, the company's disgraced CEO, Kevin Modany, wrote in an email to his marketing chief:

> I do not have anything more important on my agenda . . . [recruitment] is my personal top priority.

Prospective students were lied to and bombarded with high-pressure tactics to get them to enroll and sign up for more and more and more student loans.

One former ITT Tech recruiter compared the working conditions to a ''sweatshop,'' where all that mattered was hitting a ''quota.''

Appallingly, recruiters were instructed to use the ''pain funnel,'' they called it, which was a set of eight questions designed to reveal all prospective students' vulnerabilities. By identifying a student's pain points, such as working at a dead-end job or feeling unappreciated, recruiters were trained to exploit that pain and present ITT Tech as the solution to this poor student's problems.

ITT Tech then inflated grades and falsified attendance records to keep students enrolled so they could squeeze out more Federal dollars and leave more student debt for the kids. The company routinely, falsely, filed financial aid forms, including stealing students' passwords and signing financial aid forms without the students' knowledge or consent. The list goes on and on.

The result: Modany and the ITT shareholders made millions. Taxpayers got ripped off. Students ended up holding the bag with worthless diplomas, if they finished, and with a mountain of student debt whether they finished or not.

What did Modany think about the students he was defrauding?

Look at his words. This is the man who was the executive who was doing this to these students.

He said: ''Take off the gloves with the student and slug back. Do not hold back in any way, and anything that we can put out there to question the legitimacy of his complaint we should most definitely do so. We need to call him out publicly.''

That is the kind of respect they had for these students.

Many of these students, as the majority leader knows, were first-generation college students. Their mothers and fathers were so proud that they were at ITT Tech—that they made it into college. Mom and dad thought they would have to work extra hours, but it would be worth it. It was a fraud from start to finish—a fraud on American taxpayers and a terrible fraud on these students and their families.

Modany was equally contemptuous of public officials who asked questions about ITT Tech's business practices.

This 2015 email is a racist tirade against an Education Department official, Rohit Chopra, a longtime foe of predatory lenders who is now Director of the Consumer Financial Protection Bureau.

Mr. Modany rails that Mr. Chopra ought to be jailed at Guantanamo and waterboarded.

Now, you might say, ''That's great, but ITT Tech is gone. Why does it matter?''

First: There are still tens of thousands of ITT Tech students who were defrauded. Under the Higher Education Act's Borrower Defense provision, their loans should be discharged by the Education Department.

The evidence revealed in this report—evidence collected by the Education Department and numerous State attorneys general—clearly shows that fraud was rampant and systemic at ITT Tech.

The Department should do more to provide ITT Tech borrowers with the relief to which they are entitled under the law—without requiring individual applications.

The second reason is stated in the report's conclusion, which asserts ''ITT was able to escape responsibility for its financial insolvency by declaring bankruptcy in September 2016. Its executives simply walked away from the disaster they created.''

Kevin Modany was fined $200,000. But that is essentially a parking ticket for a man who made $36 million defrauding students, taxpayers, and investors between 2007 and 2014.

The Federal Government must use its authority to hold for-profit college executives personally accountable. Claw back some of their fat profits to repay students and taxpayers.

And third, the for-profit college industry continues to prey on students using the same tactics as the band of thieves at ITT Tech.

For-profit Ashford University and its former parent company Zovio were just found to have given students false or misleading information about career outcomes . . . cost and financial aid . . . and transfer credits . . . to get them to enroll. Sound familiar?

Ashford was ordered to pay more than $22.37 million in penalties.

But . . . Zovio recently sold Ashford to the University of Arizona while continuing to operate much of the school.

What actions will the Education Department take to protect students . . . and taxpayer dollars . . . at the now-renamed Arizona Global Campus—formerly Ashford?

I've spoken about these matters with both Education Secretary Miguel Cardona and Rich Cordray, head of the Department's Federal Student Aid office.

I'm glad the Biden administration has committed publicly to improving enforcement at the Department of Education.

There are other ITT Techs out there. For the sake of students and taxpayers, the Education Department under this administration must begin to use its immense enforcement authority to protect them from the swindlers and conmen.

Mr. President, I have been talking about for-profit colleges for a number of years. Luckily, we have a President and a Secretary of Education who are putting watchmen in place, guardians of students in place, who believe that it is more important that kids are treated fairly and honestly than it is for some executive to make millions of dollars off of an abuse of the system.

I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

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

Mr. SCHUMER. Mr. President, first, I want to thank my friend and colleague, the senior Senator from Illinois, not only for his wonderful remarks here today but for his passion on this issue. He was one of the first to blow the whistle on these colleges.

When you hear about this, it just boils your blood—boils your blood. These kids did nothing wrong. It is one of the reasons we believe student debt should be forgiven. The Federal Government gave them the loans—that was required by law—but they were taken advantage of through no fault of their own.

I wonder if this Mr. Modany has been prosecuted for any of these things. He does not deserve to have, probably, the millions he has on the backs of all of these students.

But I thank the Senator from the bottom of my heart. This boils our blood, what they did to these kids. That is one of the reasons we believe that the White House ought to forgive up to $50,000 of student debt.

OK. Let's go to another subject.

CORONAVIRUS

Yesterday, Mr. President, was, truly, a sorry sight here on the Senate floor. Senate Republicans, down to the last Member, blocked critical funding for more vaccines, more testing, more lifesaving therapeutics that our country needs to protect against the dangers of future COVID variants.

The proposal we had before the Senate was exceedingly reasonable, carefully negotiated, and desperately needed, but Senate Republicans blocked a mere debate on COVID aid, knowing full well of the consequences for the American people. In knowing the consequences, Republicans said no to merely debating more money for booster shots and vaccinations and research into future treatments. In knowing the consequences, Republicans said no to merely debating more testing. In knowing the consequences, Republicans said no to merely debating no less than $5 billion for lifesaving therapeutics—an indispensable tool for those with COVID illnesses.

And why did Republicans say no?

Because they wanted to cripple COVID funding legislation with poison pills that they knew would derail this bill—would derail the bill. Let me say it again. Instead of joining Democrats to begin a simple debate on COVID legislation, Republicans wanted to kill this bill with unrelated poison pills.

This is potentially devastating for the American people. Vaccines, therapeutics, and testing were negotiated in good faith, and they should not—they should not—be held hostage to extraneous, unrelated issues. This is too important for the health of our country.

The administration, for months, has made clear that new COVID funding is a matter of the highest urgency. Some critical COVID response measures are already being scaled back due to dwindling funding. Their message that Congress had to act—the administration's message—was unmistakable.

I hope Republicans will get serious about this. It should not be so difficult to do something so good and important for our country.

Let me say one other thing.

Our Republican colleagues think they may be gaining some temporary advantage, but God forbid a second variant hits and people ask: Why aren't the vaccines there? Why aren't the therapeutics there? The answer will be that the Senate Republicans, to a person, blocked the ability to move forward and get this legislation done because they wanted to play politics and inject extraneous issues into the debate.

But it is not going to deter us from getting this done. It is vital for keeping schools, churches, business, and other communities open if and when a future, more potent variant rears its ugly head. It is certainly better to act now than to pay the price 10 times down the line. We are going to keep working to make sure that Congress sends COVID funding to the President's desk.

NOMINATION OF KETANJI BROWN JACKSON

Mr. President, on SCOTUS, the U.S. Senate, happily, wonderfully, is on the brink of completing one of the most important responsibilities entrusted to it under the Constitution: consenting to the President's nominee for the U.S. Supreme Court. As I said, happily and wonderfully, it will be the first African-American woman to ever serve on that august body.

Any time the Senate elevates someone to the highest pinnacles of the Federal judiciary, the impact literally lasts a lifetime and, often, far beyond that. The men and women who sit on the Supreme Court have the power to render judgment on any question they see fit that comes before them. The consequences of their decisions are seen and felt and reckoned with from here to the farthest corners of our country. So confirming a Supreme Court nominee is, in other words, a big deal to the Senate—one of the biggest deals, in fact. And, before the week is out, the Chamber is set to follow through, once again, on this august and awesome responsibility.

But, of course, even though this is one of the biggest deals for the Senate to do in any situation, it is even a bigger deal now. This time is different. The nominee, the 116th Justice, is different in some important ways than those who came before.

Judge Ketanji Brown Jackson, like many before her, is brilliant, accomplished, and qualified to be on the Court, but never—never before—has the Supreme Court had a Black woman bear the title of Justice. She will be the first, and I have no doubt, in my mind, that she will pave the way for others in the future.

The exultation among so many who have waited for this moment—of young girls throughout America who may say, ''I can do this, too''; the untapped potential even for young people, particularly women of color, who are not interested in the law or in the Supreme Court but who say, ''I can go somewhere; I can do something; I can get there''—is going to be great for America.

There are many considerations that the Senate should ponder when we are faced with the question of confirming judges. Diversity and representation is certainly one of them. It is a key feature of a healthy and vibrant democracy. When Americans of all walks of life come before the court, of course they should have confidence that those who don the robes have the ability to walk in their own shoes—to see and understand their sides of the story.

That is why diversity of background and experience has been one of the most important priorities in the Senate as we have confirmed the President's judges, and over the last year, as has been noted, we have made incredible progress on that front.

Of the 58 Senate-confirmed judges, three-quarters have been women, and two-thirds have been people of color. To be clear, these judges are diverse not just through their backgrounds but in their experiences. More public defenders, more civil rights attorneys, more nonprofit lawyers have been added to the Federal bench.

After years of the previous administration's confirming judges who were disproportionately White, disproportionately male, disproportionately from big law firms, Senate Democrats are working to bring balance back to our judiciary. It will make our democracy healthier, fairer, and stronger.

As the country grows increasingly diverse in this century, Judge Jackson's confirmation will be a major step toward achieving that goal, and I so look forward to finishing the work to confirm this most qualified, most deserving, most historic nominee.

RUSSIA

Mr. President, finally, as Russia's war in Ukraine reaches an abominable level of brutality—you see these pictures of the people, innocent civilians who were shot—young, old, children, men, women—every single American should unite on the side of the Ukrainian people and against Putin's indiscriminate violence.

The pictures we have seen coming out of Ukraine and coming out of the town of Bucha are a pure manifestation of evil, hundreds of civilians murdered in cold blood—men, women, children, the elderly, the defenseless, people who were tied with their hands behind their backs, clearly civilians, shot in the back of the head because they are Ukrainians. It is the only reason. It is a genocide. It was called a genocide today by a Ukrainian official. It is a genocide. When these people are shot simply because of their nationality—they don't have arms—that is genocide, especially when it occurs in the large numbers it has already, individuals trying to live their own lives, targeted to be killed because of their nationality.

Putin is a war criminal. When Putin says Ukraine and Russia are together after he did this, no Ukrainian is ever going to believe it. Even the isolated Putin must know that, but he is cornered. And so he is a war criminal.

Any nation that indiscriminately and intentionally targets civilians should not enjoy doing business with American companies. But, shamefully, Koch Industries is continuing to do business in Putin's Russia and putting their profits ahead of defending democracy.

There is an explosive report this morning that the Koch political arm is now pushing for the United States to abandon our allies and back off the hard-hitting sanctions the Biden administration has imposed on Russia. The Kochs are selling out democracy for their own profits.

Every Senator—Democrat, Republican—we all care about Ukraine. Every Senator needs to condemn this push by the Koch brothers and call on Koch Industries to immediately suspend their operations in Russia. I look forward to every tough-talking Senate Republican to come here to the floor and call out the Koch brothers for undermining America's resolve against Putin's illegal, unprovoked, and criminal invasion of Ukraine.

Senate Democrats are working on legislation to add Russia to existing

laws that already deny foreign tax credits for taxes paid to North Korea and Syria. American companies that continue to do business in Russia should not receive U.S. tax benefits that offset taxes paid to Putin's regime.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

NOMINATION OF KETANJI BROWN JACKSON

Mr. KAINE. Mr. President, I proudly rise to speak about the nomination of Judge Ketanji Brown Jackson to be an Associate Justice of the U.S. Supreme Court.

When I began law school in the fall of 1979, the only woman Justice at the Supreme Court was a white marble statue on the steps. There were no women members of the Court. There had never been women members of the Court.

The motto engraved over the Court's entrance, ''Equal Justice Under Law,'' sounded great, but it also rang hollow for the more than half of the U.S. population that had never seen themselves represented on the U.S. Supreme Court.

And it was more than just the absence of women on the Court. In 1868, the 14th Amendment to the Constitution was adopted in core memorable phrase guaranteeing to all persons the equal protection of the law. But the Court, for more than 100 years, refused to extend equal protection to women.

In one of the first cases testing the meaning of the phrase ''equal protection of the law to all persons,'' the Supreme Court considered an Illinois State law restricting the practice of law to men only. A dynamic, young, feminist activist, Myra Bradwell, passed the Illinois bar exam and applied for a law license to practice law in Illinois. She was turned down because she was a woman. She appealed her case to the Illinois Supreme Court, and they turned her down because she was a woman. And then she came to the U.S. Supreme Court and said: We have just changed the Constitution to guarantee equal protection of the law to all persons, surely, you cannot turn me down in my quest to practice law after I have passed the Illinois bar exam.

The Supreme Court of the United States, in 1873, by a vote of 8 to 1, ruled that she was not entitled to an equal right to practice the profession of her choosing.

Let me read you a key part of the decision in that case:

> The paramount destiny and mission of women are to fulfill the noble and benign office of wife and mother. This is the law of the Creator.

So a wife and mother can't be a lawyer? So every woman must be a wife and mother? That is what the Supreme Court determined in analyzing the simple phrase ''all persons are entitled to equal protection of the law.''

Here is a great trivia question: When did the Supreme Court finally decide that equal protection of the law applied to women? 1971. It took 103 years after the 14th Amendment was adopted for the Supreme Court to say: Wait a minute, equal protection of the law to all persons, that means women.

In the case of Reed v. Reed, the Court ruled that a State statute providing that males must be preferred to females in the administration of estates—it was an estate administration case—the Court ruled, wait a minute, that violates women's rights to equal protection. Who was the lawyer in that case? A dynamic, young civil rights lawyer with the ACLU named Ruth Bader Ginsburg.

So within my career as a civil rights attorney, from when I started law school in 1979 to today—43 years later—I have seen great change in the law's treatment of women and in their representation on the U.S. Supreme Court.

The nomination of Judge Ketanji Brown Jackson will make history. She will be the first African-American woman on the Court. And she will move a Court that had never had a woman member when I started law school to a Court where four of the nine members are women.

What powerful evidence of the capacity we have as a nation to come closer and closer to the equality ideal that was articulated as our moral North Star in the opening phrase of the Declaration of Independence drafted by a Virginian in 1776.

So I celebrate the history-making nature of this appointment, but it is not the reason for my support.

I support Judge Jackson's nomination because of her stellar academic credentials, her prestigious judicial clerkships, her dedicated service as an attorney and member of the U.S. Sentencing Commission, her well-respected tenure as a Federal trial and appellate judge, and the multiple attestations that she has received attributing to her fairness and to her character.

In particular—in particular—I think that her successful confirmation as a Justice will add two critical skill sets to this nine-member collegial body: first, that she is a public defender; and, second, that she has been a trial judge.

That she was a public defender—so much of the Court's docket deals with issues that are at the heart of the American criminal justice system. There are currently members of the Court—Justice Sotomayor, Justice Alito—who had experience as prosecutors in both the State and Federal courts before they began their service in the judicial branch. That experience as prosecutor is really important experience, and it is an important expertise to have on the Supreme Court.

But a Justice Ketanji Brown Jackson will be the first public defender ever to sit on the Court. And for a Court of nine to share perspectives and grapple with resolution of questions involving the criminal justice system, for that Court only to have people who prosecuted cases and not have people who have defended, in particular, the most indigent criminal defendants—it is a Court that doesn't have the balanced 360-degree perspective that we would want in these important matters. So the fact that she served honorably as a Federal public defender, in my view, is a strong trait for her, but it is even a better trait if you think about what we would need in a nine-member Supreme Court.

Second, she has been a trial judge, a Federal district court judge in the district court for the District of Columbia. And that is really, really important. There is only one other member of the Court now who was a trial judge, and that is Justice Sotomayor. Some of the members of the Court, as far as I know—I can find no evidence—not only were they not trial judges, some of them I am not sure ever tried cases.

What does it mean to have a trial judge on the Court? Well, again, think about the docket of the Supreme Court. So much of the docket of the Supreme Court is ruling on questions and controversies, whose ultimate goal is to make the Nation's trials—civil and criminal trials—more fair: admissibility of evidence, sentencing standards, definitions of police misconduct that could either gain or shed sovereignty immunity in a trial going on in a trial court, how to impanel jurors, how to instruct jurors, when to strike a juror if there is evidence that the juror may have a bias or prejudice. These are all cases that come before the Supreme Court all the time. And these kinds of cases, it is particularly important to have a Court that is well-represented by people who have actually been in the courtroom and done it.

What trial judges have to do is they have to figure out how to instruct and impanel jurors and deal with the juror who may have a bias question. They have to rule on evidentiary objections in a split second; dispose of discovery disputes; rule on dispositive motions like motions to dismiss or summary judgment motions; in bench trials, actually render judgments, which usually involves credibility determinations among competing witnesses.

The judges in the Federal system are those with the power of sentencing, the most difficult power of all. If you have not been a trial lawyer or a trial judge, you might underestimate how difficult and challenging each of those tasks are. But if you have had the experience of being a trial lawyer or trial judge, you understand how important they are.

I asked Judge Jackson as I interviewed her, tell me how you think that being a trial judge might help you on the Court. She said, so much of our opinions are essentially instructions to State and Federal trial courts, here is how to conduct a fair trial. I think my experience will enable me to write opinions that are more workable; that are more understandable; that are more practical; that are more likely to lead to a result that is fair to the parties, but also one that will increase the

respect for the decision making in courts themselves.

When I was Governor of Virginia, I did not have the power to put judges on the bench, except in rare instances. In the Virginia State system, I wouldn't even nominate judges. The legislature would choose the judges, and the Governor had no role, except—except—when the legislature would deadlock. If the house and senate couldn't agree on filling a position, then the Governor got to put in a judge or a justice until the legislature came back next year, and then they would have to vote on whether to ratify what the Governor had done.

Three times, when I was Governor, my two Republican houses deadlocked on an appellate judge: one on the court of appeals and two on the Virginia Supreme Court. So I had this opportunity. As somebody who practiced civil rights law for 17 years, as somebody who was married to a juvenile court judge, I had the opportunity to consider and then nominate people to be appellate judges.

I decided pretty quickly, as I analyzed who should be appellate judges—and I followed this rule in all three of my opportunities—that I would appoint a great trial judge. In each of the three instances, I appointed a great trial judge because I knew that that great trial judge would be able to sit on an appellate court and render rulings that weren't sort of philosopher, king-or-queen rulings that might sound good in a law review article or in a panel discussion, but they could render rulings that would be instantaneously understood in courtrooms all across the Commonwealth and be able to be implemented by the other trial judges, who were doing their best every day to conduct fair trials.

So that is why I think the second factor that Judge Brown Jackson was a district court judge handling trials, multiple trials and motions every day, will put her in such good company as she joins Justice Sotomayor as the only other member with that experience.

I will conclude and just say a Justice Ketanji Brown Jackson will add depth and perspective to a Court that needs it. As we near the 150th anniversary of Myra Bradwell's quixotic case, the confirmation of Justice Ketanji Brown Jackson will make the statue of justice and the engraved phrase ''Equal Justice Under Law'' more accurate reflections of our Nation's highest Court.

With that, Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

Mr. THUNE. Mr. President, I ask unanimous consent that the following Senators be permitted to speak prior to the scheduled vote: myself for up to 15 minutes, Senator CRUZ for up to 25 minutes, and Senator STABENOW for up to 10 minutes.

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

TITLE 42 AND THE BORDER

Mr. THUNE. Mr. President, we are moving from disaster to catastrophe at our southern border. Last week, the Biden administration announced that title 42 COVID–19 restrictions, which had provided for the immediate deportation of those who crossed the border illegally, will end in May.

Now, it is ironic that just as the administration presses for more COVID funding, it is apparently declaring COVID is over at the border. Now, I just want everybody to think about the inherent contradiction in what is being said here. By ending title 42, the administration says, for all intents and purposes, the pandemic is over; it is over at the border. But, today, it was announced that the student loan program—repayments on student loans—would be extended until the month of August. Why? Presumably because of the pandemic.

There is still a policy in place, Mr. President, if you can believe this—yesterday, I had the chance to question, at the Senate Finance Committee, Secretary Becerra of the Health and Human Services Department about a policy that is in place right now that has not yet been repealed that requires children under 5 in Head Start facilities to wear masks—masks not just when they are in the classroom but when they are outside on the playground—children under 5, to wear masks.

Now, who says that is a bad idea? Well, for one, the World Health Organization. The World Health Organization isn't exactly a conservative-leaning institution. The World Health Organization says that it is not necessary for children under 5 to wear a mask because there is no discernible health or safety benefit derived from that.

So that policy is still in place. Kids under the age of 5 at Head Start facilities still have to wear masks, not just inside but when they are outside.

Now student loans, again, have been deferred. You don't have to repay your student loans at least until August. It has been extended again.

These policies reflect a belief on behalf of the administration that we are evidently still in a pandemic that requires these policies to stay in place.

So the student loan deferral request has been made or is going to happen. They are just going to do it. So they are doing that by fiat. And this rule that requires children under 5 to wear masks suggests we are still very concerned about the pandemic and about the spread of COVID–19. Yet, Mr. President, title 42 is going to be lifted at the border, which is a pandemic measure. It was put in place as a result of the pandemic and has enabled our officials at the border, Customs and Border Protection, to be able to at least somewhat manage the flow of illegals coming across the border. Think about that. Think about the inherent contradiction, the messages that you are sending—in addition, I would add, to the $10 billion, which was originally $15 billion, that is being requested by the administration to deal with COVID.

So you are asking for more funding. You are requiring kids to wear masks. You are extending the deferral on student loan repayments. Yet you are lifting title 42 restrictions.

Let me tell you what that means. Once title 42 restrictions are officially lifted, the flood of illegal immigration across our southern border is expected to become a tsunami. The Department of Homeland Security expects as many as 18,000 per day to attempt to cross our southern border after the policy is lifted—18,000 per day. That adds up to more than half a million migrants per month.

To put those numbers in perspective, in fiscal year 2021, Border Patrol encountered more than 1.7 million individuals attempting to cross our southern border. That was the highest number ever recorded in a single year. Now we are talking about a rate of migration that would lead to our hitting that 1-year record in just over 3 months.

Title 42 restrictions were never intended to be a permanent border solution, and lifting them would not be a problem if the President had some meaningful plan in place for dealing with the border crisis that has been going on since he took office, but he doesn't—again, evidenced by the fact that the President has no interest in visiting the border, nor has his border czar, the Vice President of the United States. Neither has been to the border.

Lifting title 42 without a plan to curb illegal immigration is nothing more than an invitation for our current crisis to get exponentially worse, which is exactly, exactly what the Department of Homeland Security expects is going to happen.

Now, you don't have to take my word for it on these problems with the administration's decision. Here is what one Democratic Senator had to say about the administration's title 42 decision:

> This is a wrong decision. It's unacceptable to end Title 42 without a plan and coordination in place to ensure a secure, orderly, and humane process at the border.
>
> This is a wrong decision. It's unacceptable to end Title 42 without a plan and coordination in place to ensure a secure, orderly, and humane process at the border.

That is from a Democratic Senator.

Another Democratic Senator noted:

> I think this is not the right time and we have not seen a detailed plan from the administration. We need assurances that we have security at the border and that we protect communities on this side of the border.

Another Democratic Senator.

This is another Democratic Senator, a third one:

> Today's announcement by the CDC and the Biden Administration is a frightening decision. Title 42 has been an essential tool in combatting the spread of COVID–19 and controlling the influx of migrants at our southern border. We are already facing an unprecedented increase in migrants this year, and that will only get worse if the Administration ends the Title 42 policy. We are nowhere near prepared to deal with that influx.

We are nowhere near prepared to deal with that influx.

Again, a third Democratic Senator on the subject of ending title 42.

Mr. President, under the Biden administration, we have had 12 straight months of border encounters in excess of over 150,000. In February, U.S. Customs and Border Protection encountered 164,973 individuals attempting to cross our southern border illegally—the highest February number in more than 20 years. And, of course, those numbers only reflect individuals the Border Patrol has succeeded in apprehending. There is no question that many other illegal immigrants have crossed the border in the past year without being apprehended and have disappeared into the United States. The President is largely responsible for this situation thanks to the series of actions he has taken to weaken border security and immigration enforcement since his administration began.

Mr. President, illegal immigration is a very serious problem for several reasons. First of all, it is dangerous for any country not to know who is entering the country, who is crossing its borders. Illegal border crossings are not confined to individuals wanting to build a better life for themselves. Weak borders are an invitation to human traffickers, drug smugglers, gangs, and even terrorists.

We currently have a very serious fentanyl problem in this country. In fact, fentanyl overdose is the leading cause of death for U.S. adults between the ages of 18 and 45. And where is this fentanyl coming from? It is being trafficked across our southern border. In fact, Mexico has replaced China as the dominant source of fentanyl in the United States. There is no question that the worse the situation at the border gets, the easier it is for drug smugglers to evade detection and capture.

Our Border Patrol officers do heroic work, but they are stretched incredibly thin and have been for the past year. It is simply common sense to acknowledge that the greater the flood of illegal immigration they have to contend with, the easier it is going to be for bad actors to get across the border.

So there are real security concerns that illegal immigration represents. There are also serious humanitarian concerns. The journey to our southern border for those attempting to cross illegally is frequently fraught with danger, and there is nothing compassionate about encouraging individuals to undertake that journey, to run the risk of exploitation and disease and exposure.

Finally, encouraging or tacitly endorsing illegal immigration shows a real disregard for the rule of law. I am a strong supporter of legal immigration. I am one generation removed from immigrants in this country, and I hope this country will always serve as a refuge for individuals seeking a new life for peace and for freedom. But immigration laws are not exceptions to the principle that the law must be respected.

We can and should make changes to immigration laws as needed to address problems or to expand opportunities, but immigration must proceed according to the law. To suggest otherwise is to cultivate contempt for the rule of law, not to mention how unfair it is to those who have done what is required to come here legally.

As President, President Biden has a particular responsibility to care for the country's security. When it comes to the border, at least, he is failing in that responsibility, and he is betraying the duty he owes to the American people, who should be able to count on their President to care about security concerns, including border security.

We are less than 2 months away from the end of title 42 restrictions and the border surge that we expect to follow. I hope that the President will use that time to get serious about developing a plan to secure our southern border because he owes the American people nothing less.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

NOMINATION OF KETANJI BROWN JACKSON

Mr. CRUZ. Mr. President, I rise today ahead of the Senate's vote on Judge Ketanji Brown Jackson to be a Justice on the U.S. Supreme Court. There are few responsibilities the Senate has that are more important than confirming judges and, in particular, confirming Justices on the Supreme Court of the United States.

The Supreme Court is charged with the responsibility of defending and upholding the Constitution and the Bill of Rights. It is charged with the responsibility of upholding the rule of law and protecting your rights and my rights.

Judge Jackson is someone that I have known personally for 30 years. She and I went to law school together. We were both on the law review together. Judge Jackson is someone who, on a personal level—she is smart; she is talented; she is charming. I have always liked Judge Jackson. But the responsibility given to the Senate is not to make an assessment on a personal level, but rather to assess a nominee's record and the kind of job they would do for the position to which they have been appointed.

Now, many Democrats in this Chamber and their cheerleaders in the corporate media insist that we cannot examine Judge Jackson's record. They insist, in fact, that any scrutiny of her record, any difficult questions directed her way, and, certainly, any opposition to her nomination must, must, must be rooted in racism or sexism. Sadly, this is a common talking point for Democrats. Whenever anyone disagrees with them on substance, you must be a racist. If you are not a socialist, you are a racist. That is their standard go-to.

And in this instance, all should acknowledge and should celebrate the historic milestone that would be having the first African-American woman serve as a Justice on the Supreme Court. Given our Nation's troubled history on race, that is a major important milestone. I would note, though, that the Democrats celebrating that fact—patting themselves on the back—there is more than a little irony in their celebrating that fact because the reason that we have not, to date, had an African-American woman on the Supreme Court—a major reason—is that the Democrats who are so proud of themselves filibustered a qualified African-American woman nominated to the U.S. Court of Appeals for the DC Circuit. Her name was Janice Rogers Brown. She was a justice on the California Supreme Court, and 20 years ago, President George W. Bush, a Republican, nominated her to the DC Circuit. And Senate Democrats realized that a qualified African-American woman on the DC Circuit was a real threat to go to the U.S. Supreme Court.

Janice Rogers Brown is a conservative and a constitutionalist, and for Democrats, that was unacceptable. So Democrats filibustered Janice Rogers Brown. CHUCK SCHUMER filibustered Janice Rogers Brown. Joe Biden filibustered Janice Rogers Brown. DICK DURBIN filibustered Janice Rogers Brown. PAT LEAHY filibustered Janice Rogers Brown. DIANNE FEINSTEIN filibustered Janice Rogers Brown.

So now, all the Democrats who are celebrating putting the first African-American woman on the Supreme Court have themselves to thank for that because it could have happened 20 years ago.

But in Senate Democrats' way of viewing things, if a Black woman or a Black man or a Hispanic woman or a Hispanic man dared to disagree with leftist orthodoxy, they do not count. Indeed, it was not just Janice Rogers Brown. Democrats also filibustered Miguel Estrada to the DC Circuit. Miguel Estrada, an advocate with superb credentials, was criticized, as the staff for Senator Ted Kennedy wrote at the time in internal memos that they could filibuster ''because he is Hispanic.''

Mr. President, this was before your time and my time in this body.

Here is what Ted Kennedy's staff told them:

> Identify [Miguel Estrada] as especially dangerous . . . because he is Latino.

That is racism—which the Democrats put in writing. If you are Black, if you are Hispanic, we will target you, we will filibuster you, we will block you, and that is what they did. For that matter, that is what Democrats have done for three decades now to Justice Clarence Thomas, one of the greatest Justices to ever serve on the U.S. Supreme Court. And yet, in Democrats' minds, he is not a Black man because he dares disagree with their leftist ideology. It is wrong; it is racist; it is cynical; and it is offensive.

What we should be doing—what every Senator should be doing—is examining Judge Ketanji Brown Jackson's record, her actual record. If you look at her substantive record, it is far out of the mainstream. It is an extreme record. If you look at her record, I believe it demonstrates that Judge Jackson, if she is confirmed, will be the single most liberal Supreme Court Justice ever to serve on the Supreme Court. I believe she will be to the left of Justice Sotomayor; she will be to the left of Justice Kagan; and she will be way, way, way to the left of Justice Stephen Breyer, the Justice she would be replacing.

What does that mean as a practical matter, left and right? Why do the American people care about the Supreme Court? They care because they care about their rights. As a practical matter, what it means—I believe the odds are nearly 100 percent that Judge Jackson would vote to overturn the case of Heller v. District of Columbia.

What is that case? It is the landmark case that upholds the Second Amendment right to keep and bear arms, a fundamental protection for all of us. That case was decided 5 to 4. Judge Jackson, I believe, is a vote to overturn that case to take away our Second Amendment rights, and that means every Senator who votes to confirm her is voting to take away the Second Amendment rights of Americans.

Judge Jackson, I believe the odds are nearly 100 percent that she would vote to overturn the Citizens United case. What is Citizens United? It is a landmark case that protects our right to free speech, our right to speak in the political process to support candidates, to oppose candidates, to express our views, and participate in democracy. Citizens United was 5 to 4, one vote away from being taken away.

By the way, in the Citizens United case, the Obama Justice Department argued that the Federal Government has the power to ban books. The case was 5 to 4. There were four Justices willing to go there. Judge Jackson, I believe, would support the assertions of government power to silence you, to silence me, to silence the men and women we represent.

When it comes to religious liberty, I believe Judge Jackson will vote consistently over and over again against the religious liberty of Americans, against our right to live according to our faith, according to our conscience. One of the most precious rights, the very first right protected in the first clause of the First Amendment of the Bill of Rights—that is what our Framers thought about it—is that without the right to seek out and worship the Lord God Almighty with all of your heart, mind, and soul, no other rights matter. I believe she will consistently vote to undermine that right and, in particular, one of the applications of that right, the context of school choice.

School choice is the civil rights issue of the 21st century. If you care about civil rights, if you care about advancement and opportunity for young kids, for young African-American kids, for young Hispanic kids, there is nothing, nothing, nothing that matters more than school choice. And yet, the Supreme Court, in the case of Zelman v. Simmons-Harris, upheld Ohio school choice program by one vote, 5 to 4. I believe Judge Jackson would vote to overturn Zelman v. Simmons-Harris and vote to strike down school choice programs across the country.

You know, one of the problems with politics today is Members of this body like to avoid accountability for what they are doing. But everyone in this body is on notice that this is a Justice who will vote to take away our free speech rights, vote to take away our religious liberty rights, vote to take away our Second Amendment. And that means every Senator that votes for her cannot avoid responsibility for those lawless outcomes.

When it comes to abortion, Judge Jackson's record is extreme. I believe she would vote to strike down every single restriction across the country on abortion. I believe she would vote to strike down prohibitions on Federal partial-birth abortion, a truly horrific practice opposed by the vast majority of Americans. The Supreme Court upheld the Federal ban on partial-birth abortion by a vote of 5 to 4—one vote away. Judge Jackson, based on her record of being a radical advocate for abortion, will consistently vote to strike down reasonable restrictions.

All of those are extreme positions. But if you want to understand just how extreme, there was one portion of the confirmation hearing that I thought spoke volumes: when Senator Marcia Blackburn asked Judge Jackson, ''What is a woman?''

''What is a woman'' didn't used to be a trick question. One hundred fifteen men and women have served on the Supreme Court, and all 115 of them would have no difficulty whatsoever answering the question, ''What is a woman''—not so Judge Jackson. Judge Jackson's response: I can't define a woman.

''I am not a biologist'' was her defense.

Now, does that really mean that Judge Jackson doesn't know what a woman is? Of course not. What it does show is her sensibility that she is completely in line with the radical left that wants to redefine what a woman is and erase it from the dictionary. You know, yesterday, a reporter stopped me. A reporter from a left-leaning publication said he was asking every Senate Republican on the Judiciary Committee the following question: What is a woman?

You could tell from the expression on his face he thought this was a great ''gotcha'' question.

I looked at him and said: An adult female human.

He looked at me astonished, and he said: Did you look it up? He said, That is actually the dictionary definition.

I said, No. I just speak English. If you would like another definition, how about this one: A Homo sapien with two X chromosomes. For all of recorded history, people have known what a woman is, but Judge Jackson is such a fellow traveler with the radical left that she cannot acknowledge common sense.

There is a reason the radical left groups in this country pressured the Biden White House to nominate Judge Jackson because she was the most extreme of the nominees being considered. There is a reason they pledged billions of dollars to support her confirmation because she is the most extreme of the nominees being considered.

Let me give an example of just how extreme. In the written questions, I submitted a question to Judge Jackson that says:

> The theory that humans possess inherent or inalienable rights is reflected in the Declaration of Independence, which states:
>
> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.

Do you hold a position on whether individuals possess natural rights, yes or no?

Judge Jackson answered—this is in writing:

> I do not hold a position on whether individuals possess natural rights.

That is a radical broad statement. Our country was founded on the quote I just read from the Declaration of Independence, with those words that Thomas Jefferson penned.

We declared our independence from Great Britain. We declared that we were our own Nation. We started a revolutionary war. We drafted a Constitution based on the proposition ''We hold these truths to be self-evident.'' They are not evident to Judge Jackson.

She doesn't hold a position that ''all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty, and the pursuit of Happiness.'' Judge Jackson says she has no position on whether you have a right to life. She has no position over whether you have a right to liberty. She has no position on whether you have a right to the pursuit of happiness.

If you are a modern leftist, if you are a socialist who wants the government to control every aspect of your life, every aspect of your freedom, then a judge who has no view on whether we have natural rights is exactly the kind of judge you want.

By the way, to understand how radical her opinion is, you can look at the Make the Road decision. This is a decision in her court, in the district court, that was challenging the Trump Department of Homeland Security deporting people illegally in this country.

The statute under which the Secretary was removing illegal aliens explicitly gave the Secretary discretion

and said that discretion is unreviewable in Federal courts. It was a clear and explicit authorization and a removal of the authority of Federal courts to second-guess the policy determinations. That didn't stop Judge Jackson at all. She ignored the plain text of the statute. She issued a nationwide injunction to stop the Federal Government from removing illegal aliens. Her decision was so extreme that, on appeal, it was reversed by the Federal Court of Appeals for the DC Circuit unanimously. This is a left-leaning court, with a majority of Democrat appointments, and unanimously, the DC Circuit reversed her because she ignored the plain language of the statute.

But there is no area that is more extreme than Judge Jackson's record on crime. This was the central focus of the confirmation hearing, and her record is far, far, far out of step with the mainstream.

When it comes to crime generally, nationally, the average for Federal judges sentencing criminals is 45.1 months. That is the average sentence nationally. Judge Jackson's average is 29.9 months—33.8 percent less than the national average. If you are a criminal, you want to be in Judge Jackson's court because you are going to get a sentence more than a third less than you will get in the average district court. That is far out of the mainstream.

As you know, there was considerable focus not just on her leniency on criminals, her leniency on violent criminals, her leniency on sexual predators, her leniency on drug dealers, but there was a particular focus on her very disturbing record as it concerns child pornography.

When it comes to child sex offenders, it is a truly grotesque problem we face in this country. I spent a number of years in law enforcement. As the solicitor general of Texas, I worked on many criminal cases. There were no cases that were more disturbing to me personally than the cases where people abused kids, where they hurt kids, the evil, sick predators who carry out unspeakable acts on little children.

I have to say, when I first heard that there was a concern about her record on child pornography, I thought, come on now, that can't possibly be the case. Who is soft on child pornography? That didn't sound plausible. Then I examined her actual record. I examined cases. She had roughly a dozen child pornography cases as a district judge. In every single case where she had discretion, 100 percent of the time where she had discretion, she sentenced the defendant way, way, way below the Federal sentencing guidelines and way, way, way below what the prosecutors recommended, the very liberal DC prosecutors.

Now, when this issue was first raised, the Democrats responded: Well, Federal judges across the country sentence defendants below the sentencing guidelines, especially concerning child pornography. And that claim, insofar as it goes, is true. But her record is not simply sentencing below the guidelines; it is sentencing way, way, way below prosecutors.

Then we examined, how does she sentence in child pornography cases compared to other Federal judges? Let's compare apples to apples. When it comes to possession of child pornography, the national average for all Federal judges is 68 months, a little over 5 years. It is a serious crime with a serious prison sentence. Judge Jackson's average is 29.2 months. Now, note, the national average sentences child porn offenders to a longer sentence than your typical crime. Judge Jackson sentences child porn defendants to a shorter sentence than your typical crime. When it concerns possession of child pornography, it is a 57-percent difference.

But it is even more disturbing in a separate category, and that is distribution of child pornography. Distribution of child pornography, the national average is 135 months—11 years—a long time for a horrific crime. Judge Jackson's average sentence was 71.9 months. That is a full 47 percent less than the national average.

But it is even more egregious than that when you understand that with distribution of child pornography, Congress has passed into law a minimum sentence of 60 months. So Federal judges have no discretion to sentence below 60 months. That is the bare minimum. When you look at that, you realize that judges across the country—and we are not talking just Republican judges; we are talking Democrat judges: Bill Clinton judges, Barack Obama judges, Joe Biden judges—they sentence, on average, 75 months longer than the minimum. Judge Jackson sentences on average 11.9 months longer. It is a consistent and disturbing pattern.

Now, why does she do this? Well, when you sit down and read the transcripts of her sentencing hearings, which I have done, it is disturbing stuff. When you read the transcripts, she is very explicit that she has clear policy concerns.

Under the sentencing guidelines, there is a stricter sentence for child pornography involving very young children. She refuses to apply that. There is a sentencing enhancement for child pornography involving sadomasochistic abuse of children, children being tortured. She refuses to apply that.

If you look at what she has said, she said to the prosecutors—this is a quote from Judge Jackson at a sentencing hearing in United States v. Cane—she said, ''[You are] obviously aware''—she is talking to the prosecutors—''[You are] obviously aware of my policy disagreement. I just think it's very, very hard to deal with number of images as a significant aggravator.''

Now, what does this mean? There are two other aggravators for child pornography. One is use of a computer, and the other is number of images. In case after case, she refuses to apply them.

On use of a computer, she says: Well, at the time the guidelines were passed, this crime was primarily carried out through the mail. Now, everybody does it through a computer, so I am not going to use an enhancement for a computer.

Now, I don't agree with her on that, but I understand that point. That point is not out of the mainstream. But there is another aggravator, an aggravator up to five levels for the number of images, and over and over again, she says she won't apply the number of images.

I asked at her hearing. I said: So you are saying that somebody who has videos of a thousand children being sexually abused and somebody who has an image of one child being abused—that those are the same crimes, that you shouldn't punish the one offender more than the other?

She refused to answer that question.

That is extreme. It is radical, and that is not the law. Her disagreement—I would note, I believe I have 25 minutes, and Senator THUNE extended—had a UC to change the time.

The ACTING PRESIDENT pro tempore. The Senator has used the 25 minutes allotted.

Mr. CRUZ. When it comes to Judge Jackson's record, it is far out of the mainstream. This is a judge who, as a Justice—the odds are 100 percent, I believe, she will vote to strike down the death penalty nationwide, and she will rule repeatedly to release violent criminals, to release murderers, to release sex offenders. This is a pattern that is highly, highly disturbing.

Our Democratic colleagues like to say they don't support abolishing the police. When you nominate and confirm judges who let criminals out of jail, you have the responsibility for the consequences of your actions.

Judge Jackson's record is extreme, and I urge my colleagues to vote against her confirmation.

The PRESIDING OFFICER (Ms. DUCKWORTH). The Senator from Michigan.

Ms. STABENOW. Madam President, first let me say, after listening to my colleague from Texas, if half of what he said I thought was accurate, I would not be supporting Judge Jackson. Fortunately, it is not. So I rise today to urge the Senate to confirm Judge Ketanji Brown Jackson to the United States Supreme Court. I am so excited about her nomination.

Her nomination, we know, is historic—not just because Judge Jackson is eminently qualified for the position. Both Democrats and Republicans agree. In fact, based on her broad range of experience, you could argue she is more qualified to serve on the Supreme Court than any sitting judge. It is not just historic because of the dignified and honorable way she has conducted herself during this entire nomination process. If you think your last job

interview was rough, take a look at hers. Judge Jackson showed incredible grace during more than 20 hours of questioning that at times was incredibly hostile and rude. I would challenge any Member of this Chamber to endure that level of pressure without cracking. I am quite certain I couldn't do it. She is eminently qualified, and we have seen her judicial temperament up close.

What really makes Judge Jackson's nomination historic is this number: 115. One hundred and fifteen. That is how many U.S. Supreme Court Justices have served in our Nation's entire history—115. Out of those 115 Justices, 108 have been White males. Just think about it for a moment. In other words, nearly 94 percent of the Supreme Court Justices in our Nation's history have been White men. That is a very exclusive club.

And like many very exclusive clubs, it has tended to leave a lot of folks out in the cold. In a country as magnificently diverse as ours, that is simply not right, and I am so grateful that President Biden understands this.

The decisions made by the U.S. Supreme Court touch every single American. What does the right to vote truly mean under our Constitution? Freedom of religion; our freedom of speech. How are we as consumers or workers treated under our Constitution? Can a public school district force White students to attend one school while sending Black students to another? Can that same public school district refuse to educate students with disabilities? Can a couple be prevented from marrying and spending the rest of their lives caring for one another because they happen to be gay? And can a State override a woman's right to privacy and force her to continue a pregnancy that puts her own health and future at risk?

These are some of the types of decisions made by the U.S. Supreme Court every day. And when the Supreme Court doesn't look like America, it means that its decisions are less likely to take into account the lives and the needs of all Americans.

The late Justice Ruth Bader Ginsburg had a straightforward answer when she was asked how many women should serve on the U.S. Supreme Court. How many was enough? ''Nine,'' she would say.

Well, we are not quite there yet—but four? I would say that is a pretty good start. And a Black woman Justice? It is about time. It is past time.

You may have seen a wonderful photo making the rounds. It is of Judge Jackson's 17-year-old daughter Leila. It was from the first day of the nomination hearing. Leila is wearing a beautiful lavender suit and sitting behind her mom.

The expression on her face is absolutely priceless. She is looking at her mom with such admiration and pride.

Well, Leila isn't alone. Millions of young Black girls and their moms and their grandmas are looking at Judge Jackson with that same pride and admiration. They have never had someone who looks like them serving on our Nation's highest Court.

And how many of these young girls will see this incredibly accomplished woman and think, ''Hey, that could be me''? I hope they all do.

I will be honored to support Judge Jackson's confirmation. I am excited. I am proud of her. And I urge my colleagues to do the same. It is past time.

I yield the floor.

NOMINATION OF JAMES C. O'BRIEN

Mr. MENENDEZ. Mr. President, I rise today to express my support for the nomination of James O'Brien to be Coordinator of Sanctions Policy at the U.S. Department of State.

At a time when we must keep the pressure on Putin to end his unprovoked, brutal, and illegal war against Ukraine, we need experienced officials at the helm to ensure that we are using every sanctions tool against Russia. As the power of our sanctions has been amplified by working closely with our allies and partners around the world, the long-term success of those efforts will be greatly enhanced by having a Senate-confirmed official in place to ensure that those coordination efforts continue and that we maximize the costs on Russia's economy.

Mr. O'Brien is exactly the type of leader that the Office of Sanctions Coordination needs. And he brings impressive substantive expertise and professional background to this role.

Mr. O'Brien is a former career employee of the State Department and recipient of numerous performance awards. He has served two U.S. administrations as a special envoy, for Hostage Affairs, and for the Balkans. Over the course of his career at the State Department, he has led a large and successful sanctions program and advised on a range of issues, including peace negotiations in Europe, scientific and environmental agreements, and initiatives to investigate and prosecute persons responsible for war crimes.

In addition, Mr. O'Brien has negotiated agreements protecting intellectual property rights for scientific cooperation with China, promoted environmentally sound international trade regulations for hazardous and recyclable materials, and worked to make public-private partnerships and corporate social responsibility an important element in American foreign policy. As the first Presidential Envoy for Hostage Affairs, he helped establish the office and worked for the safe return of 100 American citizens.

I have no doubt that he will bring the same dedication and rigor to advancing and coordinating U.S. sanctions policy as he has his prior roles.

I strongly support confirming Mr. O'Brien. His confirmation will be critical to enhancing our sanctions efforts at this critical time. I urge my colleagues to join me in supporting his nomination, along with all of the foreign affairs nominations pending before this body, to advance our national security interests and improve our representation abroad.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the O'Brien nomination, which the clerk will report.

The bill clerk read the nomination of James C. O'Brien, of Nebraska, to be Head of the Office of Sanctions Coordination, with the rank of Ambassador. (New Position)

VOTE ON O'BRIEN NOMINATION

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

Mr. WHITEHOUSE. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS) and the Senator from New Jersey (Mr. MENENDEZ) are necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Nebraska (Mr. SASSE).

The result was announced—yeas 71, nays 26, as follows:

[Rollcall Vote No. 130 Ex.]

YEAS—71

Baldwin	Heinrich	Romney
Barrasso	Hickenlooper	Rosen
Bennet	Hirono	Rounds
Blumenthal	Hoeven	Sanders
Blunt	Kaine	Schatz
Booker	Kelly	Schumer
Brown	King	Shaheen
Burr	Klobuchar	Sinema
Cantwell	Leahy	Smith
Capito	Luján	Stabenow
Cardin	Manchin	Sullivan
Carper	Markey	Tester
Casey	McConnell	Thune
Collins	Merkley	Tillis
Cornyn	Murkowski	Toomey
Cortez Masto	Murphy	Van Hollen
Crapo	Murray	Warner
Duckworth	Ossoff	Warnock
Durbin	Padilla	Warren
Feinstein	Paul	Whitehouse
Gillibrand	Peters	Wicker
Graham	Portman	Wyden
Grassley	Reed	Young
Hassan	Risch	

NAYS—26

Blackburn	Fischer	Lummis
Boozman	Hagerty	Marshall
Braun	Hawley	Moran
Cassidy	Hyde-Smith	Rubio
Cotton	Inhofe	Scott (FL)
Cramer	Johnson	Scott (SC)
Cruz	Kennedy	Shelby
Daines	Lankford	Tuberville
Ernst	Lee	

NOT VOTING—3

Coons	Menendez	Sasse

The nomination was confirmed.

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

The Senator from Pennsylvania.

NOMINATION OF KETANJI BROWN JACKSON

Mr. CASEY. Mr. President, I rise today to speak on the nomination of Ketanji Brown Jackson to serve as an Associate Justice on the Supreme Court of the United States.

When confirmed later this week, Judge Ketanji Brown Jackson will be the first Black woman on the U.S. Supreme Court in its 233-year history.

Yesterday morning, I had the privilege of meeting with her, and we discussed her judicial methodology as well as her story and her path in the law. Rising up to overcome so many barriers, Judge Jackson's story and her family's story is truly an American story. It is a story of hard work and sacrifice. It is a story of commitment to excellence.

Judge Jackson's academic credentials are impressive: graduating from Harvard College and Harvard Law School with honors from both college and law school.

Her unparalleled professional credentials and the breadth of her legal experience equal or exceed that of any nominee in recent history. She has worked in private practice. She has worked as an assistant public defender—Federal public defender—and as a law clerk at every level of the Federal judicial branch, including a law clerk to Justice Breyer, who is going to be retiring from the Court. Perhaps most important, she has worked as a Federal judge for nearly 10 years, presiding over trials and later hearing appeals.

During our meeting yesterday, Judge Jackson spoke about her career transition from attorney to Federal judge and specifically highlighted how her career as a trial attorney helped her grow into becoming a Federal judge.

Often lost in our discussions regarding Federal judges are the people, the people who are impacted directly by our legal system in our judges' decisions. At its core, our court system, more so than any other institution, is dedicated to the idea that everyone—everyone, not just the wealthy or powerful—should have a fair shot at justice and that no one—no one—is above the law.

The Beatitudes in the New Testament speak to this idea of justice. We have all heard it over and over again:

Blessed are they who hunger and thirst for justice, for they shall be satisfied.

The power—the power—of our judicial system and our judiciary stems from the integrity and the independence of our judges. It stems from their unrelenting commitment to the rule of law and to equal justice for all Americans.

Throughout her career but particularly as a public defender—a Federal public defender—Judge Jackson has fought for a more equitable and a more just America, representing individuals accused of committing crimes and those who cannot afford a lawyer. All of those cases are difficult cases for any lawyer. The lawyer must be committed to upholding a core American value that our legal system must protect all Americans, including defendants, to ensure ''Equal Justice Under Law,'' as is inscribed on the front of the Supreme Court itself.

Judge Jackson has lived this commitment to justice, to equal justice. She understands the awesome power that will be bestowed upon her as a Supreme Court Justice. She has seen firsthand the impact that a judge's decision can have on plaintiffs and defendants alike. It is why Judge Jackson has discussed how, when she was a district judge, she would often take extra care to communicate with defendants in her courtroom to ensure that they understood the complexities of the legal proceedings happening before them. For when a defendant is before the bar of justice, their liberty is at stake, and Judge Jackson wanted to make sure that they understood what was happening before them and what could happen to them.

Her commitment to equal justice is also evident by her impartial rulings and the widespread support she has received from across the political spectrum.

As a district court judge and as a circuit court judge, Judge Jackson has ruled for and against the government, in favor of prosecutors and for criminal defendants, for labor and for business, for civil plaintiffs and defendants.

Her nomination received the support from several Republican Senators, Republican-appointed judges, and former Republican-appointed officials.

She received broad support from law enforcement organizations, including the Fraternal Order of Police, the International Association of Chiefs of Police, and other top law enforcement officials, including former Philadelphia Police Commissioner Charles Ramsey, as well as crime survivors, and other advocates.

Her nomination has received further support from civil rights organizations as well as business organizations.

Of course, Judge Jackson's nomination is about more than simply the great support that she has received and her impeccable credentials. Both are important, but that is not it.

Yesterday morning, after my meeting with Judge Jackson, she was kind enough to meet with several members of my staff who have graduated from law school or who are getting ready to apply to law school, some of whom have been accepted. She offered some salient advice about law school. I won't disclose what it was here, but it was good advice. And she encouraged them to keep going, to persevere.

Now, Judge Jackson is already today, and has been for weeks and months now, an inspiration to tens of millions of Americans. Her graciousness, her humility, and her legal acumen are simply unmatched. Her confirmation to the Supreme Court will also inspire many future generations, those yet to come and not simply future lawyers and advocates. And certainly and particularly, her nomination and her confirmation will be particularly inspiring to young Black women and girls to persevere, as she said to our staff yesterday.

The day of her confirmation will be a good day for America. She lifts our spirits at a very difficult time for our Nation. And while we have a long way to go, Judge Jackson's nomination is an important step to bringing us closer to having our institutions better reflect the great diversity of our Nation as we strive to be a more perfect Union.

I will go back to the Beatitudes again. ''Blessed are they who hunger and thirst for justice, for they shall be satisfied.'' Judge Jackson, I have no doubt, will continue her work to strive for justice, to act with justice, as one of the great hymns tells us. She will do all of this as she discharges her duty as Justice Jackson.

I look forward to voting for her to serve as an Associate Justice on the Supreme Court of the United States of America.

I yield the floor.

The PRESIDING OFFICER (Ms. HIRONO). The Senator from Maryland.

Mr. CARDIN. Madam President, I rise today in strong support of Judge Jackson to be the 116th Justice of the Supreme Court of the United States.

As a Senator, one of the most important responsibilities I have under the Constitution is whether to provide my consent to a President's nomination to the Supreme Court, the highest Court in our land.

The Framers carefully designed our Constitution using an intricate system of checks and balances. The Framers designed the third branch of government, the judiciary, to be an independent branch from the political branches of government: the legislature and the executive branch.

Judges were given the unusual protection—unlike Congress and the President—to have lifetime tenure and to hold their offices during good behavior. Judges, therefore, do not have to fear retribution or loss of their office or diminution of their paycheck if they make an unpopular decision.

So while the Supreme Court must show a healthy respect for the other coequal branches of government, it must, at the same time, preserve its own independence and ultimately interpret the laws and Constitution of the United States. A critical part of the Supreme Court's role is to preserve and protect the Constitution and to make sure that all Americans are treated equally under the law.

The marble entrance of the Supreme Court has etched above it the promise of equal justice under the law for all persons who enter. The Supreme Court must vigorously uphold the civil rights and civil liberties of all Americans and pay special attention to safeguarding and enforcing the constitutional rights

guaranteed in our system of government.

As we know from our history, the Supreme Court has not always protected all Americans and, indeed, in the past has treated some Americans as less equal than others, simply due to their race, religion, or gender, among other factors. So let us remember the preamble to the Constitution, which declares that ''We the People of the United States, in Order to form a more perfect Union, establish Justice''—it is certainly not a perfect union, but I do believe in the words of Dr. Martin Luther King, Jr., that ''the arc of the moral universe is long, but it bends toward justice.''

Americans know that the Supreme Court makes profound decisions every day that impact the lives of people across this country. The Supreme Court regularly tackles so many of the controversial issues of the day that involve issues such as voting rights, criminal justice, labor law rights, environmental protection, and many, many more.

Turning now specifically to Judge Jackson's nomination, she would replace Justice Stephen Breyer on the Court, who, fittingly, she had clerked for after graduating from law school. Judge Jackson has an extremely impressive background and legal credentials and now sits as a judge on the U.S. Court of Appeals for the District of Columbia Circuit, often called the Nation's second highest court.

The American Bar Association's Standing Committee on the Federal Judiciary gave Judge Jackson a unanimously ''Well Qualified'' rating for the Supreme Court, which is its highest rating. The committee notes that to receive this highest rating:

> A Supreme Court nominee must be a preeminent member of the legal profession, have outstanding legal ability and exceptional breadth of experience, and meet the very highest standards of integrity, professional competence and judicial temperament.

Judge Jackson passed all these tests with flying colors during her Senate confirmation process.

I had the privilege of chairing Judge Jackson's first Senate confirmation hearing in 2009, when President Obama nominated her to serve on the U.S. Sentencing Commission. I then had the opportunity to visit with Judge Jackson earlier this month, prior to her confirmation hearing. It was a real pleasure to speak with her. I am familiar with her background and many of her rulings. She is also a former Maryland resident. We had much to talk about, as she had many connections to my State.

Her brother served both as an infantryman and officer in the Maryland Army National Guard, during which he was twice deployed overseas; and he also served as an undercover narcotics recovery officer in the Baltimore City Police Department.

Judge Jackson is eminently qualified. In our meeting, we talked about her personal experience and her commitment to equal justice under the law, especially for those who have had difficulty accessing our legal system. She discussed her work as a public defender and providing defense free of charge to the most vulnerable members of our society. In this work, Judge Jackson carried out the mandate of the Sixth Amendment of the Constitution, which provides that:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial . . . and to have the Assistance of Counsel for his defence.

She talked about her outreach to our next generation, in terms of talking to students in high school and college, as well as our next generation of lawyers in law school. I am often reminded of the words of my dear friend, the late Congressman Elijah Cummings of Baltimore, that ''our children are the living messages we send to a future we will never see.''

I do think Judge Jackson is having an important and ongoing conversation about democracy with our students. I frankly think she will be a powerful role model for so many who will follow in her footsteps—in particular, women and women of color who see Judge Jackson break yet another barrier and glass ceiling at the Supreme Court. These students can believe that, yes, they belong even in the highest Court in the land and the most elite corridors of power in our Nation's Capital.

We discussed the importance of an independent judicial branch of government and protecting the rights of individuals against powerful special interests that would abuse their power. I was impressed with Judge Jackson throughout our conversation.

Judge Jackson exemplifies the American story and experience. Her parents were public schoolteachers, and Judge Jackson said she was inspired to go into law by watching her father study when he was in law school. Raised in Miami, FL, she attended Florida public schools. She then went on to earn her BA magna cum laude from Harvard University and, later, her JD cum laude from Harvard Law School.

She went on to clerk for three different Federal judges: Judge Patti Saris in the District of Massachusetts, Judge Bruce Selya of the First Circuit Court of Appeals, and then Justice Stephen Breyer on the Supreme Court of the United States.

After working in private practice, she joined the U.S. Sentencing Commission as an assistant special counsel before serving as an assistant Federal public defender in Washington. Judge Jackson then returned to private practice again before being nominated in 2009 by President Obama to serve as a commissioner and, later, vice chair of the U.S. Sentencing Commission.

As I noted earlier, I had the privilege to chair this confirmation hearing for Judge Jackson, after which she was unanimously confirmed by voice vote in the Senate in 2010. In this role, I noted that Judge Jackson often worked to find common ground with her fellow commissioners, who brought very different backgrounds and perspectives to the Commission. In particular, Judge Jackson made significant strides to make our criminal justice system and sentencing policy more fair and just.

For example, she worked on a bipartisan basis to effectively implement the Fair Sentencing Act, which addressed the 100-to-1 disparity in the law regarding crack cocaine and powder cocaine, which had led to disproportionate and discriminatory treatment of minorities in our criminal justice system.

I am hopeful that Judge Jackson can use these same skills of finding common ground with individuals from different backgrounds and build a consensus as a Justice on the Supreme Court.

In 2013, President Obama nominated Judge Jackson to serve as the U.S. district judge for the District of Columbia, and again, the Senate unanimously confirmed her nomination by voice vote. As a district court judge, Judge Jackson wrote more than 500 opinions and considered a wide array of issues that would come before the Supreme Court. She has a real breadth of experience here, including cases involving constitutional, civil rights, and national security issues; administrative issues involving Federal Agencies; environmental issues; criminal law and procedure issues; and matters involving government transparency.

On the bench, her record clearly demonstrates that Judge Jackson impartially applies the law and precedent to the facts in a fair and impartial manner, regardless of her own personal views on the subject. Judge Jackson took special care to make sure the parties before her understood her approach to deciding cases, and she issued clearly reasoned decisions.

As Judge Jackson said in her confirmation hearing for the district court circuit, When I worked with clients as a defender, ''[m]ost of my clients didn't really understand what had happened to them. [N]o one really explained to them what they were supposed to expect, so they did not know where things might have gone wrong.''

Therefore, as a judge, Judge Jackson said that she will ''take extra time to communicate with'' the parties. ''I speak to them directly and not just to their lawyers. I use their names. I explain every stage of the proceeding because I want them to know what is going on.''

In reviewing her record, I notice that Judge Jackson's analysis and decision making have led her to rule both for and against the government in different cases, both for and against employers and workers, for and against criminal defendants and prosecutors, based on the merits of the case and her application of the law to the facts of that particular case.

In her confirmation hearing and written answers to questions for the record,

Judge Jackson pledged to support and defend the Constitution and further pledged to rule without fear or favor or prejudice or passion, consistent with her judicial oath. She indicated she understood the limits of the judicial role and the importance of adhering to precedents of the Court.

Just last year, President Biden elevated Judge Jackson to the U.S. Court of Appeals for the District of Columbia Circuit. The Senate confirmed Judge Jackson to this position by a bipartisan vote of 53 voting in favor in an evenly divided Senate.

In that confirmation hearing, Judge Jackson again stressed the importance of courts having ''a duty of independence from political pressure, meaning that judges must resolve cases and controversies in a manner that is consistent with what the law requires, despite the judge's own personal views of the matter, and this is so even with respect to cases and controversies that pertain to controversial political issues.'' She is committed to carrying out her oath as a judge.

She particularly noted that she did not pay attention to who was in the administration when ruling on cases, which is consistent with her case record, ruling both for and against the Trump administration in different cases.

Judge Jackson did a superb job during the recent confirmation hearings, as our Presiding Officer knows, and consistently impressed me with her talents. Not only was she eminently qualified—we already knew about her outstanding qualifications; not only was she in command of all the legal subjects—we knew that she would excel in discussing the law and her job as a judge; but her demeanor in the face of repeated and often outrageous assaults by Republican Members of the Senate truly set her apart. She maintained her judicial temperament throughout this week's hearing and showed why she will be a major factor on the Supreme Court. Judge Jackson's confirmation hearing reinforced to me how critical it will be to have her on the Supreme Court.

Members of the committee unsuccessfully tried to distort Judge Jackson's sentencing record. The record clearly rebuts these charges, as Judge Jackson's sentences are well within the judicial mainstream, and Judge Jackson often followed the recommendations made by the probation office.

The ABA Standing Committee debunked several of these myths when they analyzed Judge Jackson's record as part of their review process before her confirmation hearing.

The ABA testified at the hearing:

> We did speak to various prosecutors and defense counsels for Judge Jackson. . . . None of them felt that she demonstrated bias in any way. . . . One prosecutor said, ''I did not observe any bias, and the Judge was fair to all sides in connection with sentencing in all aspects.'' . . . We asked pointed questions as it related to bias—whether it be to defendants, whether it be to the government, and we found no bias.

That was the ABA.

In terms of the allegations that Judge Jackson is ''soft on crime,'' the ABA testified:

> We heard consistently, from not only defense counsel but prosecutors, how unbiased Judge Jackson is. We heard phrases like ''doing things by the books.'' For example, one prosecutor described the sentencing hearing involving a very high profile, sensitive national security matter. What she said was, it was classic Judge Jackson. . . . What really impressed this prosecutor was that after oral argument, Judge Jackson took a recess, went back to [her] chambers, and when she resumed the bench, came out with a sentence that was more in favor of the government. What more impressed the prosecutor was that the Judge's ruling included arguments that had been made both by the defense and [the] prosecutors during oral arguments. It is not as if she came into the hearing with her mind made up. She listened to what counsel on both sides said and came up with a sentence that the prosecution was quite happy with.

Several prominent law enforcement organizations support Judge Jackson's nomination.

The Fraternal Order of Police wrote:

> From our analysis of Judge Jackson's record and some of her cases, we believe she has considered the facts and applied the law consistently and fairly on a range of issues. There is little doubt that she has the temperament, intellect, legal experience, and family background to have earned this appointment. We are reassured that, should she be confirmed, she would approach her future cases with an open mind and treat issues related to law enforcement fairly and justly.

The International Association of Chiefs of Police supports Judge Jackson's nomination. They wrote:

> [W]hen the IACP chooses to support an individual, we do not take it lightly, and [we] take into careful consideration their background, experience, and previous opinions issued as they relate to law enforcement and criminal justice issues. . . . During her time as a judge, she has displayed her dedication to ensuring that our communities are safe and that the interests of justice are served. We believe that Judge Jackson's years of experience have shown she has the temperament and qualifications to serve as the next Associate Justice on the Supreme Court.

That was the International Association of Chiefs of Police.

Judge Jackson has an unusually broad range of support from law enforcement groups, crime victims and survivors, business associations, and civil rights groups.

Former DC Circuit Judge Thomas Griffith introduced Judge Jackson at her confirmation hearing. Judge Griffith, a President George W. Bush appointee, vouched for Judge Jackson's ''careful approach, extraordinary judicial understanding, and collegial manner. . . . Judge Jackson has a demonstrated record of excellence, and I believe, based upon her work as a trial judge when I served on the Court of Appeals, that she will adjudicate based on the facts and the law and not [in a] partisan [manner].

Former Fourth Circuit Judge Michael Luttig, a President George H. W. Bush appointee who recently advised Vice President Pence, offered a similar endorsement when he wrote that she is ''eminently qualified to serve on the Supreme Court'' and is ''as highly credentialed and experienced in the law as any nominee in [recent] history.''

Her colleagues have given her the highest ratings. Those who know her best, those who have worked with her, give us all great confidence in her qualifications and ability to serve on the Supreme Court.

A group of conservative lawyers—many of whom served in previous Republican administrations—wrote in strong support of Judge Jackson and said:

> While some of us might differ concerning particular positions she has taken as a judge, we are united in our view that she is exceptionally well-qualified, given her breadth of experience, demonstrated ability, and personal attributes of intellect and character. Indeed, we think that her confirmation on a consensus basis would strengthen the Court and the nation in important ways.

It is long past time for the Supreme Court to seat a highly qualified, Black, female attorney as a member. As we strive to provide equal justice under the law to all Americans, she would be only the sixth woman out of 116 Justices to serve on the Supreme Court and only the second woman of color and the first Black woman. A Justice Jackson will bring sorely needed diversity to the Supreme Court, both demographically and professionally.

The Leadership Conference on Civil and Human Rights noted:

> This professional diversity is another critical step in ensuring our courts look more like America. Judge Jackson will be the first justice with any significant criminal defense experience since the retirement of Justice Thurgood Marshall in 1991, and she would be the only Supreme Court justice to have served as a public defender. Public defenders play a [critical] role in our legal system, yet they are vastly underrepresented on the federal bench. At all levels of our judiciary, there are nearly six times as many former prosecutors on the federal bench than former criminal defense lawyers, and just over 5 percent of federal appellate judges have experience as a public defender. . . . Our highest court should reflect the diversity of the legal profession, and Judge Jackson's meaningful experience is greatly needed on our Supreme Court.

I believe that Judge Jackson will faithfully uphold her judicial oath, which contains a special provision whereby judges promise to ''administer justice without respect to persons, and do equal right to the poor and the rich.'' I believe she respects the separation of powers and checks and balances in our system and that she is committed to uphold the civil rights and civil liberties of all Americans.

I will proudly vote to confirm Judge Jackson so she will become Justice Jackson.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

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Ms. CANTWELL. Madam President, I come to the floor to talk about something that is impacting consumers

every day, and that is our supply chain shortage as it relates to semiconductors, or abbreviated here as ''chips.''

I can't emphasize how important this issue is to Americans. It is affecting Americans who can't buy a used car. There is a 41-percent increase over what they would have normally been able to buy. It is really impacting Americans. Why? Because Americans can't get new cars. They can't get new cars because they don't have semiconductors. It is impacting our transportation sector that ships goods. It is affecting our ability on national security. It is affecting our communication systems.

I know that a year ago, we passed this legislation out of the Senate. I am pretty sure that if we would have passed the funding a year ago out of the U.S. Senate and it would have been adopted and gone to the President's desk, we would be in a different supply chain issue today.

I want to ask my colleagues to move quickly at going to conference on this legislation. Reporting indicates that semiconductor shortages may have cost the United States a full percent of economic input-output in 2021. Other reports highlight the fact that the semiconductor shortage is driving inflation. Yet our colleagues don't want to help get us to conference. When you don't have chips, you don't have trucks to drive.

We have an opportunity to invest in American workers and to show international leadership and innovation by going to conference and passing this Innovation and Competition Act.

I want to thank Senator SCHUMER and Senator YOUNG for their work in a bipartisan fashion to get this legislation before us, to help us move it through the process, and now to help us deliver on what is impacting Americans—critical supply chain shortages.

My colleagues have long spoken about the need to reshore our semiconductor supply chain. That is why, when we passed this bill a year ago, we had strong bipartisan support, and we have continued to grow the support for this action.

We are here today, though, to say that if we continue to delay this issue, the investment is going to go somewhere else; that is, companies are trying to figure out how to deal with the shortage. They have a shortage; they want to get going on it. They know that not only is the shortage here today, but we have to double and triple the amount of chip fabrication that we need to do for the future economy. The longer that we don't get at that task, the more this supply chain issue is going to be exacerbated. So our colleagues need to sign up for helping America with a critical supply chain shortage issue and come help us deal with this issue.

I have spoken many times about the importance of semiconductors. We know that the cost of a used car has risen 41 percent since the semiconductor shortage, bringing them almost to the price of a new car. I have heard so many stories from my constituents about this. They just need to get to work. But all of a sudden, going and trying to find a used car or repair their car because they can't afford to get a new or a used car—all of this has had a huge impact. Yet people here don't want to solve that problem of moving forward.

The lack of security in the semiconductor supply chain isn't just affecting automotive industries; it is part of critical agricultural equipment. We are hearing stories now about agricultural equipment that had a chip in it, something has happened, and now you can't fix or replace that because there are no chips to do so. So, literally, our agricultural production is being slowed down, and they may miss growing season because they don't have the semiconductors.

All of these industries are being impacted.

In December of this past year, 59 different company CEOs—Apple, Cisco, Ford, GE Healthcare, and many others—wrote to Congress saying that they supported this important investment in design and research of manufacturing of semiconductors, and they pointed to the domestic vulnerability of our supply chain as the main reason to get this done. They knew that our domestic capabilities were sagging.

Companies like John Deere and other precision agriculture equipment companies depend on those chips to maximize the yield in the field so that our farmers can be fed.

Chip shortages create delays of 40 weeks or more for new equipment and parts needed to repair those of farmers and ranchers and those working in our important agriculture sector.

About two-thirds of the medical technology companies have semiconductors in over half of their products, like ventilators, respirators, and pacemakers. These medtech companies need mature chip technologies and compete with already impacted automotive and industrial sectors. They know what the shortage is about, and yet we continue to delay to go to conference.

If you care about anything in the supply chain and the shortages, then help us go to conference and get this legislation. Medical tech component delays of 1 year or more have been reported. Knowing the hard-fought experiences of the pandemic, we need to have this issue with our healthcare system addressed.

Early on in the pandemic, the aviation industry avoided supply chain experiences that we now see with the autos, and they know how much the safety depends on those chips. But now airlines are having to upgrade and modernize, and they also are seeing the chip shortage. This is coming from lots of different people in the aviation sector.

Space X Starlink, which is a satellite internet service provider, is trying to provide internet service to underserved areas and beneficiaries of some of the investments that we just made in broadband to the very, very hard-to-serve remote areas of our Nation. They say that the semiconductor chip shortage had impacted their ability to fulfill orders.

What more do my colleagues need to know?

We have a supply chain crisis. We have a chip shortage. And now people want to continue to delay going to conference and getting this done.

The aerospace and defense industries are important to our national defense, and they are impacted. In February, the Department of Defense published a report on our vulnerabilities. They said:

> [The] decline in domestic manufacturing represents a substantive security and economic threat for the United States and many [of our] allied nations.

And yet people want to delay.

They also said that U.S. companies are finding it so expensive to build leading-edge chips that they are choosing not to do so, especially in face of the fact they can get foreign subsidies. It is 30 or 40 percent cheaper to build a semiconductor fabrication facility in Asia than it is in the United States. And this is one of the things, I think, our colleagues don't understand; that is, how expensive these facilities are, in the billions of dollars to get done, in the capital investment.

And I know some of my colleagues are concerned that ''Why should we help in this supply chain crisis?'' Well, we know that the United States wants to be a leader in this technology for our own national security issues. As one of my own constituents said, ''if there is a reason we support agriculture for food security, we should support chips for national security.'' I couldn't agree more.

I am not going to see the most advanced chips made by somebody else, threatening us at some point in time that they won't give us the chips that we need for the operations of our economy. We need to build this equipment now, and we need to move forward. American companies know that semiconductor supply chains are vital and that reshoring in the United States now—as we look at how supply chains due to COVID, now due to Ukraine—have caused national security issues. So these companies understand that being more secure by having the supply chain in the United States should be a national priority.

It should have strong bipartisan support. We have companies trying to invest, but they also are saying: Is this legislation really going to get done?

The fact that it was basically passed out of the Senate and now we are delaying in tactics to go to conference is frustrating.

Earlier this year, Intel announced they were investing $20 billion in Ohio to build semiconductor fabrication facilities. The CEO of Intel testified before the Commerce Committee about

the importance of this investment and the importance of this underlying passage of legislation.

He testified that this investment of $20 billion could soon become as big as $100 billion, but not if we don't pass this legislation.

GlobalFoundries announced that it would invest billions of dollars in semiconductor manufacturing equipment in places in the northeast part of the United States, but they too are contingent upon us passing this legislation.

When I think about the workforce that is going to be needed to produce this kind of product or the workforce that is going to be needed in cleaner sources of energy, I know that passing this legislation is key to getting the training and skilling of that workforce underway, right now, as soon as possible.

There is one reason that Apple, one of the largest sellers of smart phones in the world, announced last year that they would have to bring back some of their production to the United States. It is because the government worked to bring leading-edge semiconductor manufacturing into Arizona.

This is about securing leadership in innovation. It is about this ''ah-ha'' moment that everybody around the world has seen, because of COVID and Ukraine, that the security of doing this needs to be done now and invested in the United States.

But some people are still dragging their feet. Congress needs to act now and act swiftly to go to conference, to reconcile these differences, and support this supply chain crisis that is affecting our economy.

Every day that we wait, our companies, our manufacturers, our universities, our workforce are questioning whether we are going to invest in the United States of America. The CEO of Intel told us that Europe has put $49 billion in a chips package, and they had the money available before we had our legislation done. That is right.

People listened to this issue of bringing, for more secure reasons, investment out of Asia and back to the United States, but, yes, Europe listened and went and got the money and got the bill done. That is why some people have said: We are not going to be buying chips in U.S. dollars. We will be buying them in euros.

This is so important. We must get this legislation done. Companies may test their ideas in Europe. Maybe the R&D is in Europe. But is that what we want? We want to be the leaders of this. There is an entire ecosystem in an information age that is about the next generation of advanced chips that leads to the next advanced manufacturing.

If you want our auto makers, if you want our truck makers, if you want the communications technology and the defense people to also have that ecosystem, you have to send this price signal now—that the Congress, the House and Senate, are serious about resolving this issue.

This is not a summertime issue. It is not an after-the-November-election issue. It is a now issue. Show the American consumer that you have concern for their costs and shortages that are plaguing them in all aspects of their lives and get an agreement, and let's go to conference and show Americans that we can work on a bipartisan basis to address the supply chain crisis.

I yield the floor.

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

CORONAVIRUS

Ms. KLOBUCHAR. Mr. President, I come to the floor today on two very important subjects. The first is about an issue that is of vital importance for the United States across economic, security, and humanitarian spheres, and that is vaccinating the world's population.

I think we all have learned in a very hard, hard way the last 2 years that the coronavirus does not respect international borders. It started in China. It came to America. It went all over the world.

Experts have been warning for months that if the virus continues to spread in other parts of the world, new variants could continue to emerge, just as we are emerging and seeing each other again and going to family gatherings and having people and tour groups come into the Capitol. We cannot let our guard down.

American companies have worked with the world to create the most effective vaccines in existence. We put our faith in science, and now we have an incredible vaccine that we can be proud of. And as we continue to ensure that Americans get their shots and their boosters, we know that ending this pandemic is going to require a sustained, multinational approach to getting these lifesaving shots to the rest of the world.

This makes sense from a humanitarian perspective, it makes sense from an economic perspective, and it is just common sense, because we can't let this happen again, and we certainly can't put our heads in the sand and pretend that, just because it is going on in another continent or across the ocean, it won't affect us.

For those in America who have lost loved ones, that couldn't even say goodbye to their loved ones, because they were in a hospital, holding the hand of a nurse, and all they could do was see them in the hospital bed over a Zoom screen or on an iPad, we can't let any of that happen again. And that means that we not only do our work at home and get the vaccines out and the leadership that we have seen out of the White House on that front, but it is also about leading in the world.

The United States has long been a leader in global health programs. President George W. Bush established PEPFAR, which stands for President's Emergency Plan for AIDS Relief. That program saved over 20 million lives and prevented millions of infections. It was a bipartisan effort that was led by President Bush.

The United States has also connected global towns and villages with clean water, thought to prevent malaria, and led efforts to end smallpox and polio around the world. This is our legacy, but we can't rest on our success and the leadership from the past. We have to lead now.

At this point, only about 56 percent of the world's population is fully vaccinated. In nations around the world, the individual rate is much lower. In Nigeria, Africa's most populous country, only 5 percent of people are fully vaccinated. Few people would disagree with the assessment that new variants will continue to form—ask Dr. Fauci—as long as much of the world remains unvaccinated, and that makes every nation vulnerable, including ours.

And we can do this at such a relatively small cost to what the gain will be—the gain in saving lives abroad and in America, the gain in keeping a stable economy around the world, because you know we export to the world, and we know we are interconnected with the world.

So when it comes to beating this virus, we have to recognize that our destiny is linked with the rest of the world. We can't give up this fight. Now is not the time to cut corners. We have suffered enough through this virus, and we have the needed tools to vaccinate a global population. We have the vaccine. We just have to get it to the people that need it.

I will keep fighting to get the resources to get this done. We will work with our colleagues on the other side of the aisle until we get this done and vaccinate the world.

NOMINATION OF KETANJI BROWN JACKSON

Mr. President, a second important topic is in front of us right now, and that is Judge Jackson's nomination to be an Associate Justice of the Supreme Court. I enthusiastically support the nomination of Judge Jackson. I supported it at a recent committee hearing and in our committee vote on Monday. As a member of the Senate Judiciary Committee, I have had the opportunity to spend a lot of time with the judge, in my office for nearly an hour and then watching her persevere—that is a good word—through 2 full days of questions. And I know that she is going to be confirmed by the Senate. And, by the way, I appreciate the support of every Democrat for her nomination, as well as of Senators COLLINS and MURKOWSKI and ROMNEY.

She showed the American people why she is the person to meet this moment in our country's history. She is someone that showed such grace under pressure, as so many people have had to do, by the way, in the last 2 years. She showed herself to be a true person, someone that when asked about how you balanced work with being a mom, she said: We are not all perfect. I can't do everything all the time, but I try my best, and I love my kids.

And she clearly is a shining example of a good mother. She talked about her faith. Even under direct, over-the-top questioning by our colleagues, she kept true to her faith and to her values and to her view of a judge, which is to take the facts and the law and make a decision without fear or favor. She showed the American people why she is the person to meet this moment as the first Black woman nominated to the Court and only the sixth woman in the history of our country.

One hundred fifteen Justices—she is the sixth woman. She will open a door that has been long shut for so many, and she will do it by virtue of her strong presence, her skills, and her experience. She will show little girls and boys across the country that everything is possible.

She was already an inspiration to one 11-year-old girl by the name of Maddi Morgan. I met Maddi's dad when I was on a walk in Washington, DC. He parked his car, sprung out of his car, and showed me the letter that his daughter had written President Biden when President Biden announced that he was going to make a nomination but didn't reveal who it was and was interviewing candidates.

Maddi, his 11-year-old, decided that she would be appropriate for the job. She noted that she would live many more years and so, therefore, would be the longest serving Justice in history. She noted that she could be a voice for kids. She also noted that she lived very close to the courthouse, and she could walk to work all the time.

And then when Judge Jackson was announced by President Biden as the nominee, Maddi said this:

If I'm going to be snubbed, it couldn't be for a better candidate.

So that little 11-year-old girl was sitting in the hearing room watching as a woman who is truly an inspiration to her, Judge Jackson, answered question after question.

And by the way, I am not surprised at some of our Republican colleagues either supporting Judge Jackson or voicing their belief that she is a qualified person and a smart person and someone who deserves to be nominated, even if they, for other reasons, aren't voting for her. I think they are pretty consistent in saying, with the American public, that Judge Jackson is qualified.

In fact, two-thirds of Americans, according to one recent poll, say Judge Jackson should be confirmed.

As we learned during the hearing, Judge Jackson grew up in a family who values public service. Her parents, whom I had the chance to meet, started their careers as teachers. And when Judge Jackson's dad set his sights on becoming a lawyer, her mom figured out how to support the family while he attended law school.

As a lawyer, she balanced work with parenthood. I appreciated hearing about how Judge Jackson would sit with her dad while he was studying the law books and she was doing a coloring book.

She, as someone who has been a Federal public defender—the first with that experience who will be in the room where it happens—but also having many relatives in law enforcement has a unique perspective of the law and a very important respect for people in law enforcement.

Her brother was a police officer who also served in the military. One of her uncles was a detective, and the other uncle was the chief of police for the Miami Police Department.

It was from that family of public servants that Judge Jackson set her sights high.

After graduating from law school, doing very well there, she was a clerk for Justice Breyer. And then as she heads into this nomination after three votes—this will be her fourth vote in front of this Senate with bipartisan support—she will come to the Court with more—with more—judicial experience than four other Justices had when they went on the Court. These are current Justices.

She is the person we need right now. We know that trust in the Court has been fading, and so to have someone that has her legal acumen and background but also to have someone who gets that these decisions aren't just words on a page; that the words on the page and the decisions you make as a judge are connected to real people; they affect whether someone is going to get healthcare; they affect their own healthcare choices; they affect if you are going to have clean water or air; and they affect whether or not you can actually vote and how you can vote and when you can vote and if you can vote—she gets it.

I appreciated her willingness to take so many questions. We talked about antitrust, a subject true to my heart, as well as the importance of the First Amendment and many other detailed questions that she got. And I know a lot of those questions that got attention were the over-the-top ones, the attacks on her, but, nevertheless, the bulk of the questions in that hearing got to true questions about the law and her views and her knowledge of the cases, and she passed every single thing with flying colors.

At this critical moment, Judge Jackson has the qualities to make sure that the Court and the Constitution, in Justice Breyer's words, ''work for the people of today.''

She has a quintessentially American story, and as she put it, her success is a ''testament to the hope and promise of this country.''

I urge my colleagues to embrace the hope and promise of Judge Jackson and the hope and promise of this country.

Vote for her.

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.

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

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

Mrs. MURRAY. Mr. President, I am here to voice my very strong, enthusiastic support for Judge Ketanji Brown Jackson's nomination and to urge all of our colleagues in joining me to vote to confirm her.

Judge Jackson is one of the most exceptional Supreme Court nominees I have met, and I am so excited she is on her way to the Supreme Court. It is incredibly well deserved and incredibly good news for our country.

The bottom line for me is always, can I tell my constituents back home in Washington State that if they ever have a case before this judge, this is someone who will listen, who will understand, and someone who will make a thoughtful, fair decision for them based on the laws of our Nation? And the answer with Judge Jackson is a resounding yes.

It is clear from her record she has the experience. It was clear from her hearing that she has a masterful understanding of the law and a seemingly endless supply of perhaps unwarranted patience.

And I think it is clear to anyone, after a few minutes with her, she has heart, compassion, and a commitment to justice.

So it should be no surprise her nomination was met with wide acclaim, including from prominent Republican lawyers and retired judges appointed by Republican Presidents.

As a professional, Judge Jackson's record doesn't merely check the boxes we have come to expect from our Supreme Court nominees: a clerkship for Justice Breyer, experience as a district court judge and a circuit court judge. She also has experience that is less common to the highest Court in the land, and for that reason, all the more important—like her experience on the U.S. Sentencing Commission, a perspective only the retiring Justice Breyer brought to the Supreme Court or her experience as a public defender, something no other Supreme Court Justice has ever had. This is so important and so long overdue.

Being a public defender means developing an in-depth understanding of the legal needs of everyday people. Judges from these kinds of legal backgrounds can be better equipped to understand the experiences of each person before them to recognize the burden laws often place on people who are living with low income or otherwise marginalized, and ultimately to render more informed, more just decisions.

And Judge Jackson's background is more than simply a resume. It is her perspective growing up as the daughter of two public school teachers, her perspective as a working mother with two daughters of her own, and her perspective as a Black woman working in a profession where stories like hers were few and far between.

I have no doubt that perspective will serve her and the people who come before her well as a Supreme Court Justice.

And while her personal story tells us a lot, the way she gracefully and knowledgeably handled her confirmation hearings shows us even more. During a confirmation process that a few Republicans tried to make incredibly ugly, she showed the kind of poise and patience befitting a U.S. Supreme Court Justice.

Over the course of hundreds of questions, she offered thoughtful answers that demonstrated expert understanding of the law, a carefully considered methodology for how she approaches each case, and an unmistakable commitment to ensuring justice and upholding the liberties of all Americans, not just the powerful and well connected.

And that is so important, especially at a time when so many rights are under attack. We continue to see Republicans pushing through blatantly unconstitutional laws on the right to abortion. We are seeing the tragic consequences of those reckless restrictions every day.

We are also seeing attacks on the rights of workers as they seek to organize or form a union and fight for a better workplace.

We are even seeing attacks on the cornerstone of our democracy—the right to vote—as Republicans have continually pushed through measures to block the ballot box and some even continue to dangerously deny the legitimacy of the last election.

We need a Supreme Court Justice who understands, as Judge Jackson once put it, ''Presidents are not kings;'' someone who understands equal justice is for all, not just the wealthy and the powerful. There are so many critical issues which come before the Court that matter so deeply to the American people—cases about workers' rights or reproductive rights or voting rights or Tribal sovereignty, climate change, gun safety, immigration, and so much more.

My constituents deserve to know the Justices hearing these cases are really going to listen to their concerns, understand their experiences, uphold our Constitution, and defend their rights. They deserve a Justice as thoughtful, compassionate, and committed as Ketanji Brown Jackson.

I first ran for Senate because of the Supreme Court, watching the hearings with Anita Hill. I was frustrated that there was no one on the dais who looked like me, no one asking the questions that I would ask; and for most of the country throughout most of our history, our courts have been the same way. They have not represented the diversity of our Nation—not by a long shot. I am proud to say we are finally fixing that, including in my home State of Washington. And soon, we will take another historic step at the highest level possible. We will vote to put another mom on the Supreme Court.

Ketanji Brown Jackson will make history as the first Black woman to serve on the highest Court in the land, though I am sure she will not be the last, because I know now there are little girls across the country watching as the Senate confirms someone who looks like them to the Supreme Court for the first time ever. They are not just watching history being made; they are watching a barrier fall down, a path open up, and a new future that seems more possible than ever before.

You know, I first ran for office because I watched the Supreme Court process and I was frustrated. Today, I am no less energized, but for a very different reason. Today, I am excited. I am inspired, even. And I hope people across our country watching this are as well.

I hope a future Senator or a future Justice or even a future President is able to talk about what this moment meant to them and what doors Justice Jackson opened for others. I am thrilled to be voting yes on this nomination, and I strongly urge all of our colleagues to do the same.

I yield the floor.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

Mr. BROWN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BROWN. Madam President, it is an honor to support a thoughtful, experienced, historic nominee to our highest Court, Ketanji Brown Jackson.

I met with her yesterday. It was so clear she has the experience, she has the character, she has the commitment to justice needed to be an excellent Supreme Court Justice. We talked about the legacy and the unfinished fight of Dr. King, how we could never forget that he was martyred in Memphis while fighting for the rights of sanitation workers, some of the most exploited workers in segregated America—segregated in Memphis, TN.

Dr. King understood better than perhaps anybody how worker rights and voter rights come together. It is clear that Judge Jackson understands the dignity of work and that the rights of workers are integral civil rights. People think of the Supreme Court as something like an ivory tower detached from people's everyday lives, and we know that decisions these Justices make affect America's workplaces and their paychecks and their safety on the job. That is why it matters so much whom we promote to these jobs.

I am confident that Judge Jackson will be a Justice who protects the rights of all Americans, not just the powerful, not just the privileged. She brings with her a diverse set of experiences and a perspective that has long been lacking from our Nation's highest Courts.

We, of course, know she is the first Black woman nominated to serve on the Court. She is a daughter of a public schoolteacher. She went to public schools herself—not that common, frankly, on the U.S. Supreme Court—and she is a former public defender. The nomination is truly historic.

Her parents attended segregated primary schools, and now, their daughter will ascend to the highest levels of our government. Think about that.

Judge Jackson has a history of bipartisan support. Republicans supported her confirmation to the U.S. Court of Appeals. I am glad a few of my Republican colleagues have recognized those unimpeachable qualifications and are supporting her confirmation this week.

I don't know how anyone could doubt her intelligence, her thoughtfulness, her knowledge of the law, and her commitment to justice. She clerked for Justice Breyer. She has shown she is the ideal nominee to carry on his legacy of building consensus, in listening to all perspectives.

It was an honor to talk with her yesterday and to hear her views. It will be an honor to vote for her later this week.

Over the coming months and years, the Supreme Court is set to make decisions on everything from Ohioans' healthcare to workplace safety to their right to vote. If the Court makes these decisions that affect all Ohioans' lives, I am confident that Judge Jackson understands the importance of equal justice and as a commitment to our Constitution, including civil rights and including worker rights. She will serve Ohioans and all Americans with the same grace and dignity and commitment to our country she has shown over the past several weeks—meeting with Senators, speaking to the President, and in speaking to the Nation through the Judiciary Committee hearings. I urge my colleagues to join me in supporting her confirmation.

The PRESIDING OFFICER. The Senator from Ohio.

DR. MARTIN LUTHER KING, JR.'S LETTER FROM BIRMINGHAM JAIL

Mr. BROWN. Madam President, it is my honor to—this is something I get to do once a year now—it is my honor to join Senator ROUNDS of South Dakota and Senator HIRONO from Hawaii, and then Senator COLLINS later, Senator BALDWIN, Senator ROMNEY, and Senator WARNOCK, to join my colleagues of both parties on the floor to read one of the greatest pieces of writing of the 20th century, Dr. King's letter from the Birmingham jail.

I thank those Senators for joining us. Our former colleague, Senator Doug Jones, began this tradition. He did it in 2019 and 2020. As he left the Senate in late 2020, he asked me to continue the tradition that he began. He would have been here on the floor with us to watch and to listen, but he was called to the White House on his work with Judge Jackson.

This is a bipartisan reading. I very purposely chose three Republican

friends—Senator ROUNDS will go first—and three Democrat friends, followed by Senator HIRONO. And let me just lay out where we are and what we are doing.

It is April 1963. Dr. King was held in the Birmingham Jail for the supposed crime of leading a series of peaceful protests and boycotts in the city of Birmingham, AL. The goal was to put pressure on the business community to end discrimination in their hiring for local jobs. Some White ministers from Alabama would take issue with these boycotts. They said: Slow down, Dr. King. Don't move too fast. We are for voting rights, too. We are for ending discrimination, but don't demand too much all at once.

Dr. King rejected that premise. That is what this letter is about. It is about demanding justice now for people in Alabama whose skin was Black and who simply could not vote because of the color of their skin.

We can't wait around and hope that problems in families' lives will solve themselves. It is up to us as citizens, as leaders, as members of our churches in our communities.

Dr. King made this point more eloquently and persuasively, certainly, than I can. We will begin the reading of the letter with Senator ROUNDS from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. ROUNDS. Madam President, ladies and gentlemen of the Senate: First of all, to my friend and colleague, Senator BROWN, I thank you for the opportunity to participate today, and I hope to do my best to add a feeling of strength to the message that Dr. Martin Luther King shared in his letter.

This is a reading from a ''Letter From Birmingham Jail,'' Dr. Martin L. King Jr., April 16, 1963.

My Dear Fellow Clergymen:

While confined here in the Birmingham city jail, I came across your recent statement calling my present activities ''unwise and untimely.'' Seldom do I pause to answer criticism of my work and ideas. If I sought to answer all the criticisms that cross my desk, my secretaries would have little time for anything other than such correspondence in the course of the day, and I would have no time for constructive work. But since I feel that you are men of genuine good will and that your criticisms are sincerely set forth, I want to try to answer your statement in what I hope will be patient and reasonable terms.

I think I should indicate why I am here in Birmingham, since you have been influenced by the view which argues against ''outsiders coming in.'' I have the honor of serving as president of the Southern Christian Leadership Conference, an organization operating in every southern state, with headquarters in Atlanta, Georgia. We have some eighty five affiliated organizations across the South, and one of them is the Alabama Christian Movement for Human Rights. Frequently, we share staff, educational and financial resources with our affiliates. Several months ago the affiliate here in Birmingham asked us to be on call to engage in a nonviolent direct action program if such were deemed necessary. We readily consented, and when the hour came we lived up to our promise. So I, along with several members of my staff, am here because I was invited here. I am here because I have organizational ties here.

But more basically, I am in Birmingham because injustice is here. Just as the prophets of the eighth century B.C. left their villages and carried their ''thus saith the Lord'' far beyond the boundaries of their home towns, and just as the Apostle Paul left his village of Tarsus and carried the gospel of Jesus Christ to the far corners of the Greco Roman world, so am I compelled to carry the gospel of freedom beyond my own home town. Like Paul, I must constantly respond to the Macedonian call for aid.

Moreover, I am cognizant of the interrelatedness of all communities and states. I cannot sit idly by in Atlanta and not be concerned about what happens in Birmingham. Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly. Never again can we afford to live with the narrow, provincial 'outside agitator' idea. Anyone who lives inside the United States can never be considered an outsider anywhere within its bounds.

You deplore the demonstrations taking place in Birmingham. But your statement, I am sorry to say, fails to express a similar concern for the conditions that brought about the demonstrations. I am sure that none of you would want to rest content with the superficial kind of social analysis that deals merely with effects and does not grapple with underlying causes. It is unfortunate that demonstrations are taking place in Birmingham, but it is even more unfortunate that the city's white power structure left the Negro community with no alternative.

In any nonviolent campaign there are four basic steps: collection of the facts to determine whether injustices exist; negotiation; self purification; and direct action. We have gone through all these steps in Birmingham. There can be no gainsaying the fact that racial injustice engulfs this community. Birmingham is probably the most thoroughly segregated city in the United States. Its ugly record of brutality is widely known. Negroes have experienced grossly unjust treatment in the courts. There have been more unsolved bombings of Negro homes and churches in Birmingham than in any other city in the nation. These are the hard, brutal facts of the case. On the basis of these conditions, Negro leaders sought to negotiate with the city fathers. But the latter consistently refused to engage in good faith negotiation.

Then, last September, came the opportunity to talk with leaders of Birmingham's economic community. In the course of the negotiations, certain promises were made by the merchants—for example, to remove the stores' humiliating racial signs. On the basis of these promises, the Reverend Fred Shuttlesworth and the leaders of the Alabama Christian Movement for Human Rights agreed to a moratorium on all demonstrations. As the weeks and months went by, we realized that we were the victims of a broken promise. A few signs, briefly removed, returned; the others remained. As in so many past experiences, our hopes had been blasted, and the shadow of deep disappointment settled upon us. We had no alternative except to prepare for direct action, whereby we would present our very bodies as a means of laying our case before the conscience of the local and the national community. Mindful of the difficulties involved, we decided to undertake a process of self purification. We began a series of workshops on nonviolence, and we repeatedly asked ourselves: ''Are you able to accept blows without retaliating?'' ''Are you able to endure the ordeal of jail?'' We decided to schedule our direct action program for the Easter season, realizing that except for Christmas, this is the main shopping period of the year. Knowing that a strong economic-withdrawal program would be the byproduct of direct action, we felt that this would be the best time to bring pressure to bear on the merchants for the needed change.

Then it occurred to us that Birmingham's mayoral election was coming up in March, and we speedily decided to postpone action until after election day. When we discovered that the Commissioner of Public Safety, Eugene ''Bull'' Connor, had piled up enough votes to be in the run off, we decided again to postpone action until the day after the run off so that the demonstrations could not be used to cloud the issues. Like many others, we waited to see Mr. Connor defeated, and to this end, we endured postponement after postponement. Having aided in this community need, we felt that our direct action program could be delayed no longer.

Ms. HIRONO.

You may well ask: ''Why direct action? Why sit-ins, marches and so forth? Isn't negotiation a better path?'' You are quite right in calling for negotiation. Indeed, this is the very purpose of direct action. Nonviolent direct action seeks to create such a crisis and foster such a tension that a community which has constantly refused to negotiate is forced to confront the issue. It seeks so to dramatize the issue that it can no longer be ignored. My citing the creation of tension as part of the work of the nonviolent resister may sound rather shocking. But I must confess that I am not afraid of the word ''tension.'' I have earnestly opposed violent tension, but there is a type of constructive, nonviolent tension which is necessary for growth. Just as Socrates felt that it was necessary to create a tension in the mind so that individuals could rise from the bondage of myths and half-truths to the unfettered realm of creative analysis and objective appraisal, so must we see the need for nonviolent gadflies to create the kind of tension in society that will help men rise from the dark depths of prejudice and racism to the majestic heights of understanding and brotherhood. The purpose of our direct action program is to create a situation so crisis packed that it will inevitably open the door to negotiation. I therefore concur with you in your call for negotiation. Too long has our beloved Southland been bogged down in a tragic effort to live in monologue rather than dialogue.

One of the basic points in your statement is that the action that I and my associates have taken in Birmingham is untimely. Some have asked: ''Why didn't you give the new city administration time to act?'' The only answer that I can give to this query is that the new Birmingham administration must be prodded about as much as the outgoing one, before it will act. We are sadly mistaken if we feel that the election of Albert Boutwell as mayor will bring the millennium to Birmingham. While Mr. Boutwell is a much more gentle person than Mr. Connor, they are both segregationists, dedicated to maintenance of the status quo. I have hope that Mr. Boutwell will be reasonable enough to see the futility of massive resistance to desegregation. But he will not see this without pressure from devotees of civil rights. My friends, I must say to you that we have not made a single gain in civil rights without determined legal and nonviolent pressure. Lamentably, it is an historical fact that privileged groups seldom give up their privileges voluntarily. Individuals may see the moral light and voluntarily give up their

unjust posture; but, as Reinhold Niebuhr has reminded us, groups tend to be more immoral than individuals.

We know through painful experience that freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed. Frankly, I have yet to engage in a direct action campaign that was ''well timed'' in the view of those who have not suffered unduly from the disease of segregation. For years now I have heard the word ''Wait!'' It rings in the ear of every Negro with piercing familiarity. This ''Wait'' has almost always meant ''Never.'' We must come to see, with one of our distinguished jurists, that ''justice too long delayed is justice denied.''

We have waited for more than 340 years for our constitutional and God given rights. The nations of Asia and Africa are moving with jetlike speed toward gaining political independence, but we still creep at horse and buggy pace toward gaining a cup of coffee at a lunch counter. Perhaps it is easy for those who have never felt the stinging darts of segregation to say, ''Wait.'' But when you have seen vicious mobs lynch your mothers and fathers at will and drown your sisters and brothers at whim; when you have seen hate filled policemen curse, kick and even kill your black brothers and sisters; when you see the vast majority of your twenty million Negro brothers smothering in an airtight cage of poverty in the midst of an affluent society; when you suddenly find your tongue twisted and your speech stammering as you seek to explain to your six year old daughter why she can't go to the public amusement park that has just been advertised on television, and see tears welling up in her eyes when she is told that Funtown is closed to colored children, and see ominous clouds of inferiority beginning to form in her little mental sky, and see her beginning to distort her personality by developing an unconscious bitterness toward white people; when you have to concoct an answer for a five year old son who is asking: ''Daddy, why do white people treat colored people so mean?''; when you take a cross country drive and find it necessary to sleep night after night in the uncomfortable corners of your automobile because no motel will accept you; when you are humiliated day in and day out by nagging signs reading ''white'' and ''colored''; when your first name becomes [a racial slur], your middle name becomes ''boy'' (however old you are) and your last name becomes ''John,'' and your wife and mother are never given the respected title ''Mrs.''; when you are harried by day and haunted by night by the fact that you are a Negro, living constantly at tiptoe stance, never quite knowing what to expect next, and are plagued with inner fears and outer resentments; when you are forever fighting a degenerating sense of ''nobodiness''—then you will understand why we find it difficult to wait. There comes a time when the cup of endurance runs over, and men are no longer willing to be plunged into the abyss of despair.

Ms. COLLINS.

I hope, sirs, that you can understand our legitimate and unavoidable impatience. You express a great deal of anxiety over our willingness to break laws. This is certainly a legitimate concern. Since we so diligently urge people to obey the Supreme Court's decision of 1954 outlawing segregation in the public schools, at first glance, it may seem rather paradoxical for us to consciously break laws. One may well ask: ''How can you advocate breaking some laws and obeying others?'' The answer lies in the fact that there are two types of laws: just and unjust. I would be the first to advocate obeying just laws. One has not only a legal but a moral responsibility to obey just laws. Conversely, one has a moral responsibility to disobey unjust laws. I would agree with St. Augustine that ''an unjust law is no law at all.''

Now, what is the difference between the two? How does one determine whether a law is just or unjust? A just law is a man made code that squares with the moral law or the law of God. An unjust law is a code that is out of harmony with the moral law. To put it in the terms of St. Thomas Aquinas: An unjust law is a human law that is not rooted in eternal law and natural law. Any law that uplifts human personality is just. Any law that degrades human personality is unjust. All segregation statutes are unjust because segregation distorts the soul and damages the personality. It gives the segregator a false sense of superiority and the segregated a false sense of inferiority. Segregation, to use the terminology of the Jewish philosopher Martin Buber, substitutes an ''I it'' relationship for an ''I thou'' relationship and ends up relegating persons to the status of things. Hence segregation is not only politically, economically and sociologically unsound, it is morally wrong and sinful. Paul Tillich has said that sin is separation. Is not segregation an existential expression of man's tragic separation, his awful estrangement, his terrible sinfulness? Thus it is that I can urge men to obey the 1954 decision of the Supreme Court, for it is morally right; and I can urge them to disobey segregation ordinances, for they are morally wrong.

Let us consider a more concrete example of just and unjust laws. An unjust law is a code that a numerical or power majority group compels a minority group to obey but does not make binding on itself. This is difference made legal. By the same token, a just law is a code that a majority compels a minority to follow and that it is willing to follow itself. This is sameness made legal. Let me give another explanation. A law is unjust if it is inflicted on a minority that, as a result of being denied the right to vote, had no part in enacting or devising the law. Who can say that the legislature of Alabama which set up that State's segregation laws was democratically elected? Throughout Alabama all sorts of devious methods are used to prevent Negroes from becoming registered voters, and there are some counties in which, even though Negroes constitute a majority of the population, not a single Negro is registered. Can any law enacted under such circumstances be considered democratically structured?

Sometimes a law is just on its face and unjust in its application. For instance, I have been arrested on a charge of parading without a permit. Now, there is nothing wrong in having an ordinance which requires a permit for a parade. But such an ordinance becomes unjust when it is used to maintain segregation and to deny citizens the First-Amendment privilege of peaceful assembly and protest.

I hope you are able to see the distinction I am trying to point out. In no sense do I advocate evading or defying the law, as would the rabid segregationist. That would lead to anarchy. One who breaks an unjust law must do so openly, lovingly, and with a willingness to accept the penalty. I submit that an individual who breaks a law that conscience tells him is unjust, and who willingly accepts the penalty of imprisonment in order to arouse the conscience of the community over its injustice, is in reality expressing the highest respect for law.

Of course, there is nothing new about this kind of civil disobedience. It was evidenced sublimely in the refusal of Shadrach, Meshach, and Abednego to obey the laws of Nebuchadnezzar, on the ground that a higher moral law was at stake. It was practiced superbly by the early Christians, who were willing to face hungry lions and the excruciating pain of chopping blocks rather than submit to certain unjust laws of the Roman Empire. To a degree, academic freedom is a reality today because Socrates practiced civil disobedience. In our own nation, the Boston Tea Party represented a massive act of civil disobedience.

We should never forget that everything Adolf Hitler did in Germany was ''legal'' and everything the Hungarian freedom fighters did in Hungary was ''illegal.'' It was ''illegal'' to aid and comfort a Jew in Hitler's Germany. Even so, I am sure that, had I lived in Germany at the time, I would have aided and comforted my Jewish brothers. If today I lived in a Communist country where certain principles dear to the Christian faith are suppressed, I would openly advocate disobeying that country's antireligious laws.

Mr. BROWN.

I must make two honest confessions to you, my Christian and Jewish brothers. First, I must confess that over the past few years I have been gravely disappointed with the white moderate. I have almost reached the regrettable conclusion that the Negro's great stumbling block in his stride toward freedom is not the White Citizen's Counciler or the Ku Klux Klanner, but the white moderate, who is more devoted to ''order'' than to justice; who prefers a negative peace which is the absence of tension to a positive peace which is the presence of justice; who constantly says: ''I agree with you in the goal you seek, but I cannot agree with your methods of direct action''; who paternalistically believes he can set the timetable for another man's freedom; who lives by a mythical concept of time and who constantly advises the Negro to wait for a ''more convenient season.'' Shallow understanding from people of goodwill is more frustrating than absolute misunderstanding from people of ill will. Lukewarm acceptance is much more bewildering than outright rejection.

I had hoped that the white moderate would understand that law and order exist for the purpose of establishing justice and that when they fail in this purpose they become the dangerously structured dams that block the flow of social progress. I had hoped that the white moderate would understand that the present tension in the South is a necessary phase of the transition from an obnoxious negative peace, in which the Negro passively accepted his unjust plight, to a substantive and positive peace, in which all men will respect the dignity and worth of human personality. Actually, we who engage in nonviolent direct action are not the creators of tension. We merely bring to the surface the hidden tension that is already alive. We bring it out in the open, where it can be seen and dealt with. Like a boil that can never be cured so long as it is covered up but must be opened with all its ugliness to the natural medicines of air and light, injustice must be exposed, with all the tension its exposure creates, to the light of human conscience and the air of national opinion before it can be cured.

In your statement you assert that our actions, even though peaceful, must be condemned because they precipitate violence. But is this a logical assertion? Isn't this like condemning a robbed man because his possession of money precipitated the evil act of robbery? Isn't this like condemning Socrates because his unswerving commitment to truth and his philosophical inquiries precipitated the act by the misguided populace in which they made him drink hemlock? Isn't this like condemning Jesus because his unique God consciousness and never ceasing

devotion to God's will precipitated the evil act of crucifixion? We must come to see that, as the federal courts have consistently affirmed, it is wrong to urge an individual to cease his efforts to gain his basic constitutional rights because the quest may precipitate violence. Society must protect the robbed and punish the robber. I had also hoped that the white moderate would reject the myth concerning time in relation to the struggle for freedom. I have just received a letter from a white brother in Texas. He writes: ''All Christians know that the colored people will receive equal rights eventually, but it is possible that you are in too great a religious hurry. It has taken Christianity almost two thousand years to accomplish what it has. The teachings of Christ take time to come to earth.'' Such an attitude stems from a tragic misconception of time, from the strangely irrational notion that there is something in the very flow of time that will inevitably cure all ills. Actually, time itself is neutral; it can be used either destructively or constructively. More and more I feel that the people of ill will have used time much more effectively than have the people of good will. We will have to repent in this generation not merely for the hateful words and actions of the bad people but for the appalling silence of the good people. Human progress never rolls in on wheels of inevitability; it comes through the tireless efforts of men willing to be coworkers with God, and without this hard work, time itself becomes an ally of the forces of social stagnation. We must use time creatively, in the knowledge that the time is always ripe to do right. Now is the time to make real the promise of democracy and transform our pending national elegy into a creative psalm of brotherhood. Now is the time to lift our national policy from the quicksand of racial injustice to the solid rock of human dignity.

You speak of our activity in Birmingham as extreme. At first I was rather disappointed that fellow clergymen would see my nonviolent efforts as those of an extremist. I began thinking about the fact that I stand in the middle of two opposing forces in the Negro community. One is a force of complacency, made up in part of Negroes who, as a result of long years of oppression, are so drained of self respect in the sense of ''somebodiness'' that they have adjusted to segregation; and in part of a few middle-class Negroes who, because of a degree of academic and economic security and because in some ways they profit by segregation, have become insensitive to the problems of the masses. The other force is one of bitterness and hatred, and it comes perilously close to advocating violence. It is expressed in the various black nationalist groups that are springing up across the nation, the largest and best known being Elijah Muhammad's Muslim movement. Nourished by the Negro's frustration over the continued existence of racial discrimination, this movement is made up of people who have lost faith in America, who have absolutely repudiated Christianity, and who have concluded that the white man is an incorrigible ''devil.''

I have tried to stand between these two forces, saying that we need emulate neither the ''do nothingism'' of the complacent nor the hatred and despair of the black nationalist. For there is the more excellent way of love and nonviolent protest. I am grateful to God that, through the influence of the Negro church, the way of nonviolence became an integral part of our struggle. If this philosophy had not emerged, by now many streets of the South would, I am convinced, be flowing with blood. And I am further convinced that if our white brothers dismiss as ''rabble rousers'' and ''outside agitators'' those of us who employ nonviolent direct action, and if they refuse to support our nonviolent efforts, millions of Negroes will, out of frustration and despair, seek solace and security in black nationalist ideologies—a development that would inevitably lead to a frightening racial nightmare.

Ms. BALDWIN.

Oppressed people cannot remain oppressed forever. The yearning for freedom eventually manifests itself, and that is what has happened to the American Negro. Something within has reminded him of his birthright of freedom, and something without has reminded him that it can be gained. Consciously or unconsciously, he has been caught up by the Zeitgeist, and with his black brothers of Africa and his brown and yellow brothers of Asia, South America and the Caribbean, the United States Negro is moving with a sense of great urgency toward the promised land of racial justice. If one recognizes this vital urge that has engulfed the Negro community, one should readily understand why public demonstrations are taking place. The Negro has many pent up resentments and latent frustrations, and he must release them. So let him march; let him make prayer pilgrimages to the city hall; let him go on freedom rides—and try to understand why he must do so. If his repressed emotions are not released in nonviolent ways, they will seek expression through violence; this is not a threat but a fact of history. So I have not said to my people: ''Get rid of your discontent.'' Rather, I have tried to say that this normal and healthy discontent can be channeled through into the creative outlet of nonviolent direct action. And now this approach is being termed extremist. But though I was initially disappointed at being categorized as an extremist, as I continued to think about the matter I gradually gained a measure of satisfaction from the label. Was not Jesus an extremist for love: ''Love your enemies, bless them that curse you, do good to them that hate you, and pray for them which despitefully use you, and persecute you.'' Was not Amos an extremist for justice: ''Let justice roll down like waters and righteousness like an ever flowing stream.'' Was not Paul an extremist for the Christian gospel: ''I bear in my body the marks of the Lord Jesus.'' Was not Martin Luther an extremist: ''Here I stand; I cannot do otherwise, so help me God.'' And John Bunyan: ''I will stay in jail to the end of my days before I make a butchery of my conscience.'' And Abraham Lincoln: ''This nation cannot survive half slave and half free.'' And Thomas Jefferson: ''We hold these truths to be self evident, that all men are created equal . . . '' So the question is not whether we will be extremists, but what kind of extremists we will be. Will we be extremists for hate or for love? Will we be extremists for the preservation of injustice or for the extension of justice? In that dramatic scene on Calvary's hill three men were crucified. We must never forget that all three were crucified for the same crime—the crime of extremism. Two were extremists for immorality, and thus fell below their environment. The other, Jesus Christ, was an extremist for love, truth and goodness, and thereby rose above his environment. Perhaps the South, the nation and the world are in dire need of creative extremists.

I had hoped that the white moderate would see this need. Perhaps I was too optimistic; perhaps I expected too much. I suppose I should have realized that few members of the oppressor race can understand the deep groans and passionate yearnings of the oppressed race, and still fewer have the vision to see that injustice must be rooted out by strong, persistent and determined action. I am thankful, however, that some of our white brothers in the South have grasped the meaning of this social revolution and committed themselves to it. They are still all too few in quantity, but they are big in quality. Some—such as Ralph McGill, Lillian Smith, Harry Golden, James McBride Dabbs, Ann Braden and Sarah Patton Boyle—have written about our struggle in eloquent and prophetic terms. Others have marched with us down nameless streets of the South. They have languished in filthy, roach infested jails, suffering the abuse and brutality of policemen who view them as ''dirty nigger-lovers.'' Unlike so many of their moderate brothers and sisters, they have recognized the urgency of the moment and sensed the need for powerful ''action'' antidotes to combat the disease of segregation. Let me take note of my other major disappointment. I have been so greatly disappointed with the white church and its leadership. Of course, there are some notable exceptions. I am not unmindful of the fact that each of you has taken some significant stands on this issue. I commend you, Reverend Stallings, for your Christian stand on this past Sunday, in welcoming Negroes to your worship service on a nonsegregated basis. I commend the Catholic leaders of this state for integrating Spring Hill College several years ago.

But despite these notable exceptions, I must honestly reiterate that I have been disappointed with the church. I do not say this as one of those negative critics who can always find something wrong with the church. I say this as a minister of the gospel, who loves the church; who was nurtured in its bosom; who has been sustained by its spiritual blessings and who will remain true to it as long as the cord of life shall lengthen.

Mr. ROMNEY.

When I was suddenly catapulted into the leadership of the bus protest in Montgomery, Alabama, a few years ago, I felt we would be supported by the white church. I felt that the white ministers, priests and rabbis of the South would be among our strongest allies. Instead, some have been outright opponents, refusing to understand the freedom movement and misrepresenting its leaders; all too many others have been more cautious than courageous and have remained silent behind the anesthetizing security of stained glass windows.

In spite of my shattered dreams, I came to Birmingham with the hope that the white religious leadership of this community would see the justice of our cause and, with deep moral concern, would serve as the channel through which our just grievances could reach the power structure. I had hoped that each of you would understand. But again I have been disappointed.

I have heard numerous southern religious leaders admonish their worshipers to comply with a desegregation decision because it is the law, but I have longed to hear white ministers declare: ''Follow this decree because integration is morally right and because the Negro is your brother.'' In the midst of blatant injustices inflicted upon the Negro, I have watched white churchmen stand on the sideline and mouth pious irrelevancies and sanctimonious trivialities. In the midst of a mighty struggle to rid our nation of racial and economic injustice, I have heard many ministers say: ''Those are social issues, with which the gospel has no real concern.'' And I have watched many churches commit themselves to a completely other worldly religion which makes a strange, un-Biblical distinction between body and soul, between the sacred and the secular.

I have traveled the length and breadth of Alabama, Mississippi and all the other southern states. On sweltering summer days and crisp autumn mornings I have looked at

the South's beautiful churches with their lofty spires pointing heavenward. I have beheld the impressive outlines of her massive religious education buildings. Over and over I have found myself asking: ''What kind of people worship here? Who is their God? Where were their voices when the lips of Governor Barnett dripped with words of interposition and nullification? Where were they when Governor Wallace gave a clarion call for defiance and hatred? Where were their voices of support when bruised and weary Negro men and women decided to rise from the dark dungeons of complacency to the bright hills of creative protest?''

Yes, these questions are still in my mind. In deep disappointment I have wept over the laxity of the church. But be assured that my tears have been tears of love. There can be no deep disappointment where there is not deep love. Yes, I love the church. How could I do otherwise? I am in the rather unique position of being the son, the grandson and the great grandson of preachers. Yes, I see the church as the body of Christ. But, oh! How we have blemished and scarred that body through social neglect and through fear of being nonconformists.

There was a time when the church was very powerful—in the time when the early Christians rejoiced at being deemed worthy to suffer for what they believed. In those days the church was not merely a thermometer that recorded the ideas and principles of popular opinion; it was a thermostat that transformed the mores of society. Whenever the early Christians entered a town, the people in power became disturbed and immediately sought to convict the Christians for being ''disturbers of the peace'' and ''outside agitators.'' But the Christians pressed on, in the conviction that they were ''a colony of heaven,'' called to obey God rather than man. Small in number, they were big in commitment. They were too God-intoxicated to be ''astronomically intimidated.'' By their effort and example they brought an end to such ancient evils as infanticide and gladiatorial contests. Things are different now. So often the contemporary church is a weak, ineffectual voice with an uncertain sound. So often it is an archdefender of the status quo. Far from being disturbed by the presence of the church, the power structure of the average community is consoled by the church's silent—and often even vocal—sanction of things as they are.

But the judgment of God is upon the church as never before. If today's church does not recapture the sacrificial spirit of the early church, it will lose its authenticity, forfeit the loyalty of millions, and be dismissed as an irrelevant social club with no meaning for the twentieth century. Every day I meet young people whose disappointment with the church has turned into outright disgust.

Perhaps I have once again been too optimistic. Is organized religion too inextricably bound to the status quo to save our nation and the world? Perhaps I must turn my faith to the inner spiritual church, the church within the church, as the true ekklesia and the hope of the world. But again I am thankful to God that some noble souls from the ranks of organized religion have broken loose from the paralyzing chains of conformity and joined us as active partners in the struggle for freedom. They have left their secure congregations and walked the streets of Albany, Georgia, with us. They have gone down the highways of the South on tortuous rides for freedom. Yes, they have gone to jail with us. Some have been dismissed from their churches, have lost the support of their bishops and fellow ministers. But they have acted in the faith that right defeated is stronger than evil triumphant. Their witness has been the spiritual salt that has preserved the true meaning of the gospel in these troubled times. They have carved a tunnel of hope through the dark mountain of disappointment. I hope the church as a whole will meet the challenge of this decisive hour. But even if the church does not come to the aid of justice, I have no despair about the future. I have no fear about the outcome of our struggle in Birmingham, even if our motives are at present misunderstood. We will reach the goal of freedom in Birmingham and all over the nation, because the goal of America is freedom.

Mr. WARNOCK.

Abused and scorned though we may be, our destiny is tied up with America's destiny. Before the pilgrims landed at Plymouth, we were here. Before the pen of Jefferson etched the majestic words of the Declaration of Independence across the pages of history, we were here. For more than two centuries our forebears labored in this country without wages; they made cotton king; they built the homes of their masters while suffering gross injustice and shameful humiliation—and yet out of a bottomless vitality they continued to thrive and develop. If the inexpressible cruelties of slavery could not stop us, the opposition we now face will surely fail. We will win our freedom because the sacred heritage of our nation and the eternal will of God are embodied in our echoing demands. Before closing I feel impelled to mention one other point in your statement that has troubled me profoundly. You warmly commended the Birmingham police force for keeping ''order'' and ''preventing violence.'' I doubt that you would have so warmly commended the police force if you had seen its dogs sinking their teeth into unarmed, nonviolent Negroes. I doubt that you would so quickly commend the policemen if you were to observe their ugly and inhumane treatment of Negroes here in the city jail; if you were to watch them push and curse old Negro women and young Negro girls; if you were to see them slap and kick old Negro men and young boys; if you were to observe them, as they did on two occasions, refuse to give us food because we wanted to sing our grace together. I cannot join you in your praise of the Birmingham police department.

It is true that the police have exercised a degree of discipline in handling the demonstrators. In this sense they have conducted themselves rather ''nonviolently'' in public. But for what purpose? To preserve the evil system of segregation. Over the past few years I have consistently preached that nonviolence demands that the means we use must be as pure as the ends we seek. I have tried to make it clear that it is wrong to use immoral means to attain moral ends. But now I must affirm that it is just as wrong, or perhaps even more so, to use moral means to preserve immoral ends. Perhaps Mr. Connor and his policemen have been rather nonviolent in public, as was Chief Pritchett in Albany, Georgia, but they have used the moral means of nonviolence to maintain the immoral end of racial injustice. As T.S. Eliot has said: ''The last temptation is the greatest treason: To do the right deed for the wrong reason.''

I wish you had commended the Negro sit inners and demonstrators of Birmingham for their sublime courage, their willingness to suffer and their amazing discipline in the midst of great provocation. One day the South will recognize its real heroes. They will be the James Merediths, with the noble sense of purpose that enables them to face jeering and hostile mobs, and with the agonizing loneliness that characterizes the life of the pioneer. They will be old, oppressed, battered Negro women, symbolized in a seventy two year old woman in Montgomery, Alabama, who rose up with a sense of dignity and with her people decided not to ride segregated buses, and who responded with ungrammatical profundity to one who inquired about her weariness: ''My feets is tired, but my soul is at rest.'' They will be the young high school and college students, the young ministers of the gospel and a host of their elders, courageously and nonviolently sitting in at lunch counters and willingly going to jail for conscience's sake. One day the South will know that when these disinherited children of God sat down at lunch counters, they were in reality standing up for what is best in the American dream and for the most sacred values in our Judeo Christian heritage, thereby bringing our nation back to those great wells of democracy which were dug deep by the founding fathers in their formulation of the Constitution and the Declaration of Independence.

Never before have I written so long a letter. I'm afraid it is much too long to take your precious time. I can assure you that it would have been much shorter if I had been writing from a comfortable desk, but what else can one do when he is alone in a narrow jail cell, other than write long letters, think long thoughts and pray long prayers?

If I have said anything in this letter that overstates the truth and indicates an unreasonably impatience, I beg you to forgive me. If I have said anything that understates the truth and indicates my having a patience that allows me to settle for anything less than brotherhood, I beg God to forgive me.

I hope this letter finds you strong in the faith. I also hope that circumstances will soon make it possible for me to meet each of you, not as an integrationist or a civil-rights leader but as a fellow clergymen and a Christian brother. Let us all hope that the dark clouds of racial prejudice will soon pass away and the deep fog of misunderstanding will be lifted from our fear drenched communities, and in some not too distant tomorrow the radiant stars of love and brotherhood will shine over our great nation with all their scintillating beauty.

Yours for the cause of Peace and Brotherhood,

MARTIN LUTHER KING, JR.

I yield the floor.

The PRESIDING OFFICER (Ms. BALDWIN). The Senator from Ohio.

Mr. BROWN. Madam President, thanks to my colleagues, Senator WARNOCK, Senator BALDWIN in the Presiding Officer's Chair, Senator ROUNDS, Senator HIRONO, Senator COLLINS, and Senator ROMNEY for joining me to read these powerful words today.

This tradition began in 2019 when Senator Doug Jones from Alabama, a leader in the civil rights movement, as Senator WARNOCK who just spoke also is—he began this tradition in 2019. And then when he left the Senate in 2020, he asked me to continue and together read these powerful words—a diverse group on the floor today. We come from different backgrounds. We disagree on a number of things. We love this country. We know we can do better for the people who make it work.

In my meeting yesterday with Judge Jackson—soon to be Justice Jackson—we talked about the deep connection between civil rights and workers' rights. Dr. King spoke to labor audiences throughout his life. He preached with a unique eloquence about the inherent dignity of work. He said that

''so often we overlook the work and significance of those who are not in professional jobs, of those who are not in the so-called big jobs . . . Whenever you are engaged in work that serves humanity and is for the building of humanity,'' Dr. King said, ''it has dignity and it has worth.'' He said that ''no labor is really menial unless you're not getting adequate wages.''

I think about the campaign Dr. King waged when he was assassinated. We will never forget that he was martyred in Memphis while fighting for some of the most exploited workers in the country: sanitation workers in segregated Memphis.

We know too many workers face a similar exploitation today. We have seen, over the past 2 years, how many workers corporations call essential but treat as expendable. It is their whole business model.

It is not a coincidence that many of those workers look like the ones for whom Dr. King was fighting for, that they are not the ones in the so-called—his words—''big jobs.''

When on occasion, a company tries to do the right thing when they announce a pay raise or investment in workers, often Wall Street punishes them.

This week, Starbucks—a corporation currently fighting its own workers trying to organize a union—announced they are throwing a bone to workers. The company is going to do a little tiny bit less in executive compensation in the form of stock buybacks this year and do some investment in the workers instead, and their stock price went down. The Wall Street business model doesn't just do nothing for workers—pardon the grammar—it actively discourages investment in workers.

It has to change. Until hard work pays off for all workers, Dr. King's work remains unfinished. That means paying all workers a living wage. Senator WARNOCK is still on the floor, and Senator BALDWIN, the Presiding Officer, are two of the people that fight the hardest for that.

All workers must make a living wage, have more power over their schedule, provide good benefits and safety on the job, and not fight organizing a union. That means all workers get a fair share of the wealth that they create. It means recognizing the dignity of the communities that Black Americans have built over generations. That is how we bring ourselves closer to the society that Dr. King envisioned where all labor has dignity.

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

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

NOMINATION OF KETANJI BROWN JACKSON

Mr. PETERS. Madam President, I rise in support of Judge Ketanji Brown Jackson's confirmation to be an Associate Justice on the Supreme Court of the United States and look forward to proudly voting for her confirmation.

There are few constitutional duties more important in my role as a U.S. Senator than providing the advice and consent on judicial nominations, and this is especially true for the Supreme Court.

As we consider Judge Jackson's nomination before this body, we are on the cusp of a historic, barrier-breaking moment and on the verge of confirming the first African-American woman to serve on the Supreme Court.

This is not only a significant milestone, but a moment to recognize Judge Jackson, who is one of our Nation's brightest legal minds and an incredibly impressive nominee.

Before I talk about Judge Jackson's exceptional experience, her qualifications, and support from all across the legal spectrum, I think it is important to reflect on the critical importance of our Nation's highest Court.

Without question, Supreme Court rulings have a direct and a consequential impact on the lives of Michiganders and all Americans. Issues before the Court include healthcare, women's reproductive rights, workers' rights, environmental protections, voting rights, and many life-or-death decisions that shape the law of the land.

Simply put, the Supreme Court is often the last line of defense for everyday Americans and an important guardian of the Constitution itself.

There is no question that a lifetime appointment to the Supreme Court is a tremendous responsibility, and we must have qualified, committed Justices who will exercise judicial independence—follow the facts—and apply law and precedent fairly and impartially, without regard for their own personal views, partisanship, or politics.

It is clear that on every single measure, Judge Jackson has the credentials, the qualities, the work ethic, and character needed to serve on the Supreme Court. And she will not only bring diversity but a unique life perspective and passion for the law that she developed at a very young age.

Judge Jackson's interest in the law actually started as a preschooler, sitting next to her father while he studied cases for law school, while she worked on her coloring book.

Despite being ambitious and a star student, growing up, Judge Jackson faced resistance. When Judge Jackson told her high school guidance counselor that she was interested in attending Harvard University, the counselor told her that maybe she should set her sights lower than that.

Judge Jackson was not going to be deterred, and she credits her high school debate coach for introducing her to several colleges. And then she went on to graduate magna cum laude from Harvard as an undergraduate and cum laude from Harvard Law School.

This was the beginning of Judge Jackson's distinguished legal career. She clerked for three Federal judges, including Supreme Court Justice Breyer, worked in private practice at prestigious law firms, and has served on the Federal bench on both the district court and the court of appeals, a position she was confirmed to just last year by bipartisan support by this very Senate.

Judge Jackson's experience has also been shaped by representing everyday Americans and hearing their cases. She will be the first Justice who previously served as a Federal public defender, and the only Justice who has served as a member of the bipartisan U.S. Sentencing Commission. She will also bring considerable criminal law experience to the Court.

Her breadth of experience, her record, and temperament were on full display during her Senate judiciary confirmation hearing. Over the course of 24 hours and more than 600 questions, Judge Jackson not only demonstrated why she is qualified to serve on the Supreme Court but also why she was unflappable, even when she faced outrageous—absolutely outrageous—false attacks on her record during the committee hearings.

During this process, Judge Jackson has not only earned bipartisan support for her confirmation but has the backing of diverse voices, including from the American Bar Association, which unanimously gave her its highest rating of ''well qualified.''

Lawyers across the political spectrum, civil rights organization, law enforcement groups, and chambers of commerce have all offered not just support but glowing support for her nomination.

Former George H. W. Bush's appointed Fourth Circuit Judge Michael Luttig called Judge Jackson ''eminently qualified'' and ''as highly credentialed and experienced in the law as any nominee in history.''

Two dozen conservative and former Republican-appointed officials said:

> We are united in our view that she is exceptionally well-qualified, given her breadth of experience, her demonstrated ability, and personal attributes of intellect and character. We think that her confirmation on a consensus basis would strengthen the court and the nation in important ways.

And the International Association of Chiefs of Police said:

> During her time as judge, she has displayed her dedication to ensuring that our communities are safe and that the interest[s] of justice are served. [We believe that] Judge Jackson's years of experience have shown [that] she has the temperament and qualifications to serve as the next Associate Justice of the United States Supreme Court.

After my one-on-one meeting with Judge Jackson last week, I was convinced that she is extraordinarily qualified and prepared to serve on the Supreme Court, particularly at this challenging moment.

This is, without question, a challenging time, not only for the Supreme

Court but also for our democracy, and it is clear that Judge Jackson has the extensive experience and qualifications and temperament and impartiality and fidelity to the law that will undoubtedly serve our Nation exceptionally well.

I am proud to support Judge Jackson as our next Supreme Court Justice, and I urge all of my colleagues to join me in making history.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

UKRAINE

Mr. TUBERVILLE. Madam President, Russia's invasion into Ukraine is changing the global order, the likes of which the world has not witnessed since the end of the Cold War. Vladimir Putin launched an unprovoked and brutal war—one that left the United States and our allies shocked and enraged. The global response to Putin's provocation was a mix of sharp words, hastily delivered weapons, and targeted sanctions, but even as we speak, the actions from the Biden administration are still too weak.

As airwaves were flooded with messages of support and solidarity with Ukraine, one major power was very vocal in their support against Ukraine, and that was China.

China vocally took Russia's side very quickly. The two countries share a land border, but they also issued a statement of solidarity on February 4, just 20 days before the invasion. And there is no doubt that China is looking at the Western response to the war unfolding in Ukraine, and it plans to consume its neighbor, Taiwan, in the same fashion.

Yesterday, an article in the New York Times detailed the lengths China is going to in order to convince its people that their support for Russia is righteous and their hatred of the West is justified. The article goes on to outline China's pro-Putin propaganda, stating:

> Chinese universities have organized classes to give students a ''correct understanding'' of the war, often highlighting Russia's grievances with the West. Party newspapers have run a series of commentaries blaming the United States of America for the conflict.

China's political posturing should be taken very, very seriously. The CCP is building the foundation for its future actions. Since 1949, the Chinese Communist Party has been eyeing Taiwan and patiently waiting. They have not attacked because the United States and other free nations have strengthened the tiny island. That is the essence of deterrence. We want Xi Jinping to look out his window each morning and think: Not today.

Our President's response to Russia's invading Ukraine has not inspired confidence in the Pacific. Joseph Wu, Taiwan's Foreign Minister, recently stated:

> When we watch the events in Ukraine evolving . . . we are also watching very carefully what China may do [to us] in Taiwan.

Alarmingly, the White House is indifferent to the warming relations between China and Russia. When asked about a recent call between President Biden and President Xi, regarding the war in Ukraine, White House Press Secretary Jen Psaki said, in part:

> China has to make a decision for themselves about where they want to stand.

In July, President Biden's climate czar, John Kerry, said that he is ''genuine friends with China'' and continued to praise President Xi.

Let's get this straight. Russia and China both stand against the United States. Neither country is our friend—period. Both seek to expand authoritarian world order and diminish American leadership. The key difference is that Russia is a small bully, but China is a huge, huge threat.

China's growing economy affords its growing ambition. China became the world's largest exporting nation in 2009, and today, China controls the world's supply of titanium, rare earth metals, shipbuilding, and clothing manufacturing, among others.

China seeks to control the South China Sea and all the trade that flows through it. China wants to replace the dollar as the global reserve currency and aims to exceed the military might of the United States.

And there is no secret—there is no secret at all—that China wants Taiwan's semiconductor industry.

Semiconductors power our everyday life. If it has an on-and-off switch, it has a chip. Chips are even found nearly everywhere, from our credit cards to our phones, to the processors in our weapons, and even in our satellites.

For the sake of our national security, we need to increase domestic investment and produce these chips on American soil.

Currently, the Taiwan-based Semiconductor Manufacturing Company is responsible for over 90 percent—90 percent—of these chips, one small, little island.

Over the last decade, China has made investments in their domestic semiconductor industry, but Chinese-produced chips don't match the quality of those in Taiwan.

While Taiwan's semiconductor industry is second to none, American markets have experienced a surge in private sector investment and domestic production.

In the past year alone, private sector investment in domestic semiconductor manufacturing increased to $127 billion, with all signs indicating continued growth and investment in the years to come here in the United States.

And that is the way growth and innovation should happen, through the private sector, not Federal funding. Continued reliance on offshore suppliers for these chips poses too great a threat and risk to the supply chains from the CCP.

As we saw with Putin in the years prior to his invasion of Ukraine, Chinese leaders are clear about their plans for Taiwan.

Just last year, the CCP warned of ''drastic measures'' if Taiwan declares independence. Taiwan is independent. Beijing refuses to recognize and reckon with reality.

To deter Chinese aggression, the United States must have our forces in the Pacific modernized and ready at any time. That is why it was a major win that last year's NDAA secured funding for a robust missile defense system for Guam to counter CCP-launched cruise or ballistic missiles. Guam is our first line of defense from these, home to 160,000 Americans who are forward-deployed to defend the west coast and our country. Guam is the first island to defend.

However, as the CCP has continued to grow its military capabilities over the last decade, our own military has been hampered by cuts to defense spending, leaving our artillery antiquated and our defense capabilities weakened.

President Biden has been no different, offering up disappointing cuts to defense priorities in both of his first two budgets. These cuts most certainly caught the attention of our adversaries. This is yet another example of how sorely out of touch with reality the Biden administration is when it comes to defense. We cannot—we cannot—continue to ask our men and women in uniform to do more with less, especially with China watching everything that we do.

While the world focuses on Eastern Europe, we must remain focused on Beijing. China is watching every move we make with regard to Putin, and they are taking notes.

We cannot allow Vladimir Putin's war to set a dangerous precedent. We must not make the same mistakes with Taiwan that the administration made with Ukraine, and that begins by sending a strong, clear message to our allies and adversaries that America will always be the world's most foremost superpower.

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

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

ENERGY

Mr. CRAMER. Madam President, in poll after poll, most respondents blame President Biden's policies for the increasing inflation and especially higher gas prices.

NBC:

> Biden's job approval falls to the lowest level of his presidency amid war and inflation fears.

In Gallup's poll, which they dubbed ''Americans Offer Gloomy State of Nation Report'' in February—before the

record gas prices at the pumps were even here that we are seeing today—the biggest decline in satisfaction sat squarely with energy policies. In fact, only 27 percent of Americans said they were satisfied with his energy policies.

But, if you ask the Biden administration and congressional Democrats, who seem more interested in finger-pointing than in finding solutions, the culprit changes on a nearly daily basis. First, it was OPEC+ not producing enough oil. Then it was the evil corporations' price gouging at the expense of hard-working American families. Then it was Vladimir Putin's fault with his invasion of Ukraine. Now, it is oil and gas companies sitting on 9,000 leases. Of course, we have come back around today to those greedy oil companies again.

But the 9,000 leases is where I want to spend a little time today and explain the problem with the claim of the 9,000 leases. Let's drill deeper—if you will excuse the expression—into that number to truly understand what is going on here and why this type of rebuttal argument does a total disservice to the American people and our allies abroad.

The first and most fundamental mistake that White House spokesperson Ms. Psaki has made is in using the words ''lease'' and ''permit'' interchangeably. ''Lease'' and ''permit'' are not the same thing. They are not synonymous other than that both are regulatory hurdles required by the Federal Government for a producer to work on Federal lands.

Second, it is important to understand the vast majority—in fact, two-thirds—of oil and gas leases on Federal lands are producing. There are 35,871 total oil and gas leases in effect, with about 66 percent of them producing oil or gas. The rest are going through this abused regulatory process or are being held up in litigation by environmental NGOs. In fact, over 2,200 of the leases are currently in litigation, and if there is one thing that liberals love more than regulation, it is litigation.

Third, a lease does not mean the rented land contains oil and gas. Not all 9,000 of these leases ''not being used'' even contain oil and gas. Producers first have to perform exploratory work to discover whether their leases even contain the minerals that they are after. Oil and gas producers procure multiple leases because they need to mitigate the financial damage which could result from acquiring only dry leases. It is called a robust portfolio, a comprehensive portfolio.

Fourth, before any development on leases can occur, producers and Agencies must navigate this bureaucratic maze—this labyrinth of permitting and environmental laws covered by the Endangered Species Act, the National Historic Preservation Act, and the National Environmental Policy Act, just to name a few, which can take years to complete. Rarely, do these things all get done at the same time. They are never done simultaneously but, rather, consecutively. They each take the number of days they need apart from one another rather than all together.

Fifth, just because a producer obtains a lease and navigates the regulatory hurdles required to permit a well does not mean they can begin extraction. They must first secure adjoining leases for horizontal drilling. You don't just drill a hole straight down anymore and suck the oil straight up from one silo. You have to get leases from the neighborhood. They must secure these leases and then accrue the capital to finance mineral development. It is not done for free, and it is not going to be done cheaply. They have to schedule the rigs, construct access roads, obtain pipeline rights-of-way, establish infrastructure to capture the natural gas, and hire capable workers. All of these steps have been delayed by the administration's roadblocks and Biden's supply chain and labor crisis.

Finally, after obtaining an adequate number of leases clearing all of the regulatory hurdles and planning the logistics of the projects, a company must obtain an approved application for a permit to drill, otherwise known as an APD. There are currently 4,604 Federal APDs awaiting approval from the Bureau of Land Management, BLM, and another 162 APDs on Indian land.

The Biden administration's BLM could approve these permits now and enable companies to move forward with the development to supply much needed domestic energy at home and abroad. However, the BLM is approving them at the slowest rate since the Obama administration—a fact that Ms. Psaki conveniently leaves out when she claims President Biden is doing everything possible to lower gas prices.

In fact, to this specific point, the Bureau of Land Management has State offices in places like Dickinson, ND. They have regional offices in places like Billings, MT. That is where the decisions have been made as to whether the application for a permit to drill becomes a permit to drill—until this administration. They changed that and gave the final authority not to Dickinson, ND, and not to Billings, MT, but rather to Washington, DC—at the very height of power. In fact, it goes all the way to the Deputy Secretary of the Interior.

Now let's look at some of the data on APDs, applications for permits to drill, and the timelines.

In March of 2020, the BLM testified in front of the House Natural Resources Committee about the Trump administration's efforts to improve oil and gas permitting processes. In fiscal year 2019, the BLM approved 3,741 APDs on Federal and Indian lands. The average APD processing time for a single application dropped from 139 days in fiscal year 2016 to just 44 days in fiscal year 2019. In fiscal year 2021, which included 4 months of the Trump administration, APD approval times shot back up to 89 days, doubling the amount of time. This is yet another example of the Trump administration's energy success being eliminated by the Biden administration's incompetence.

The Biden administration approved just 97 permits for oil and natural gas wells across Federal lands in January of this year—a significant plunge from the 643 issued in April of last year. All of the leases in the world don't matter if you can't get a permit to drill on them even if, in fact, there is oil—and you don't even know that for sure.

On top of the regulatory hurdles, industry considerations, supply chain issues, and labor shortages, producers must have certainty that their products can reach the global market. A key aspect of reaching the global market, of course, and reducing the European Union's reliance on dirty Russian gas are the U.S. liquefied natural gas terminals, or LNG export terminals.

As of March 16, 2022, the U.S. Department of Energy had 16 applications pending or under review for increasing U.S. LNG exports. If Secretary Granholm were to sign off on or were to streamline the review of these applications, we could increase our export capacity to help our allies abroad and grow our economy right here at home.

The Biden administration has extended its onshore and offshore oil and gas leasing ban quarter after quarter despite being required by the Mineral Leasing Act to conduct quarterly lease sales. At this point in the Obama administration, they had held 35 onshore lease sales—35 under Barack Obama—and that is not all.

The Biden administration is actively working to starve the fossil fuel industry of financial capital in order to push them out of existence. That is right. They keep talking about the supply and the demand; yet they crush the supply by starving it of the capital that it needs. This is capital-intensive stuff.

In March, the Securities and Exchange Commission released a proposed rule on climate disclosure—climate disclosure. This authority of forcing publicly traded companies to develop and disclose their risks from climate change is not in the purview of the SEC. They don't have the authority to do that. Congress has never passed a law granting them new authority in this space. It only serves to further discourage investment in domestic energy development and to prevent American energy independence, a critical tool for peace and the reduction of global emissions.

Now, isn't that ironic?

The Biden administration is succeeding in its mission to destroy any chance to once again be energy independent. Their radical nominees, actions in the courtroom, regulatory schemes, budget proposals, and foot-dragging exude hostility toward fossil fuels, inflicting a distinct chilling effect on the oil and gas industry.

I have talked to a number of producers in North Dakota, and they are

capital-starved. If the right messages were being sent to the markets, we could pick up another 200,000 to 400,000 barrels of oil per day. In January of 2022—this year—North Dakota produced 1.1 million barrels per day. To put this in context, Europe imports 2.3 million barrels per day from Russia. At North Dakota's peak, we produced 1.5 million barrels per day. North Dakota alone could provide two-thirds of the product Europe imports from Russia. It would be cleaner than Russian oil, and it would lessen Putin's malign leverage over Europe and, really, the rest of the world.

Investors in domestic oil and gas have to receive the right market signals in order to invest their capital. The administration seems to believe energy production is simply a switch you turn on or a valve you turn when you need it. Then, if you don't need it, you just turn it off—no harm, no foul. It is very capital-intensive, as I said, and it is reliant on regulatory certainty. I am not talking about 6 days of certainty or 6 months of certainty but more like 6 years of certainty. No sane energy CEO would invest millions or billions of dollars in a project with the backdrop of an administration that is seeking to ''transition'' them out of existence within months.

Let's take a walk down memory lane on some of the signals this administration has sent to the industry.

First, the President himself said during a campaign stop in 2019:

I guarantee you, I guarantee you we are going to end fossil fuel, and I am not going to cooperate with them.

Well, congratulations, Mr. President. You kept the promise.

Secretary Granholm appeared in a video and called for leaving fossil fuels ''in the ground,'' she said. She then spoke to reporters at the Energy and Environmental Research Center in Grand Forks, ND. It is an exceptional organization at the forefront of promoting carbon capture and other innovative solutions to reduce CO_2 emissions.

During her comments, she proclaimed the United States doesn't—get this now. The Secretary of Energy proclaimed, We don't have ''much moral authority'' to criticize China over its emissions. We, the United States of America, don't have moral authority over China?

Really, Madam Secretary? That is what you believe about the country you serve?

How about the climate czar John Kerry? He flies around the world while making outlandish comments like ''the United States won't have coal in 2030,'' and he discourages the world from buying our products—U.S. energy—while fanning the flames of radicalism and proclaiming Ukrainian war refugees are nothing compared to climate refugees. It is like he is the bishop of the Church of Climatology or something. He has even expressed concern that the pesky war crimes that are going on over there by Vladimir Putin are taking the focus away from the real tragedy: climate change. Then he gets in his jet and flies home.

Meanwhile, recent reports indicate the administration has turned to despots, like Iran and Venezuela, instead of to producers right here in America in order to help bring the Biden inflation under control by producing more of their dirty oil instead of our cleaner production. It makes no sense, and it is offensive to every American worker.

We have a geopolitical opportunity right now to cut Putin's malign influence, and we should be taking full advantage of it. What we ought to be doing is encouraging production not just with our rhetoric but with our actions. Producing more U.S. oil and gas will—believe it or not, proclaim it or deny it as it is the truth—will reduce global greenhouse gas emissions.

Now, if you don't want to take my word for it or trust the extensive studies, science, and documentation of this fact, Biden EPA Administrator Michael Regan, just last week, told the Financial Times that recent calls for increased oil output are compatible—get this now, this is from Biden EPA Administrator Regan—with goals to cut CO_2 emissions.

In fact, he specifically said:

These are not mutually exclusive goals.

Administrator Regan is exactly right. Producing more U.S. oil and gas will reduce the West's reliance on dirtier fuels from our adversaries. Doing so also avoids unilaterally disarming our economy and losing ourselves to a 2050 fantasy that has come straight up to being a 2022 reality. Some in the Biden administration may finally be starting to understand: Energy security is national security and economic security. And so I say: Let's make the world safer, let's make the world cleaner, and let's unleash American energy production.

With that, I yield the floor.

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

NOMINATION OF KETANJI BROWN JACKSON

Mr. SCOTT of Florida. Mr. President, in my 8 years as Governor, I had the opportunity to appoint more than 400 Floridians to the bench. I interviewed thousands of applicants for these seats, and my standards in each of those interviews were the same. I asked them if they understood that they intended to be part of the judiciary and not part of the legislature. And I asked them if they intended to interpret the law and enforce the law but not make new laws. If they couldn't convince me that they believed that was their duty as a member of the judicial branch, then I wouldn't appoint them.

We need qualified jurists committed to fairly and accurately interpreting our Constitution and our laws as they are written, not activist judges who will rewrite the laws according to their own policy preferences.

Now, I have had the chance to meet with Judge Jackson. We had a nice conversation, and she seems like a nice person. But I have very serious concerns about her record as a Federal judge, which includes numerous instances of the type of judicial activism that we cannot and should not tolerate from the Federal judiciary.

The fact is that Judge Jackson has written only two appellate opinions in her current position. So we have no evidence of how she will approach serious constitutional issues as an appellate judge. And she has refused to disclose how she would interpret the Constitution as a Supreme Court Justice, despite being repeatedly and directly asked by Senators on the Judiciary Committee.

And while serving as a district court judge, she had a high rate of being reversed on appeal for applying the wrong legal standards, exceeding her authority, or simply ignoring clear law in her decisions.

And a peek into her history shows an alarming pattern of being weak on sex offenders, including easier sentences in child pornography cases. Judge Jackson imposed sentences that were 47 percent shorter than the national average in cases of child pornography distribution, and 57 percent shorter than the national average in cases of child pornography possession. She has even apologized from the bench when issuing such sentences—not to the victims of those heinous crimes. Of course, they never got an apology. She apologized to the offenders for the ''anguish'' the sentences for their horrific crimes would cause them.

What about the anguish of their victims—innocent children?

These are individuals who harm children. They don't deserve easy sentences or our sympathies.

And this sympathy for child predators has consequences. We recently learned that a child rapist, someone to whom Judge Jackson gave a very lenient sentence, sexually abused another victim after his light sentence. Had Judge Jackson given him the sentence he deserved and the one that the prosecution recommended, he would have been in prison, not out in the streets.

These are crimes that Judge Jackson has the power to prevent, but she has chosen every time to give these gross criminals easier sentences. That is why I have joined Senator HAWLEY to introduce the Protect Act, which protects children from sexual exploitation by enhancing the penalties for possessing child pornography and preventing judges from sentencing offenders below Federal guidelines. Our communities must be protected from sick individuals who exploit and victimize children, and also from liberal activist judges who abuse their sentencing guidelines to let offenders off the hook. Federal sentencing guidelines for these heinous crimes are critical, and we

must ensure guidelines are strictly enforced. I hope the Senate quickly passes this good bill.

We can't have a soft-on-crime Justice on the Supreme Court, and we can't have activist judges in the highest Court in the land.

I also don't think it is too much for the nominee to the highest Court in the land to be able to say what a woman is or to take a stand against partisan Court packing, which even liberal Justices like Ruth Bader Ginsburg and Stephen Breyer have done. We have the right to be concerned and demand answers on behalf of the American people. I think our country deserves better.

That is why I can't support the nomination of Judge Jackson to the Supreme Court. I am committed to giving the American people qualified judges who understand their role in government and who apply the law as it is written, not as they want it to be. It is a simple standard, and it is one that Floridians expect. Unfortunately, based on my best assessment of her record on the bench, that is unfortunately not the case with Judge Jackson.

The Democratic Party needs to understand that the Supreme Court is not just another institution to infiltrate with their leftist ideology. I have no hope that they will, but, until they do, I will continue fighting to uphold the Constitution and ensure that there remains a separation of powers between branches of Government, and that judges who are appointed to the bench understand that they are there to interpret the law, not to make the law.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, throughout 2 days of questioning in front of the Judiciary Committee on which I sit, Judge Jackson proved, without a shadow of a doubt, what we all knew to be true: She is eminently qualified to serve on the Supreme Court of our country.

Judge Jackson has the intellect, the integrity, and the temperament befitting an Associate Justice of the U.S. Supreme Court, and she doesn't have an ideological axe to grind. Judge Jackson is exceptionally qualified and well regarded across the political spectrum.

And yet not a single Republican voted to advance Judge Jackson's nomination out of the Senate Judiciary Committee, and only three Republicans have publicly expressed support for her.

So I ask my Republican colleagues: What is it going to take? What is it going to take to put politics aside to support a nominee like Judge Jackson? Because, clearly, intelligence, extraordinary breadth of experience, and support from prominent conservatives—conservatives—did not suffice. Clearly, a candidate who has support from organizations from across the political spectrum—from the Black and Hispanic U.S. Chambers of Commerce to the National Education Association, with thousands of teachers; to the Fraternal Order of Police, the largest police union—they would not be supporting somebody who is soft on crime—to child advocacy groups that would not be supporting her, either, if she was not being appropriate in her sentencing of child pornography defendants. So even with this breadth of support, she didn't make the cut with the Republicans on the Judiciary Committee. So, clearly, a nominee who was uniformly called ''brilliant,'' ''beyond reproach,'' ''first rate,'' and ''impeccable'' by her colleagues across the Nation was not enough.

So, truly, what will it take?

Sadly, some of my Republican colleagues resorted to unfounded and misleading attacks in an unsuccessful attempt to smear her character. To highlight how ridiculous the attacks around the sentencing of child pornography offenses were, I asked Judge Jackson about the history of the sentencing guidelines for these crimes and the concerns that these guidelines do not reflect what is happening with child pornography offenses.

And these facts bear repeating. A decade ago, the U.S. Sentencing Commission first addressed the issue of sentencing in this area. Even way back then, only 40 percent of convicted offenders were receiving sentences within the guidelines. Now, 10 years later, even fewer offenders are receiving sentences within the guidelines. In 2019, just 30 percent of non-production offenders were sentenced within the guidelines. In the DC Circuit, in which Jackson served, the average goes down to just 20 percent of offenders. This puts Judge Jackson well within the mainstream in her sentencing in this area. She is not an outsider.

I named numerous other judges nominated by President Trump and supported by the Republicans on the Judiciary Committee who have also sentenced offenders to sentences well below the sentencing guidelines. So these judges also expressed concern about how the sentencing guidelines do not reflect the circumstances in the child pornography cases of today.

I will repeat this. Judge Jackson is a mainstream judge. She has issued decisions and sentences similar to other judges across the Nation, including those nominated by both Republicans and Democratic Presidents. Despite some of my Republican colleagues' attempts to distort the truth to get more likes on Twitter, what Americans across the country saw was an incredibly impressive, highly qualified individual demonstrate that she has the intellect and the temperament to serve on our highest Court. Throughout the course of this week, Americans also learned about her character.

I was particularly moved to hear the testimony of an individual who has known Judge Jackson for nearly 38 years—when they were in elementary school. He said, in part:

> Ketanji's incandescent brilliance was obvious to all of us from day one. But even more importantly, she has always been one of the kindest, warmest, most humble and down-to-earth people I have ever met. All this, while still possessing boundless charisma, drive, maturity, and grace.

These qualities, apparently from a young age, have clearly guided her throughout her life and her career, particularly when it comes to treating every single person she encounters with dignity and respect.

During the hearing, I asked Judge Jackson the same two questions on sexual assault and harassment that I ask of all nominees—male and female. In follow-up questioning, I named judges who had committed such misconduct and asked Judge Jackson what she does to ensure her court is a safe and inclusive place to work. After Judge Jackson's hearing concluded, a woman who had clerked for one of the judges I named who had engaged in this kind of harassing behavior reached out to me. And this is a person who had clerked for one of the judges that I had named. During her clerkship with this judge, she endured extreme and pervasive sexual harassment. She came forth publicly about this judge's conduct, an experience she described as ''a harrowing ordeal.''

She went on to a second clerkship, this time for Judge Jackson. In Judge Jackson's court, she said, she was treated like a valued and talented employee who could make meaningful contributions to the law. She says clerking for Judge Jackson was the most meaningful professional experience she has ever had. She stated:

> Judge Jackson is the reason I am still a lawyer. I have no doubt I would have left the profession were it not for the way she treated me the year after my ordeal.

Judge Jackson is exactly the kind of judge and individual we need on the U.S. Supreme Court: experienced, even-handed, with dignity, integrity, and humanity. Moreover, Judge Jackson is not just extremely qualified to serve on the Supreme Court; her nomination is a historic one.

The Supreme Court has existed for over 233 years, and of the 115 Justices in the history of the Court, only 5 of them have been women, only 2 have been Black, and not a single one has been a Black woman. This is the Court that has decided cases that have had sweeping impacts on our lives, including decisions that have solidified rights for LGBTQ-plus people, empowered women, strengthened unions, and more. But this is also the same Court that has throughout the course of history upheld slavery, Jim Crow, and the unlawful internment—incarceration—of Japanese Americans in World War II.

So it is about time. It is about time we have a highly qualified, highly accomplished Black woman on the Supreme Court. It is about time our highest Court better reflects the country it

serves. It is about time that Black women and girls across the country can finally see someone who looks like them sitting on the highest Court, making decisions that will impact their lives—our lives. And they will know that the possibility is there for them.

I close by noting that during the hearing, Judge Jackson told the committee that as a freshman at Harvard, she wondered whether she could fit in or whether she could make it, and a Black woman she didn't know leaned into her as they were walking by, probably in Harvard Yard, and said to Judge Jackson—she wasn't a judge then: ''Persevere.'' That is something that a lot of us can relate to: perseverance, including myself, who came to this country as a poor immigrant kid, persevering to learn the language, to learn the culture of a country I knew nothing about. Judge Jackson being on the Supreme Court would send such a powerful message of perseverance to everyone in this country.

I will be honored to vote to confirm Judge Jackson. I look forward to calling her Justice Jackson.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

COMMENDING AND CONGRATULATING THE UNIVERSITY OF KANSAS JAYHAWKS MEN'S BASKETBALL TEAM FOR WINNING THE 2022 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION BASKETBALL NATIONAL CHAMPIONSHIP

Mr. MORAN. Mr. President, I am on the floor of the U.S. Senate today to congratulate and to commend the University of Kansas men's basketball team on its national championship victory. This is KU's fourth NCAA national championship title, the second under the tenure of Hall of Fame Head Coach Bill Self.

The University of Kansas's men's basketball program boasts a storied history and track record of excellence and success, and the inventor of the game of basketball, Dr. James Naismith, served as the program's first coach.

KU can also now boast having the most NCAA victories of any Division I basketball program in the country in addition to now four—four—NCAA championships.

It is moments like this that Kansans remember forever. Whether you are watching the game from your living room, on the jumbotron at Allen Fieldhouse, or from your favorite hangout on Mass Street, 10, 20, 30 years from now, Kansans from across the country will remember where they were on April 4, 2022, when KU clinched the national title in a nail-biting game against North Carolina's Tar Heels.

It was the KU men's basketball team that inspired me to go to the University of Kansas when I was in high school. I am a first-generation college graduate, and the University of Kansas was probably not the place that most of my peers and friends from my small town in Northwest Kansas went to. But, no, it wasn't because I was recruited to play basketball for the basketball team; it was that I had the opportunity to attend on my first visit to the University of Kansas a basketball game in Allen Fieldhouse. From that one game, I knew this was where I wanted to go to college. The energy and excitement of KU basketball inspired me, encouraged me, caused me to wonder—and I think it is true of countless others, to decide they wanted to be a Jayhawk.

On Monday night, KU rallied to overcome a deficit of 15 points at halftime to beat North Carolina 72 to 69—the largest comeback in an NCAA basketball national championship game. I am not sure what Coach Bill Self—but I am going to ask him—I am not sure what Coach Self said to his players in the locker room during that halftime, but in true Kansas fashion, the KU Jayhawks came back and beat the odds to clinch the championship. The team showed tremendous heart, determination, and resolve in that comeback victory.

KU's Ochai Agbaji scored 12 points and was named ''Most Outstanding Player'' of the Final Four.

Kansas forward David McCormack scored 15 points and had 10 rebounds and made 2 critical baskets late in the game.

Kansas forward Jalen Wilson scored 15 points and had 4 rebounds.

Kansas guard Remy Martin contributed 14 points to help the Jayhawks secure the title.

Kansas guard Christian Braun of Burlington, KS—a smalltown, middle-of-the-State native—scored 12 points and had 12 rebounds, demonstrating to other smalltown athletes like him that they, too, could be a star in the Nation's biggest tournament in college basketball.

Jordan Juenemann, a former walk-on for the Jayhawks men's basketball team from my hometown of Hays, noted that this 2022 championship team might not be the best according to the stats, but they played like a team. They care about the game, and they care about each other. Only a team that sees the glass half full could come back after being down 16 points and clinch the victory. This speaks to the team's perseverance and belief in themselves.

Coach Keith Riley, a basketball coach from Hill City, KS, in the western part of our State—I visited with him the other day, and he pointed out to me the lesson that kids around the State will take away from Monday night: You may not always have all of the best players on the court at the same time, and you may not have all the talent that is out there on that court, but you can still find ways to be successful because of how hard you work.

My guess is that kids, ever since Monday, back home in Kansas and maybe across the country, are in their driveway, they are at the school basketball court, and they are shooting free throws or 3-point shots one after another. It inspires us to know that we can do more, and the University of Kansas basketball team is inspiring kids today to go out and work harder.

I commend these players and the entire Kansas Jayhawks men's basketball team, as well as the coaches and staff, for their hard work which culminated in this victory.

While these young men on the team may be known for their talent on the court, many should be recognized for the adversity they faced off court. Dajuan Harris, KU's point guard, has overcome tremendous loss in his 21 years. He lost both his father and his brother just a few years apart, and Sunday night, he came out and he played for them.

These young men came to college to play some great basketball, but along the way, they are learning how to give back to their community. At Christmastime, this team goes to the local Walmart and purchases Christmas presents for families who might be facing financial hardship. They learn the important lesson of giving back to their community.

Finally, to Coach Bill Self, I know you are probably still feeling that very deep loss—and maybe even more so on Monday night—of your father, who died just recently—Bill Self, Sr.—but you can be sure he is smiling down with pride on you and your whole team. You took his advice. He advised you:

Don't worry about the mules, just load the wagon.

As a graduate of the University of Kansas, as a Kansan, I share the excitement of Jayhawks fans across the world in Sunday night's stunning achievement, and I am pleased to introduce this resolution with Senator MARSHALL to honor this achievement.

To my fellow Jayhawks, ''Rock Chalk.''

Mr. President, I am pleased that on such a bipartisan basis, in cooperation between Republicans and Democrats—something I know Kansans and Americans don't see enough of—this resolution normally would take a few more days than it has taken to get to the U.S. Senate this week. I am pleased that both the Republican and Democrat leadership and their staff worked with us in cooperation to be able to commend the Jayhawks this early this week.

So, Mr. President, as if in legislative session, I ask unanimous consent that the Senate proceed to consideration of S. Res. 578, which is at the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 578) commending and congratulating the University of Kansas

Jayhawks men's basketball team for winning the 2022 National Collegiate Athletic Association Basketball National Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MORAN. With a neighboring Coloradan in the chair and a former part of the Big 12 Conference, Mr. President, I now 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. 578) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

Mr. MORAN. Thank you.

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.

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

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

EXECUTIVE CALENDAR—Continued

NOMINATION OF KETANJI BROWN JACKSON

Mrs. GILLIBRAND. Mr. President, I stand here to proudly support Judge Ketanji Brown Jackson's nomination to the U.S. Supreme Court.

The Nation has had the opportunity to watch Judge Jackson during her confirmation hearing 2 weeks ago and see firsthand the temperament, knowledge of the law, and qualifications she brings to the highest Court in the land. She will be a fair and impartial jurist, just as she has proven herself to be on the district court and on the DC Circuit Court of Appeals.

President Biden made a commitment before he was elected to appoint the first Black woman to the Supreme Court. Judge Jackson's historic nomination is long overdue.

It was in my home State of New York where Constance Baker Motley became the first Black woman to be a Federal judge—in the Southern District.

Having diverse representation on the Court does not mean someone will rule a certain way, and it doesn't mean that is why they deserve to be on the Bench. It is important because it strengthens our institutions. It is critical because it shows who we are as a nation, and it makes a difference to the girls and women across the country, who will now have a role model and know that they can aspire to do the same.

That is why President Biden made that promise because he knew that it was beyond time to ensure the Supreme Court has that representation; and it is clear that Judge Jackson will be a highly qualified Justice to fulfill that promise.

Who we confirm to the Supreme Court matters. While the work of the Court may feel distant from our daily decisions and day-to-day lives, the Supreme Court actually makes key decisions on whether individuals are protected when they go to school, work, or out in public; on who can and how we can cast our votes to determine our elected officials; on whether our future generations will have clean air to breathe, clean water to drink; on who we can choose to marry; and on what decisions women can make about their own bodies and their reproductive future.

The nine Justices on the Supreme Court make important decisions that impact all Americans; and in the Senate, in our advice and consent role, we have a critical role to play in ensuring that we confirm Justices who follow the rule of law and provide equal justice to all.

The perspectives Judge Jackson will bring to the highest Court of the land, both personally and professionally, will have a critical impact on all Americans. Judge Jackson will bring to the Bench significant criminal defense experience as a former public defender. She will also bring nearly a decade of judicial experience to her rulings.

When I met Judge Jackson, I asked her which of her experiences have prepared her most for this moment to serve on the Supreme Court if she was confirmed. She answered by talking about her clerkships, which she completed at each level of the judiciary: the district court; First Circuit Court of Appeals; and for Supreme Court Justice Breyer, whose seat she is being nominated to fill. She talked about how she learned from others how to serve as a judge. She experienced firsthand what it means to fulfill the constitutional requirement of being a member of our Nation's Federal judiciary.

I know that Judge Jackson will bring all of those perspectives and meaningful experiences with her to the Supreme Court, and those are critically needed on the highest Court of our land. It is those experiences and her record that have led to Judge Jackson's nomination receiving broad support—from the civil and human rights community to the law enforcement community and from colleagues in the judiciary nominated by Presidents of both parties, to name just a few. Given the fact that she was confirmed three times before this body with bipartisan support, the Senate should be able to once again confirm her with votes from my colleagues on both sides of the aisle.

I look forward to enthusiastically casting my vote in support of Judge Jackson's confirmation to the Supreme Court of the United States. I urge my colleagues to join me and support her nomination as well.

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.

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

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

Mrs. BLACKBURN. Mr. President, I have come to the floor today to go into a little bit more detail about why I will not be voting for and in favor of Judge Ketanji Brown Jackson's confirmation to the Supreme Court.

Now, as we have all heard and as we appreciate, there is no doubt that Judge Jackson is highly educated; she has an impressive resume; she is cordial; she was very gracious with her time, but as I listened to her responses over a 2-day period of time, I was really dissatisfied with the specifics.

As I got home to Tennessee and talked to Tennesseans, they had wanted to hear specifics from her and were disappointed that she did not come forward with those specifics.

My colleague Senator DURBIN, helpfully, pointed out this morning that Judge Jackson did, indeed, make the rounds up here prior to her hearing. Yes, indeed, she did do that. She came to my office, and we spent about an hour together talking about her record. I, of course, didn't give her a list of questions to study, but I did clue her in on some of the things that I thought were going to be important for us to discuss.

Some are items we had discussed when she came before us for her appellate court hearing. Some of those things we never got a complete answer to, but we needed to get that complete answer. This is a lifetime appointment, and it was disappointing that we did not, even now, get that complete answer.

What I have learned is, normally—as we at Judiciary Committee conduct these hearings for judges for the Federal bench, for Supreme Court nominees—they walk into the hearing room, and they are prepared. They kind of come loaded with their remarks and their answers. They have a general idea of what is going to come their way from different ones of us because we have spent the time meeting with them individually, making certain that they know what is going to be important.

So there is no doubt she knew that I was going to press her on her lack of a clear articulation on a judicial philosophy, and she knew that there were concerns and criticisms of her record and some of the decisions that she had made. She knew that we would ask tough constitutional law questions about abortion, substantive due process, and interstate commerce.

And I know that I—and I think most of my colleagues on the Judiciary Committee—would say that I expect nominees to be familiar with all of these things, to have an opinion and be willing to share that opinion. This is an appointment, as I said a moment ago, a lifetime appointment to the

highest Court in the land. This is not supposed to be an easy process. This is to be tough questions that are appropriately placed. You know, tough questions are not attacks. Tough questions are placed in search of answers—answers for the people we represent. But instead of showcasing what we were told was her extraordinary prowess for the law, Judge Jackson's hearing turned into a showcase of things that she just did not want to talk about.

My Democratic colleagues have spent a lot of time trying to provide cover for her, but the fact of the matter is that at the end of this week, the majority leader will ask us to green-light a Supreme Court nominee who has not articulated a judicial philosophy, who filibustered her way through basic constitutional questions, and who repeatedly pled ignorance of the most controversial items in her record.

We have received Judge Jackson's responses to our written questions, and unfortunately she still is refusing to open a window into her thinking.

I asked her again about her ruling in Make the Road New York v. McAleenan, which focused, in part, on how a judge should interpret a statute that grants an agency ''sole and unreviewable discretion'' under the rules available. When Congress wrote those words, I am sure we believed that ''sole and unreviewable discretion'' meant exactly, precisely that this law was sole and unreviewable.

But rather than focusing on the plain meaning of the text, Judge Jackson took it upon herself to evaluate and reject the DHS rule in question and establish a nationwide injunction.

Well, as we all know, fortunately, the DC Circuit overruled her. But the question remains: How in the world could any judge read those words and decide Congress wanted the opposite result of what Congress specifically said, ''sole and unreviewable''?

But in a show of lack of respect for Congress and what Congress explicitly said because she disagreed with the policy, what did she do? She picked it up; she basically tore up that policy; and she did what she thought—what she thought—was best.

In her written response, Judge Jackson offered no new information, but because she tends to editorialize in her opinions, we can still glean some insight from what she had to say about the DHS case. She suggested that the Department of Homeland Security's position was a ''terrible proposal'' that ''reeks of bad faith'' and ''demonstrates contempt for the authority that the Constitution's Framers have vested in the judicial branch.''

Those are her words.

I think that language might give us a hint as to why she ignored the statutory text. In Tennessee, Tennesseans look at that and say: Well, that is the work of an activist judge. They are trying to legislate from the bench. They didn't like what Congress did, so they said: We are going to pick it up; we are going to toss it out; we are going to do what we think that policy ought to be. That was the effect of that ruling because she ignored the statuary text.

I have lingering questions about other times Judge Jackson has used this type of rhetoric to signal her policy disagreements. Again, Tennesseans say that is judicial activism.

During the height of the COVID–19 pandemic, she used a written judicial opinion to advocate for the mass release of all 1,500 criminals in the custody of the DC Department of Corrections. That is right, the release of all 1,561 detainees—all of them.

During her hearing, she claimed she was merely repeating one of the attorney's arguments, but we went back and we read the opinion. And when we read the opinion, it is very clear: That was not accurate.

If you take her words at face value, you will get the impression that she believes a mass release—a mass release of detainees, of criminals—a mass release is appropriate during the pandemic. So if you look at our past pandemics and if you say, ''Well, a pandemic is going to come around; we are going to have something every 5 or 10 years,'' I think it is reasonable to question her judgment on this. What happens when you have the next Spanish flu or the next SARS? What happens the next time there is a pandemic? I think American citizens, I think Tennesseans want an answer on that. Why would someone think, ''Open the doors and release them,'' and then lament that they are not able to release all of them?

I have questions about her record of being lenient with criminals. Over the course of her career, Judge Jackson has developed a disturbing habit of granting leniency to dangerous criminals. She released a man who murdered a U.S. marshal and gave a reduced sentence to a criminal who was known for attacking police officers. She undersentenced child porn offenders at every available opportunity—not once or twice but every time. If the guidelines gave her discretion, she used it to go easy on pedophiles.

She looked for ways to go easy on dangerous drug offenders and, at one point, she actually apologized to a self-described fentanyl ''kingpin'' for his harsh sentence. That is of concern. It is of concern to many moms whose top issues right now are inflation, open borders, crime in the streets. They are worried about that. They are worried about what is happening.

She had the opportunity to clear this up, but at no point did she offer a reassuring explanation of why she so consistently used her discretion to tip the scales not in favor of victims but tipping those scales in favor of criminals.

On this point, we are not questioning her methodology; we are questioning her judgment.

When I was back home in Tennessee this weekend, everyone wanted to talk about Judge Jackson's inability to define the word ''woman.''

The media has spent a great deal of time mocking that question, and I will tell you, that is quite all right because out there in the real world, people care about how she chose to respond to that question. Their position is that if the media felt justified in mocking the very fact that I did ask that question, why did Judge Jackson have so much trouble answering that question? As my colleague Senator CRUZ mentioned this morning, we have journalists today running around the Capitol, demanding that Republican Senators answer the question. Why aren't they asking the same of Judge Jackson?

Every day, Tennesseans are subjected to this assault on common sense, and they are not interested in playing along with this. Why, they want to know, is the left so terrified to confront how the American people define the word ''woman'' and ''womanhood''? And why would my Democratic colleagues continue to prop up a nominee who squandered her hearing by dodging questions and claiming ignorance of her very own record?

Tennesseans aren't interested in playing politics. They just want the Democrats to reveal what rule book they are using because Tennesseans want to see constitutionalist judges on the bench. They want people to call balls and strikes. They want people who believe in equal treatment under the law, equal justice for all.

They see what is happening in our country. It is frightening to them. For a long time now, radical activists have wanted to handpick a Supreme Court Justice. Some of these dark money groups that are all there helping the left, they said: Give us your money. We will make certain there are Federal judges and a Supreme Court Justice who are progressive.

In the meantime, we have seen them make inroads in the media, on school boards, and in some of the country's most respected universities.

So Tennesseans are very familiar with what happens when activism begins to replace common sense. They are very familiar with the tactics of the left that continue to try to diminish freedoms of individuals and give that power to the government. That is why they want constitutionalists on the Court, not activist judges who are there to take up arms in the culture war. They don't want an agenda. They don't want to hear about a methodology. They want proof that Judge Jackson has a vision for America that is rooted in the Constitution. They want to have proof that this is somebody who believes in preserving our faith, our families, our freedoms, preserving hope and opportunity for all. They want somebody who is going to say: I believe in the American dream, and I am going to preserve the right for every girl and boy to live their version of the American dream.

Unfortunately, just like the President who nominated her, Judge Jackson has provided no evidence of that vision. I am a ''no'' vote on her confirmation.

I yield the floor.

The PRESIDING OFFICER (Ms. SMITH). The Senator from Oregon.

Mr. WYDEN. Madam President, I have already announced that I intend to support Judge Jackson's nomination. Her character and her qualifications are unassailable, but, unfortunately, that hasn't stopped a number of Senate Republicans from treating her disgracefully. Too often, behavior in the hearings was simply shameful.

It doesn't have to be this way, and it wasn't always this way. For example, even though I disagreed with him on plenty of issues, I voted for Chief Justice John Roberts, and he was treated very fairly by Democrats. Serious questions were asked and answered, and there wasn't anything resembling the over-the-line, juvenile theatrics like those shown for Judge Jackson.

Things changed when President Obama's final nomination was stolen by Republicans. They refused to even hold a hearing or consider the sitting President's nominee on just fabricated grounds.

Democrats are trying to maintain a sharp focus on legal questions and personal qualifications. Faced with sideshows and personal attacks, we stuck to issues. What was particularly striking about those attacks was they were attacks against somebody whom Senate Republicans had voted for unanimously when she was nominated to a lower level court.

My view is, the radicalization of the Court and the nominations process are just poisonous to our democracy, but that was what was on display when Republicans attacked Judge Jackson.

I want to start setting the record straight on several of the key issues.

First, Judge Jackson is squarely within the sentencing norm for cases involving child sexual abuse material. She was smeared anyway as going soft on predators. It was a gross and baseless accusation, more of a dog whistle to conspiracists than an attempt at honestly vetting a nominee. Even the National Review—nobody's idea of a liberal publication—published a column that called the comments of our colleague from Missouri, Senator HAWLEY—it called his attack ''meritless to the point of demagoguery.'' Those were the words of the National Review.

The fact is, on this hugely important issue, the whole question of kids' safety, as the Presiding Officer of the Senate knows, there is a big difference between talking about protecting child victims and actually doing the work. Far too many of our Republican colleagues just come down on the wrong side of the divide.

It is absolutely right that government at every level has failed to protect kids from exploitation online. That failure has a lot of causes. One is that the Justice Department, for reasons I will never understand, has consistently declined to put enough manpower and funding behind protecting these vulnerable kids. Another reason is that Members of Congress talk a really big game, but when there is serious legislation to protect vulnerable kids, they disappear.

Now, I have proposed an alternative. It is the Invest in Child Safety Act. It puts serious funds into tracking down the child predators and prosecuting these god-awful monsters and protecting the kids they target and abuse. It would create a new executive position, to be confirmed by the Senate, to raise this level of protecting kids and strengthen oversight.

Now, instead of supporting that legislation, where we put real prosecutors and real investigators to the task of protecting our kids, putting more law enforcement on the beat, a number of Senate Republicans spend their days going after section 230 of the Communications Decency Act. So, yet again, vulnerable kids are being used as pawns by politicians to advance their agenda.

I simply believe that child abuse and exploitation is too serious an issue for U.S. Senators to cheapen it with baseless accusations and ill-conceived legislation. This is the last subject—protecting our kids—that elected officials ought to be playing politics with.

WOMEN'S HEALTHCARE

Madam President, I am going to use the remainder of my time to discuss another issue that came up often in the debate, and that is the right of American women to control their bodies. I am talking here about Roe v. Wade.

The Supreme Court has effectively overturned Roe already when you look, for example, at the various States. The Court has overturned Roe for millions and millions of people. They did it on the shadow docket by allowing an obviously unconstitutional bounty law in Texas to go into effect. Now States all over the country are passing similar laws, and in some States, they are going even further to restrict the fundamental right of women to control their own bodies.

The fact of the matter is, this debate is not just about Roe. It is becoming commonplace for Republicans to say out in the open that the Supreme Court ruled incorrectly in Griswold v. Connecticut, the 1965 case that affirmed the right of married people to use contraception. That is what this debate has become all about—not just the right to a safe and legal abortion; it is about rolling back the right to birth control.

Republicans are saying that the case that affirmed the right to use birth control was wrongly decided. That is what our colleague from Tennessee who just spoke said ahead of the hearings on Judge Jackson's nomination.

It is enough to leave you wondering: What year is this? What century is this?

Connecticut's ban on contraception was based on a Federal law from the 1870s, a law from a time when women's rights were few. They couldn't even vote.

For Connecticut to have that kind of law on the books in 1965 was a ridiculous infringement on the liberty and body autonomy of American women. Estelle Griswold, the women's rights activist whose name is atop the case, once half-joked that the State would have to ''put a gynecological table at the Greenwich toll station'' to prevent women from going to New York to get the contraception they needed.

But the history in Connecticut shows, as is often the case, this old restriction on personal liberty fell hardest on women without means, even when the law was badly out of date.

The Supreme Court ruled correctly when it struck down Connecticut's law in 1965. To say otherwise is appalling and alarming. The Court recognized that the government ought to stay out of people's private decisions about family planning. A few years later, the court correctly applied the Griswold precedent to single women. A year after that came Roe.

These cases are linked. Put together, the attacks on Roe, and now Griswold, they are about letting the government control when somebody decides to start a family. We are talking about rolling back 80 years of basic human rights.

Prior to her appointment on the Supreme Court, Ruth Bader Ginsburg wrote in these debates over Roe:

> Also in the balance is a woman's autonomous charge of her life's full course . . . her ability to stand in relation to man, society, and the state as an independent, self-sustaining equal citizen.

When the Court upheld Roe in 1992, the majority ruled that ''[t]he ability of women to participate equally in the economic and social life of the Nation has been facilitated by their ability to control their reproductive lives.''

If women can't legally obtain birth control and they can't legally obtain abortion care, they no longer have legal control over their bodies. Let's be clear.

If women do not control their own bodies, they don't control their own lives. And if Americans don't control their own lives, they are not free and equal under the law.

Tossing out Roe—the way this Court has—is an act of judicial radicalism. Every Republican Supreme Court nominee swears up and down that they respect precedent; they won't legislate from the bench. Then they go out and toss out Roe on the shadow docket.

For Republicans now to be going after Griswold is staggering and dangerous. For Senators to be attacking this ruling 57 years after the case was decided is ridiculous.

This is not just because birth control is part of basic health regimens. It is because women in America have an equal right to chart the course of their lives and when to become pregnant.

Now, Republicans often talk about their position in the context of States' rights. Too often, what they are saying is they believe in States' rights only if they believe the State is right, and we see that on issue after issue.

And, finally, it is important to consider these debates in the context of what is happening in statehouses around the country. Republican legislatures are effectively banning abortion. They are passing laws that do more to protect rapists than rape victims. They criminalize abortion care, and in other cases they are criminalizing the act of helping women obtain the healthcare they need.

Some States want to make it impossible to use these kinds of medicines and therapies to safely end pregnancies early. A Republican lawmaker in Missouri recently proposed forcing women to carry ectopic pregnancies to term, which is effectively a death sentence.

The bottom line is, what is happening today, in 2022, is collectively the most extreme attack on reproductive health, freedom, and equality in America I can remember.

And I am just going to close by saying this is not the same debate as we have had over Roe. State-level Republicans are going way beyond that point.

For Republicans here in this Congress to be going after Griswold—after birth control—is a shocking escalation in the fight they are making to roll back the rights of women.

American lives and liberty are at stake. Americans need to be prepared to fight for freedom and equality in the months and years ahead. I am sure going to be out there with them.

In the meantime, I believe Judge Jackson is going to make an outstanding Supreme Court Justice and a bulwark for the rights of women and all Americans.

This is a historic confirmation, one that is long overdue. I am proud to give Judge Jackson my vote, and I urge my colleagues to support her nomination as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

UNANIMOUS CONSENT REQUEST—S. 3959

Mr. HAGERTY. Madam President, I am here today to discuss what I saw this past weekend when I took a trip to our southern border in Texas.

I led a delegation of eight sheriffs and mayors from my home State of Tennessee. We went to see what is happening, what the effects of the border crisis are, and to hear from them and allow the border agents to hear from them the effects of the border crisis in our own communities in Tennessee.

Our mayors and sheriffs are seeing record drug overdoses, gang violence, and other forms of criminal activity right there in Tennessee.

We learned that what is really happening at our border is quite simple: Well-financed, operationally sophisticated drug cartels, with the help of the Chinese Communist Party, are exploiting our immigration policies and human economic desires to make billions of dollars from drug and human trafficking.

Ignored by the Biden administration and the corporate media, this increasingly powerful criminal enterprise is expanding further into American communities.

Our trip revealed two key insights. First, under Biden policies, this national security crisis is unmanageable. Second, and paradoxically, this crisis is well within the Federal Government's ability to fix.

My central takeaway was this: If every American saw what we saw and heard, this would end. America wouldn't tolerate this. It is a crisis.

Here is the cartels' business model: Fentanyl ingredients are shipped from China to Mexico. In Mexico, the cartels turn these chemicals into astonishingly potent drugs bound for the United States.

Last year, fentanyl seized at the border was more than enough to kill every American. And that is just what we caught. Think about what has not been caught. Think about what is getting through.

The cartels control the entire Mexican side of the U.S. border, and each migrant must pay thousands of dollars for safe passage to these cartels. Often, they have to pay through subsequent indentured servitude. Many young women become victims of human trafficking.

So in this vicious cycle, the more illegal immigration, the more money for the cartels; and the more money for the cartels, the more drugs they produce.

For cartels, the illegal immigrants are more than an expendable revenue source. They are a tool for facilitating transport of drugs and criminals. The cartels push scores of migrant customers across the border so they can occupy American border agents. Then they exploit the resulting gaps in patrol coverage to move across drugs, gang members, those they refer to as ''high-value'' individuals, terrorist-watch-list members, and others.

Border Patrol agents told me that, given the recordbreaking border crossings they are currently facing, there are times when every agent is busy processing migrant paperwork, leaving the border wide open for drug and human trafficking. The drugs and gang members and the accompanying violence will then flood into our American communities.

As one agent put it: The people crossing the border don't stay in this area, and neither do the drugs.

More than 100,000 Americans died last year from drug overdoses, mostly from fentanyl, which are really more akin to CCP-engineered poisonings. Several thousands were Tennesseans. The Tennessee sheriffs and mayors on this trip told me that deaths from illicit drug overdoses in their counties are at record highs. Our Tennessee sheriffs know the families in their communities. They told me the toughest part of their job is to see a mother or a grandmother, to go to their home and tell them that their son or their grandson will never return. It is heartbreaking. Each one of these obituaries has the CCP's fingerprint on it.

The migrants' money and usefulness to distract border agents are essential to the cartels' operations. These illegal immigrants are incentivized to come because of our current catch-and-release policies.

To illustrate the current policy of absurdity, last Friday, around midnight, near a stretch of—of course—unfinished border wall, right outside of McAllen, TX, our vehicle came across about 15 recently arrived migrants. They approached us and asked us where they could find the Border Patrol agents. They wanted to turn themselves in, having been coached by their cartel handlers that this was the first step to U.S. Government-funded release into America. Our policies are so upside-down that the suspects are looking for the officers.

Nevertheless, U.S. Border Patrol and other law enforcement Agencies are working tirelessly day and night to protect our Nation. Understandably, morale is at an all-time low with a Biden administration that refuses to give them the tools that they need to deal with this crisis.

Border Patrol can process a maximum of roughly 5,000 migrants a day. Right now, they are facing nearly 8,000 migrants a day. And when the Biden administration lifts title 42 authority, they fear that the number could exceed 15,000 per day.

Therefore, and unsurprisingly, the constant plea I heard from Border Patrol agents was this: We need effective policy, not more agents, not more equipment. Bad policies are what have created this incentive to cross the border, and eliminating these policies is the only fix. Our agents signed up to protect our border, not to facilitate its demise.

Border agents in Laredo told me that the Migrant Protection Protocols, known as MPP, were a perfect illustration of the need for policy change. MPP was a policy that required migrants seeking asylum in the United States to remain in Mexico until it was determined whether or not they were actually entitled to asylum. Most are not.

When it was implemented in 2019, the agent said it was like flipping a switch because this stopped people coming when they knew that they wouldn't get in.

This ''Remain in Mexico'' policy cut illegal border crossings dramatically in fiscal year 2020. Yet the Biden administration nixed the MPP, and, not surprisingly, border crossings more than quadrupled in fiscal year 2021.

With the help of their media allies, Washington Democrats ignore this crisis and they hope that the American people will too. They don't travel to

the border because they don't want to answer for the crisis that they have created. They have chosen appeasement of loud, radical immigration groups over American security, over American sovereignty.

President Biden and Vice President KAMALA HARRIS haven't seen the border stations where the agents sacrifice day and night, mentally and physically, battling a crisis that their Departments haven't given them the tools to address.

For many Americans, this crisis seems far away, at least until it is too late—until it is their child, their grandchild, their brother and sister who become a statistic.

That is the other thing that I heard constantly from Border Patrol and law enforcement agents: We need someone to tell America what is happening here.

With the President and media averting their eyes and abdicating their responsibilities, it becomes even more critical to spread the word before more American lives are needlessly lost, before more migrants' lives are destroyed in the journey or through indentured servitude once they arrive, and more communities are damaged beyond repair.

So what can we do to address this crisis?

Even though the border cries is worse than ever, the Biden administration is voluntarily ending title 42 pandemic-related authority for expedited removal.

The Border Patrol agents I met this weekend believe that this will make this recordbreaking crisis substantially worse. Such a surrender of American security would be intolerable.

And there is another health crisis that title 42 is critical to battling. The cartels send migrants across at strategic points to bog down Border Patrol agents with paperwork processing that takes five times longer without title 42. Then they use the resulting enforcement gaps to move fentanyl across the border.

We have to close these enforcement gaps with better policy.

So I have introduced legislation to add drug smuggling as an additional basis for title 42 authority. Overdoses have become an epidemic in America. This legislation would allow the Secretary of Health and Human Services to use title 42 to combat drug trafficking across the border. This bill would give our Border Patrol agents the tools they need to quickly remove migrants who illegally cross the border, substantially freeing up agents to focus on actually stopping drug traffickers.

More than 100,000 Americans died last year from drug overdoses, many from fentanyl coming from across our southern border. We desperately need title 42 to fight this drug epidemic. It is a tool that would quite literally save American lives in every State in the Union immediately.

So, as in legislative session, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of S. 3959 and the Senate proceed to its immediate consideration. I further ask 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 Hawaii.

Mr. SCHATZ. Madam President, reserving the right to object.

This is not the right way to get at the fentanyl problem. This gives the Secretary permission to shut down all asylum seekers from a country on the basis of any type of drug, no matter how much is in possession, how frequently that drug is possessed, what country they are coming from. We are calling for essentially a complete shutdown of the asylum program because there might be fentanyl somewhere. But it also gives the Secretary authority to stop asylum seekers coming from any country for any drug at any scale.

Now, title 42 authority is a serious thing. It is a blanket authority to block anyone presenting themselves for asylum. We have seen the horrific images in Ukraine. We know between 4 and 5 million people are already refugees, and we know that the United States, as the indispensable Nation, wants to take a leadership role in accommodating these refugees in Europe and, if necessary, in the United States.

People presenting themselves for asylum, escaping their dangerous home country—that is actually part of the American dream. That is, in a lot of ways, how many of us arrived, right? There may not have been this statutory framework, but the principle involved was not just that you came from some other place far away to make a better life for yourself—sometimes it was that, but sometimes it was to escape the pogrom, as was the case with my grandparents, from Kyiv to Odesa, actually to Canada, and then to Hawaii.

And so this authority is no small thing. And to give the Secretary of HHS this blanket authority to essentially shut down all asylum seekers because we are afraid—appropriately afraid—of a specific drug is just a little ham-fisted.

And I appreciate the Senator's remarks. I think there are better ways to work on this, and therefore I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Tennessee.

Mr. HAGERTY. Madam President, I want to thank my colleague from Hawaii for his remarks, but I want to explain what just happened here.

My colleague objects, despite the fact that recordbreaking numbers of Americans are currently dying from overdoses, fueled by fentanyl coming across our border. This legislation is a tool to help save American lives. Indeed, 100,000 American lives were lost last year to drug overdoses. These lives are being deprived of the American dream forever. So Democrats are categorically opposed to commonsense border security tools to prevent drug trafficking into America no matter how bad the drug overdose numbers get? How much longer will it take to change course from the Biden administration policies that have created this national security crisis? How much longer will we allow our immigration system to be manipulated by a massive transnational criminal alliance between the Chinese communists and billion-dollar cartels who are shipping deadly quantities of illicit drugs into the United States?

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

NOMINATION OF KETANJI BROWN JACKSON

Mr. LEE. Madam President, today, I rise to share my concerns with the nomination of Judge Ketanji Brown Jackson to serve as an Associate Justice on the U.S. Supreme Court.

Let me begin my remarks by noting that I have enjoyed getting to know Judge Jackson. My visits with her and conversations with her in the committee and otherwise and also my interaction with Judge Jackson's family have all reinforced what I know of her generally, which is that she is a good person, a noble citizen, and someone who has earned very impressive academic and professional credentials.

After graduating from Harvard Law School, she ended up clerking at all three levels of the Federal judiciary and worked at a number of positions over the years as a lawyer. She has now, as a judge, served as a Federal district judge, which is a trial court position, and has served on the U.S. Court of Appeals for the DC Circuit, which is an appellate court position. If confirmed to the U.S. Supreme Court, she will have served at all three levels of the Federal judiciary, which is itself an impressive accomplishment and one that I think would benefit the Supreme Court. Any time they have the insight of someone who has served in that many roles, it can be helpful.

She is a good person in many respects and comes with impressive qualifications academically and professionally, but I do have concerns, and those concerns are what I want to turn to now.

Many of them date back to efforts by groups like Demand Justice to shame and intimidate Judge Jackson's former boss and the Justice whom she would be replacing if confirmed to this position, Justice Breyer, into retiring by paying for a billboard mounted on a truck to drive around the Supreme Court of the United States, bearing the slogan ''Retire, Breyer.'' These same groups are now the same groups that are spending money—millions of dollars—to advocate for Judge Jackson's speedy confirmation. Then there was the shameless leaking of Justice

Breyer's decision to retire well before he was ready to announce it.

Now we find ourselves in the midst of a needlessly rushed nomination process, where liberal dark money groups are pressuring Senate Democrats to confirm their preferred Supreme Court nominee months—many months—in advance of when she could actually be seated on the Court.

Because of this false sense of urgency being presented by the radical left, we have also seen the chairman of the Senate Judiciary Committee refuse to accommodate reasonable and commonsense document requests from Republican members of that committee. The same members of the committee who demanded more time to review and interrogate a nominee about his high school yearbook are now feigning outrage and insisting that it is somehow unacceptable that we should demand more time to review a nominee's own judicial record. The contrast is significant.

Let me provide some additional context to illustrate how outrageous that aspect of this situation is.

My Republican colleagues and I have been very keen to hear from Judge Jackson about her judicial philosophy. This is something that is an essential part of assessing any judicial nominee's fitness for office. The higher level the nomination, the more important it is to understand that. Nowhere is this more important than when the nominee is someone who has been nominated to serve on the highest Court in the land, the Supreme Court of the United States.

Judge Jackson, significantly, has refused to describe her judicial philosophy or even to agree that she has one. Instead, she has told us that she has a methodology, but this methodology—neutrally applying the law to all relevant facts—is nothing more than a simple statement—a simple rote recitation—of what judges do, not an explanation of how they do it.

When Republicans on the Judiciary Committee pressed Judge Jackson for more information about her judicial philosophy or any statement about it, Chairman DURBIN and the nominee both directed us to her judicial record. So we asked Judge Jackson about her record. We inquired about questionable sentences in child pornography cases, sentences that appeared to constitute a pattern and practice of giving inexplicably light sentences to criminals—people who are caught trafficking in what can only be described as the products of the commercialization of child sex torture. These are vile offenses. Her response was that we simply couldn't understand her sentencing decisions. We couldn't understand them just by looking only at the public record because we didn't see what she saw. We didn't have the information that she had.

Now, Chairman DURBIN told us that we can discern Judge Jackson's judicial philosophy from her judicial record. Judge Jackson told us that we can't understand her judicial record without all of the supporting documents that informed her decisions. So we asked for those supporting documents, which included presentence reports from those cases involving child pornography possession. Chairman DURBIN's response? Not on my watch—his words, not mine. Democrats dismissed our requests as baseless attacks on Judge Jackson herself.

What if we said, ''That isn't true''? Do they contest that Judge Jackson presided over those cases? That she, in fact, imposed those sentences? Do they contest that she imposed those sentences or that Judge Jackson's sentences departed from both the sentencing guideline ranges and from the requests of the prosecutors? These are simply the facts in the record, and we have questions about them, legitimate questions.

So, if this is a baseless attack to a nominee's factual record, what exactly is the purpose and scope of the Senate's duty to offer our advice and consent with regard to such nominations?

After we pushed back, Chairman DURBIN based his continued refusal on the sensitive nature of the documents at issue. Now, I agree completely that presentence reports are highly sensitive. They contain sensitive information in them, and this body of written work product deals with necessarily sensitive materials on a regular basis. The U.S. Senate deals with sensitive records, so the fact that these are sensitive documents doesn't mean that we can't handle them. In fact, we already have security measures in place to protect that kind of information. We even have specified rooms where we can and routinely do review sensitive information. So hiding behind a glib quote about protecting children at the expense of thousands upon thousands of actual child victims is shameful.

The chairman says that parents are living in fear that presentence reports that discuss harm to their children would be confidentially shared with this body for the limited purpose of allowing us to do our job, to review Judge Jackson's record. I think it is more likely—far more likely, in fact—that parents of sexually exploited children live in fear that their children may be victimized again when one of Judge Jackson's defendants gets released from prison after an unconscionably, indefensibly short sentence.

To make matters even worse, not only have Democrats refused Republican requests for more information on Judge Jackson's judicial record, but they have withheld information from me and my Republican colleagues on the Judiciary Committee. I am referring in this context to a chart referenced accidentally by a Democratic member of the Judiciary Committee that summarized probation office sentencing recommendations gleaned from the presentence reports—the same presentence reports that we have requested and that we have not been allowed to see.

Now, I have to admit I am still unclear as to how the majority obtained this information. Chairman DURBIN wrote to Republicans that the chart was given to him by the White House, which, in turn, obtained the chart from Judge Jackson's chambers. However, when I and every other Republican member on the Senate Judiciary Committee wrote to Judge Jackson to request further information, she replied that she had no way of obtaining the requested information because it ''is the property of the U.S. District Court for the District of Columbia, and I am no longer a member of that court.'' How, then, did her chambers obtain the information that was provided to the White House and then provided to Senate Democrats which came from the presentence reports?

Do the Democrats have something to hide—something that they can avoid having to reveal and have discussed by rushing Judge Jackson's nomination? What might it be? It may be the one thing Judge Jackson steadfastly refused to share—her judicial philosophy.

Despite my Democratic colleagues' pretending that judicial philosophy is some arcane and esoteric legal concept that doesn't matter, Americans everywhere instinctively understand its importance. While they may not all use the same terminology, Americans know that justice—as we imagine Lady Justice always depicted as being blind or blindfolded—is to ensure equal justice under the law for everyone regardless of their race, their religion, their background, their creed. That kind of justice matters to every petitioner, every respondent, every plaintiff, and every defendant who comes before our courts. That kind of justice can be ensured only by judges adhering to a guiding principle by which they bring clarity out of often unclear language.

The Supreme Court is not a representative body; Congress is. Justices are not accountable to the people once they are confirmed, but we are. That is why we have heard from virtually every nominee that their personal perspectives on X, Y, and Z don't matter—because they are fully committed to applying the law without their own personal perspectives getting in the way. That is exactly right and could not more fully demonstrated the importance of judicial philosophy. When a Justice is swayed by her natural inclinations or fails to get to a neutral place when deciding a particular case, adherence to her judicial philosophy keeps her from violating that commitment. That guiding principle constitute a judge's judicial philosophy.

Now, look, judicial philosophy is not a methodology or, as I said earlier when Judge Jackson described her judicial methodology as simply applying the law to the facts, that is not describing her unique approach to judicial decision making. She was simply reciting the definition of what a judge does.

Every judge applies the law to the facts. That is literally what it means to be a judge. The question is, How? Because statutory and constitutional language is often unclear, whether on its face or as applied in a particular context. What matters is how a judge resolves that ambiguity. Laws are not self-interpreting, and interpretation is rarely obvious, especially in the difficult cases that tend uniquely to come before the Supreme Court of the United States on the merits. You have to have a guiding principle by which to bring clarity out of unclear language. That is your judicial philosophy.

So a judge without a judicial philosophy is no more useful than a pastor without a theology. It is just someone making it up as they go along, dressing up their opinions as holy writ. A nominee who claims to have no judicial philosophy is either being misleading or is perhaps unsuited to a lifetime appointment on the Federal bench, let alone on the highest Court in the land. Yet the vast majority of President Biden's judicial nominees have repeatedly asserted that they simply don't have one; that they lack a judicial philosophy. This sudden and uniform shift suddenly and strongly suggests that they are being coached to give precisely that inexplicable, indefensible answer.

And yet every judge does, in fact, have a judicial philosophy. Whether they acknowledge it or not, whether it is easily definable by a few words or a few sentences, they do have one. When a nominee refuses to describe her judicial philosophy, the likely explanation is simply that she does have one; she just knows that neither the public nor this body would approve of it. In that case, we are left to infer what her judicial philosophy is from her record, which is precisely what Chairman DURBIN and Judge Jackson suggested that we do. Except, as I have already pointed out, they don't want us to have the whole record, and they are unreasonably denying our access to the whole record.

So, again, Judge Jackson refuses to tell us what her judicial philosophy is. Senator DURBIN says we can find it in her record; Judge Jackson says we can't fully understand her record without all the supporting documents, but neither of them will let us see these documents. If this makes you nervous, that is because it should.

So why does this matter? Well, we got to see this firsthand 2 weeks ago. While Judge Jackson insisted that she didn't have a judicial philosophy, she actually did give us a small peek into it. In response to a question from Senator DURBIN about the sentencing guidelines and child pornography offenders, she acknowledged Congress implemented a statutory scheme with specific directives to courts to help them determine how they are to sentence defendants found guilty of possessing or distributing child sexual assault material. But then she admitted that she and other judges have made a habit of using the discretion they are given in applying the sentencing guidelines that disregard or discount the parts that, in their view, no longer make sense, saying:

> Courts are adjusting their sentences in order to account for the changed circumstances.

With all due respect, that is not her or any other judge's decision to make. Courts don't change the law; Congress changes the law. If Congress one day decides that receiving child sexual assault material electronically is somehow less offensive than receiving it through the mail, then we will change the law.

Judge Jackson insists that she was statutorily required to consider the factors—the very factors she relied upon—to depart from the guidelines, consistently sentencing defendants to prison terms considerably below where the sentencing guidelines would have sent her.

All that is true, but all the factors listed in the statute in question, codified in 18 U.S.C. Section 3553, Judge Jackson seems to weigh quite heavily those factors that will decrease an offender's sentence and gives, apparently, short shrift to those who would lengthen the sentence in these child pornography cases.

This kind of cherry-picking of considerations resulted in astonishing outcomes, like giving one defendant 3 months in prison instead of 10 years. Her willingness to change the outcome based not on the law but based on her own sense of ''changed circumstances'' demonstrates a lack of judicial humility and restraint, and that is troubling.

Unfortunately, this lack of judicial humility and restraint was not limited to any narrow line of cases. It wasn't limited to those cases that involved the production and distribution and possession of child pornography.

In the case of Make the Road New York v. McAleenan, Judge Jackson ignored clear statutory language, stating that she didn't even have jurisdiction to review the case. She set aside that language and instead reached back in time to apply the previously enacted and much broader Administrative Procedures Act to obtain her preferred outcome, the outcome advocated for by the dark money group Arabella Advisors, which happens to be funding the campaign for her confirmation. When asked about this case, Judge Jackson doubled down on her faulty reasoning, even though it had been overturned by the left-leaning DC Circuit.

Unfortunately, this was not the only case where Judge Jackson ignored clear statutory language to assert jurisdiction and reach her preferred policy outcome.

To make matters worse, Judge Jackson took multiple opportunities in her responses to my colleagues' written questions to separate herself from principles that form the bedrock of our constitutional Republic.

When asked by Senator CRUZ if she believed that individuals possess natural rights, she said:

> I do not hold a position on whether individuals possess natural rights.

This is after she acknowledged that these lines from our Declaration of Independence reflect natural rights:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness.

When asked by Senator CORNYN if she believed that natural law is reflected in the Bill of Rights, she stated that she ''would interpret the Bill of Rights based on the methods of constitutional interpretation the Supreme Court employs, not based on principles derived from natural law.''

These responses eliminate any hope that I had that even if Judge Jackson interprets and applies statutes incorrectly, she would still be guided by our Founding documents. Every part of Judge Jackson's record—that is, every part that we have been given—seems to indicate something of a desire to separate herself from grounding principles in order to reach her desired outcomes.

This is why judicial philosophy matters. This is why it isn't just some esoteric exercise for law nerds. This is why it matters and should matter to every American.

When a judge can impose her own policy views in contradiction of the expressed will of the people through their elected representatives in Congress, it doesn't just undermine our representative system of government. As we have seen here, it can put child predators back on the streets.

In one case, the convict, upon release from his inexplicably short jail sentence, resumed seeking out suggestive images of children to the point that Judge Jackson had to agree to send him to 6 months in a halfway house.

In another case, the convict who had been convicted of raping his 13-year-old niece and then falsifying his address to evade the sex offender registry, sexually assaulted another family member after being released from the light sentence imposed previously by Judge Jackson.

Neither of these defendants would have had these opportunities to reoffend had Judge Jackson just followed the sentencing guidelines and what the law required.

Judicial philosophy matters. It is foundational to the very fabric of our constitutional Republic. And, again, there are no magic words we are looking for. There is not a single judicial philosophy that is either going to deem it acceptable or not acceptable, but they need to have one. They need to be willing to talk about it and explain what animates, what motivates their decision making, how they will go about construing these statutes.

If judges won't commit to giving effect to the words of the laws that Congress passes, as understood at the time

they were written and enacted, then American voters have no control over the laws that govern them. We will be ruled in that kind of scenario by a self-anointed class of five philosopher Kings in black robes.

I fear Judge Jackson may see the Court in that very way. I fear that based on her answer to a question in the hearing raised by one of my colleagues. In response to that question, she said:

> Well, anytime the Supreme Court have five votes . . . they have a majority for whatever opinion they determine.

The Constitution demands more, and the American people deserve better.

For all these reasons, I oppose Judge Jackson's nomination.

The PRESIDING OFFICER (Mr. OSSOFF). The Senator from Delaware.

CORONAVIRUS

Mr. COONS. Mr. President, we are in the middle of a horrible global pandemic. Later this month, we will pass a tragic milestone of a million Americans killed by COVID–19. Already, more than 6 million globally have died.

And I know we are all sick and tired of it, completely tired of it, done with it. I hear all the time at home and here that we are done with this pandemic, but, unfortunately, it is not done with us.

This week, this body has failed to take minimally responsible action. And I am going to speak for a few minutes to what it means that we have failed to come together to pass another urgently needed appropriations bill both to meet our domestic needs for therapeutics and vaccines and for treatment and for the development of the next vaccine for the next variant and what it means that we have delivered zero additional resources for global public health to address this worst global pandemic in a century.

The bill that we should be taking up now and is being blocked by disagreements would have provided $10 billion to help provide additional protection for 330 million Americans, to buy the therapeutics that we need, to invest in the research to make sure that we are ready for the next variant, to finish providing the public health support for vaccinations.

While we may think we are done with the virus, 30,000 Americans yesterday tested positive. It has touched all of our communities, our families, my own family, our own neighborhoods. We are not done with this.

Senator SCHUMER and others of my colleagues have been saying on this floor and in public and in private relentlessly, we must deliver more resources. Well, I am here to say that we cannot get this pandemic under control here in the United States and secure the safety and health of our people until we have delivered meaningful vaccine protection around the world.

It is shortsighted for us to say that because we are done with it, it is done with us. I will remind you, we have twice before gone through periods where things were looking better, things were looking up, and then the Delta variant emerged, the Omicron variant emerged in other places in the world where vaccination rates were not what we might hope for, not what we have achieved here and in other countries.

So let me briefly explain why this is a case of ''pay me now or pay me later.'' I understand the fiscal concerns that have driven some to say we should spend no more, but I think we will discover the foolishness of a view that says we need not spend more.

First, it is just a waste of money, folks. We have already bought hundreds of millions of vaccine doses that are now not going to be delivered in countries in the world, and particularly in Africa, where the public health systems are not developed enough to actually translate vaccine doses into vaccinations.

As I learned during the Ebola epidemic in Liberia, that last mile from the capital to the regions to villages is really hard to navigate. It is hard to navigate here in the United States, heck. But in countries without cold storage chains, without rural public health resources, without the resources to pay for people to go and vaccinate, not having that last dollar to go that last mile means that we are letting people die when we have got the vaccines to save their lives; and it means we continue to have 2.8 billion unvaccinated people around the world.

Second, this is a moment where we can teach the world, again, that the United States, long the most reliable global public health partner, can be counted on in this critical moment. Dozens of countries could not get our vaccines 6 months or a year ago, so they have relied on Chinese and Russian vaccines that are ineffective against Omicron. A variant emerged able to get around Sinopharm and Sputnik, the vaccines delivered by the Chinese and Russians.

So we have a moment when dozens of countries around the world are asking for our help. We have got the vaccines; we have got the opportunity; and we are failing to take advantage of this moment.

The most compelling reason, of course, is our own people's health. We have seen this cycle before, and we will see this cycle again.

How bad is the vaccination status in other places around the world? Well, briefly: Yemen, a country undergoing a horrific war with widespread famine, their vaccination rate is less than 1.5 percent. In Haiti, in our hemisphere, a nation of 11 million people, their vaccination rate is below 1 percent. The number of folks fully vaccinated in two great countries on the continent of Africa—Tanzania, 60 million people; Nigeria, 200 million people—below 5 percent.

We cannot afford to allow this virus, COVID–19, which is like a safecracker, out there in the world to just keep twisting the dials and testing, testing, testing—because every time it infects someone, it has a chance to mutate. Every time it mutates, it has a chance to get past our defenses.

We will regret this failure. We need to treat this like the global health emergency it is, and we need to realize that we already had hundreds of millions of people facing food insecurity before the Russian invasion of Ukraine accelerated the vulnerability of millions of people around the world because Ukraine is the breadbasket from which is fed countries all over the region: the Middle East and North Africa, from Syria to Somalia. We are going to see food riots, increased instability, and millions more in hunger.

So, folks, I will keep at this. I will keep working. I will keep mobilizing and engaging my colleagues, both Democratic and Republican, in making the case until it is done; but we have a moral imperative, an economic imperative, a political imperative, a humanitarian imperative to save our own country and our own people by providing the resources the world needs and deserves.

We have so many good partners in this—organizations like One, USGOC, Care, Catholic Relief Services, Save the Children, Bread for the World, and many others—too many to name. But we need the same level of energy and commitment and engagement in this Chamber that we have heard from calls from around our country and our world. The world is looking to the United States to use the vaccines we have, use the resources we have, provide the support to get us on the other side of this pandemic globally. Mr. President, this is the moment that we should do it.

NOMINATION OF KETANJI BROWN JACKSON

Mr. President, I want to speak briefly to a great accomplishment that will occur in this Senate later this week: the confirmation to the U.S. Supreme Court of Judge Ketanji Brown Jackson.

As a member of the Judiciary Committee, I have lived through—I have endured—several confirmation processes. I will say, this is one that brings me some joy, a sense of lift that we are making history for this Chamber and for the Supreme Court.

Justice Breyer, who has announced his intention to retire, is someone who has spent decades on the Federal bench, on the Supreme Court, and has lived up to the highest ideals of American jurisprudence; and I am confident Judge Jackson, as Justice Jackson, will continue in that tradition. She has, as we learned in our week of confirmation hearings, a deep understanding of the Constitution, a great sense of the balance and the role of a judge, limited to understanding the Constitution, law, and facts passed in front of her and with a limited role to decide the questions presented based on the law and the facts.

We also got to hear about her family, her history, her experiences, her service, her impeccable legal credentials,

her service on the Sentencing Commission, her work as a trial and appellate court judge, her experience as a clerk at all levels of the Federal judiciary, and her time as a Federal public defender.

She is a devoted daughter, sister, wife, mother, friend, and someone who is humble enough to say that she knows and loves the Constitution from which our freedoms flow. She stands on the shoulders of those who went before her—her parents, both proud HBCU graduates and the first in her family to go to college. Her uncles and her brother served in law enforcement, in the military. She is so well grounded in those institutions and traditions that have made our Nation great; and it fills me with confidence to know that a person of this skill, of this background, of this sense of judicial temperament—who endured a grilling that was, at times, tantamount to harassment by other members of the Senate Judiciary Committee—demonstrated her grace, her courage, and her integrity under sustained fire.

I very much look forward to the votes we will take in this Chamber later this week, and I will be honored to vote to confirm Judge Ketanji Brown Jackson to be the next Associate Justice of the U.S. Supreme Court.

The PRESIDING OFFICER. The Senator from Rhode Island.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I rise again, with my increasingly battered poster, to call on this body and in particular on corporate America to wake up to the threat of climate change.

Just this week, the IPCC report came out saying that we are now at the door-die, last-chance moment. The other interesting thing about that IPCC report was that it, for the first time, focused on the role of malicious fossil fuel political influence in preventing the solution.

Political influence is actually contributing to the climate change problem, and it is the scientists who are now pointing this out.

Well, one of the worst expositors of that political influence, the monster in the middle of that political influence campaign here in the United States, is the U.S. Chamber of Commerce. And I want to talk about them in a minute; but, first, let's do just a quick recap because we have known about climate change for a long time.

Scientists knew about the greenhouse effect back when Abraham Lincoln was riding around Washington in his tophat. In the 1950s—in the 1950s—the oil industry began research on the effects of greenhouse gas pollution. In 1977, nearly a half century ago, Exxon's top scientist warned management of what he called ''general scientific agreement''—half a century ago, mind you—''general scientific agreement that the most likely manner in which mankind is influencing the global climate is through carbon dioxide release from the burning of fossil fuels.''

A Republican-led committee led by my predecessor, John Chafee, held a Senate hearing on climate change in 1986; and in 1989, the Chamber of Commerce—one of the most influential forces in Washington and now one of the biggest lobbyists for fossil fuel interests—the U.S. Chamber of Commerce issued a report for business leaders about the threat of climate change.

We have dug out that report because they entered it into the RECORD in a House proceeding later that day, and here is what that report said. I will quote at some length.

> [T]here is qualitative agreement among prognosticators that sea levels will rise . . . wetlands will flood, salt water will infuse fresh water supplies, and there will be changes in the distribution of tree and crop species and agricultural productivity.
>
> A significant rise in sea levels will flood now inhabitable land in some countries. . . . These same actions will affect wetlands and it may not be possible [to] protect both coastal and wetland areas.

Georgia, very susceptible to this, as the Presiding Officer knows.

> Flooding will intrude into water supplies, such as in coastal cities (e.g., Miami and New Orleans). . . . Changes in temperature patterns will affect natural ecosystems by altering the distributions of species, and affecting forestry and silviculture. . . . [C]rop lands will change. . . . The stress will depend on changes in precipitation patterns.
>
> Global warming will affect snowfall patterns, hence melt, and affect water supplies. Most of California's water supplies are from snow melt and if snow is reduced to rain, or melts quickly during the winter, water supplies in the summer will be less than now.

Does any of that sound familiar? Of course. It is what we are looking at around us now, and it is what the U.S. Chamber of Commerce predicted in 1989.

Knowing that, what did the chamber do? I will tell you what the chamber did.

Over the past two decades, every time Congress took up good climate bills, the chamber conspired to kill them.

The reason is pretty simple: The chamber serves as the arm of the fossil fuel industry. It takes its money, and it does its dirty work.

A couple of years ago, a witness at our Special Committee on the Climate Crisis explained how big trade groups like the chamber ''adopt the lowest common denominator positions on climate of their most oppositional members.''

Fossil fuel pays the chamber to kill anything that threatens what the IMF estimates is an over $600 billion annual subsidy for fossil fuel in the United States. On climate, it is not the U.S. Chamber of Commerce; it is the ''U.S. Chamber of Carbon.''

Here are some of the corpses in the chamber's legislative graveyard. In 2005, the chamber opposed bipartisan cap-and-trade legislation. It issued a ''key vote alert,'' a signal that whoever voted in favor of the bill could face an onslaught of political attack ads.

Down the legislation went.

The chamber used the same playbook to kill cap-and-trade bills in 2007, including the aptly named Wake up to Climate Change bill that had started to gain steam until the ''Chamber of Carbon'' dug in against it.

In 2009, the chamber led the charge against the most promising climate bill in decades: the Waxman-Markey bill. The chamber spared no effort killing it. It harangued members, issued more vote alerts, and published ''How They Voted'' scorecards, with a clear message: Cross us and we will come after you.

Since then, the chamber's axis of influence in Congress has refused to hold hearings on, mark up, debate, or vote on any serious climate legislation.

At the same time, the chamber fought climate action in the courts and in executive Agencies. Here are a few of their cadavers there: In 2010, the chamber sued EPA to overturn the finding that greenhouse gas emissions endanger public health and welfare. Disabling that ''endangerment finding'' would cripple the Agency's ability to regulate carbon pollution under the Clean Air Act.

When courts rejected the chamber lawsuit, the chamber then set up as central command for fossil fuel lawyers, coal lobbyists, and Republican political strategists, who devised the legal schemes to fight climate regulations. This produced another chamber lawsuit to block the Clean Power Plan to reduce carbon pollution from powerplants. And on this occasion, five Republican appointees on the Supreme Court killed the Clean Power Plan using the shadow docket. They didn't even have proper hearings on it.

Once President Trump took office, the chamber began attacking and undoing Obama administration rules limiting carbon pollution. The chamber even funded the phony and debunked report that the Trump administration relied on to justify leaving the Paris accord.

The chamber's climate obstruction has continued across all fronts under President Biden. It released a position paper championing ''clean'' coal, which is right up there next to dry water and chilly heat. And, of course, it led the charge against our reconciliation bill, attacking more than $500 billion in climate-related investments.

To make all this dirty work possible, the chamber weaponized the dark money powers afforded by the Supreme Court's ruling in Citizens United. The chamber knew the power that this decision would grant them. Indeed, it filed an amicus brief in that case, telling the Court to knock out limits on so-called outside spending.

And Citizens United then allowed outside groups to spend unlimited sums on electioneering activities, which teed up the chamber to funnel roughly $150 million into congressional raises. And they bought a lot of climate denial with that money. It made them the

largest spender of dark money in congressional races.

Dark money talks, as we see every election on our television screens. But every bit as important, dark money threatens.

Republican colleagues have told me how this works. When a Republican dares to engage with Democrats to do something about climate change, a warning shot flies above their head. Chamber dark money and threats killed Republican support for substantial climate legislation.

When I got here in the Senate in 2007, there was a steady heartbeat of bipartisan climate activity, climate bill after climate bill, hearing after hearing. John McCain ran for President as a Republican with a strong climate platform. That all dropped dead in 2010 with that Citizens United dark money power in the hands of the chamber of commerce, which brings us to the present day.

American corporations, today, need to tell consumers and shareholders that they care about climate change. They need to for a couple of reasons. First, some of them actually are getting hurt by climate change—big insurers, the tourism industry, agribusiness. Tropical cyclones, more frequent heat waves, floods and droughts, more intense wildfires, higher sea levels—these things cost American businesses enormous amounts of money. According to NOAA, America sustained over 300 weather- and climate-related disasters since 1980, where the damage in that disaster topped a billion dollars and the total damage among all those disasters is over $2 trillion—$2 trillion lost to uncontrolled climate change, thanks to dark money efforts by the fossil fuel industry and, specifically, its operative, the ''U.S. Chamber of Carbon.''

Of course, consumers expect corporations to face up to the climate threat. The public wants us to do something and big brands like Coke and Pepsi need to say the right things when it comes to climate. And many of these companies have great internal climate policies within the corporation. But then—but then—those companies turn around and they pay dues to the ''U.S. Chamber of Carbon.'' And the chamber—the corporate serial killer of all things climate in this building—goes out and kills the things that the companies say they want.

According to a new report from the watchdog group InfluenceMap, the chamber remains one of the biggest impediments to climate action in America. They said:

> There has been no material improvement in the Chamber's climate change policy engagement over the past five years, despite its positive ''high-level messaging'' on climate.

InfluenceMap concluded in this report last month:

> The organization remains a significant blockage to U.S. climate policy.

And it is supported by a whole swath of corporate America.

Many of us want a phone call with TechNet, the Silicon Valley trade association. Ten of its members are members of the ''Chamber of Carbon.'' They fund climate denial. They think they are doing the right thing on climate, but they are not. They are paying the biggest monster in the middle of a climate denial operation in this country.

So when Coke and Pepsi pay dues to the ''Chamber of Carbon,'' Coke and Pepsi's corporate net effect on climate legislation goes negative. The chamber keeps secret how much the fossil fuel industry paid it to turn the chamber into a ''worst climate obstructor.'' It has corralled its pro-climate members into what it calls a ''climate conversation'' that has been going on since 2019. I know that because I kicked it off. I thought something good might happen. But what has happened in that climate conversation since 2019 is that anything good on climate gets routed by the chamber into that climate conversation from which nothing serious has emerged in more than 2 years. It is where the good climate policy goes to die. It is the black hole of good climate action.

In the meanwhile, all the climate evil that doesn't get sent to the climate conversation goes straight by and out into chamber operations. At the end, the effect is clear: The ''Chamber of Carbon'' works the will of the fossil fuel industry and blocks climate progress in Congress, and it does so with corporate America's acceptance and financial support.

If the IPC is right that this is last call, that this is dangerous, that this is our make-or-break, do-or-die moment, then it is time for corporate America to tell the ''Chamber of Carbon'' to knock it off or to quit and disassociate themselves from the ''worst climate obstructor'' in America. We should no longer tolerate this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

NOMINATION OF KETANJI BROWN JACKSON

Mr. LANKFORD. Mr. President, there has been a lot of conversation in the past several weeks about Judge Jackson's judicial philosophy—rightfully so. This is a lifetime appointment on the U.S. Supreme Court. It is a serious position. I don't know a single Senator in this room that doesn't take their responsibility seriously. This is a big issue when you put anyone on the Supreme Court for a life appointment.

Everyone has had the opportunity to be able to go through case law, cases that she has handled, things she responded to, things that she has written, ways that she has responded. Actually, I had time last week to sit down with her for about 45 minutes in the office just to be able to talk and to be able to get back-and-forth with her a little bit.

I want to give a little bit of context to that because many Americans watched all the hearings that happened last week—a full week of just conversation with her, asking her all kinds of different questions. I don't serve on the Judiciary Committee so I am on the outside looking in. That is why I got time individually with her for about 45 minutes to be able to ask her questions and get to know her.

By the way, I had folks in Oklahoma say: You had the opportunity to sit down with her; what is she like?

To all of them, I answered the same way. She is actually the kind of person you would want to invite over for dinner, just to be able to sit and visit with—extremely pleasant, outgoing, personable, smart, sharp, wonderful smile and interaction. You would want to invite her over to dinner to be able to visit with.

But my decision is not about whether to invite her over for dinner to be able to spend time with. My decision is, How will they handle a lifetime appointment on the Supreme Court and how will they handle the law?

The difficult part of this conversation has been interesting. It really circled around judicial philosophy. How would you handle cases?

We can't ask: How are you going to actually rule on this specific case? Because if she answers, then she has to recuse herself from that case in the days ahead, and everyone knows that.

So we are always trying to determine: How will you treat cases in the days ahead and what lens will you look through? That is a reasonable conversation.

Her response has been interesting. Her response was that she had a ''methodology'' as a judge, and it has three aspects to it: Neutrality, which is a good thing; receiving all the appropriate inputs, which is making sure everyone is heard; and looking at the factual record and the text of the statute. That is actually a very good starting point with this.

The question then goes to the next set of questions on it: How do you handle the U.S. Constitution and where does that document fit in? Is it living? Is it changing? Is it the original text and the meaning of it, or does it have a living version that changes?

That is a reasonable conversation because there have been different Justices on the Supreme Court that have handled that differently.

The late Justice William Brennan wrote:

> For the genius of the Constitution rests not in any static meaning it might have had in a world that is dead and gone, but in the adaptability of its great principles to cope with current problems and current needs.

Well, that is not an original meaning in the original context and locked into that.

Justice Antonin Scalia wrote:

> The Constitution that I interpret and apply is not living, but [it is] dead, or as I prefer to call it, enduring. It means, today, not what current society, much less the court, thinks it ought to mean, but what it meant when it was adopted.

In other words, those words had meaning at that time. They couldn't

predict what those words might mean 100 years from now. They could only deal with what those words mean right now. And if it is going to have a different meaning at a different time, well, then, there has to be different law to be able to deal with that at a different time. We never got a really clear answer on that. We get things toward her methodology. That is a critical issue to be able to deal with.

There were issues about sentencing that came up and how she chose to do sentencing when she was at the district court level and handled cases. They were all over the news about some cases that she handled that were very lenient in the sentencing.

There were also a lot of questions about the Second Amendment or about due process.

There was kind of the moment of the judicial hearings when Senator BLACKBURN asked—not a trick question but a real conversational question—about how you handle the law and culture. And that is, Can you define a woman?

I honestly don't think that Senator BLACKBURN meant for that to be a trick question, but it really is a question in culture at this point. It will determine how you are going to handle the law and to be able to read the law.

Her response was she couldn't answer the question of how to define a woman because she is not a biologist. Well, I am not a biologist either, but I think I can define that question. And it is just a conversational issue that we have as a nation to be able to determine: Let's deal with things that are self-evident.

There were all those issues that were dealt with during the hearing time, but when I got with her, I didn't want to go back and revisit those issues. I wanted to spend time with her talking through the things that weren't actually discussed.

Obviously, it was over days of her hearings. There were several issues discussed about how she handles the law. One of those is Tribal law. In some areas of the country, this is a very big deal and in some areas, not at all. So I understand why it didn't come up in the hearings.

In her past history in her cases, she has had one case to deal with Tribal law. So there are a lot of questions to be able to talk about.

Oklahoma is very proud of who we are as a State. We have great diversity as a State. We have a unique relationship in Indian Country in our State. I thought it was important for us to be able to talk about the relationship that our State has with 39 Tribes and, quite frankly, the history our State has, as we were the State where Tribes were relocated to from the Southeast. We spent a lot of time talking about that.

We talked about issues of religious liberty, First Amendment issues, how you handle those cases. There are differences even in the Court, even on what is the more liberal side of the Court. Sotomayor and Kagan often disagreed on issues of religious liberties. They handle it with a different perspective, and it is not uncommon for a religious liberty case to come up and Sotomayor and Kagan to be on either side. So, quite frankly, I was trying to discern: Is this person more like Sotomayor or more like Kagan on how to handle the issues of religious liberty?

It didn't come up a lot in the hearings, but I really think that is a foundational issue.

Quite frankly, this is the fourth Supreme Court Justice I have had the opportunity to be able to sit down with personally, and with each of them, the issues that I just brought up were the issues that I talked with all four of them about because they don't often come up in the other issues, but to me it is foundational.

We have three branches of government defined by our Constitution. Those branches are coequal, and they check each other. And it is exceptionally important that they really do check each other; that the legislative branch doesn't just give it away to the executive branch or to the courts or that the legislative branch doesn't run over the courts or the executive branch and neither can the executive branch or the judicial branch do for either. But if the judicial branch sits passive at a moment that they should engage, the other two branches are not checked or if the judicial branch engages in a moment when they should be silent, they have exceeded their authority as well.

It is exceptionally important that the three branches both check each other and also know their lane and do their lane well.

There are two cases that popped out that became very significant to me and were part of our conversation as well. There was a case that came up during the Trump administration when Judge Jackson was at the district court level and dealt with this issue of expedited removal. Now, it is my guess that she doesn't like the expedited removal process in immigration, but I didn't ask that; I didn't drill down on that, so it was only my guess. But what was interesting was she ruled on a case on expedited removal and forbid the Trump administration from actually putting in place what they did and did it nationwide.

The problem was, when that was appealed up to the DC Circuit Court, the DC Circuit Court actually reversed Judge Jackson's preliminary injunction and reminded Judge Jackson, at that point, that the way the law was written made this statement: that the Secretary had ''sole and unreviewable discretion.''

She literally reviewed a decision made by a Secretary, where specifically in the law it stated a judge cannot review this decision, though she overturned it, only to go to the circuit court and have them overturn her. That tells me a balance of power issue, of knowing what your lane is and determining how that lane is taken on.

There is another case that came up, actually during the Trump administration as well, when Judge Jackson was also in the district court, and she dealt with the issue about what unions could do and what the executive branch could do in relationship to unions.

It has been a contentious issue, quite frankly, for decades. It is entirely reasonable to be able to have that kind of dialogue about it. She ruled in the favor of the unions, and the DC Circuit, again, reversed her decision when it came there, but it is not just that they reversed her decision, it is that they reversed her decision, and this was the statement from the DC Circuit:

> We reversed because the district court lacked subject matter jurisdiction.

In other words, that is not your responsibility in that lane. Specifically, that kind of issue has to be taken up by the Federal Labor Relations Board. In statute, it says it can't go to a district court; it has to go to a different place. Typically, other judges look at it and say, ''You can't be in this spot to be able to argue this,'' and send it to the correct place. Instead, she ruled on it in favor of the unions and declared it done, until the circuit came back and said: That is not your lane. That is actually the executive branch's lane.

And one of the most interesting dialogues we had to be able to talk through things was the issue about deference.

Now, why does this matter? Well, for about 80 years, Congress has been writing a law that gets broader and broader and broader. Quite frankly, it has been a problem with both parties. If we want to see something done, we write a broad law; we send it to the executive branch; and we say figure it out.

And each executive branch is getting more and more creative on how they figure it out. And we deal with all kinds of regulations, and both parties argue with the executive branch and say: Why do you do that? And the executive branch responds back sometimes: Well, you gave me the ability to make that decision on my own and so I did.

This issue of deference and of delegation is a very significant constitutional principle. It is an issue that we have got to resolve here as a body—quite frankly, on both sides of the aisle—to be jealous of the responsibility that we are given in the Constitution.

But it is also an issue, I think, that is very important for the courts to be able to engage in because the courts are able to step in uniquely to the executive branch in a way the legislative branch cannot. The legislative branch can complain about it, but the courts actually can look at it and say, ''You are out of your lane,'' to the executive branch.

And if the court is passive in this, then whoever the executive is gets to run. One of the clearest examples of those is something that is called Chevron deference or our deference. I won't go into all the details on it, but it basically says, if a piece of legislation, the

way that it is written, is ambiguous, then the executive branch can interpret it the way that they choose.

I have a problem with that interpretation because I believe if the law was written poorly, we shouldn't just give it to the executive branch and say: Figure it out. What do you want it to mean? If it doesn't mean something clearly, it doesn't mean anything at all.

Now it is about two issues: One is a constitutional issue. If you go back to 1803, Marbury v. Madison is a foundational piece for the Supreme Court. This is the piece that has come up over and over again over the last two centuries.

The foundational statement that came out of Marbury v. Madison was this simple statement:

It is emphatically the duty of the judicial department to say what the law is.

If the judicial hands to the executive and says, ''We can't tell what the law says, so we will give it to you,'' it is literally the judicial handing to the executive something that is uniquely the judicial's power.

Now, this is no simple issue. This goes back to our balance of power. What we have is a situation now over the past several decades where Congress has given its power to the executive branch. If the judicial branch does the same, giving its power to the executive branch, we have a rising executive branch and the other two bodies will look at it and say: How did that happen? Because we gave it away is how it happened. And we have a more and more powerful President of either party and a less and less powerful Congress and judicial branch.

In my conversation with Judge Jackson, she repeated over and over to me that the court is limited, the court is limited, the court is limited. And I said, yes, they are limited, but they have a responsibility, and the court's responsibility is to say what the law is.

And at the moment—as I said to her, if I threw letters on the table, the executive branch doesn't have the ability to say: I will make them say whatever I want to.

I can't—if a law was written and the law said, ''Orange, penny, Ford, desk, Reagan,'' now all those are English words, but, quite frankly, they don't really make a sentence. The authority shouldn't be given to the executive branch to be able to figure out what they could make of that. The responsibility should be in the judicial branch to be able to look at that and say: That means nothing. Congress, go do your homework. Clean it up.

The executive branch can't just make it mean what they want it to say and say what the law is. Congress has to say make it clear and the judicial branch has to say what the law is and the executive branch has to apply it.

Now, again, this is very philosophical, but it is also foundational in our constitutional construct. It is why I find myself in the position of voting no for someone I personally liked when I met her but do not align with on how you handle the Constitution, separation of powers, and the responsibility of the court to align with original intent of the Constitution.

This is not a new dialogue for us in the Senate body. It is a conversation we have had for two centuries that is still unresolved for us. But we cannot select individuals that are not committed to the original meaning of the Constitution and can hand to the executive branch what the law says. This is one that we need to guard.

And so for that reason, when the vote comes tomorrow on Judge Jackson, I will vote no.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Ms. BALDWIN. I rise today in strong support of Judge Ketanji Brown Jackson's confirmation as our Nation's next Justice on the U.S. Supreme Court.

Oftentimes, the debate in the Senate on judicial nominations loses sight of the personal stories of those who are put before us, so let me start there.

Let me start by talking about where Ketanji Brown Jackson came from to reach this extraordinary point where we are poised to write an important chapter of progress in our Nation's history.

Ketanji Brown Jackson was born in our Nation's Capital and grew up in Miami. She is the daughter of two former public school teachers, who themselves were raised in the Jim Crow South. Two of Judge Jackson's uncles were police officers in Miami, one who ultimately became the police chief. Her brother served in the U.S. Army and as a police officer in Baltimore.

Judge Jackson attended public school in the Miami-Dade County school system. She credits her father for starting her on a path to the law, as he went back to school to earn a law degree and became a lawyer working for the school board.

Family, education, hard work, public service, all guiding Judge Jackson on the path that brought her to this moment, to today.

She was elected mayor of her junior high school class and president of her high school class. She grew to be a standout on the speech and debate team. And when her high school counselor told her not to set her sights too high, she never accepted the limits of others—she persevered.

Judge Jackson went to Harvard where she graduated magna cum laude. She went to Harvard Law School where she was a top student and editor of the prestigious Law Review.

Following graduation from law school, this nominee worked for three consecutive Federal judges, culminating with a clerkship from 1999 to 2000 for Supreme Court Justice Breyer.

As Judge Jackson has said, this is the lesson she took from her experience:

Justice Breyer exemplified every day, in every way, that a Supreme Court Justice can perform at the highest level of skill and integrity while also being guided by civility, grace, pragmatism and generosity of spirit.

Guided by her belief in the power and promise of the Constitution and this Nation's founding principles—freedom, liberty, and equality—Judge Jackson went on to serve as an assistant Federal public defender in the DC Circuit, representing defendants who did not have the means to pay for a lawyer.

When confirmed, Judge Jackson will be the first former Federal public defender to serve on the U.S. Supreme Court. And to me, this is an extremely important qualification that Judge Jackson holds and will bring with her to the Supreme Court.

As a former public defender, she had firsthand experience delivering the Constitution's promise of due process. This promise, given to all Americans without regard to financial means or political connections, is an essential element of our system of justice.

We all should want this experience and the perspective it brings on our highest Court because it is a fundamental protection in our justice system.

Judge Jackson has been confirmed by the U.S. Senate three times previously. She was first confirmed by the Senate to serve as the Vice Chair of the U.S. Sentencing Commission. Following in the footsteps of Justice Breyer, she would become the only member of the current Court who previously served as a member of that bipartisan, independent commission dedicated to reducing sentencing disparities and promoting transparency and proportionality in sentencing.

Next, after President Obama nominated Judge Jackson to be a district court judge for the District of Columbia, she was once again confirmed by the U.S. Senate in 2013. During Judge Jackson's 8 years on the bench as a district judge, she issued more than 500 written opinions. And last year, she was again confirmed by the U.S. Senate with bipartisan support to serve on the U.S. Court of Appeals for the District of Columbia Circuit.

In confirming her to each of these positions, the Senate voiced its confidence in Judge Jackson's character, integrity, and intelligence. Experience matters, and the fact is, Judge Jackson is as qualified and experienced in the law as any nominee in our Nation's history, bringing more experience as a judge than four of the current Justices did combined at the time they joined the Court. This strong experience has provided her a clear understanding of the role of a judge and the role of the judiciary in our system of government.

As she has said herself, ''A judge has a duty to decide cases based solely on the law, without fear or favor, prejudice or passion.''

That is precisely why she has a proven record of being faithful to the Constitution and being an independent,

fair, and impartial judge. That is why Judge Jackson has earned the support of the law enforcement community, including the Fraternal Order of Police and the International Association of Chiefs of Police, as well as victims of crime, including domestic violence and sexual assault survivors.

I had the pleasure and, in fact, joy of meeting with Judge Jackson last week. No fairminded person can deny her impressive credentials and experience, and no one should deny the moment she has rightfully earned to be considered for a seat on the U.S. Supreme Court.

Our meeting wasn't long, but it was long enough for me to know that she has a quality that everyone we work for wants in a judge and certainly in a Justice on the Supreme Court. She knows how to listen, and I have every confidence that Judge Jackson understands how important that quality is for a judge to carry out their responsibility and commitment to the rule of law.

Judge Jackson's lifetime of hard work and perseverance has prepared her well for this inspiring moment. I believe the people I work for in Wisconsin agree.

A young high school student in Milwaukee recently said:

> Knowing she is the first person to do that, it like, gives me the idea that I can do big stuff too.

Jada Davis, the first Black woman to be crowned Miss Milwaukee and a law student at Marquette University, said this:

> The more you see yourself in other people the more confidence you will have to do those same things or go after what you want.

I know Judge Jackson has the character, temperament, and experience we want in a Justice on our highest Court. I also know what this moment means to thousands of girls across Wisconsin who, after Judge Brown Jackson's confirmation, will have even more proof that they can achieve ''big stuff'' too.

I believe she has a deep appreciation for the fact that the Supreme Court makes decisions that have a profound effect on the lives of all Americans and that she will work to serve and protect the constitutional rights and freedoms of all Americans.

I will proudly vote for this historic confirmation, the confirmation of Judge Ketanji Brown Jackson to the United States Supreme Court.

I yield the floor.

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

Mr. CARPER. Mr. President, I am honored to follow my colleague from Wisconsin, and I rise as well regarding the nomination of Judge Ketanji Brown Jackson to serve as an Associate Justice on the Supreme Court of the United States.

As some of you will recall, one of our colleagues from New Jersey, Senator BOOKER, delivered unusually poignant and unscripted remarks recently in the Senate Judiciary Committee about Judge Jackson's nomination and credentials and character. He moved many of those who were present to tears and spelled out as only he can what this nomination means for our Nation and particularly for the millions of Black Americans who look at Judge Jackson and see their own mothers, their own daughters, their own sisters, and their own friends.

Unfazed by the unfair attacks that day on Judge Jackson, our colleague said these words:

> Nobody is going to steal my joy.

I second that emotion. This historic moment and this historic nominee bring me great joy as well.

For the next several minutes, I am going to talk about Judge Jackson's impeccable qualifications. I am going to discuss her sterling record as a public servant, including nearly a decade as a Federal judge, that makes her supremely qualified to serve on our Supreme Court.

I also want to talk for a bit about the historic nature of this nomination and attempt to put in context just what it means for our Nation and for me personally to cast a vote to confirm the first Black woman to serve on the Supreme Court, because today, indeed, it brings a lot of us real joy in this body to know that we have the opportunity and the privilege to play a small part in Judge Jackson's confirmation.

Similar to President Reagan delivering on his promise years ago to nominate the first woman—Justice Sandra Day O'Connor—to the Supreme Court, President Biden has delivered on his own promise. He has nominated the first Black woman to the highest Court in our land, and our Nation can be proud of the nominee we are here to debate and to confirm.

Let me begin, however, by taking just a moment to thank Justice Stephen Breyer for his exemplary service to our country.

As many of our colleagues know, Justice Breyer was nominated to the Supreme Court by President Clinton in 1994, when I was serving as Governor of Delaware. Our Presiding Officer was an astronaut up in the ether above our planet. Justice Breyer was confirmed, some will recall, by an overwhelming bipartisan vote—87 to 9.

Justice Breyer served our country with distinction for over six decades, including as a corporal in the Army Reserve, a Federal circuit court judge, and for nearly three decades on the Bench of the highest Court in our land.

Justice Breyer is known as a consensus builder on the Bench—a trait I have long admired in judges dating back to my time as Governor of Delaware, when I had the opportunity to nominate literally dozens of highly qualified individuals to serve on Delaware's highly respected courts. Over the past three decades, Justice Breyer has helped forge principled compromises to protect the constitutional rights of all Americans and to uphold the rule of law.

During a small ceremony at the White House in January when Justice Breyer first announced that he would be retiring, he brought with him a pocket copy of the U.S. Constitution. In his brief remarks, Justice Breyer reminded us of how Lincoln and Washington and so many other giants of American history have described that document, our Constitution. They described it as an experiment.

As Justice Breyer reminded us, during the time of Washington and Lincoln, there were plenty of folks who doubted our system of government could ever work, plenty of folks who said: Well, that is a great idea in principle, but it will never work, at least not for long. But, as Justice Breyer said that day—he said: It is our job to show them that it does work and it will continue to work.

Our Constitution has made possible the greatest experiment in democracy in the history of the world. Over the past several years, I have spoken any number of times on the Senate floor about the wisdom of the Framers of our Constitution. In the hot summer of 1787, they met in Philadelphia, as you will recall, and designed an intricate system of checks and balances. Article I dealt with the Congress; article II dealt with the executive branch of our government; and article III, the judiciary.

America is the longest running experiment in democracy, and our Constitution is more replicated across the globe than any other Constitution in the world. But our Constitution has never been perfect. The Framers never pretended that it was perfect.

This past weekend, I was privileged to give the keynote address during a commissioning ceremony at the Port of Wilmington for a new Virginia-class, fast-attack, nuclear submarine that bears the name of Delaware—the first Navy vessel named after the State of Delaware in over 100 years. At the end of my remarks, there was a crowd of about several thousand people gathered on the Delaware River, right beside the submarine and its crew. Among the folks in that crowd were the President of our country and the First Lady of the United States, Dr. Jill Biden, who was the sponsor of the boat.

I asked everyone there to stand and hold hands and join me in reciting the preamble to the Constitution, which begins something like this:

> We the People of the United States, in Order to form a more perfect Union—

It doesn't say ''a perfect Union''; rather, it says ''a more perfect Union.'' Why is that? Because our Framers understood that this would be an experiment and that it would be up to each generation that follows to decide how this experiment will proceed and if it will succeed, up to each generation to face those who say that this great experiment in democracy will never work.

It is through our actions on days like this that we show them that it does

still work. Judge Jackson's nomination is proof that, indeed, we have made this Nation more perfect over time and that despite our divisions—and we have them—generations of Americans have worked together, often across party lines, across State lines, across philosophical lines, to make a nomination like this possible.

Like many Americans, I have seen remarkable progress in my own lifetime. While my sister and I were born in a coal-mining town in Beckley, WV, we were raised in Danville, VA, right on the North Carolina border, just north of Greensboro.

Danville, VA, was known as the Last Capital of the Confederacy. Forced to flee Richmond after Union victories started piling up in early 1865, Confederate President Jefferson Davis actually held his Cabinet's last meeting—their last meeting—in Danville, where I grew up. He did that a few days before Lee surrendered to Grant at Appomattox.

Although it was nearly a century after the Civil War ended when my family moved to Delaware—nearly a century—racial prejudice and discrimination still prevailed there.

Growing up, my sister and I witnessed racism up close and personal. Every morning, for example, our schoolbus would take us to an all-White high school 10 miles away from our home, and about half an hour later, another schoolbus would come by and pick up Black students who had been waiting along with us and take them to their school, past my school and another 10 miles to their school, which was not a better school. It was a school that none of us would be especially proud of.

If my sister and I went to lunch with our family, we would sit at the lunch counter, but Black families were denied service.

If we went to the movie theater in Danville, VA, we sat on the ground floor; the Black patrons had to sit up in the balcony.

That is the America many of us lived in not all that long ago—the same America that Judge Jackson's parents, Johnny and Ellery Brown, were born into. It was an America where discrimination on the basis of race was sanctioned by State governments; an America where the judicial doctrine of ''separate but equal'' was still enshrined into our laws by the Supreme Court; where arbitrary literacy tests kept Black Americans away from poll booths; an America that treated back Americans like second-class citizens despite a civil war, an Emancipation Proclamation, and ratification of the 13th, 14th, and 15th Amendments to our Constitution. It was an America that was far from perfect.

But through decades of struggle, and thanks to the heroes of the civil rights movement, our Nation began to confront injustice in our communities and inequality in our laws. And thanks to brilliant Black lawyers like Thurgood Marshall and Wilmington, Delaware's Louis Redding, a number of legal challenges to America's separate but unequal classrooms went all the way to the Supreme Court.

And perhaps the greatest decision in the Supreme Court's history, Brown v. Board of Education declared to the Nation that the principle of separate but equal could never truly be equal. Brown v. Board of Education did not make our Nation perfect. But it was proof that when the Supreme Court is at its best, America and our Constitution are at their best.

The Supreme Court changed the America that my sister and I lived in—that Judge Jackson's parents lived in—for the better. Combined with the landmark civil rights bills of the 1960s, including the Civil Rights Act of 1964 and the Voting Rights Act of 1965, it made the America that Judge Jackson was born into more perfect than it was for the generations that came before her.

And I hope and pray that each generation will continue to recognize the uniquely American opportunity that our Constitution affords us—the ability to change our communities and our laws for the better—and take on the task themselves.

As Judge Jackson stated in her confirmation hearing, her parents taught her that—and I want to quote her. This is a quote from her:

> Unlike the many barriers that they had to face growing up, my path was clearer, such that if I worked hard and believed in myself, in America I could do anything or be anything I wanted to be.

And, my goodness, did she work hard. The daughter of two graduates of HBCU colleges, Judge Jackson was a star on her high school debate team and was elected ''mayor'' of Palmetto Junior High School and student body president of Miami Palmetto Senior High School. Judge Jackson then graduated magna cum laude from Harvard University and cum laude from Harvard Law School, where she was an editor of the Harvard Law Review. She clerked for not one, not two, but three Federal judges, including for Supreme Court Justice Stephen Breyer.

Judge Jackson could have done anything she wanted with a resume like that—anything—including pursuing any number of well-paying opportunities in the legal profession. Instead, Judge Jackson chose public service, in part because service was instilled in her by her parents, both of whom were public schoolteachers. And public service, no doubt, runs in her family.

Her younger brother felt a similar call to serve. After graduating from another fine HBCU university, Howard University right here in Washington, Judge Jackson's brother enlisted—enlisted—in the U.S. Army right after the 9/11 attacks. He was deployed to Iraq. He also ended up going to Egypt. And then following in the footsteps of two of Judge Jackson's uncles, he became a Baltimore police officer.

When I had the opportunity to meet with Judge Jackson in my office last month, we talked about a wide range of things. Among them, we talked about the diversity of her professional experience, including her time as a public defender right here in the Nation's Capital.

As most of us know, public defenders work very long hours for very little pay. They represent clients who cannot afford an expensive lawyer, and in some cases, they cannot afford any lawyer at all. But our system of government affords every person charged with a crime the presumption of innocence, the right to a fair trial, and the right to a competent defense.

It is a testament to the character of Judge Jackson that she is so committed to equal justice under the law that she was willing to commit the early stages of her career to this important work.

If confirmed, Judge Jackson would be the first Supreme Court Justice to have served as a Federal public defender in this Court's long, storied history and the first with significant criminal defense experience since Justice Marshall.

Now, in 2005, I voted to confirm Chief Justice John Roberts to the Supreme Court; not every Democrat did that. As you may recall, he was appointed by former President George W. Bush, a Republican. Some of my colleagues might remember, before Chief Justice Roberts was ever nominated to a Federal judgeship, he worked in private practice where his firm represented an individual appealing a death penalty conviction for the murder of eight people.

During his 2005 confirmation hearing to the Supreme Court, Chief Justice Roberts was asked about it and stated—and I want to quote him right now. Here is what he said:

> In representing clients, in serving as a lawyer, it's not my job to decide whether that's a good idea or a bad idea. The job of the lawyer is to articulate the legal argument on behalf of the client.

Chief Justice Roberts likened this work to John Adams defending British soldiers after the Boston Massacre, saying that Adams:

> . . . helped show that what our [Founding Fathers] were about was defending the rule of law, not undermining it. And that principle that you don't identify the lawyer with the particular views of a client or the views that the lawyer advances on behalf of the client is critical to the fair administration of justice.

Like Chief Justice Roberts, Judge Jackson has lived up to the values set out over 230 years ago, and in doing so, she has protected and defended our Constitution.

After her time as a public defender, Judge Jackson served as a vice chair for the U.S. Sentencing Commission. She was confirmed unanimously by the U.S. Senate.

Judge Jackson was then nominated to the U.S. District Court for the District of Columbia. She was confirmed unanimously by the U.S. Senate for that post.

And last year, President Biden nominated Judge Jackson to serve on the DC Circuit Court of Appeals, oftentimes referred to as our Nation's second highest court. Yet again, she was confirmed by the U.S. Senate with bipartisan support.

During the decade that she served as a Federal judge, Judge Jackson established a track record as a consensus builder, just like Justice Breyer. During the decade that she served as a Federal judge, Judge Jackson has been evenhanded and she has been impartial. During the decade that she has served as a Federal judge, Judge Jackson has ruled for and against the government, in favor of prosecutors and for criminal defendants, and for both civil plaintiffs and defendants.

As Judge Jackson told our colleagues on the Judiciary Committee recently, she has, she said:

a duty to decide cases based solely on the law, without fear or favor, prejudice or passion.

Judge Jackson is always guided by our Constitution. And it is why she received the support of judges nominated by Democrat and Republicans alike, by law enforcement and the civil rights community, and by Republicans and Democrats in this body on multiple occasions.

Now, these past few weeks, I heard some of our colleagues on the other side of the aisle use this confirmation process to mention the unfairness toward past nominees. Well, every one of these nominees—every nominee that they referred to received a hearing and a vote. The same cannot be said of Merrick Garland, former chief justice of the DC Court of Appeals who was nominated by former President Obama to serve on the Supreme Court. Judge Garland did not receive a hearing. Judge Garland did not receive a vote because our colleagues on the other side of the aisle decided to invent a new rule, and most of them even refused to meet with Merrick Garland, one of the finest servants I have ever known. And this shameful blockade led to what many Americans, myself included, view as a stolen Supreme Court seat, a permanent stain on this body's reputation and a reduction in the Supreme Court's credibility.

Then 4 years later, our colleagues on the other side of the aisle broke their own precedent and invented yet another new rule to confirm a Supreme Court Justice 8 days—8 days before election day, when tens of millions of ballots had already been cast.

And while I will never forget this truly shameful behavior, this week we have a chance to move away from politics. We have a chance to place an extremely well-qualified nominee to the Supreme Court and to do so with the support of Senators from both sides of the aisle.

In the end, the American people need to trust the Supreme Court to make decisions on questions that impact every single American: whether we have access to clean air is one of those issues, whether we have access to clean water, whether we have access to good healthcare, whether women have the right to make their own healthcare decisions. We need a Supreme Court that stays above the political fray. We need a Supreme Court that calls ''balls and strikes,'' as Chief Justice Roberts once said—a Supreme Court that maintains the trust of the American people as the arbiter of a Constitution that protects the civil rights of all Americans.

Judge Jackson will bring a breadth and a diversity of experience to the Supreme Court not often seen. Judge Jackson's resume—Harvard; Harvard Law; clerk to three Federal judges, including Justice Breyer; a public defender; U.S. Sentencing Commission vice chairman; Federal district court judge; and Federal Circuit Court judge—is evidence that she is among the most-qualified individuals in our country for this esteemed role.

Her character and her intellect are beyond reproach. She weathered a grueling confirmation process with grace and dignity.

Let me close by noting that Judge Jackson's nomination is proof that today in America one's qualifications and unrelenting work ethic earn you your spot, that public service is valued and commitment to the principles that protect our country do mean something, that the sacrifices of one generation slowly but surely make for a better America for the next generation.

So count me among the millions of Americans who are inspired by Judge Jackson's life story, a uniquely American story that provides proof that our Nation can be made more perfect over time.

And it brings this Senator from Delaware, who grew up in Danville, the last capital of the Confederacy, into a much different America. It brings me great joy to be able to cast a vote for Judge Ketanji Brown Jackson to serve as an Associate Justice on the Supreme Court of the United States.

And with that I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

MOTIONS TO INSTRUCT CONFEREES

Mr. SANDERS. Mr. President, I look forward to offering two rollcall votes on motions to instruct conferees to the so-called ''competitiveness'' bill based on the assurances given to me by the majority leader. I am not quite sure when we are going to get to that, but I look forward to offering those two rollcall votes.

The first motion would instruct the conference committee not to provide $53 billion to the highly profitable microchip industry without protections for the American people.

The second motion would instruct conferees not to provide a $10 billion bailout to Blue Origin, a space company owned by Jeff Bezos, the second-wealthiest person in America, who is also the owner of Amazon. Amazon is a company which, in a given year, pays nothing—zero—in Federal income taxes after making billions in profits; and, by the way, in a given year, Mr. Bezos himself, one of the wealthiest people in the country, has paid nothing in Federal income taxes despite being worth nearly $200 billion.

Let me be very clear. Mr. Bezos has enough money to buy a very beautiful $500 million yacht. It looks very nice to me, not that I know much about yachts; but that one looks very nice. Mr. Bezos has enough money to purchase a $23 million mansion with 25 bathrooms. I am not quite sure you need 25 bathrooms, but that is not my business—and here is that mansion. So, no, count me in as somebody who does not think that the taxpayers of this country need to provide Mr. Bezos a $10 billion bailout to fuel his space hobby.

When all is said and done, both of these motions are—the one on $53 billion for the microchip industry and $10 billion for Mr. Bezos—touch on an extremely important issue that is very rarely discussed in the corporate media or on the floor of the Senate, and that is how we proceed—how we go forward with industrial policy in this country.

I should be very clear in saying I believe in industrial policy. I believe that it makes sense on certain occasions for the government and the private sector to work together in a mutually beneficial way to address a pressing need in America.

Industrial policy, to me, means cooperation between the government and the private sector—cooperation. It does not mean the government providing massive amounts of corporate welfare to extremely profitable corporations without getting anything in return: Here is your check. Do what you want. Have a nice day.

In other words, will the U.S. Government develop an industrial policy that benefits all of our society or will we continue to have an industrial policy that benefits just the wealthy and the powerful?

In 1968, Dr. Martin Luther King, Jr., said:

The problem is that we all too often have socialism for the rich and rugged free enterprise capitalism for the poor.

I am afraid that what Dr. King said 54 years ago was not only accurate back then but is even more accurate today.

We hear a lot of talk around here about the need to create public-private partnerships. That all sounds very good, but when the government adopts an industrial policy that socializes all of the risk and privatizes all of the profits, whether it is handing the microchip industry a $53 billion blank check or giving Mr. Bezos a $10 billion bailout to fly to the Moon, that is not a partnership. That is the exact opposite of a partnership. That is corporate welfare. That is crony capitalism.

Each and every day, I have heard my Republican colleagues and some corporate Democrats blame inflation on runaway government spending. In fact,

one of my colleagues in the Democratic caucus has even suggested that we need to take a strategic pause when it comes to making urgent Federal investments in childcare, healthcare, education, affordable housing, paid family and medical leave, and home healthcare—policies that would substantially improve the lives of the American people. Well, you know what I believe. I believe that maybe—just maybe—the time has come to take a strategic pause when it comes to providing tens of billions of dollars in corporate welfare to some of the most profitable corporations and wealthiest people on this planet.

The American people are becoming increasingly sick and tired of corporations making recordbreaking profits while ordinary people struggle to pay outrageously higher prices for gas, for rent, for food. They are sick and tired of the high cost of prescription drugs, childcare, housing, groceries. They are sick and tired of CEOs making 350 times more than the average worker while over half of our people live paycheck to paycheck. The American people are sick and tired of the wealthiest people in our country and the most profitable corporations in some cases not paying a nickel in Federal income tax.

What does this so-called competitiveness bill do? Instead of addressing any of these issues, this bill provides $53 billion in corporate welfare to the microchip industry, with no protections for the American people, and a $10 billion bailout to Mr. Bezos. Now, that may make sense to Mr. Bezos, and it may make sense to other corporate leaders, but it does not make sense to me nor do I think it makes sense to the American people.

In terms of the microchip industry, the American people should know the truth. We are talking about an industry that has shut down over 780 manufacturing plants in the United States and eliminated 150,000 American jobs over the last 20 years as a result of moving their productions overseas. They have shut down plants in America and moved them overseas for cheap labor.

In other words, in order to make more profits, these companies closed plants in America and hired people—sometimes at starvation wages—in other countries, and now, believe it or not, these very same people, these very same companies, are in line to receive $53 billion in corporate welfare to literally undo the damage that they caused.

Now, some of my colleagues make the point that the microchip industry is enormously important for our economy and that we must become less dependent on foreign nations for microchips. I agree. There is no argument about that. But we can and must accomplish that goal of breaking our dependence on foreign countries for microchips without simply throwing money at these huge corporations while the taxpayer gets nothing in return.

I suspect five major semiconductor companies will likely receive the lion's share of this taxpayer handout. They are Intel, Texas Instruments, Micron Technology, GlobalFoundries, and Samsung. These five companies that are in line for a $53 billion bailout made over $75 billion in profits last year.

The company that will likely benefit the most from this taxpayer assistance is Intel. I have nothing against Intel. I wish them the very best, but let us be clear: Intel is not a poor company. Intel is not going broke—far from it. In 2021, Intel made nearly $20 billion in profits. We are talking about a company that had enough money to spend over $14 billion during the pandemic not on research and development but on buying back its own stock to reward its executives and wealthy shareholders. We are talking about a company that could afford to give its CEO, Mr. Pat Gelsinger, a $116 million compensation package last year. We are talking about a company that could afford to spend over $100 million on lobbying and campaign contributions over the past 20 years. Does it sound like this company, as well as the others, really needs corporate welfare? I don't think so.

Another company that would receive taxpayer assistance under this legislation is Texas Instruments. Last year, Texas Instruments made $7.8 billion in profits. In 2020, this company spent $2.5 billion in buying back its own stock while it has outsourced thousands of good-paying American jobs to low-wage countries and spent more than $40 million on lobbying over the past 20 years. That is Texas Instruments.

And on and on it goes.

So the first amendment that I would like a vote on and expect a vote on would instruct the conference committee to prevent microchip companies from receiving taxpayer assistance unless they agree to issue warrants or equity stakes to the Federal Government. If private companies are going to benefit from over $53 billion in taxpayer grants, the financial gains made by these companies must be shared with the American people, not just wealthy shareholders.

In other words, all this amendment says is that, if these investments turn out to be profitable as a direct result of these Federal grants, the taxpayers of this country have a right to get a return on that investment.

This is by no means a radical idea. These exact conditions were imposed on corporations that received taxpayer assistance in the bipartisan CARES Act, which, as you will recall, passed the Senate 96 to 0. In other words, every Member of the U.S. Senate has already voted for the conditions that are in this amendment.

In addition, this amendment would instruct the conference committee to require these highly profitable companies not to buy back their own stock, not to outsource American jobs, not to repeal collective bargaining agreements, and to remain neutral in any union-organizing efforts.

Again, this is not a radical idea. All of these conditions were imposed on companies that received funding from the CARES Act, and that passed the Senate by a vote of 96 to 0.

The second motion that I have introduced touches on an issue that we have very, very rarely discussed on the floor of the Senate. Unbelievably, the so-called competition bill would provide some $10 billion in taxpayer money to Jeff Bezos, the second wealthiest person in America, for his space race with Elon Musk, the wealthiest person in America. So we are looking at a space race between the two wealthiest guys in America.

You know, when I was a young man a few years ago and Neil Armstrong went to the Moon, I recall like yesterday the kind of incredible joy and pride in this country because the United States of America did something that people never ever thought would be possible. Who would have dreamed of sending a man to the Moon? Extraordinary. The entire world, not only people in America, watched that event with bated breath. All over the world, TV sets were on on every continent on Earth. It was just an extraordinary accomplishment for all of humanity. That is what Neil Armstrong said when he stepped onto the Moon—that it was not just for the United States—but we, of course, our Nation, took special pride because that was an American project.

I worry very much that what we are seeing now is not a space race between the United States and other countries as to which nation will return to the Moon or perhaps get to Mars but, rather, a space race between Mr. Musk and Mr. Bezos—the two wealthiest people in America—as to who will gain control over NASA and future space explorations.

In other words, if we are able to accomplish the unbelievable, extraordinary goal of sending a person to Mars, I want the flag that will be flying on that planet to be the flag of the United States of America, not the flag of SpaceX or Blue Origin.

Let us be clear: The $10 billion in this bill for Jeff Bezos and his space company, Blue Origin, is just the tip of the iceberg. The reality is that the space economy, which today mostly consists of private companies using NASA facilities free of charge to launch satellites into space, is already very profitable and could become and will likely become even more so in the future.

Bank of America predicts that by 2030, the space economy will triple in size to $1.4 trillion. That is ''trillion'' with a t.

According to the most recent data, private corporations made over $94 billion in profits a year for goods or services that are used in space—profits

that could not have been achieved without the assistance of NASA, a government Agency funded by the taxpayers of America.

And while we are talking about the profitability of satellites today—and that is already a very profitable industry—sometime in the future—not next year, not 10 years from now, but sometime in the future—the real money may come to those who not only provide satellites but those who figure out how to mine lucrative minerals or asteroids. Does this sound like science fiction? It is not. This is exactly what is being worked on right now, mining lucrative minerals on asteroids.

In 2015, the famous astrophysicist, Neil deGrasse Tyson, predicted:

> The first trillionaire there will ever be is the person who exploits the natural resources on asteroids . . . . There's this vast universe of limitless energy and limitless resources. I look at wars fought over access to resources. That could be a thing of the past, once space becomes our backyard.

End of quote, Mr. deGrasse Tyson.

Who gets to own the resources discovered by private corporations in space?

Well, as a result of a little-known 2015 SPACE Act that passed the Senate by unanimous consent with virtually no floor debate, private corporations are able to own all of these resources. In other words, the taxpayers of this country will get a zero-percent return on the investment they made in these private enterprises, which could turn out to be unbelievably lucrative.

Is that what we want space exploration to become? Do we really think that it is acceptable for NASA to hand out billions of dollars to some of the wealthiest billionaires in America today to make them even wealthier? Or do we want to use space exploration to benefit all of the American people and improve life here on the planet for everyone?

It is time that we had a serious debate on the future of NASA, instead of just handing out $10 billion to Mr. Bezos.

Let me conclude by saying that I happen to believe and support space exploration. I think the benefits could be extraordinary for the American people and for people all over the world. But if we continue down the path of privatizing space exploration, it also has the potential to make the obscenely rich even richer and more powerful than anyone can possibly imagine today. In my view, we cannot and must not allow that to happen.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

NOMINATION OF KETANJI BROWN JACKSON

Mr. BENNET. Mr. President, I rise tonight to support Ketanji Brown Jackson's nomination to serve as an Associate Justice on the U.S. Supreme Court.

Judge Jackson comes to this floor with impeccable credentials. She graduated from Harvard magna cum laude. She graduated with honors from Harvard Law School, where she edited the Harvard Law Review.

After graduation, Judge Jackson worked at top firms in private practice and secured three prestigious clerkships, including one for Justice Breyer on the Supreme Court of the United States. Later, she served as a public defender, representing people who couldn't afford a lawyer.

I can't think of better evidence of her commitment to equal justice under the law, where everyone, regardless of their means, has the right to fair representation.

Judge Jackson is clearly qualified for this position. There is nobody who doubts that. My colleagues know it because the Senate has confirmed her three times with bipartisan support: first, to serve as Vice Chair of the U.S. Sentencing Commission; second, for the U.S. District Court for the District of Columbia; and, last, for the U.S. Court of Appeals for the DC Circuit.

Taken together, Judge Jackson comes to this floor with the best legal training America can offer: a decade of experience on the Federal bench and a consistent record of bipartisan support here on this floor.

I had the opportunity to meet with Judge Jackson 2 weeks ago, after she had been rolled around in the barrel—that is one way of saying it—during the confirmation hearings that people all over the country watched. And in our conversation, after she had been through all of that turmoil, she told me about how her parents had attended segregated schools in Miami before working as public school teachers here in Washington, DC. Her dad went on to be a lawyer, a lawyer for the Miami school district, something I appreciate, having been a superintendent of schools.

Unlike her parents, Judge Jackson grew up in America after the civil rights laws of the 1960s and remembered how hard her parents worked every single day to give her opportunities they never even dreamed of for themselves. And she seized those opportunities. She earned top grade. She was elected student body president.

And when she told her guidance counselor she wanted to apply to Harvard, the counselor warned she shouldn't set her ''sights so high.'' Fortunately for America, she set her sights high. She set her sights where they should have been set. She followed the high example of her parents, working hard and impressing everyone along the way, friends and colleagues and mentors, who are virtually beating down the doors of this Capitol to tell us what a thoughtful, fairminded, and principled Justice she would be.

That hasn't stopped some colleagues from distorting her record, trying to say to the American people that she is soft on crime. That would come as news, I think, to the Fraternal Order of Police, who has endorsed her candidacy for the Court. It would come as news to the International Association of Chiefs of Police. Both have endorsed her nomination. They see what is obvious to anyone who fairly reviews her record, which is that Judge Jackson has spent her entire career devoted to the rule of law.

Her brother and two uncles served as police officers. So law enforcement isn't some academic abstraction for her. It is literally her family.

The Presiding Officer knows something about that, I think, in his family history as well.

In our meeting, I asked Judge Jackson what makes a good judge. We had a long talk about that. One of the things she said was communication, because judges have to explain their reasoning in every decision, which is a lot more than I can say for the U.S. Senate.

She also said that it is the unique role of the judge to identify and to extract their bias before every case. And if you look at her more than 570 written decisions, it is clear how seriously she takes that responsibility.

I was just on the phone with some people from Colorado before I came over here. And I said to them—I told them I was coming out here to give this speech. And I said to them—these are old, old friends of mine—that I can't remember a time when I sat down with somebody and had a 30-minute conversation where I came away more impressed than I was by Judge Jackson.

I found her to be both brilliant and completely down-to-earth, which is, I think, a particularly important combination for a judge at any level—at any level—to have both the intellect to grapple with the nuances of the law and the experience to appreciate how it affects real people.

It wasn't that long ago that Judge Jackson would have received over 90 votes on this floor, just like her mentor, Justice Breyer, did; just like qualified judges when I was in law school myself. The Senate confirmed Justice Breyer 96 to 3, just like we confirmed Justice Scalia 98 to 0, and Justice Sandra Day O'Connor got 91 to nothing. Somebody was out that day. I guarantee you they would have voted for her if they had been here.

Each time that happened, the Senate reinforced the independence of the judiciary, set aside our partisan politics, and stood up, I think, for integrity and for the rule of law.

I am sad. I am sad tonight that Judge Jackson won't get 99 votes tomorrow, even though she deserves it. And that is not a reflection on her. As I said, if this were an earlier day in the Senate, she would get 99 votes. She would have gotten 99 votes if she had come in a different era. It is a reflection of how we, as Senators—and I among them—have shredded our constitutional responsibility to advise and consent.

It is my hope that by the time—I was going to say, when my children are adults; they almost are adults; they

are adults—but by the time they are running the country, with everybody else in their generation, that we will have figured out a way to return the Senate to a place where we take our responsibility—our constitutional responsibility—to advise and consent seriously, and we find a way to make it, once again, a bipartisan effort in this place, and find a way to stitch ourselves back together again. I am prepared to work with anybody on the floor to try to do that. But in the meantime, this really, in my view, is a moment to celebrate. It is a moment to celebrate.

In the last few weeks, my office has literally been flooded with messages from Coloradans telling me what an extraordinary Justice Judge Jackson would make. And they don't have to persuade me. Judge Jackson is an inspiration to me and to so many Americans, to millions and millions of Americans.

In the past few weeks, I couldn't help but imagine what it would mean to the students I used to work for in the Denver Public Schools to see Judge Jackson on the Court, the same Court that once ruled in Dred Scott v. Sandford that her ancestors were little more than property, a Court that codified in Plessy v. Ferguson the segregated schools that her parents were forced to attend and the segregated hotels and buses and movie theaters they endured every single day, day after day.

And it is a reminder that change is possible in America. Our country isn't perfect—far from it. Our history has always been a battle between the highest ideals expressed in our Constitution and our worst impulses as human beings.

And if you look at our history, if you really look at our history, the path from cases like Dred Scott and Plessy to Brown and Obergefell was cleared, as it always is, by Americans who refused to give up on our highest ideals; who insisted, as Dr. King once said, that we make real the promise of our democracy.

This week is a victory for our highest ideals and for the promise of American democracy. It is a moment to celebrate a nation that, as Judge Jackson said, in one generation went from forcing her parents to live under Jim Crow to elevating her to the highest Court in the land.

After carefully reviewing her record, I believe that Judge Jackson will join the ranks of Earl Warren, Thurgood Marshall, and Ruth Bader Ginsburg, Justices who have helped bridge the gap between the words written in our Constitution and their reality in America today, and I hope she will join the Court's great dissenters, Justices like Justice Harlan, who opposed decisions that outlawed the minimum wage, or Justices Roberts and Murphy, who refused to condone the internment of Japanese Americans in Colorado and across the country. All of those Justices stood not for an ideology but for the American values etched in our Constitution: freedom, equality, democracy, and the rule of law.

I am confident that Judge Jackson will stand for those values fairly, impartially, and without prejudice; and tomorrow I will enthusiastically vote for her confirmation. I would suggest that everybody in this Chamber would have a good reason to vote for her confirmation, and I hope they will consider it.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, in a few moments, I will lock in our agreement on both PNTR as well as cloture on the SCOTUS nomination.

First, I ask unanimous consent that the Senate consider the following nominations en bloc: Calendar Nos. 810, 852, and 862; that the Senate vote on the nominations, en bloc, without intervening action or debate; that the motions to reconsider be considered made and laid upon the table; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate resume legislative session.

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

The question is, Will the Senate advise and consent to the nominations of Glen S. Fukushima, of California, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2024; Krista Anne Boyd, of Florida, to be Inspector General, Office of Personnel Management; and Marvin L. Adams, of Texas, to be Deputy Administrator for Defense Programs, National Nuclear Security Administration, en bloc?

The nominations were confirmed en bloc.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

MORNING BUSINESS

ARMS SALES NOTIFICATION

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

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

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

DEFENSE SECURITY COOPERATION AGENCY,
Arlington, VA.

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

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 22–0E. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 20–40 of July 6, 2020.

Sincerely,

JAMES A. HURSCH,
Director.

Enclosures.

TRANSMITTAL NO. 22–0E

Report of Enhancement or Upgrade of Sensitivity of Technology or Capability (Sec. 36(b)(5)(C), AECA)

(i) Purchaser: Government of France.

(ii) Sec. 36(b)(1), AECA Transmittal No.: 20–40; Date: July 6, 2020; Military Department: Navy.

(iii) Description: On July 6, 2020, Congress was notified by Congressional certification transmittal number 20–40, of the possible sale, under Section 36(b)(1) of the Arms Export Control Act, of three (3) E–2D Advanced Hawkeye Aircraft, ten (10) T–56–427A engines (6 installed and 4 spares), three (3) AN/APY–9 radar assemblies, four (4) AN/ALQ–217 electronic support measure systems (3 installed and 1 spare), three (3) AN/AYK–27 Integrated Navigation Channels and Display Systems, five (5) Link–16 (MIDS-JTRS) Communications Systems (3 installed and 2 spares), ten (10) Embedded GPS/INS (EGI) Devices (6 installed and 4 spares), four (4) AN/APX–122(A) and AN/APX–123(A) Identification, Friend or Foe systems (3 installed and 1 spare) and one (1) Joint Mission Planning System. Also included were Common Systems Integration Laboratories with/Test Equipment, one in Melbourne, FL, and the other in France; air and ground crew equipment; support equipment; spare and repair parts; publications and technical documentation; transportation; training and training equipment; U.S. Government and contractor logistics, engineering, and technical support services; and other related elements of logistics and program support. The estimated total cost was $2 billion. Major Defense Equipment (MDE) constituted $1.3 billion of this total.

This transmittal notifies the inclusion of: one (1) Tactics Trainer—Weapon Systems (TT) (MDE). Also included are additional training devices, spares, and services. The total estimated MDE value will increase by $42 million, resulting in a new MDE total of $1.35 billion. The total estimated case value will increase to $2.1 billion.

(iv) Significance: The proposed sale will improve France's ongoing E–2D acquisition. These trainers directly support France's capabilities for Electronic Warfare, air safety, NATO missions, and interoperability with U.S. forces.

(v) Justification: This proposed sale will support the foreign policy and national security of the United States by helping to improve the security of a NATO ally which is

an important force for political stability and economic progress in Europe.

(vi) Sensitivity of Technology: The E–2D Tactics Trainer—Weapon Systems (TT) delivers a comprehensive and dynamic high fidelity environment simulating the E–2D Advanced Hawkeye (AHE) Combat Information Center (CIC) and related aircraft subsystems. The TT provides coordinated ground based qualification and continuation training for Naval Flight Officer (NFO) crew positions of the E–2D including: Air Control Officer (ACO), Combat Information Center Officer (CICO), Radar Officer (RO), and Tactical Forth Operator and an Instructor Operation Station (IOS) for simulation control and recording of student performance.

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

(vii) Date Report Delivered to Congress: April 5, 2022.

ARMS SALES NOTIFICATION

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

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

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

DEFENSE SECURITY COOPERATION AGENCY,
Arlington, VA.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 22–16, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Taipei Economic and Cultural Representative Office in the United States (TECRO) for defense articles and services estimated to cost $95 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

JAMES A. HURSCH,
Director.

Enclosures.

DEFENSE SECURITY COOPERATION AGENCY,
Arlington, VA.

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

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 22–16, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Taipei Economic and Cultural Representative Office in the United States (TECRO) for defense articles and services estimated to cost $95 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

JAMES A. HURSCH,
Director.

Enclosures.

DEFENSE SECURITY COOPERATION AGENCY,
Arlington, VA.

Hon. GREGORY W. MEEKS,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 22–16, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Taipei Economic and Cultural Representative Office in the United States (TECRO) for defense articles and services estimated to cost $95 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

JAMES A. HURSCH,
Director.

Enclosures.

TRANSMITTAL NO. 22–16

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

(i) Prospective Purchaser: Taipei Economic and Cultural Representative Office in the United States (TECRO).

(ii) Total Estimated Value:
Major Defense Equipment* $0 million.
Other $95 million.
Total $95 million.
Funding Source: National Funds.

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

Major Defense Equipment (MDE): None

Non-MDE: Contractor Technical Assistance support consisting of training, planning, fielding, deployment, operation, maintenance, and sustainment of the Patriot Air Defense System, associated equipment, and logistics support elements; as well as Patriot Ground Support Equipment, spare parts, and consumables as required in support of Technical Assistance activities.

(iv) Military Department: Army (TW–B–ZDU).

(v) Prior Related Cases, if any: TW–B–YYV, TW–B–ZCY.

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

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: None.

(viii) Date Report Delivered to Congress: April 5, 2022.

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

POLICY JUSTIFICATION

Taipei Economic and Cultural Representative Office in the United States—Contractor Technical Assistance

The Taipei Economic and Cultural Representative Office in the United States (TECRO) has requested to buy Contractor Technical Assistance support consisting of training, planning, fielding, deployment, operation, maintenance, and sustainment of the Patriot Air Defense System, associated equipment, and logistics support elements; as well as Patriot Ground Support Equipment, spare parts, and consumables as required in support of Technical Assistance activities. The total estimated program cost is $95 million.

This proposed sale is consistent with U.S. law and policy as expressed in Public Law 96–8.

This proposed sale serves U.S. national, economic, and security interests by supporting the recipient's continuing efforts to modernize its armed forces and to maintain a credible defensive capability. The proposed sale will help improve the security of the recipient and assist in maintaining political stability, military balance, economic and progress in the region.

The proposed sale will help to sustain the recipient's missile density and ensure readiness for air operations. The recipient will use this capability as a deterrent to regional threats and to strengthen homeland defense. The recipient will have no difficulty absorbing this equipment and services into its armed forces.

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

The prime contractor will be Raytheon Technologies, Andover, MA. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to recipient.

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

TRIBUTE TO BETTY REID SOSKIN

Mr. KING. Mr. President, as the chair of the Senate National Parks Subcommittee and on behalf of Senator DAINES, the Ranking Member of the Senate National Parks Subcommittee, today, I wish to recognize Betty Reid Soskin, who recently retired as the National Park Service's oldest active ranger. Betty spent a decade and a half sharing her personal experiences as a ranger at the Rosie the Riveter/WWII Home Front National Park in Richmond, CA. I want to thank Betty for her service and wish her well in her much-deserved retirement.

Betty had a long path before landing at the National Park Service. She grew up in a Cajun-Creole, African-American family in Oakland, CA. Her family was forced to leave their home in New Orleans after the ''Great Flood'' in 1927, and they moved to Oakland to join Betty's maternal grandfather. After graduating from Castlemont High School, Betty went to work as a file clerk in a segregated union hall, Boilermaker's A–36, during World War II. Later, she and her husband, Mel Reid, opened Reid's Records, one of the first Black-owned music stores; the store remained open until fall of 2019. Betty also worked for a Berkley city council member and as a field representative in West Contra Costa County for two members of the California State Assembly.

In the early 2000s, Betty was involved in the planning meetings with the city of Richmond and the National Park Service to develop the management plan for the Rosie the Riveter/WWII Home Front National Historic Park. She also worked with the National Park Service on a grant to cover untold stories of African-Americans on

the home front during WWII, which led to a temporary position working for the National Park Service at the age of 84. Betty became a permanent National Park Service employee in 2011 and has been leading public programs and sharing her personal stories and observations with park visitors ever since.

Betty gained national fame in 2013, during the government shutdown, when media outlets wanted to interview her as the oldest National Park Service ranger, to get her take on the shutdown. Betty participated in numerous national television interviews but managed to stay out of the political fray, saying that she wanted to focus what little time she had left on getting back to work, sharing her stories of the WWII home front. In 2015, Betty was selected by the National Park Service to participate in the national tree-lighting ceremony at the White House and introduced President Barack Obama in the national telecast on the annual PBS special. In fall 2019, Betty suffered a stroke and spent months in therapy, returning to work just before the COVID–19 pandemic struck. Prior to her retirement, Betty started doing weekly virtual visits to continue to share her perspectives with visitors.

Like many park rangers, Betty's path to the National Park Service may not have been the most direct, but we have all benefited from her decision to dedicate herself to public service. Her firsthand experiences on the home front during WWII help provide critical lessons for all Americans, regardless of their age, and we are so thankful that Betty chose to spend so many years of her life sharing her experiences with us all. We will certainly miss her insights and passion, but she has earned this retirement. On behalf of myself and Senator DAINES, I extend our best wishes to Betty and thank her again her service.

ADDITIONAL STATEMENTS

TRIBUTE TO CAMERON MOORE

● Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Cam for his hard work as an intern in my Casper Office. I recognize his efforts and contributions to my office, as well as to the State of Wyoming.

Cam is a native of Casper. He is a graduate of Kelly Walsh High School. Cam currently attends Casper College, where he is studying political science. He has demonstrated a strong work ethic, which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Cam for the dedication he has shown while working for me and my staff. It is a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his journey.●

TRIBUTE TO RACHELLE TRUJILLO

● Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Rachelle for her hard work as an intern in my Casper Office. I recognize her efforts and contributions to my office, as well as to the State of Wyoming.

Rachelle is a native of Casper. She is a graduate of Kelly Walsh High School. Rachelle currently attends Casper College, where she is studying international studies and communications. She has demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Rachelle for the dedication she has shown while working for me and my staff. It is a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her journey.●

TRIBUTE TO VIOLET WRIGHT

● Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Violet for her hard work as an intern in my Casper Office. I recognize her efforts and contributions to my office, as well as to the State of Wyoming.

Violet is a native of Casper. She is a graduate of Natrona County High School. Violet currently attends Casper College, where she is studying public relations and human communications. She has demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Violet for the dedication she has shown while working for me and my staff. It is a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her journey.●

TRIBUTE TO KAY GUINANE

● Mr. BROWN. Mr. President, I rise as chairman of the Banking, Housing and Urban Affairs Committee to honor and recognize the contributions of Kay Guinane upon her retirement from the Charity and Security Network.

In 2009, Ms. Guinane founded the Charity and Security Network—C and SN—a resource and advocacy center for nonprofit organizations to promote and protect their ability to carry out effective programs that support peace and human rights, aid civilians in areas of disaster and armed conflict, and build democratic governance.

Kay formed C and SN after observing significant obstacles in achieving critical humanitarian, peacebuilding and human rights programs. She recognized laws that restricted interactions with and financial support for designated groups and individuals were also severely limiting the critical work of civil society programs that provided assistance to the most vulnerable populations around the world. C and SN blazed a trail in being one of the first nonprofit organizations to address these issues.

Early on, in concert with colleagues around the world who had experienced similar impediments, Kay began engaging with elected officials and administration policymakers, seeking solutions, including the committees in Congress responsible for illicit finance and sanctions policy. Kay and her organization were a critical resource for the Senate Banking Committee for years as we addressed important policy issues, and unintended consequences of certain policies around illicit financing, bank de-risking, the conveyance of remittances overseas from families in the US—including large communities of Somalis, Ethiopians, and people from across Latin America—and other issues.

In May 2010, Kay testified in the first congressional oversight hearing since September 11, 2001, to look at the impact of anti-terrorist financing enforcement policies on the U.S. charitable sector. The hearing entitled, ''Anti-Money Laundering: Blocking Terrorist Financing and Its Impact on Lawful Charities,'' was held by the House Financial Services subcommittee on Oversight and Investigations. During the hearing, a Treasury official acknowledged that the laws aimed at stopping terrorist financing could have the unintended consequence of harming the effectiveness of certain charitable programs. Kay outlined specific problems faced by the U.S. nonprofit sector, including the issue of banks freezing accounts indefinitely, and noted the negative impact of U.S. Treasury enforcement actions on legitimate charitable organizations operating solely to assist vulnerable populations.

Over the next decade, Kay and the work of C and SN were a driving force in efforts to address challenges civil society groups had in implementing their essential lifesaving, peacebuilding and human rights work. Kay's vision and efforts built an impressive network of nearly 200 organizations internationally with a shared goal of assisting the most vulnerable and protecting fundamental civil liberties. These organizations addressed issues surrounding civil societal concerns and financial access restrictions for nonprofits to combating obstacles in reaching general populations due to specific sanctioned entities.

By drawing on legal expertise, firsthand experiences of those working with these limitations, and policy analysis, the work of C and SN has helped raise awareness of and craft solutions for civil society and human rights concerns around the world. It has also resulted in tangible improvements in regulations, international guidelines, and policies. One notable and tangible

legislative victory was in key provisions of the Anti-Money Laundering Act of 2020, which assisted to improve financial access for charities.

While her steadfast work will be missed, Kay's legacy at C and SN and its network of affiliates will have an impact on global civil liberties and human rights issues going forward. I offer her my heartfelt congratulations to her on her retirement, and wish her—and C and SN, which she leaves in good hands—all the best going forward.●

TRIBUTE TO CHIEF WARRANT OFFICER 5 DAVID HAMMON

● Ms. DUCKWORTH. Mr. President, I rise today to pay tribute to the remarkable career of CW5 David Hammon, a 42-year servicemember of the Illinois Army National Guard who will retire on April 30, 2022. Chief Hammon was the fifth command chief warrant officer of the State of Illinois and only the third full-time soldier to hold the position.

Chief Hammon enlisted in the Army as an aircraft mechanic in 1980. He served with the 219th Transportation Company, 40th Aviation Battalion (Attack Helicopter), 1144th Transportation Battalion, and 1st Battalion, 106th Aviation Regiment. In 1996, he became an aviation warrant officer with the 106th. He served in various units and positions, to include aviation intermediate maintenance, light medium transportation, lift, and aviation unit maintenance. His latest assignment was as a maintenance test pilot for Company D, 1st Battalion, 106th Aviation Regiment in Decatur, flying the UH–60 Blackhawk. Chief Hammon deployed twice in support of Operation Iraqi Freedom/New Dawn. In 2004 to 2005, he deployed with Headquarters, 1st Battalion, 106th Aviation Regiment, and in 2009 to 2010, he deployed with Company A, 1st Battalion, 106th Aviation Regiment. His overseas deployment training missions include Germany, El Salvador, Panama, Iceland, and Hawaii.

Chief Hammon's military awards and decorations include Meritorious Service Medal, Air Medal (Numeral 2), Army Commendation Medal (3 oakleaf clusters), National Defense Service Medal (1 Bronze Star), Iraq Campaign Medal (3 Bronze Service Stars), Global War on Terrorism Service Medal, Humanitarian Service Medal, Armed Forces Reserve Medal (M 2 Device), Overseas Service Ribbon (Numeral 2), Army Reserve Component Overseas Training Ribbon (Numeral 7), Illinois State Active Duty (Numeral 2), Army Combat Action Badge, Master Army Aviator Badge, Army Excellence in Competition Badge Bronze Rifle, Driver and Mechanic Badge.

Chief Hammon's leadership, determination, and commitment have no doubt changed lives and helped to make our country safer. As his Army career ends, may he continue to be ''Always Ready, Always There!'' and forever take pride in knowing that his exemplary efforts and unwavering professionalism contributed greatly to the success of the Army and the National Guard mission.●

REMEMBERING COLONEL GAIL S. HALVORSEN

● Mr. LEE. Mr. President, Col. Gail S. Halvorsen is known as the ''Candy Bomber'' because in 1948, Colonel Halvorsen brought not only much needed supplies to the besieged residents of Berlin, but he brought joy in the form of candy bars and bubble gum with miniature parachutes dropped from his airplane. This story of hope, light, and service is but a highlight in a life dedicated to serving others.

While Colonel Halvorsen passed away earlier this year at the notable age of 101 years, the people of Utah hold him and his story close to our hearts. Recently, my staff and I were honored to join the Gail S. Halvorsen Foundation and other groups in Utah to help facilitate the donation of six tons of school and baby supplies along with 9,000 letters from Utah schoolchildren to refugees fleeing Ukraine. While logistical challenges are characteristic of international donations of this type, the dedication of the Halvorsen Foundation and all involved ensured these vital supplies made it safely to those within a critical timeline.

In a time of violence and evil, when our friends are under attack, Gail Halvorsen is again leading the way for American generosity, kindness, and compassion. The parallels between these two tragic situations are moving. The men and women of America's military volunteered in aiding in delivering supplies to those in need. The Halvorsen family and foundation were involved intimately in the effort. Colonel Halvorsen's daughter brought along chocolate bars to induct the Navy pilots as some of the next generation of ''candy bombers.'' These supplies landed at Tempelhof airbase where the legend began. Now, as then, the people of the United States are showing characteristic kindness. It is particularly moving to me that alongside the supplies and necessities of life, this shipment included touching letters from the schoolchildren of Utah. Gail Halvorsen is remembered not for his efficiency or logistics, but his kindness and gift for human connection.

These diapers, packages of formula, and school supplies will be used by the most vulnerable of the Ukrainian refugees. This gesture of kindness will lift up weary hands and encourage struggling hearts of the mothers and fathers of these children. Importantly, at this moment of difficulty and despair, the Gail Halvorsen Foundation and the people of Utah are also remembering the people behind the tragedy and are remembering kindness, humanity, and an individual touch in the effort to relieve suffering.

The people of Utah are not unfamiliar with stories of displacement. Utah was settled by religious refugees seeking freedom from persecution and violence. Indeed, the history of the United States is broadly marked by groups fleeing violence, persecution, or turmoil in their homelands. The American empathy for refugees and desire to help those in desperate need is alive and well in the hearts and minds of Utahns.

Col. Gail S. Halvorsen lived a life dedicated to service. His signature kindness shines brightly in telling his signature story. His glowing smile matched his glowing personality. In Utah, we miss the ''Candy Bomber'' and his personal touch. Neverthless, his mission and influence continues.

The dedicated work of the Gail S. Halvorsen Foundation is changing lives today. Be it caring for refugees, inspiring kindness, or building future generations of STEM professionals, the Gail S. Halvorsen Foundation continues the legacy of one of Utah's greatest citizens. Col. Gail S. Halvorsen's story, his legacy, and his influence carry on bringing smiles and relief all along the way.●

TRIBUTE TO DAVID MICHAEL THOMAS

● Mr. PAUL. Mr. President, while it is not possible to specifically recognize every Vietnam veteran who honorably served our Nation, each time we celebrate one, we also focus our attention on thousands of others, many of whom lost their lives decades ago.

Today, I want to honor David Michael Thomas, who followed in the footsteps of his own father, Glenn Elmore Thomas, a personal bodyguard for Dwight D. Eisenhower, and joined the U.S. Army in 1970. Specialist Thomas was stationed outside the Tan Son Nhut Air Field with the 519th Military Intelligence Battalion, 525th Military Intelligence Group for 2 years. He received the National Defense Service Medal, the Vietnam Service Medal with 2 Stars, Vietnam Campaign Medal with 60 Device, Meritorious Unit Citation, and the Army Commendation Medal.

Upon his return from Vietnam, he graduated from Western Kentucky University in my hometown of Bowling Green and, most notably, met his future wife, Julia Kirk at the Baptist Student Union. Together, they embarked on his 40 years of pastoral ministry in seven different States, finally retiring back in our community. He and Julia are blessed with four children and a host of grandchildren and great-grandchildren.

His legacy of serving others, first in the Armed Services and then in pastoral ministry, continues in a unique way with which I have a personal connection. His daughter, Amy Bee, is a constituent service representative in my office in Bowling Green. She is one of the many talented staff members

who help Kentuckians navigate the highly complex problems that they are experiencing with Federal agencies, like the Internal Revenue Service, or the Veterans Administration. Men and women who have exhausted every avenue of their own resources count on professionals like Amy—and her talented colleagues—to resolve their issues in a timely way. It is a unique and highly demanding form of service and reflects the values modeled by Amy's father and grandfather.

Later this month, David Thomas—and a plane full of fellow veterans—will come to Washington with an Honor Flight Bluegrass excursion. Each one of these veterans has his or her own story to tell, and by sharing a glimpse into the life of David Thomas, we salute them all.●

RECOGNIZING MALVAGIO'S RESTAURANT

● Mr. RISCH. Mr. President, as a member and former chairman of the Senate Committee on Small Business and Entrepreneurship, each month I recognize and celebrate the American entrepreneurial spirit by highlighting the success of a small business in my home State of Idaho. Today, I am pleased to honor Malvagio's Restaurant as the Idaho Small Business of the Month for April 2022.

Malvagio's Restaurant brings a taste of Italy to Coeur d'Alene with their sampling of hand-crafted wood-fired pizzas, pastas, salads, and breads. With a dream of bringing their community together with food and a passion for the tradition of wood-fired cooking, owners Svitlana and Matthew Petersen dedicated a year to perfecting the craft and designing an innovative, mobile wood-fired oven. Using this unique oven as the cornerstone of their restaurant, the couple founded Malvagio's in 2016.

In the 5 years since Malvagio's first opened its doors, the restaurant has become a mainstay of the Coeur d'Alene community. While they have brought smiles to countless faces in their mom-and-pop restaurant, the Petersen's mobile wood-fired oven has allowed the business to branch into catering. Today, Malvagio's pizzas are a common sight at weddings, parties, and other celebrations across northern Idaho. Thanks to this growth, the restaurant now employs eight Idahoans and is the official dealer of Forno Bravo wood-fired ovens in Idaho.

Malvagio's success is matched only by the Petersen's dedication to giving back. As the world watched Russia's invasion of Ukraine, Svitlana—a Ukrainian native—and Matthew began serving an authentic Ukrainian dish at Malvagio's. During the week of March 2, 2022, all proceeds from each purchase of a cup of borscht, a Ukrainian beetroot soup, were donated to Ukrainian humanitarian needs. By virtue of these efforts, Malvagio's has raised thousands of dollars in support of Ukraine and has become a champion of Idahoan entrepreneurship and philanthropy.

Congratulations to Svitlana, Matthew, and all of the employees at Malvagio's Restaurant for being selected as the Idaho Small Business of the Month for April 2022. You make our great State proud, and I look forward to your continued growth and success.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Swann, one of his secretaries.

PRESIDENTIAL MESSAGE

REPORT RELATIVE TO THE ISSUANCE OF AN EXECUTIVE ORDER DECLARING ADDITIONAL STEPS WITH RESPECT TO THE NATIONAL EMERGENCY WITH RESPECT TO THE UNUSUAL AND EXTRAORDINARY THREAT TO THE NATIONAL SECURITY, FOREIGN POLICY, AND ECONOMY OF THE UNITED STATES POSED BY SPECIFIED HARMFUL FOREIGN ACTIVITIES OF THE GOVERNMENT OF THE RUSSIAN FEDERATION ORIGINALLY DECLARED IN EXECUTIVE ORDER 14024 OF APRIL 15, 2021—PM 30

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3, United States Code, I hereby report that I have issued an Executive Order in order to take additional steps with respect to the national emergency declared in Executive Order 14024 of April 15, 2021, with respect to the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States posed by specified harmful foreign activities of the Government of the Russian Federation.

The order prohibits the following: (i) new investment in the Russian Federation by a United States person, wherever located; (ii) the exportation, reexportation, sale, or supply, directly or indirectly, from the United States, or by a United States person, wherever located, of any category of services as may be determined by the Secretary of the Treasury, in consultation with the Secretary of State, to any person located in the Russian Federation; and (iii) any approval, financing, facilitation, or guarantee by a United States person, wherever located, of a transaction by a foreign person where the transaction by that foreign person would be prohibited by this section if performed by a United States person or within the United States.

I am enclosing a copy of the Executive Order I have issued.

JOSEPH R. BIDEN, Jr.

THE WHITE HOUSE, *April 6, 2022.*

MESSAGES FROM THE HOUSE

At 12:46 p.m., a message from the House of Representatives delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1218. An act to require the Federal Communications Commission to incorporate data on maternal health outcomes into its broadband health maps.

H.R. 1540. An act to provide for joint reports by relevant Federal agencies to Congress regarding incidents of terrorism, and for other purposes.

H.R. 2501. An act to require the National Telecommunications and Information Administration and the Federal Communications Commission to update the memorandum of understanding on spectrum coordination.

H.R. 4209. An act to support remediation of illicit cross-border tunnels, and for other purposes.

H.R. 4476. An act to establish the Department of Homeland Security (DHS) Trade and Economic Security Council and the position of Assistant Secretary for Trade and Economic Security within the Department of Homeland Security, and for other purposes.

H.R. 5633. An act to amend the Homeland Security Act of 2002 to enhance transparency regarding reports conducted by the Inspector General of the Department of Homeland Security, and for other purposes.

H.R. 5641. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to increase the threshold for eligibility for assistance under sections 403, 406, 407, and 502 of such Act, and for other purposes.

H.R. 5689. An act to improve the provision of Federal resources to help build capacity and fund risk-reducing, cost-effective mitigation projects for eligible State, local, Tribal, and territorial governments and certain private nonprofit organizations, and for other purposes.

H.R. 6387. An act to amend the Homeland Security Act of 2002 to establish a school security coordinating council, and for other purposes.

ENROLLED BILLS SIGNED

At 3:58 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker had signed the following enrolled bills:

S. 233. An act to designate the Rocksprings Station of the U.S. Border Patrol located on West Main Street in Rocksprings, Texas, as the ''Donna M. Doss Border Patrol Station''.

S. 1226. An act to designate the United States courthouse located at 1501 North 6th Street in Harrisburg, Pennsylvania, as the ''Sylvia H. Rambo United States Courthouse'', and for other purposes.

S. 2126. An act to designate the Federal Office Building located at 308 W. 21st Street in Cheyenne, Wyoming, as the ''Louisa Swain Federal Office Building'', and for other purposes.

S. 2629. An act to establish cybercrime reporting mechanisms, and for other purposes.

H.R. 3197. An act to direct the Secretary of the Interior to convey to the City of Eunice, Louisiana, certain Federal land in Louisiana, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. LEAHY).

MEASURES REFERRED

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

H.R. 2501. An act to require the National Telecommunications and Information Administration and the Federal Communications Commission to update the memorandum of understanding on spectrum coordination; to the Committee on Commerce, Science, and Transportation.

H.R. 4209. An act to support remediation of illicit cross-border tunnels, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4476. An act to establish the Department of Homeland Security (DHS) Trade and Economic Security Council and the position of Assistant Secretary for Trade and Economic Security within the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5633. An act to amend the Homeland Security Act of 2002 to enhance transparency regarding reports conducted by the Inspector General of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5641. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to increase the threshold for eligibility for assistance under sections 403, 406, 407, and 502 of such Act, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5689. An act to improve the provision of Federal resources to help build capacity and fund risk-reducing, cost-effective mitigation projects for eligible State, local, Tribal, and territorial governments and certain private nonprofit organizations, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6387. An act to amend the Homeland Security Act of 2002 to establish a school security coordinating council, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 4008. A bill to provide COVID relief for restaurants, gyms, minor league sports teams, border businesses, live venue service providers, exclave businesses, and providers of transportation services.

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1218. An act to require the Federal Communications Commission to incorporate data on maternal health outcomes into its broadband health maps.

H.R. 1540. An act to provide for joint reports by relevant Federal agencies to Congress regarding incidents of terrorism, and for other purposes.

H.R. 3599. An act to establish a Federal rotational cyber workforce program for the Federal cyber workforce, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 4022. A bill to codify in statute the CDC title 42 expulsion order, which suspends the right for certain aliens to enter the United States land borders, until February 1, 2025.

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–3663. A communication from the Board Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's proposed fiscal year 2023 Budget and Performance Plan; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3664. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Sodium Salt of Acifluorfen; Pesticide Tolerances for Emergency Exemptions'' (FRL No. 9657–01–OCSPP) received in the Office of the President of the Senate on April 1, 2022; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3665. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Cyantraniliprole; Pesticide Tolerances'' (FRL No. 9648–01–OCSPP) received in the Office of the President of the Senate on April 5, 2022; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3666. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–3667. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Leon N. Thurgood, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–3668. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Eric T. Fick, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–3669. A communication from the Alternate Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement: Contract Closeout Authority for DoD Services Contracts (DFARS Case 2021–D012)'' (RIN0750–AL48) received in the Office of the President of the Senate on April 1, 2022; to the Committee on Armed Services.

EC–3670. A communication from the Senior Official Performing the Duties of Assistant Secretary of Defense (Legislative Affairs), transmitting an additional legislative proposal relative to the ''National Defense Authorization Act for Fiscal Year 2023''; to the Committee on Armed Services.

EC–3671. A communication from the Senior Congressional Liaison, Legislative Affairs, Bureau of Consumer Financial Protection, transmitting, pursuant to law, a report entitled ''Consumer Response Annual Report''; to the Committee on Banking, Housing, and Urban Affairs.

EC–3672. A communication from the Senior Congressional Liaison, Legislative Affairs, Bureau of Consumer Financial Protection, transmitting, pursuant to law, a report entitled ''Exemptions to Suspicious Activity Report Requirements'' (RIN1557–AE77) received in the Office of the President of the Senate on March 30, 2022; to the Committee on Banking, Housing, and Urban Affairs.

EC–3673. A communication from the Program Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''FY2021 Office of Minority and Women Inclusion Annual Report''; to the Committee on Banking, Housing, and Urban Affairs.

EC–3674. A communication from the Chairman, Federal Financial Institutions Examination Council, transmitting, pursuant to law, the Council's 2021 Annual Report to Congress; to the Committee on Banking, Housing, and Urban Affairs.

EC–3675. A communication from the Chair and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to various countries; to the Committee on Banking, Housing, and Urban Affairs.

EC–3676. A communication from the President and Chair of the Export-Import Bank of the United States, transmitting, pursuant to law, the Bank's 2021 Annual Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–3677. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program: Test Procedure for Water Closets and Urinals'' (RIN1904–AE03) received in the Office of the President of the Senate on March 30, 2022; to the Committee on Energy and Natural Resources.

EC–3678. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Wisconsin; Redesignation of the Manitowoc, Wisconsin Area to Attainment of the 2015 Ozone Standard'' (FRL No. 9484–02–R5) received in the Office of the President of the Senate on April 1, 2022; to the Committee on Environment and Public Works.

EC–3679. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Delaware; Amendments to Control of Volatile Organic Compounds Mobile Equipment Repair and Refinishing Rule Regulation'' (FRL No. 9666–02–R3) received in the Office of the President of the Senate on April 1, 2022; to the Committee on Environment and Public Works.

EC–3680. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; South Dakota; Revisions to South Dakota Codified Law and Administrative Rules of South Dakota'' (FRL No. 9680–02–R8) received in the Office of the President of the Senate on April 1, 2022; to the Committee on Environment and Public Works.

EC–3681. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval;

Connecticut; Negative Declaration for the Oil and Gas Industry'' (FRL No. 9546–02–R1) received in the Office of the President of the Senate on April 1, 2022; to the Committee on Environment and Public Works.

EC–3682. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Finding of Failure to Attain the 2010 Sulfur Dioxide Standard; Tennessee; Sullivan County Nonattainment Area'' (FRL No. 9374–02–R4) received in the Office of the President of the Senate on April 5, 2022; to the Committee on Environment and Public Works.

EC–3683. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Kansas; 2015 Ozone NAAQS Interstate Transport Requirements'' (FRL No. 9428–02–R7) received in the Office of the President of the Senate on April 5, 2022; to the Committee on Environment and Public Works.

EC–3684. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Missouri; Control of Emissions from the Manufacturing of Paints, Varnishes, Lacquers, Enamels and Other Allied Surface Coating Products'' (FRL No. 9396–02–R7) received in the Office of the President of the Senate on April 5, 2022; to the Committee on Environment and Public Works.

EC–3685. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Air Plans; Base Year Emissions Inventories for the 2015 Ozone Standards; Arizona; Phoenix-Mesa and Yuma Nonattainment Areas'' (FRL No. 9101–02–R9) received in the Office of the President of the Senate on April 5, 2022; to the Committee on Environment and Public Works.

EC–3686. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Limited Approval and Limited Disapproval; California; Air Resources Board; Volatile Organic Compounds'' (FRL No. 8791–02–R9) received in the Office of the President of the Senate on April 5, 2022; to the Committee on Environment and Public Works.

EC–3687. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Alabama; Birmingham Limited Maintenance Plan for the 1997 8-Hour Ozone NAAQS'' (FRL No. 9539–02–R4) received in the Office of the President of the Senate on April 5, 2022; to the Committee on Environment and Public Works.

EC–3688. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Kentucky; 2015 8-hour Ozone Nonattainment New Source Review Permit Program Requirements'' (FRL No. 9502–02–R4) received in the Office of the President of the Senate on April 5, 2022; to the Committee on Environment and Public Works.

EC–3689. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Georgia; Air Quality Control, Miscellaneous Rule Revisions to Definitions and Permitting'' (FRL No. 9537–02–R4) received in the Office of the President of the Senate on April 5, 2022; to the Committee on Environment and Public Works.

EC–3690. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Indiana, Ohio; Definition of Chemical Process Plants Under State Prevention of Significant Deterioration Regulations and Operating Permit Programs'' (FRL No. 9397–02–R5) received in the Office of the President of the Senate on April 5, 2022; to the Committee on Environment and Public Works.

EC–3691. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Minnesota; Bulk Silos PM10 FESOP Update'' (FRL No. 9547–02–R5) received in the Office of the President of the Senate on April 5, 2022; to the Committee on Environment and Public Works.

EC–3692. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Illinois; Infrastructure SIP Requirements for the 2012 PM2.5 and 2015 Ozone NAAQS'' (FRL No. 9056–02–R5) received in the Office of the President of the Senate on April 5, 2022; to the Committee on Environment and Public Works.

EC–3693. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Iowa; Determination of Attainment by the Attainment Date for the 2010 1-Hour Sulfur Dioxide Standard'' (FRL No. 9461–02–R7) received in the Office of the President of the Senate on April 5, 2022; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MENENDEZ, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S.J. Res. 17. A joint resolution requiring the advice and consent of the Senate or an Act of Congress to suspend, terminate, or withdraw the United States from the North Atlantic Treaty and authorizing related litigation, and for other purposes.

By Mr. MENENDEZ, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and with an amended preamble:

S. Res. 446. A resolution commending the Government of Lithuania for its resolve in increasing ties with Taiwan and supporting its firm stance against coercion by the Chinese Communist Party.

S. Res. 456. A resolution expressing support for a free, fair, and peaceful December 4, 2021, election in The Gambia.

By Mr. MENENDEZ, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 3199. A bill to promote peace and democracy in Ethiopia, and for other purposes.

S. 3491. A bill to establish a commission to reform and modernize the Department of State.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. PETERS for the Committee on Homeland Security and Governmental Affairs.

*Derek Kan, of California, to be a Governor of the United States Postal Service for a term expiring December 8, 2028.

*Daniel Mark Tangherlini, of the District of Columbia, to be a Governor of the United States Postal Service for a term expiring December 8, 2027.

*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.

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. CASEY (for himself and Mr. GRASSLEY):

S. 4009. A bill to amend title XVIII of the Social Security Act to rebase the calculation of payments for sole community hospitals and Medicare-dependent hospitals, and for other purposes; to the Committee on Finance.

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

S. 4010. A bill to amend title 28, United States Code, to provide for the establishment of a code of conduct for the justices of the Supreme Court of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. WARNOCK:

S. 4011. A bill to amend title XVIII of the Social Security Act to provide for a cap on beneficiary liability under part D of the Medicare program, and for other purposes; to the Committee on Finance.

By Mr. BRAUN:

S. 4012. A bill to amend the Internal Revenue Code of 1986 to modify the depreciation of nonresidential real property and residential rental property; to the Committee on Finance.

By Mr. SANDERS (for himself, Mr. PADILLA, Mr. BOOKER, Ms. WARREN, Mr. MARKEY, Mr. MURPHY, and Mr. MERKLEY):

S. 4013. A bill to promote United States energy security and independence by bolstering renewable energy supply chains in the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. DUCKWORTH (for herself, Mr. CASSIDY, and Mr. BROWN):

S. 4014. A bill to authorize the Director of the National Science Foundation to award grants to support research on the disruption of regular cognitive processes associated with COVID–19 infection, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. DUCKWORTH (for herself, Mr. MARKEY, and Mr. KAINE):

S. 4015. A bill to authorize the Secretary of Health and Human Services to award grants to eligible entities for creating or enhancing capacity to treat patients with Long COVID through a multidisciplinary approach; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BRAUN:

S. 4016. A bill to amend the Congressional Budget Act of 1974 to set responsible budget targets; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. BLACKBURN (for herself and Mr. HAGERTY):

S. 4017. A bill to designate the United States courthouse located at 111 South Highland Avenue in Jackson, Tennessee, as the ''James D. Todd United States Courthouse'', and for other purposes; to the Committee on Environment and Public Works.

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

S. 4018. A bill to enable high research activity status historically Black colleges or universities to increase capacity toward achieving very high research activity status; to the Committee on Armed Services.

By Mr. REED:

S. 4019. A bill to protect airline crew members, security screening personnel, and passengers by banning abusive passengers from commercial aircraft flights, and for other purposes; to the Committee on Commerce, Science, and Transportation.

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

S. 4020. A bill to require balanced budgets in concurrent resolutions on the budget, to establish limits on the waiver of budget points of order, and to prevent appropriations in excess of the amount authorized to be appropriated; to the Committee on the Budget.

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

S. 4021. A bill to amend the Immigration and Nationality Act to expand the grounds of inadmissibility and deportability for human rights violators; to the Committee on the Judiciary.

By Mr. RUBIO (for himself, Mr. TILLIS, Mr. RISCH, Mr. WICKER, Mr. DAINES, Mr. CRAMER, Mr. BRAUN, Mr. CRAPO, Mr. HOEVEN, and Mr. SCOTT of South Carolina):

S. 4022. A bill to codify in statute the CDC title 42 expulsion order, which suspends the right for certain aliens to enter the United States along United States land borders, until February 1, 2025; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Ms. STABENOW (for herself and Mr. THUNE):

S. Res. 577. A resolution designating April 2022 as ''Parkinson's Awareness Month''; to the Committee on the Judiciary.

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

S. Res. 578. A resolution commending and congratulating the University of Kansas Jayhawks men's basketball team for winning the 2022 National Collegiate Athletic Association Basketball National Championship; considered and agreed to.

By Mr. CRUZ:

S. Res. 579. A resolution recognizing the 100th anniversary of Big Bertha, one of the largest bass drums in use by a university in the United States and located at The University of Texas at Austin; considered and agreed to.

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

S. Res. 580. A resolution recognizing the 100th anniversary of the creation of the Purdue ''All-American'' Marching Band's World's Largest Drum; considered and agreed to.

By Mr. GRASSLEY:

S. Res. 581. A resolution supporting the designation of the week of April 24 through April 30, 2022, as ''National Crime Victims' Rights Week''; considered and agreed to.

By Mr. KING (for himself, Mr. DAINES, Mr. REED, Mr. RUBIO, Ms. HIRONO, Mr. CASSIDY, Ms. KLOBUCHAR, Mr. WICKER, Mr. PADILLA, Mrs. BLACKBURN, Mr. LUJÁN, Ms. LUMMIS, Mrs. FEINSTEIN, Mr. CRAMER, Mr. WHITEHOUSE, Mr. BURR, Ms. CORTEZ MASTO, Mr. MARSHALL, Ms. ROSEN, Mr. SCOTT of South Carolina, Mr. MANCHIN, Mr. BARRASSO, Mr. KAINE, Mr. HOEVEN, Mr. WARNER, Ms. COLLINS, Ms. CANTWELL, Mr. PORTMAN, Mr. DURBIN, Mr. BRAUN, Mr. WYDEN, Mr. TILLIS, Ms. BALDWIN, Mr. KENNEDY, Mr. MARKEY, Mr. HAGERTY, Mr. PETERS, Mr. BOOZMAN, Mr. CARDIN, Mr. YOUNG, Mr. KELLY, Mr. GRAHAM, Ms. HASSAN, Mrs. CAPITO, Ms. WARREN, Mr. ROUNDS, Ms. DUCKWORTH, Mr. BLUNT, Mr. VAN HOLLEN, Mr. SCOTT of Florida, Mr. MERKLEY, Mr. COTTON, Ms. SMITH, Mrs. SHAHEEN, Mrs. MURRAY, Mr. COONS, Mr. CARPER, Mr. HICKENLOOPER, Mr. MURPHY, Mr. HEINRICH, Ms. STABENOW, and Mr. TESTER):

S. Res. 582. A resolution designating the week of April 16 through April 24, 2022, as ''National Park Week''; considered and agreed to.

By Mr. PETERS (for himself, Mrs. FISCHER, Mr. WICKER, and Ms. CANTWELL):

S. Res. 583. A resolution supporting the goals and ideals of National Safe Digging Month; considered and agreed to.

ADDITIONAL COSPONSORS

S. 377

At the request of Mrs. GILLIBRAND, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 377, a bill to promote and protect from discrimination living organ donors.

S. 391

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 391, a bill to amend title 18, United States Code, to reauthorize and expand the National Threat Assessment Center of the Department of Homeland Security.

S. 406

At the request of Mr. PAUL, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 406, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 625

At the request of Mr. TESTER, the name of the Senator from Arizona (Mr. KELLY) was added as a cosponsor of S. 625, a bill to amend title 10, United States Code, to eliminate the enrollment fee requirement for TRICARE Select for members of the Armed Forces who retired before January 1, 2018.

S. 765

At the request of Mr. MENENDEZ, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 765, a bill to improve United States consideration of, and strategic support for, programs to prevent and respond to gender-based violence from the onset of humanitarian emergencies and to build the capacity of humanitarian actors to address the immediate and long-term challenges resulting from such violence, and for other purposes.

S. 976

At the request of Mr. TESTER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 976, a bill to amend title 38, United States Code, to improve and to expand eligibility for dependency and indemnity compensation paid to certain survivors of certain veterans, and for other purposes.

S. 1136

At the request of Ms. CANTWELL, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 1136, a bill to amend the Internal Revenue Code of 1986 to reform the low-income housing credit, and for other purposes.

S. 1233

At the request of Mr. CARDIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1233, a bill to amend the Internal Revenue Code of 1986 to simplify reporting requirements, promote tax compliance, and reduce tip reporting compliance burdens in the beauty service industry.

S. 1467

At the request of Mr. TESTER, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 1467, a bill to direct the Secretary of Veterans Affairs to carry out a series of clinical trials on the effects of cannabis on certain health outcomes of veterans with chronic pain and posttraumatic stress disorder, and for other purposes.

S. 1489

At the request of Mr. MENENDEZ, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1489, a bill to amend the Inspector General Act of 1978 to establish an Inspector General of the Office of the United States Trade Representative, and for other purposes.

S. 1530

At the request of Ms. HIRONO, her name was added as a cosponsor of S. 1530, a bill to amend the Child Nutrition Act of 1966 and the Richard B. Russell National School Lunch Act to make breakfasts and lunches free for all children, and for other purposes.

S. 1658

At the request of Mr. MERKLEY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1658, a bill to amend the Fair Labor Standards Act of 1938 to expand access to breastfeeding accommodations in the workplace, and for other purposes.

S. 2001

At the request of Mr. KING, the name of the Senator from Wyoming (Ms. LUMMIS) was added as a cosponsor of S. 2001, a bill to amend the Federal Meat Inspection Act to exempt from inspection the slaughter of animals and the preparation of carcasses conducted at a

custom slaughter facility, and for other purposes.

S. 2607

At the request of Mr. PADILLA, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Colorado (Mr. HICKENLOOPER) were added as cosponsors of S. 2607, a bill to award a Congressional Gold Medal to the former hostages of the Iran Hostage Crisis of 1979–1981, highlighting their resilience throughout the unprecedented ordeal that they lived through and the national unity it produced, marking 4 decades since their 444 days in captivity, and recognizing their sacrifice to the United States.

S. 2675

At the request of Mr. CARDIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2675, a bill to amend the American Rescue Plan Act of 2021 to increase appropriations to Restaurant Revitalization Fund, and for other purposes.

S. 2780

At the request of Mr. MARSHALL, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 2780, a bill to amend title 10, United States Code, to prohibit certain adverse personnel actions taken against members of the Armed Forces based on declining the COVID–19 vaccine.

S. 2854

At the request of Mr. KENNEDY, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of S. 2854, a bill to allow for the transfer and redemption of abandoned savings bonds.

S. 2935

At the request of Mr. TESTER, the name of the Senator from Arizona (Mr. KELLY) was added as a cosponsor of S. 2935, a bill to amend the Family and Medical Leave Act of 1993 to provide leave because of the death of a son or daughter.

S. 3171

At the request of Mr. KENNEDY, the names of the Senator from Connecticut (Mr. MURPHY) and the Senator from New Hampshire (Ms. HASSAN) were added as cosponsors of S. 3171, a bill to ensure that Federal work-study funding is available for students enrolled in residency programs for teachers, principals, or school leaders, and for other purposes.

S. 3824

At the request of Mrs. GILLIBRAND, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Minnesota (Ms. SMITH) were added as cosponsors of S. 3824, a bill to amend the Public Health Service Act to reauthorize a grant program for screening, assessment, and treatment services for maternal mental health and substance use disorders, and for other purposes.

S. 3904

At the request of Mr. CASSIDY, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of S. 3904, a bill to enhance the cybersecurity of the Healthcare and Public Health Sector.

S. 3915

At the request of Mr. BARRASSO, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 3915, a bill to require the Secretary of Energy to provide technology grants to strengthen domestic mining education, and for other purposes.

S. 3917

At the request of Mr. INHOFE, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 3917, a bill to apply the Medicaid asset verification program to all applicants for, and recipients of, medical assistance in all States and territories, and for other purposes.

S. 3975

At the request of Mr. COONS, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from North Carolina (Mr. TILLIS) were added as cosponsors of S. 3975, a bill to reauthorize the Victims of Child Abuse Act of 1990, and for other purposes.

S.J. RES. 25

At the request of Mrs. SHAHEEN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S.J. Res. 25, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S. RES. 559

At the request of Ms. KLOBUCHAR, the name of the Senator from Tennessee (Mrs. BLACKBURN) was added as a cosponsor of S. Res. 559, a resolution expressing gratitude on behalf of the people of the United States to the journalists and news staff who are risking injury and death, are subject to grave threat, and have sacrificed their lives, to chronicle and report on the ongoing war in Ukraine resulting from the Russian Federation's invasion.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REED:

S. 4019. A bill to protect airline crew members, security screening personnel, and passengers by banning abusive passengers from commercial aircraft flights, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. REED. Mr. President, today I am introducing the Protection from Abusive Passengers Act, a bill that is aimed at eliminating the rash of violence and abuse that is occurring on commercial flights across the country. I am pleased to be joined in this effort by Representative ERIC SWALWELL of California, who is introducing companion legislation in the other body. The goal of our bill is to send a clear signal that individuals who engage in serious abusive or violent behavior on an aircraft or at an airport security checkpoint will be banned from flying.

Since 2020, we have seen an extraordinary increase in the number of cases of violence and abuse against crewmembers and airline passengers. In 2021, the Federal Aviation Administration received 5,981 reports of ''unruly passengers.'' Those complaints led to 1,124 investigations, nearly the same number of investigations as the previous 10 years combined. From those investigations, the Federal Aviation Administration, FAA, has initiated 350 enforcement actions and proposed $5 million in fines. In February, it was widely reported that the FAA had referred 80 cases to the FBI for criminal investigation. Clearly, these are not minor infractions. Here some recent examples:

In December 2021, the FAA proposed a record $52,500 fine against a passenger who tried to open the cockpit door on a Delta flight from Honolulu to Seattle, struck a flight attendant twice, and threatened him.

The FAA also proposed a $45,000 fine against a passenger ''for throwing objects, including his carry-on luggage, at other passengers; refusing to stay seated; lying on the floor in the aisle, refusing to get up, and then grabbing a flight attendant by the ankles and putting his head up her skirt.''

It proposed a $30,000 fine against a passenger on a Jan. 3, 2021, flight from Atlanta for ''allegedly interfering with the flight attendants' deplaning procedures upon arrival. He attempted to gain entry to the flight deck by physically assaulting two flight attendants, threatening to kill one of them, and demanding them to open the door.''

Last December, a passenger on Southwest Airlines pleaded guilty to punching a flight attendant in the face multiple times in a May 2021 incident in Sacramento. According to prosecutors, the flight attendant was taken to a hospital with injuries that included a swollen eye, a bruised arm, and a cut under her eye that had to be stitched. She also had three chipped teeth, two of which: had to be replaced with crowns.

Such actions in any setting would be deplorable and reprehensible, but on an airplane, such behavior can also represent a real threat to all passengers. Clearly, the existing regime of civil and criminal penalties has not been enough to deter the upsurge in cases. We need to send a signal that such types of behavior will not be tolerated.

The Protection from Abusive Passengers Act would require the Transportation Security Administration, TSA, to create and manage a program which bars passengers who are fined or convicted of serious physical violence and abuse from flying. Transparency and notice will be provided to banned individuals, including guidelines for removal. The bill would also permanently ban abusive passengers from participating in the TSA PreCheck or Customs' Global Entry programs.

The bill provides appropriate fairness and due process by ensuring that only

individuals who have been assessed a civil or criminal penalty for abusive and violent behavior will be included on the list of banned fliers. The bill also requires the TSA to explain how it will maintain its list of banned fliers, provide an explanation of how long the individual may be barred from flying based on the severity of the offense, and provide how the individual can seek to be removed from the list of banned fliers.

I believe this bill strikes the appropriate balance to assure fairness and transparency while sending a strong signal that violent and abusive behavior will not be tolerated. I am pleased that the bill is supported by both labor and the airlines, including American Airlines, Delta Airlines, Southwest Airlines, the Association of Flight Attendants-CWA, the Association of Professional Flight Attendants, Transport Workers Union of America, and the Transportation Trades Department of the AFL–CIO. I hope that my colleagues will join me in supporting this important bill.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 577—DESIGNATING APRIL 2022 AS ''PARKINSON'S AWARENESS MONTH''

Ms. STABENOW (for herself and Mr. THUNE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 577

Whereas Parkinson's disease—

(1) affects 1,000,000 individuals in the United States;

(2) is the second most common neurodegenerative disease in the world;

(3) is believed to be caused by a combination of genetic and environmental factors; and

(4) is the 14th leading cause of death in the United States, according to the Centers for Disease Control and Prevention;

Whereas it is estimated that, by the year 2037, the number of individuals with Parkinson's disease in the United States will nearly double, and the disease will cost the United States at least $79,000,000,000 annually;

Whereas the symptoms of Parkinson's disease can include dementia and cognitive impairment, tremors, slowness of movement, ''freezing'' in place, inability to walk and maintain balance, speech difficulties, depression, losing the ability to swallow, and a variety of other symptoms;

Whereas there are millions of family caregivers, friends, and loved ones whose lives are greatly affected by Parkinson's disease; and

Whereas more research, education, and community support services are needed to—

(1) find better treatments and a cure for Parkinson's disease; and

(2) maintain dignity for those living with the disease today: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2022 as ''Parkinson's Awareness Month'';

(2) supports the goals and ideals of Parkinson's Awareness Month;

(3) continues to support research to find better treatments and a cure for Parkinson's disease;

(4) recognizes the individuals living with Parkinson's disease who participate in vital clinical trials to advance the knowledge of the disease; and

(5) commends the dedication of organizations, volunteers, researchers, and millions of individuals across the country working to improve the quality of life of people living with Parkinson's disease and their families.

SENATE RESOLUTION 578—COMMENDING AND CONGRATULATING THE UNIVERSITY OF KANSAS JAYHAWKS MEN'S BASKETBALL TEAM FOR WINNING THE 2022 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION BASKETBALL NATIONAL CHAMPIONSHIP

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

S. RES. 578

Whereas, on Monday, April 4, 2022, the University of Kansas Jayhawks men's basketball team (referred to in this preamble as the ''Jayhawks'') defeated the University of North Carolina Tar Heels by a score of 72 to 69 in the 2022 National Collegiate Athletic Association (referred to in this preamble as the ''NCAA'') Basketball National Championship game in New Orleans, Louisiana;

Whereas the inventor of the game of basketball, James Naismith, was the first coach of the University of Kansas men's basketball program;

Whereas the University of Kansas men's basketball program leads the NCAA in all-time wins;

Whereas the 2022 NCAA Basketball National Championship victory by the Jayhawks is the fourth in the history of the University of Kansas men's basketball program, in addition to 2 National Basketball Championship titles awarded to the University of Kansas by the Helms Foundation;

Whereas the Jayhawks were Big 12 Conference regular season champions and Big 12 Tournament champions;

Whereas the Jayhawks finished the 2022 season with a 34–6 record;

Whereas, in the 2022 NCAA Basketball National Championship game, the Jayhawks overcame a 15-point deficit at halftime, the largest deficit a winning team has ever overcome in the National Championship game in NCAA Basketball history;

Whereas Ochai Agbaji scored 12 points and was named Most Outstanding Player of the Final Four;

Whereas 4 other players scored in the double-digits in the NCAA Basketball National Championship—

(1) Christian Braun, a Kansas native, who scored 12 points and had 12 rebounds;

(2) David McCormack, who scored 15 points and had 10 rebounds;

(3) Jalen Wilson, who scored 15 points and had 4 rebounds; and

(4) Remy Martin, who scored 14 points to help the Jayhawks win the NCAA Basketball National Championship; and

Whereas Hall of Fame Head Coach Bill Self won his second NCAA Basketball National Championship with the Jayhawks: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Kansas Jayhawks men's basketball team (referred to in this resolution as the ''Jayhawks'') for winning the 2022 National Collegiate Athletic Association Basketball National Championship;

(2) recognizes the players, coaches, and staff of the Jayhawks; and

(3) respectfully requests that the Secretary of the Senate transmit an enrolled copy of this resolution to—

(A) the Chancellor of the University of Kansas, Dr. Douglas Girod;

(B) the Athletic Director of the University of Kansas, Travis Goff; and

(C) the Head Coach of the Jayhawks, Bill Self.

SENATE RESOLUTION 579—RECOGNIZING THE 100TH ANNIVERSARY OF BIG BERTHA, ONE OF THE LARGEST BASS DRUMS IN USE BY A UNIVERSITY IN THE UNITED STATES AND LOCATED AT THE UNIVERSITY OF TEXAS AT AUSTIN

Mr. CRUZ submitted the following resolution; which was considered and agreed to:

S. RES. 579

Whereas Big Bertha, one of the largest bass drums in use by a university in the United States, is known as the ''Sweetheart of the Longhorn Band'' and an icon of The University of Texas at Austin;

Whereas Big Bertha is so large that, following her construction, part of the walls of the factory where she was assembled had to be removed so Big Bertha could leave the factory for shipping;

Whereas the year 2022 marks the 100th anniversary since Big Bertha was first put into service on October 28, 1922, in support of the football team for the University of Chicago, which was led by Coach Amos Alonzo Stagg and his assistant Fritz Crisler, both of whom would go on to be inducted into the College Football Hall of Fame;

Whereas, in 1938, Big Bertha made a special trip to Carnegie Hall in New York City to join an orchestra directed by famed Italian conductor Arturo Toscanini for a performance of Verdi's Requiem, where Big Bertha was the star of the show, used to play a single note;

Whereas Big Bertha was a witness to history, having been present at the dawn of the Atomic Age, when, at approximately 3:25 PM on December 2, 1942, Enrico Fermi and his colleagues at the Metallurgical Laboratory at the University of Chicago engineered the first controlled, self-sustaining nuclear chain reaction as part of their work in support of the Manhattan Project;

Whereas the nuclear chain reaction occurred on a squash court under the west stands of the former Stagg Field on the University of Chicago campus adjacent to where Big Bertha was in storage, resulting in Big Bertha becoming radioactive;

Whereas The University of Texas at Austin purchased Big Bertha from the University of Chicago in 1955, at which time Big Bertha moved to Texas, making her new home in Austin;

Whereas Big Bertha now resides in the north end zone concourse of Darrell K. Royal-Texas Memorial Stadium, where she has been admired by Longhorn football fans for generations;

Whereas, due to her important role supporting The University of Texas at Austin Longhorns football team (referred to in this preamble as the ''Texas Longhorns''), Big Bertha has an endowment to provide for her care;

Whereas, since moving to Austin, Big Bertha has been a witness to football history on multiple occasions, including witnessing the Texas Longhorns win national championships in 1963 and 2005, back-to-back national

championships in 1969 and 1970, 19 conference championships, 8 Cotton Bowl Championships, and many other prominent bowl games;

Whereas Big Bertha supported the Texas Longhorns during each of Hall of Fame Coach Darrell K. Royal's 20 years coaching the Texas Longhorns to a record that included 167 wins, 47 losses, and 5 ties;

Whereas Big Bertha boomed in support of the winning Heisman Trophy campaigns of Texas Longhorns greats Earl Campbell in 1977 and Ricky Williams in 1998;

Whereas Big Bertha's name was given to her on the 50th anniversary of her move to Austin;

Whereas Big Bertha is a television celebrity, having been the focus of a 2015 episode of the Arts and Entertainment Network television show ''Shipping Wars'' in which Big Bertha was shipped to London, England, to participate in a New Year's Day parade;

Whereas photogrammetry is the science and technology used to obtain reliable information about the size and dimensions of physical objects;

Whereas photogrammetry has been used to measure and compare the size of Big Bertha with other large university bass drums and has scientifically proven that Big Bertha is, in fact, larger than other drums that have been claimed to be the ''world's largest'';

Whereas Big Bertha and her handlers, the ''Bertha Crew'', are an essential part of United States history and The University of Texas Longhorn Band; and

Whereas Big Bertha has been part of many historic performances across Texas, the United States, and the world: Now, therefore, be it

Resolved, That the Senate recognizes—

(1) the 100th anniversary of the construction of Big Bertha, one of the largest bass drums in use by a university in the United States;

(2) The University of Texas Longhorn Band as an important cultural and historical icon of The University of Texas at Austin and the State of Texas;

(3) Big Bertha for her preeminence in band and musical performances, including on the national stage as the star of the show at an historic performance at Carnegie Hall in 1938 and the international stage as part of a New Year's Day parade in London, England, in 2015;

(4) the Bertha Crew and The University of Texas Longhorn Band for their continued legacy of excellence in musical performance and in support of school spirit; and

(5) that the ongoing debate between universities in the United States regarding which institution possesses the largest bass drum is reflective of the spirit of competition that has helped the United States reach new heights in academic and scientific achievement and ingenuity for more than a century.

SENATE RESOLUTION 580—RECOGNIZING THE 100TH ANNIVERSARY OF THE CREATION OF THE PURDUE ''ALL-AMERICAN'' MARCHING BAND'S WORLD'S LARGEST DRUM

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

S. RES. 580

Whereas the World's Largest Drum is a significant piece of the ''All-American'' Marching Band and an icon of Purdue University;

Whereas, in 1921, ''All-American'' Marching Band Director Paul Spotts Emrick commissioned the World's Largest Drum from the Leedy Corporation of Indianapolis;

Whereas, in 1921, the World's Largest Drum was the largest drum in existence and was displayed at the Indiana Statehouse and Indiana State Fair;

Whereas it is a Purdue ''All-American'' Marching Band tradition to honor national leaders and heroes with the privilege to beat the World's Largest Drum, with President Harry Truman, Gus Grissom, and Neil Armstrong being among those accepting the invitation; and

Whereas the World's Largest Drum is an essential element of the ''All-American'' Marching Band's performances across Indiana, the United States, and the world: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Purdue ''All-American'' Marching Band, which is celebrating the 100th anniversary of the construction of the World's Largest Drum, continues to remain an important cultural and historical icon of Purdue University and the State of Indiana;

(2) the World's Largest Drum deserves recognition for the continued legacies of excellence and discipline exhibited by the World's Largest Drum crew and the Purdue ''All-American'' Marching Band; and

(3) continued admiration of the World's Largest Drum exemplifies the spirit of ingenuity of the people of the United States to push the bounds of engineering and create new products.

SENATE RESOLUTION 581—SUPPORTING THE DESIGNATION OF THE WEEK OF APRIL 24 THROUGH APRIL 30, 2022, AS ''NATIONAL CRIME VICTIMS' RIGHTS WEEK''

Mr. GRASSLEY submitted the following resolution; which was considered and agreed to:

S. RES. 581

Whereas crime and victimization in the United States have significant, and sometimes life-shattering, impacts on victims, survivors, and communities across the United States;

Whereas research suggests that there are several million violent victimizations each year in the United States, yet less than half of all violent crimes are ever reported to police;

Whereas crime victims and survivors need and deserve support and access to services to help them cope with the physical, psychological, financial, and other adverse effects of crime;

Whereas Congress has recognized the importance of supporting crime victims and survivors through the passage of legislation concerning this important issue, including—

(1) the Victims of Crime Act of 1984 (34 U.S.C. 20101 et seq.);

(2) the Violence Against Women Act of 1994 (34 U.S.C. 12291 et seq.);

(3) the Survivors' Bill of Rights Act of 2016 (Public Law 114–236; 130 Stat. 966);

(4) the Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.);

(5) the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.);

(6) the Elder Abuse Prevention and Prosecution Act (34 U.S.C. 21701 et seq.);

(7) the Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018 (Public Law 115–299; 132 Stat. 4383);

(8) the Scott Campbell, Stephanie Roper, Wendy Preston, Louarna Gillis, and Nila Lynn Crime Victims' Rights Act (Public Law 108–405; 118 Stat. 2261); and

(9) the Justice for All Act of 2004 (Public Law 108–405; 118 Stat. 2260);

Whereas crime can touch the life of any individual, regardless of the age, race, national origin, religion, or gender of that individual;

Whereas a just society acknowledges the impact of crime on individuals, families, schools, and communities by protecting the rights of crime victims and survivors;

Whereas crime victims and survivors in the United States, and the families of those victims and survivors, need and deserve support and assistance to help cope with the often devastating consequences of crime;

Whereas, since Congress adopted the first resolution designating Crime Victims Week in 1985, communities across the United States have joined Congress and the Department of Justice in commemorating National Crime Victims' Rights Week to celebrate a shared vision of a comprehensive and collaborative response that identifies and addresses the many needs of crime victims and survivors and the families of those victims and survivors;

Whereas the Senate applauds the work of crime victims advocates to ensure that all crime victims and survivors, and the families of those victims and survivors, are—

(1) treated with dignity, fairness, and respect;

(2) offered support and services, regardless of whether the victims and survivors report crimes committed against them; and

(3) recognized as key participants within the criminal, juvenile, Federal, and Tribal justice systems in the United States when the victims and survivors report crimes; and

Whereas the Senate recognizes and appreciate the continued importance of—

(1) promoting the rights of, and services for, crime victims and survivors; and

(2) honoring crime victims and survivors, and the individuals who provide services for those victims and survivors: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of the week of April 24 through April 30, 2022, as ''National Crime Victims' Rights Week'';

(2) recognizes that crime victims and survivors, and the families of those victims and survivors, should be treated with dignity, fairness, and respect;

(3) applauds the work carried out by thousands of victim assistance organizations and agencies that serve crime survivors at the local, State, Federal, and Tribal levels;

(4) remains committed to funding programs authorized by the Victims of Crime Act of 1984 (34 U.S.C. 20101 et seq.) and the Violence Against Women Act of 1994 (34 U.S.C. 12291 et seq.), among other Federal programs, which help thousands of public, community-based, and Tribal victim and survivor assistance organizations and agencies that provide essential, and often life-saving, services to millions of crime victims throughout the United States; and

(5) encourages the observance of the 41st anniversary of National Crime Victims' Rights Week with appropriate public awareness, education, and outreach activities.

SENATE RESOLUTION 582—DESIGNATING THE WEEK OF APRIL 16 THROUGH APRIL 24, 2022, AS ''NATIONAL PARK WEEK''

Mr. KING (for himself, Mr. DAINES, Mr. REED, Mr. RUBIO, Ms. HIRONO, Mr. CASSIDY, Ms. KLOBUCHAR, Mr. WICKER, Mr. PADILLA, Mrs. BLACKBURN, Mr. LUJÁN, Ms. LUMMIS, Mrs. FEINSTEIN, Mr. CRAMER, Mr. WHITEHOUSE, Mr. BURR, Ms. CORTEZ MASTO, Mr. MARSHALL, Ms. ROSEN, Mr. SCOTT of South

Carolina, Mr. MANCHIN, Mr. BARRASSO, Mr. KAINE, Mr. HOEVEN, Mr. WARNER, Ms. COLLINS, Ms. CANTWELL, Mr. PORTMAN, Mr. DURBIN, Mr. BRAUN, Mr. WYDEN, Mr. TILLIS, Ms. BALDWIN, Mr. KENNEDY, Mr. MARKEY, Mr. HAGERTY, Mr. PETERS, Mr. BOOZMAN, Mr. CARDIN, Mr. YOUNG, Mr. KELLY, Mr. GRAHAM, Ms. HASSAN, Mrs. CAPITO, Ms. WARREN, Mr. ROUNDS, Ms. DUCKWORTH, Mr. BLUNT, Mr. VAN HOLLEN, Mr. SCOTT of Florida, Mr. MERKLEY, Mr. COTTON, Ms. SMITH, Mrs. SHAHEEN, Mrs. MURRAY, Mr. COONS, Mr. CARPER, Mr. HICKENLOOPER, Mr. MURPHY, Mr. HEINRICH, Ms. STABENOW, and Mr. TESTER) submitted the following resolution; which was considered and agreed to:

S. RES. 582

Whereas, on March 1, 1872, Congress established Yellowstone National Park as the first national park for the enjoyment of the people of the United States;

Whereas, on August 25, 1916, Congress established the National Park Service with the mission to preserve unimpaired the natural and cultural resources and values of the National Park System for the enjoyment, education, and inspiration of current and future generations;

Whereas, on March 1, 2022, Yellowstone National Park was the first national park within the National Park System to celebrate its sesquicentennial;

Whereas the National Park Service continues to protect and manage the majestic landscapes, hallowed battlefields, and iconic cultural and historical sites of the United States;

Whereas the units of the National Park System can be found in every State and many territories of the United States and many of those units embody the rich natural and cultural heritage of the United States, reflect a unique national story through people and places, and offer countless opportunities for recreation, volunteerism, cultural exchange, education, civic engagement, and exploration;

Whereas visits and visitors to the national parks of the United States are important economic drivers, responsible for contributing $28,600,000,000 in spending to the national economy in 2020;

Whereas the dedicated employees of the National Park Service carry out their mission to protect the units of the National Park System so that the vibrant culture, diverse wildlife, and priceless resources of these unique places will endure for perpetuity; and

Whereas the people of the United States have inherited the remarkable legacy of the National Park System and are entrusted with the preservation of the National Park System throughout its second century: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of April 16 through April 24, 2022, as ''National Park Week''; and

(2) encourages the people of the United States and the world to responsibly visit, experience, recreate in, and support the treasured national parks of the United States.

SENATE RESOLUTION 583—SUPPORTING THE GOALS AND IDEALS OF NATIONAL SAFE DIGGING MONTH

Mr. PETERS (for himself, Mrs. FISCHER, Mr. WICKER, and Ms. CANTWELL) submitted the following resolution; which was considered and agreed to:

S. RES. 583

Whereas, each year, the underground utility infrastructure of the United States, including pipelines, electric, gas, telecommunications, water, sewer, and cable television lines, is jeopardized by unintentional damage caused by those who fail to have underground utility lines located prior to digging;

Whereas some utility lines are buried only a few inches underground, making the lines easy to strike, even during shallow digging projects;

Whereas digging prior to having underground utility lines located often results in unintended consequences, such as service interruption, environmental damage, personal injury, and even death;

Whereas the month of April marks the beginning of the peak period during which excavation projects are carried out around the United States;

Whereas, in 2002, Congress required the Department of Transportation and the Federal Communications Commission to establish a 3-digit, nationwide, toll-free number to be used by State ''One Call'' systems to provide information on underground utility lines;

Whereas, in 2005, the Federal Communications Commission designated ''811'' as the nationwide ''One Call'' number for homeowners and excavators to use to obtain information on underground utility lines before conducting excavation activities;

Whereas the 1,800 members of the Common Ground Alliance, States, ''One Call'' centers, and other stakeholders who are dedicated to ensuring public safety, environmental protection, and the integrity of services, promote the national ''Call Before You Dig'' campaign to increase public awareness about the importance of homeowners and excavators calling 811 to find out the location of underground utility lines before digging;

Whereas the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (Public Law 112–90; 125 Stat. 1904) affirmed and expanded the ''One Call'' program by eliminating exemptions given to local and State government agencies and their contractors regarding notifying ''One Call'' centers before digging;

Whereas, according to the Common Ground Alliance's 2020 Damage Information Reporting Tool (DIRT) Report published in October 2021, there were an estimated 468,000 instances of excavation-related damage to underground facilities in the United States during 2020, and failing to contact 811 in advance of a digging project caused over 30 percent of these damages;

Whereas, in 2021, the Common Ground Alliance conducted a survey of active diggers who have completed a project within the past 12 months and found that 74 percent of the more than 1,800 respondents were aware of 811;

Whereas the Common Ground Alliance estimated that the societal costs of excavation-related damage to buried utilities were $30,000,000,000 in 2019, including costs for facility repair, property damage, medical bills, and costs to the surrounding businesses affected by the resulting utility outages; and

Whereas the Common Ground Alliance has designated April as ''National Safe Digging Month'' to increase awareness of safe digging practices across the United States and to celebrate the anniversary of 811, the national ''Call Before You Dig'' number: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Safe Digging Month;

(2) encourages all homeowners and excavators throughout the United States to call 811 before digging; and

(3) encourages all damage prevention stakeholders to help educate homeowners and excavators throughout the United States about the importance of calling 811 before digging.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5018. Mr. SCHUMER (for Mr. COONS) proposed an amendment to the bill S. 270, to amend the Act entitled ''Act to provide for the establishment of the Brown v. Board of Education National Historic Site in the State of Kansas, and for other purposes'' to provide for inclusion of additional related sites in the National Park System, and for other purposes.

SA 5019. Mr. SCHUMER (for Mr. PETERS) proposed an amendment to the bill S. 2991, to establish a Department of Homeland Security Center for Countering Human Trafficking, and for other purposes.

SA 5020. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 7108, to suspend normal trade relations treatment for the Russian Federation and the Republic of Belarus, and for other purposes; which was ordered to lie on the table.

SA 5021. Mr. CRAPO (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 6968, to prohibit the importation of energy products of the Russian Federation, and for other purposes; which was ordered to lie on the table.

SA 5022. Mr. SCHUMER (for Mr. CORNYN) proposed an amendment to the bill S. 3522, to provide enhanced authority for the President to enter into agreements with the Government of Ukraine to lend or lease defense articles to that Government to protect civilian populations in Ukraine from Russian military invasion, and for other purposes.

TEXT OF AMENDMENTS

SA 5018. Mr. SCHUMER (for Mr. COONS) proposed an amendment to the bill S. 270, to amend the Act entitled ''Act to provide for the establishment of the Brown v. Board of Education National Historic Site in the State of Kansas, and for other purposes'' to provide for inclusion of additional related sites in the National Park System, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Brown v. Board of Education National Historical Park Expansion and Redesignation Act''.

SEC. 2. REDESIGNATION OF THE BROWN V. BOARD OF EDUCATION NATIONAL HISTORICAL PARK.

(a) IN GENERAL.—The Brown v. Board of Education National Historic Site established by section 103(a) of Public Law 102–525 (106 Stat. 3439) shall be known and designated as the ''Brown v. Board of Education National Historical Park''.

(b) REFERENCES.—Any reference in any law, regulation, document, record, map, or other paper of the United States to the Brown v. Board of Education National Historic Site shall be considered to be a reference to the ''Brown v. Board of Education National Historical Park''.

(c) CONFORMING AMENDMENTS.—Title I of Public Law 102–525 (106 Stat. 3438) is amended—

(1) in the title heading, by striking ''**HISTORIC SITE**'' and inserting ''**HISTORICAL PARK**'';

(2) in sections 101(2) and 103(a), by striking ''National Historic Site'' each place it appears and inserting ''National Historical Park'';

(3) in the section heading for each of sections 103 and 105, by striking ''**HISTORIC SITE**'' each place it appears and inserting ''**HISTORICAL PARK**''; and

(4) by striking ''historic site'' each place it appears and inserting ''historical park''.

SEC. 3. EXPANSION OF THE BROWN V. BOARD OF EDUCATION NATIONAL HISTORICAL PARK AND ESTABLISHMENT OF AFFILIATED AREAS.

(a) PURPOSE.—The purpose of this section is to honor the civil rights stories of struggle, perseverance, and activism in the pursuit of education equity.

(b) DEFINITIONS.—Section 101 of Public Law 102–525 (106 Stat. 3438) (as amended by section 2(c)) is amended—

(1) in the matter preceding paragraph (1), by striking ''As used in this title—'' and inserting ''In this title:'';

(2) in paragraph (1), by striking ''the term'' and inserting the ''The term'';

(3) in each of paragraphs (1) and (2), by inserting a paragraph heading, the text of which is comprised of the term defined in that paragraph;

(4) by redesignating paragraphs (1) and (2) as paragraphs (3) and (2), respectively, and moving the paragraphs so as to appear in numerical order; and

(5) by inserting before paragraph (2) (as so redesignated) the following:

''(1) AFFILIATED AREA.—The term 'affiliated area' means a site associated with a court case included in Brown v. Board of Education of Topeka described in paragraph (8), (9), or (10) of section 102(a) that is designated as an affiliated area of the National Park System by section 106(a).''.

(c) FINDINGS.—Section 102(a) of Public Law 102–525 (106 Stat. 3438) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (5) and (6), respectively;

(2) by inserting after paragraph (2), the following:

''(3) The Brown case was joined by 4 other cases relating to school segregation pending before the Supreme Court (Briggs v. Elliott, filed in South Carolina, Davis v. County School Board of Prince Edward County, filed in Virginia, Gebhart v. Belton, filed in Delaware, and Bolling v. Sharpe, filed in the District of Columbia) that were consolidated into the case of Brown v. Board of Education of Topeka.

''(4) A 1999 historic resources study examined the 5 cases included in Brown v. Board of Education of Topeka and found that each case—

''(A) is nationally significant; and

''(B) contributes unique stories to the case for educational equity.''; and

(3) by inserting after paragraph (6) (as so redesignated), the following:

''(7) With respect to the case of Briggs v. Elliott—

''(A) Summerton High School in Summerton, South Carolina, the all-White school that refused to admit the plaintiffs in the case—

''(i) has been listed on the National Register of Historic Places in recognition of the national significance of the school; and

''(ii) is used as administrative offices for Clarendon School District 1; and

''(B) the former Scott's Branch High School, an 'equalization school' in Summerton, South Carolina constructed for African-American students in 1951 to provide facilities comparable to those of White students, is now the Community Resource Center owned by Clarendon School District 1.

''(8) Robert Russa Moton High School, the all-Black school in Farmville, Virginia, which was the location of a student-led strike leading to Davis v. County School Board of Prince Edward County—

''(A) has been designated as a National Historic Landmark in recognition of the national significance of the school; and

''(B) is now the Robert Russa Moton Museum, which is administered by the Moton Museum, Inc., and affiliated with Longwood University.

''(9) With respect to the case of Belton v. Gebhart—

''(A) Howard High School in Wilmington, Delaware, an all-Black school to which the plaintiffs in the case were forced to travel—

''(i) has been designated as a National Historic Landmark in recognition of the national significance of the school; and

''(ii) is now the Howard High School of Technology, an active school administered by the New Castle County Vocational-Technical School District;

''(B) the all-White Claymont High School, which denied admission to the plaintiffs, is now the Claymont Community Center administered by the Brandywine Community Resource Council, Inc.; and

''(C) the Hockessin School #107C (Hockessin Colored School)—

''(i) is the all-Black school in Hockessin, Delaware, that 1 of the plaintiffs in the case was required to attend with no public transportation provided; and

''(ii) is now used as a community facility by Friends of Hockessin Colored School #107, Inc.

''(10) John Philip Sousa Junior High School in the District of Columbia, the all-White school that refused to admit plaintiffs in Bolling v. Sharpe—

''(A) has been designated as a National Historic Landmark in recognition of the national significance of the school;

''(B) is now known as the 'John Philip Sousa Middle School'; and

''(C) is owned by the District of Columbia Department of General Services and administered by the District of Columbia Public Schools.''.

(d) PURPOSES.—Section 102(b)(3) of Public Law 102–525 (106 Stat. 3438) is amended—

(1) by inserting '', protection,'' after ''preservation'';

(2) by striking ''the city of Topeka'' and inserting ''Topeka, Kansas, Summerton, South Carolina, Farmville, Virginia, Wilmington, Claymont, and Hockessin, Delaware, and the District of Columbia''; and

(3) by inserting ''and the context of Brown v. Board of Education'' after ''civil rights movement''.

(e) BOUNDARY ADJUSTMENT.—Section 103 of Public Law 102–525 (106 Stat. 3439) is amended by adding at the end the following:

''(c) BOUNDARY ADJUSTMENT.—

''(1) ADDITIONS.—In addition to the land described in subsection (b), the historical park shall include the land and interests in land, as generally depicted on the map entitled 'Brown v. Board of Education National Historical Park Boundary Additions and Affiliated Areas', numbered 462/178,449, and dated February 2022, and more particularly described as—

''(A) the Summerton High School site in Summerton, Clarendon County, South Carolina;

''(B) the former Scott's Branch High School site in Summerton, Clarendon County, South Carolina; and

''(C) approximately 1 acre of land adjacent to Monroe Elementary School in Topeka, Shawnee County, Kansas.

''(2) MAP.—The map described in paragraph (1) shall be on file and available for public inspection in the appropriate offices of the National Park Service.''.

(f) PROPERTY ACQUISITION.—Section 104 of Public Law 102–525 (106 Stat. 3439) is amended—

(1) in the first sentence, by striking ''section 103(b)'' and inserting ''subsections (b) and (c) of section 103'';

(2) in the second sentence, by striking ''States of Kansas'' and inserting ''State of Kansas or South Carolina''; and

(3) in the proviso—

(A) by striking '': *Provided, however*, That the'' and inserting ''. The''; and

(B) by inserting ''or by condemnation of any land or interest in land within the boundaries of the historical park'' after ''without the consent of the owner''.

(g) GENERAL MANAGEMENT PLAN.—Section 105 of Public Law 102–525 (106 Stat. 3439) is amended by striking subsection (c) and inserting the following:

''(c) AMENDMENT TO GENERAL MANAGEMENT PLAN.—The Secretary shall prepare and submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives an amendment to the management plan for the historical park to include the portions of the historical park in Summerton, Clarendon County, South Carolina.''.

(h) AFFILIATED AREAS.—Public Law 102–525 (106 Stat. 3438) is amended—

(1) by redesignating section 106 as section 107; and

(2) by inserting after section 105 the following:

''SEC. 106. ESTABLISHMENT OF THE BROWN V. BOARD OF EDUCATION AFFILIATED AREAS.

''(a) IN GENERAL.—On the date on which the Secretary determines that an appropriate management entity has been identified for the applicable affiliated area, as generally depicted on the map described in section 103(c)(1), the following shall be established as affiliated areas of the National Park System:

''(1) The Robert Russa Moton Museum in Farmville, Virginia.

''(2) The Delaware Brown v. Board of Education Civil Rights Sites, to include—

''(A) the former Howard High School in Wilmington, Delaware;

''(B) Claymont High School in Claymont, Delaware; and

''(C) Hockessin Colored School #107 in Hockessin, Delaware.

''(3) The John Philip Sousa Middle School in the District of Columbia.

''(b) ADMINISTRATION.—Each affiliated area shall be managed in a manner consistent with—

''(1) this title; and

''(2) the laws generally applicable to units of the National Park System.

''(c) MANAGEMENT PLANS.—

''(1) IN GENERAL.—The Secretary, in consultation with the management entity for the applicable affiliated area, shall develop a management plan for each affiliated area.

''(2) REQUIREMENTS.—A management plan under paragraph (1) shall—

''(A) be prepared in consultation and coordination with interested State, county, and local governments, management entities, organizations, and interested members of the public associated with the affiliated area;

''(B) identify, as appropriate, the roles and responsibilities of the National Park Service and the management entity in administering and interpreting the affiliated area in a manner that does not interfere with existing operations and continued use of existing facilities; and

''(C) require the Secretary to coordinate the preparation and implementation of the management plan and interpretation of the affiliated area with the historical park.

''(3) PUBLIC COMMENT.—The Secretary shall—

''(A) hold not less than 1 public meeting in the general proximity of each affiliated area on the proposed management plan, which shall include opportunities for public comment; and

''(B)(i) publish the draft management plan on the internet; and

''(ii) provide an opportunity for public comment on the draft management plan.

''(4) SUBMISSION.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives the management plan for each affiliated area developed under paragraph (1).

''(d) COOPERATIVE AGREEMENTS.—The Secretary may provide technical and financial assistance to, and enter into cooperative agreements with, the management entity for each affiliated area to provide financial assistance for the marketing, marking, interpretation, and preservation of the applicable affiliated area.

''(e) LAND USE.—Nothing in this section affects—

''(1) land use rights of private property owners within or adjacent to an affiliated area, including activities or uses on private land that can be seen or heard within an affiliated area; or

''(2) the authority of management entities to operate and administer the affiliated areas.

''(f) LIMITED ROLE OF THE SECRETARY.—

''(1) IN GENERAL.—Nothing in this section authorizes the Secretary—

''(A) to acquire land in an affiliated area; or

''(B) to assume financial responsibility for the operation, maintenance, or management of an affiliated area.

''(2) OWNERSHIP.—Each affiliated area shall continue to be owned, operated, and managed by the applicable public or private owner of the land in the affiliated area.''.

SA 5019. Mr. SCHUMER (for Mr. PETERS) proposed an amendment to the bill S. 2991, to establish a Department of Homeland Security Center for Countering Human Trafficking, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Countering Human Trafficking Act of 2021''.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the victim-centered approach must become universally understood, adopted, and practiced;

(2) criminal justice efforts must increase the focus on, and adeptness at, investigating and prosecuting forced labor cases;

(3) corporations must eradicate forced labor from their supply chains;

(4) the Department of Homeland Security must lead by example—

(A) by ensuring that its government supply chain of contracts and procurement are not tainted by forced labor; and

(B) by leveraging all of its authorities against the importation of goods produced with forced labor; and

(5) human trafficking training, awareness, identification, and screening efforts—

(A) are a necessary first step for prevention, protection, and enforcement; and

(B) should be evidence-based to be most effective.

SEC. 3. DEPARTMENT OF HOMELAND SECURITY CENTER FOR COUNTERING HUMAN TRAFFICKING.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Homeland Security shall operate, within U.S. Immigration and Customs Enforcement's Homeland Security Investigations, the Center for Countering Human Trafficking (referred to in this Act as ''CCHT'').

(2) PURPOSE.—The purpose of CCHT shall be to serve at the forefront of the Department of Homeland Security's unified global efforts to counter human trafficking through law enforcement operations and victim protection, prevention, and awareness programs.

(3) ADMINISTRATION.—Homeland Security Investigations shall—

(A) maintain a concept of operations that identifies CCHT participants, funding, core functions, and personnel; and

(B) update such concept of operations, as needed, to accommodate its mission and the threats to such mission.

(4) PERSONNEL.—

(A) DIRECTOR.—The Secretary of Homeland Security shall appoint a CCHT Director, who shall—

(i) be a member of the Senior Executive Service; and

(ii) serve as the Department of Homeland Security's representative on human trafficking.

(B) MINIMUM CORE PERSONNEL REQUIREMENTS.—Subject to appropriations, the Secretary of Homeland Security shall ensure that CCHT is staffed with at least 45 employees in order to maintain continuity of effort, subject matter expertise, and necessary support to the Department of Homeland Security, including—

(i) employees who are responsible for the Continued Presence Program and other victim protection duties;

(ii) employees who are responsible for training, including curriculum development, and public awareness and education;

(iii) employees who are responsible for stakeholder engagement, Federal interagency coordination, multilateral partnerships, and policy;

(iv) employees who are responsible for public relations, human resources, evaluation, data analysis and reporting, and information technology;

(v) special agents and criminal analysts necessary to accomplish its mission of combating human trafficking and the importation of goods produced with forced labor; and

(vi) managers.

(b) OPERATIONS UNIT.—The CCHT Director shall operate, within CCHT, an Operations Unit, which shall, at a minimum—

(1) support criminal investigations of human trafficking (including sex trafficking and forced labor)—

(A) by developing, tracking, and coordinating leads; and

(B) by providing subject matter expertise;

(2) augment the enforcement of the prohibition on the importation of goods produced with forced labor through civil and criminal authorities;

(3) coordinate a Department-wide effort to conduct procurement audits and enforcement actions, including suspension and debarment, in order to mitigate the risk of human trafficking throughout Department acquisitions and contracts; and

(4) support all CCHT enforcement efforts with intelligence by conducting lead development, lead validation, case support, strategic analysis, and data analytics.

(c) PROTECTION AND AWARENESS PROGRAMS UNIT.—The CCHT Director shall operate, within CCHT, a Protection and Awareness Programs Unit, which shall—

(1) incorporate a victim-centered approach throughout Department of Homeland Security policies, training, and practices;

(2) operate a comprehensive Continued Presence program;

(3) conduct, review, and assist with Department of Homeland Security human trafficking training, screening, and identification tools and efforts;

(4) operate the Blue Campaign's nationwide public awareness effort and any other awareness efforts needed to encourage victim identification and reporting to law enforcement and to prevent human trafficking; and

(5) coordinate external engagement, including training and events, regarding human trafficking with critical partners, including survivors, nongovernmental organizations, corporations, multilateral entities, law enforcement agencies, and other interested parties.

SEC. 4. SPECIALIZED INITIATIVES.

(a) HUMAN TRAFFICKING INFORMATION MODERNIZATION INITIATIVE.—The CCHT Director, in conjunction with the Science and Technology Directorate Office of Science and Engineering, shall develop a strategy and proposal to modify systems and processes throughout the Department of Homeland Security that are related to CCHT's mission in order to—

(1) decrease the response time to access victim protections;

(2) accelerate lead development;

(3) advance the identification of human trafficking characteristics and trends;

(4) fortify the security and protection of sensitive information;

(5) apply analytics to automate manual processes; and

(6) provide artificial intelligence and machine learning to increase system capabilities and enhance data availability, reliability, comparability, and verifiability.

(b) SUBMISSION OF PLAN.—Upon the completion of the strategy and proposal under subsection (a), the Secretary of Homeland Security shall submit a summary of the strategy and plan for executing the strategy to—

(1) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Committee on Homeland Security of the House of Representatives.

SEC. 5. REPORTS.

(a) INFORMATION SHARING TO FACILITATE REPORTS AND ANALYSIS.—Each subagency of the Department of Homeland Security shall share with CCHT—

(1) any information needed by CCHT to develop the strategy and proposal required under section 4(a); and

(2) any additional data analysis to help CCHT better understand the issues surrounding human trafficking.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the CCHT Director shall submit a report to Congress that identifies any legislation that is needed to facilitate the Department of Homeland Security's mission to end human trafficking.

(c) ANNUAL REPORT ON POTENTIAL HUMAN TRAFFICKING VICTIMS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of Homeland Security shall submit a report to Congress that includes—

(1) the numbers of screened and identified potential victims of trafficking (as defined in section 103(17) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(17))) at or near the international border between the

United States and Mexico, including a summary of the age ranges of such victims and their countries of origin; and

(2) an update on the Department of Homeland Security's efforts to establish protocols and methods for personnel to report human trafficking, pursuant to the Department of Homeland Security Strategy to Combat Human Trafficking, the Importation of Goods Produced with Forced Labor, and Child Sexual Exploitation, published in January 2020.

SEC. 6. TRANSFER OF OTHER FUNCTIONS RELATED TO HUMAN TRAFFICKING.

(a) BLUE CAMPAIGN.—The functions and resources of the Blue Campaign located within the Office of Partnership and Engagement on the day before the date of the enactment of this Act are hereby transferred to CCHT.

(b) OTHER TRANSFER.—

(1) AUTHORIZATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security may transfer the functions and resources of any component, directorate, or other office of the Department of Homeland Security related to combating human trafficking to the CCHT.

(2) NOTIFICATION.—Not later than 30 days before executing any transfer authorized under paragraph (1), the Secretary of Homeland Security shall notify the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives of such planned transfer.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

In addition to amounts otherwise authorized to be appropriated, there is authorized to be appropriated to the Secretary of Homeland Security to carry out this Act $14,000,000, which shall remain available until expended.

SA 5020. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 7108, to suspend normal trade relations treatment for the Russian Federation and the Republic of Belarus, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Suspending Normal Trade Relations with Russia and Belarus Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The United States is a founding member of the World Trade Organization (WTO) and is committed to ensuring that the WTO remains an effective forum for peaceful economic engagement.

(2) Ukraine is a sovereign nation-state that is entitled to enter into agreements with other sovereign states and to full respect of its territorial integrity.

(3) The United States will be unwavering in its support for a secure, democratic, and sovereign Ukraine, free to choose its own leaders and future.

(4) Ukraine acceded to the Marrakesh Agreement Establishing the World Trade Organization (WTO Agreement) and has been a WTO member since 2008.

(5) Ukraine's participation in the WTO Agreement creates both rights and obligations vis-à-vis other WTO members.

(6) The Russian Federation acceded to the WTO on August 22, 2012, becoming the 156th WTO member, and the Republic of Belarus has applied to accede to the WTO.

(7) From the date of its accession, the Russian Federation committed to apply fully all provisions of the WTO.

(8) The United States Congress authorized permanent normal trade relations for the Russian Federation through the Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act of 2012 (Public Law 112–208).

(9) Ukraine communicated to the WTO General Council on March 2, 2022, urging that all WTO members take action against the Russian Federation and ''consider further steps with the view to suspending the Russian Federation's participation in the WTO for its violation of the purpose and principles of this Organization''.

(10) Vladimir Putin, a ruthless dictator, has led the Russian Federation into a war of aggression against Ukraine, which—

(A) denies Ukraine and its people their collective rights to independence, sovereignty, and territorial integrity;

(B) constitutes an emergency in international relations, because it is a situation of armed conflict that threatens the peace and security of all countries, including the United States; and

(C) denies Ukraine its rightful ability to participate in international organizations, including the WTO.

(11) The Republic of Belarus, also led by a ruthless dictator, Aleksander Lukashenka, is providing important material support to the Russian Federation's aggression.

(12) The Russian Federation's exportation of goods in the energy sector is central to its ability to wage its war of aggression on Ukraine.

(13) The United States, along with its allies and partners, has responded to recent aggression by the Russian Federation in Ukraine by imposing sweeping financial sanctions and stringent export controls.

(14) The United States cannot allow the consequences of the Russian Federation's actions to go unaddressed, and must lead fellow countries, in all fora, including the WTO, to impose appropriate consequences for the Russian Federation's aggression.

SEC. 3. SUSPENSION OF NORMAL TRADE RELATIONS WITH THE RUSSIAN FEDERATION AND THE REPUBLIC OF BELARUS.

(a) NONDISCRIMINATORY TARIFF TREATMENT.—Notwithstanding any other provision of law, beginning on the day after the date of the enactment of this Act, the rates of duty set forth in column 2 of the Harmonized Tariff Schedule of the United States shall apply to all products of the Russian Federation and of the Republic of Belarus.

(b) AUTHORITY TO PROCLAIM INCREASED COLUMN 2 RATES.—

(1) IN GENERAL.—The President may proclaim increases in the rates of duty applicable to products of the Russian Federation or the Republic of Belarus, above the rates set forth in column 2 of the Harmonized Tariff Schedule of the United States.

(2) PRIOR CONSULTATION.—The President shall, not later than 5 calendar days before issuing any proclamation under paragraph (1), consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate regarding the basis for and anticipated impact of the proposed increases to rates of duty described in paragraph (1).

(3) TERMINATION.—The authority to issue proclamations under this subsection shall terminate on January 1, 2024.

SEC. 4. RESUMPTION OF APPLICATION OF HTS COLUMN 1 RATES OF DUTY AND RESTORATION OF NORMAL TRADE RELATIONS TREATMENT FOR THE RUSSIAN FEDERATION AND THE REPUBLIC OF BELARUS.

(a) TEMPORARY APPLICATION OF HTS COLUMN 1 RATES OF DUTY.—

(1) IN GENERAL.—Notwithstanding any other provision of law (including the application of column 2 rates of duty under section 3), the President is authorized to temporarily resume, for one or more periods not to exceed 1 year each, the application of the rates of duty set forth in column 1 of the Harmonized Tariff Schedule of the United States to the products of the Russian Federation, the Republic of Belarus, or both, if the President submits to Congress with respect to either or both such countries a certification under subsection (c) for each such period. Such action shall take effect beginning on the date that is 90 calendar days after the date of submission of such certification for such period, unless there is enacted into law during such 90-day period a joint resolution of disapproval.

(2) CONSULTATION AND REPORT.—The President shall, not later than 45 calendar days before submitting a certification under paragraph (1)—

(A) consult with—

(i) the Committee on Ways and Means and the Committee on Foreign Affairs of the House of Representatives; and

(ii) the Committee on Finance and the Committee on Foreign Relations of the Senate; and

(B) submit to all such committees a report that explains the basis for the determination of the President contained in such certification.

(b) RESTORATION OF NORMAL TRADE RELATIONS TREATMENT.—

(1) IN GENERAL.—The President is authorized to resume the application of the rates of duty set forth in column 1 of the Harmonized Tariff Schedule of the United States to the products of the Russian Federation, the Republic of Belarus, or both, if the President submits to Congress with respect to either or both such countries a certification under subsection (c). Such action shall take effect beginning on the date that is 90 calendar days after the date of submission of such certification, unless there is enacted into law during such 90-day period a joint resolution of disapproval.

(2) CONSULTATION AND REPORT.—The President shall, not later than 45 calendar days before submitting a certification under paragraph (1)—

(A) consult with—

(i) the Committee on Ways and Means and the Committee on Foreign Affairs of the House of Representatives; and

(ii) the Committee on Finance and the Committee on Foreign Relations of the Senate; and

(B) submit to all such committees a report that explains the basis for the determination of the President contained in such certification.

(3) PRODUCTS OF THE RUSSIAN FEDERATION.—If the President submits pursuant to paragraph (1) a certification under subsection (c) with respect to the Russian Federation and a joint resolution of disapproval is not enacted during the 90-day period described in that paragraph, the President may grant permanent nondiscriminatory tariff treatment (normal trade relations) to the products of the Russian Federation.

(4) PRODUCTS OF THE REPUBLIC OF BELARUS.—If the President submits pursuant to paragraph (1) a certification under subsection (c) with respect to the Republic of Belarus and a joint resolution of disapproval is not enacted during the 90-day period described in that paragraph, the President may, subject to the provisions of chapter 1 of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), grant nondiscriminatory tariff treatment (normal trade relations) to the products of the Republic of Belarus.

(c) CERTIFICATION.—A certification under this subsection is a certification in writing that—

(1) specifies the action proposed to be taken pursuant to the certification and whether such action is pursuant to subsection (a)(1) or (b)(1) of this section; and

(2) contains a determination of the President that the Russian Federation or the Republic of Belarus (or both)—

(A) has reached an agreement relating to the respective withdrawal of Russian or Belarusian forces (or both, if applicable) and cessation of military hostilities that is accepted by the free and independent government of Ukraine;

(B) poses no immediate military threat of aggression to any North Atlantic Treaty Organization member; and

(C) recognizes the right of the people of Ukraine to independently and freely choose their own government.

(d) JOINT RESOLUTION OF DISAPPROVAL.—

(1) DEFINITION.—For purposes of this section, the term ''joint resolution of disapproval'' means only a joint resolution—

(A) which does not have a preamble;

(B) the title of which is as follows: ''Joint resolution disapproving the President's certification under section 4(c) of the Suspending Normal Trade Relations with Russia and Belarus Act.''; and

(C) the matter after the resolving clause of which is as follows: ''That Congress disapproves the certification of the President under section 4(c) of the Suspending Normal Trade Relations with Russia and Belarus Act, submitted to Congress on _____'', the blank space being filled in with the appropriate date.

(2) INTRODUCTION IN THE HOUSE OF REPRESENTATIVES.—During a period of 5 legislative days beginning on the date that a certification under subsection (c) is submitted to Congress, a joint resolution of disapproval may be introduced in the House of Representatives by the majority leader or the minority leader.

(3) INTRODUCTION IN THE SENATE.—During a period of 5 days on which the Senate is in session beginning on the date that a certification under subsection (c) is submitted to Congress, a joint resolution of disapproval may be introduced in the Senate by the majority leader (or the majority leader's designee) or the minority leader (or the minority leader's designee).

(4) FLOOR CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

(A) REPORTING AND DISCHARGE.—If a committee of the House to which a joint resolution of disapproval has been referred has not reported such joint resolution within 10 legislative days after the date of referral, that committee shall be discharged from further consideration thereof.

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

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

(5) CONSIDERATION IN THE SENATE.—

(A) COMMITTEE REFERRAL.—A joint resolution of disapproval introduced in the Senate shall be referred to the Committee on Finance.

(B) REPORTING AND DISCHARGE.—If the Committee on Finance has not reported such joint resolution of disapproval within 10 days on which the Senate is in session after the date of referral of such joint resolution, that committee shall be discharged from further consideration of such joint resolution and the joint resolution shall be placed on the appropriate calendar.

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

(D) DEBATE.—Debate on the joint resolution of disapproval, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between the majority and minority leaders or their designees. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution of disapproval is not in order.

(E) VOTE ON PASSAGE.—The vote on passage shall occur immediately following the conclusion of the debate on the joint resolution of disapproval and a single quorum call at the conclusion of the debate, if requested in accordance with the rules of the Senate.

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

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

(6) PROCEDURES IN THE SENATE.—Except as otherwise provided in this subsection, the following procedures shall apply in the Senate to a joint resolution of disapproval to which this subsection applies:

(A) Except as provided in subparagraph (B), a joint resolution of disapproval that has passed the House of Representatives shall, when received in the Senate, be referred to the Committee on Finance for consideration in accordance with this subsection.

(B) If a joint resolution of disapproval to which this subsection applies was introduced in the Senate before receipt of a joint resolution of disapproval that has passed the House of Representatives, the joint resolution from the House of Representatives shall, when received in the Senate, be placed on the calendar. If this subparagraph applies, the procedures in the Senate with respect to a joint resolution of disapproval introduced in the Senate that contains the identical matter as the joint resolution of disapproval that passed the House of Representatives shall be the same as if no joint resolution of disapproval had been received from the House of Representatives, except that the vote on passage in the Senate shall be on the joint resolution of disapproval that passed the House of Representatives.

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

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of legislation described in those sections, and supersede other rules only to the extent that they are inconsistent with such rules; and

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

SEC. 5. COOPERATION AND ACCOUNTABILITY AT THE WORLD TRADE ORGANIZATION.

The United States Trade Representative shall use the voice and influence of the United States at the WTO to—

(1) condemn the recent aggression in Ukraine;

(2) encourage other WTO members to suspend trade concessions to the Russian Federation and the Republic of Belarus;

(3) consider further steps with the view to suspend the Russian Federation's participation in the WTO; and

(4) seek to halt the accession process of the Republic of Belarus at the WTO and cease accession-related work.

SEC. 6. REAUTHORIZATION OF SANCTIONS UNDER THE GLOBAL MAGNITSKY HUMAN RIGHTS ACCOUNTABILITY ACT WITH RESPECT TO HUMAN RIGHTS VIOLATIONS AND CORRUPTION.

(a) IN GENERAL.—Section 1265 of the Global Magnitsky Human Rights Accountability Act (subtitle F of title XII of Public Law 114–328; 22 U.S.C. 2656 note) is repealed.

(b) CLERICAL AMENDMENT.—The table of contents in section 2(b) and in title XII of division A of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) are each amended by striking the items relating to section 1265.

SA 5021. Mr. CRAPO (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 6968, to prohibit the importation of energy products of the Russian Federation, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be known as the ''Ending Importation of Russian Oil Act''.

SEC. 2. PROHIBITION ON IMPORTATION OF ENERGY PRODUCTS OF THE RUSSIAN FEDERATION.

All products of the Russian Federation classified under chapter 27 of the Harmonized Tariff Schedule of the United States shall be banned from importation into the United States, in a manner consistent with any implementation actions issued under Executive

Order 14066 (87 Fed. Reg. 13625; relating to prohibiting certain imports and new investments with respect to continued Russian Federation efforts to undermine the sovereignty and territorial integrity of Ukraine).

SEC. 3. TERMINATION OF PROHIBITION ON IMPORTATION OF ENERGY PRODUCTS OF THE RUSSIAN FEDERATION.

(a) IN GENERAL.—The President is authorized to terminate the prohibition on importation of energy products of the Russian Federation under section 2 if the President submits to Congress a certification under subsection (c). Such termination shall take effect beginning on the date that is 90 calendar days after the date of submission of such certification, unless there is enacted into law during such 90-day period a joint resolution of disapproval.

(b) CONSULTATION AND REPORT.—The President shall, not later than 45 calendar days before submitting a certification under subsection (a)—

(1) consult with—

(A) the Committee on Ways and Means and the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Finance and the Committee on Foreign Relations of the Senate; and

(2) submit to all such committees a report that explains the basis for the determination of the President contained in such certification.

(c) CERTIFICATION.—A certification under this subsection is a certification in writing that—

(1) indicates that the President proposes to terminate under subsection (a) the prohibition under section 2; and

(2) contains a determination of the President that the Russian Federation—

(A) has reached an agreement to withdraw Russian forces and for the cessation of military hostilities that is accepted by the free and independent government of Ukraine;

(B) poses no immediate military threat of aggression to any North Atlantic Treaty Organization member; and

(C) recognizes the right of the people of Ukraine to independently and freely choose their own government.

(d) JOINT RESOLUTION OF DISAPPROVAL.—

(1) DEFINITION.—For purposes of this section, the term ''joint resolution of disapproval'' means only a joint resolution—

(A) that does not have a preamble;

(B) the title of which is as follows: ''Joint resolution disapproving the President's certification under section 3(c) of the Ending Importation of Russian Oil Act.''; and

(C) the matter after the resolving clause of which is as follows: ''That Congress disapproves the certification of the President under section 3(c) of the Ending Importation of Russian Oil Act, submitted to Congress on _____'', the blank space being filled in with the appropriate date.

(2) INTRODUCTION IN THE HOUSE OF REPRESENTATIVES.—During a period of 5 legislative days beginning on the date that a certification under subsection (c) is submitted to Congress, a joint resolution of disapproval may be introduced in the House of Representatives by the majority leader or the minority leader.

(3) INTRODUCTION IN THE SENATE.—During a period of 5 days on which the Senate is in session beginning on the date that a certification under subsection (c) is submitted to Congress, a joint resolution of disapproval may be introduced in the Senate by the majority leader (or the majority leader's designee) or the minority leader (or the minority leader's designee).

(4) FLOOR CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

(A) REPORTING AND DISCHARGE.—If a committee of the House to which a joint resolution of disapproval has been referred has not reported such joint resolution within 10 legislative days after the date of referral, that committee shall be discharged from further consideration thereof.

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

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

(5) CONSIDERATION IN THE SENATE.—

(A) COMMITTEE REFERRAL.—A joint resolution of disapproval introduced in the Senate shall be referred to the Committee on Finance.

(B) REPORTING AND DISCHARGE.—If the Committee on Finance has not reported such joint resolution of disapproval within 10 days on which the Senate is in session after the date of referral of such joint resolution, that committee shall be discharged from further consideration of such joint resolution and the joint resolution shall be placed on the appropriate calendar.

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

(D) DEBATE.—Debate on the joint resolution of disapproval, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between the majority and minority leaders or their designees. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution of disapproval is not in order.

(E) VOTE ON PASSAGE.—The vote on passage shall occur immediately following the conclusion of the debate on the joint resolution of disapproval and a single quorum call at the conclusion of the debate, if requested in accordance with the rules of the Senate.

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

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

(6) PROCEDURES IN THE SENATE.—Except as otherwise provided in this subsection, the following procedures shall apply in the Senate to a joint resolution of disapproval:

(A) Except as provided in subparagraph (B), a joint resolution of disapproval that has passed the House of Representatives shall, when received in the Senate, be referred to the Committee on Finance for consideration in accordance with this subsection.

(B) If a joint resolution of disapproval was introduced in the Senate before receipt of a joint resolution of disapproval that has passed the House of Representatives, the joint resolution from the House of Representatives shall, when received in the Senate, be placed on the calendar. If this subparagraph applies, the procedures in the Senate with respect to a joint resolution of disapproval introduced in the Senate that contains the identical matter as the joint resolution of disapproval that passed the House of Representatives shall be the same as if no joint resolution of disapproval had been received from the House of Representatives, except that the vote on passage in the Senate shall be on the joint resolution of disapproval that passed the House of Representatives.

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

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

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

SA 5022. Mr. SCHUMER (for Mr. CORNYN) proposed an amendment to the bill S. 3522, to provide enhanced authority for the President to enter into agreements with the Government of Ukraine to lend or lease defense articles to that Government to protect civilian populations in Ukraine from Russian military invasion, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Ukraine Democracy Defense Lend-Lease Act of 2022''.

SEC. 2. LOAN AND LEASE OF DEFENSE ARTICLES TO THE GOVERNMENTS OF UKRAINE AND EASTERN FLANK COUNTRIES.

(a) AUTHORITY TO LEND OR LEASE DEFENSE ARTICLES TO CERTAIN GOVERNMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), for fiscal years 2022 and 2023, the President

may authorize the United States Government to lend or lease defense articles to the Government of Ukraine or to governments of Eastern European countries impacted by the Russian Federation's invasion of Ukraine to help bolster those countries' defense capabilities and protect their civilian populations from potential invasion or ongoing aggression by the armed forces of the Government of the Russian Federation.

(2) EXCLUSIONS.—For the purposes of the authority described in paragraph (1) as that authority relates to Ukraine, the following provisions of law shall not apply:

(A) Section 503(b)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2311(b)(3)).

(B) Section 61 of the Arms Export Control Act (22 U.S.C. 2796).

(3) CONDITION.—Any loan or lease of defense articles to the Government of Ukraine under paragraph (1) shall be subject to all applicable laws concerning the return of and reimbursement and repayment for defense articles loan or leased to foreign governments.

(4) DELEGATION OF AUTHORITY.—The President may delegate the enhanced authority under this subsection only to an official appointed by the President by and with the advice and consent of the Senate.

(b) PROCEDURES FOR DELIVERY OF DEFENSE ARTICLES.—Not later than 60 days after the date of the enactment of this Act, the President shall establish expedited procedures for the delivery of any defense article loaned or leased to the Government of Ukraine under an agreement entered into under subsection (a) to ensure timely delivery of the article to that Government.

(c) DEFINITION OF DEFENSE ARTICLE.—In this Act, the term ''defense article'' has the meaning given that term in section 47 of the Arms Export Control Act (22 U.S.C. 2794).

AUTHORITY FOR COMMITTEES TO MEET

Ms. STABENOW. Mr. President, I have 13 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 BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Wednesday, April 6, 2022, at 10 a.m., to conduct a hearing on nominations.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, April 6, 2022, 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 6, 2022, at 2:30 p.m., to conduct a hearing.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, April 6, 2022, at 11:15 a.m., to conduct a business meeting.

COMMITTEE ON INDIAN AFFAIRS

The Committee on Indian Affairs is authorized to meet during the session of the Senate on Wednesday, April 6, 2022, at 2:30 p.m., to conduct a business meeting.

COMMITTEE ON RULES AND ADMINISTRATION

The Committee on Rules and Administration is authorized to meet during the session of the Senate on Wednesday, April 6, 2022, at 3:15 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 6, 2022, at 10 a.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 6, 2022, at 12 p.m., to conduct a closed briefing.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Wednesday, April 6, 2022, at 2:30 p.m., to conduct a closed briefing.

SUBCOMMITTEE ON CLEAN AIR, CLIMATE, AND NUCLEAR SAFETY

The Subcommittee on Clean Air, Climate, and Nuclear Safety of the Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, April 6, 2022, at 2:30 p.m., to conduct a hearing on nominations.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

The Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, April 6, 2022, at 2:30 p.m., to conduct a hearing.

SUBCOMMITTEE ON HOUSING, TRANSPORTATION, AND COMMUNITY DEVELOPMENT

The Subcommittee on Housing, Transportation, and Community Development of the Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Wednesday, April 6, 2022, at 2:30 p.m., to conduct a hearing.

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 6, 2022, at 10 a.m., to conduct a hearing.

BUSINESS BEFORE THE SENATE

Mr. SCHUMER. Now, Mr. President, in a few moments, I will lock in an agreement on a number of important votes tomorrow.

First and foremost, we have reached an agreement for the Senate to conclude the confirmation process of Judge Ketanji Brown Jackson tomorrow. We will hold a cloture vote tomorrow morning at approximately 11 a.m., and the final vote for her confirmation is on track to take place at around 1:45 tomorrow afternoon, depending on how many Members wish to speak.

It will be a joyous day—joyous for the Senate, joyous for the Supreme Court, joyous for America—but we still have a long way to go. America, tomorrow, will take a giant step to becoming a more perfect nation.

I will have more to say on this historic occasion tomorrow, but, for now, I wish to thank my Senate colleagues for working together to advance and finalize this historic nomination to the Supreme Court.

Second, I will also lock in an agreement to hold a series of votes on PNTR and the oil ban tomorrow.

After many rounds of negotiations with Republicans, we have reached an important and crucial breakthrough. This agreement clears the path to finally approve legislation that will strip Russia of permanent normal trade relations with the United States. It will also allow the Senate to take separate action on an oil ban proposal as we originally sought. These proposals both have the support of the White House, and it is a big, big deal that we are finally getting them done. I wish this could have happened sooner, but after weeks of talks with the other side, it is important that we have found a path forward to getting PNTR done on a bipartisan basis.

I want to sincerely thank Senator CRAPO, who worked in good faith with us, together, and we wouldn't have reached an outcome—this outcome—without his diligence and good faith.

SUSPENDING NORMAL TRADE RELATIONS WITH RUSSIA AND BELARUS ACT

Mr. SCHUMER. Mr. President, Putin absolutely must be held accountable for the detestable, detestable, despicable war crimes he is committing against Ukraine. The images we have seen coming out of that country, especially out of the town of Bucha, are just pure evil—it reminds us of the worst moments in human history—caused by the evil man, Putin: hundreds of civilians murdered in cold blood—men, women, children, the elderly, the defenseless; people with hands tied behind their backs and left dead on the streets; civilians shot in the back of the head—all for one reason: They are Ukrainians. It is one despicable reason.

This is genocide when you murder, wantonly, innocent civilians because of who they are. Whether it be their religion, their race, or their nationality, that is genocide, and Mr. Putin is guilty of it.

Formally revoking normal trade relations with Russia is precisely the right thing for the Senate to do because it will land another huge blow to Putin's economy. It is a key part of

any strategy for holding Putin accountable for his savage attacks on innocent civilians.

Again, I thank all of my colleagues for their good work and look forward to passing PNTR in the Senate tomorrow morning.

ORDER OF PROCEDURE

Mr. SCHUMER. Mr. President, I ask unanimous consent that notwithstanding rule XXII, at 10 a.m. tomorrow, April 7, the Senate resume legislative session and proceed to the en bloc consideration of H.R. 6968, the Russian oil ban, and H.R. 7108, the Russia PNTR, both of which are at the desk; that amendment No. 5021 to H.R. 6968 be considered and agreed to; that amendment No. 5020 to H.R. 7108 be considered and agreed to; and that those be the only amendments in order to either bill; that the bills, as amended, be considered read a third time en bloc; that the Senate vote on the passage of H.R. 7108, as amended, and H.R. 6968, as amended; and that with respect to both bills, the motions to reconsider be considered made and laid upon the table without further intervening action or debate; further, that upon the disposition of H.R. 6968, the Senate resume executive session and vote on the motion to invoke cloture on Executive Calendar No. 860, the nomination of Ketanji Brown Jackson. Finally, I ask unanimous consent that the mandatory quorum call for the cloture motion with respect to the Jackson nomination be waived; that if any nominations are confirmed during Thursday's session of the Senate, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

The Senator from Idaho.

Mr. CRAPO. Mr. President, I rise in strong support for Senator SCHUMER's request for unanimous consent for the Senate to proceed to the en bloc consideration of H.R. 6968, the Russian oil ban, and H.R. 7108, the Russian permanent normal trade relations legislation.

I want to thank Senators SCHUMER, WYDEN, WICKER, PAUL, CARDIN, MURKOWSKI, MANCHIN, LANKFORD, RISCH, MENENDEZ, CORNYN, and SULLIVAN. It is a long list of Senators who worked hard on this legislation to get us to this point. They exemplify how you can be both principled and reasonable.

I want to especially again thank Senator SCHUMER. We did work carefully and long together. We spent tireless days working to try to make sure that this worked out. We, I think, both acknowledge that we respect the good faith that each of us has shown in moving this forward and getting it to this point.

Thanks to the efforts of all of these Senators, the Senate is in a position to pass these important bills. Importantly, their efforts in this Chamber reflect the best of what Ukraine desperately seeks to preserve and that which Vladimir Putin is determined to destroy: freedom and representative government.

That is why the legislation at issue is so important. It strikes directly at Putin and cuts off the lifeblood for his war machine and his autocracy by banning U.S. imports of Russian energy products, including petroleum, natural gas, and coal. It places Russia and Belarus in the same pariah status as North Korea and Cuba for trade.

The congressional action, including the certification criteria in the bills, is critical because it signifies a standing commitment to the Ukrainian people and to our NATO allies that is more durable than Putin's machinations in Ukraine. This legislation will inspire our allies to take similar actions against Russia.

As President Zelenskyy told us when he asked for the ban, ''[It] can be called an embargo [or it can be] just morality.''

Because this legislation is so critical to the support of Ukraine, we must act in unison on these bills and call on Speaker PELOSI to promptly vote on this legislation in the House, where it will also receive a resounding vote in favor.

Therefore, I strongly second Senator SCHUMER's request and also ask that the Senate agree to it.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SCHUMER. I thank my friend, the Senator from Idaho.

UKRAINE DEMOCRACY DEFENSE LEND-LEASE ACT OF 2022

Mr. SCHUMER. Mr. President, as we move on, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. 3522 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 3522) to provide enhanced authority for the President to enter into agreements with the Government of Ukraine to lend or lease defense articles to that Government to protect civilian populations in Ukraine from Russian military invasion, and for other purposes.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. SCHUMER. I ask unanimous consent that the Cornyn substitute amendment at the desk be considered and agreed to and that the bill, as amended, be considered read a third time.

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

The amendment (No. 5022) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of substitue)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Ukraine Democracy Defense Lend-Lease Act of 2022''.

SEC. 2. LOAN AND LEASE OF DEFENSE ARTICLES TO THE GOVERNMENTS OF UKRAINE AND EASTERN FLANK COUNTRIES.

(a) AUTHORITY TO LEND OR LEASE DEFENSE ARTICLES TO CERTAIN GOVERNMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), for fiscal years 2022 and 2023, the President may authorize the United States Government to lend or lease defense articles to the Government of Ukraine or to governments of Eastern European countries impacted by the Russian Federation's invasion of Ukraine to help bolster those countries' defense capabilities and protect their civilian populations from potential invasion or ongoing aggression by the armed forces of the Government of the Russian Federation.

(2) EXCLUSIONS.—For the purposes of the authority described in paragraph (1) as that authority relates to Ukraine, the following provisions of law shall not apply:

(A) Section 503(b)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2311(b)(3)).

(B) Section 61 of the Arms Export Control Act (22 U.S.C. 2796).

(3) CONDITION.—Any loan or lease of defense articles to the Government of Ukraine under paragraph (1) shall be subject to all applicable laws concerning the return of and reimbursement and repayment for defense articles loan or leased to foreign governments.

(4) DELEGATION OF AUTHORITY.—The President may delegate the enhanced authority under this subsection only to an official appointed by the President by and with the advice and consent of the Senate.

(b) PROCEDURES FOR DELIVERY OF DEFENSE ARTICLES.—Not later than 60 days after the date of the enactment of this Act, the President shall establish expedited procedures for the delivery of any defense article loaned or leased to the Government of Ukraine under an agreement entered into under subsection (a) to ensure timely delivery of the article to that Government.

(c) DEFINITION OF DEFENSE ARTICLE.—In this Act, the term ''defense article'' has the meaning given that term in section 47 of the Arms Export Control Act (22 U.S.C. 2794).

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. SCHUMER. I know of no further debate on the bill.

The PRESIDING OFFICER. If there is no further debate and the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 3522), as amended, was passed.

Mr. SCHUMER. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

MEASURE PLACED ON THE CALENDAR—S. 4008

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

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

The senior assistant legislative clerk read as follows:

A bill (S. 4008) to provide COVID relief for restaurants, gyms, minor league sports teams, border businesses, live venue service providers, exclave businesses, and providers of transportation services.

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

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

MEASURE READ THE FIRST TIME—S. 4022

Mr. SCHUMER. Mr. President, I understand there is a bill at the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The senior assistant legislative clerk read as follows:

A bill (S. 4022) to codify in statute the CDC title 42 expulsion order, which suspends the right for certain aliens to enter the United States land borders, until February 1, 2025.

Mr. SCHUMER. I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

BROWN V. BOARD OF EDUCATION NATIONAL HISTORIC SITE EXPANSION ACT

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 295, S. 270.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 270) to amend the Act entitled ''Act to provide for the establishment of the Brown v. Board of Education National Historic Site in the State of Kansas, and for other purposes'' to provide for inclusion of additional related sites in the National Park System, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

(The part of the bill intended to be inserted is printed in italic.)

S. 270

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 ''Brown v. Board of Education National Historic Site Expansion Act''.

SEC. 2. EXPANSION OF THE BROWN V. BOARD OF EDUCATION NATIONAL HISTORIC SITE.

In order to honor the civil rights stories of struggle, perseverance, and activism in the pursuit of education equity, the Act entitled ''Act to provide for the establishment of the Brown v. Board of Education National Historic Site in the State of Kansas, and for other purposes'' approved October 26, 1992 (Public Law 102–525; 106 Stat. 3438 et seq.), is amended as follows:

(1) In section 101, by adding at the end the following new paragraph:

''(3) The terms 'affiliated area' and 'affiliated areas' mean one or more of the locations associated with the four court cases included in Brown v. Board of Education of Topeka described in section 102(a)(8), (9), and (10).''.

(2) In section 102(a)—

(A) by redesignating paragraphs (3) and (4) as paragraphs (5) and (6), respectively;

(B) by inserting after paragraph (2), the following:

''(3) The Brown case was joined by four other cases related to school segregation pending before the Supreme Court (Briggs v. Elliott, filed in South Carolina; Davis v. County School Board of Prince Edward County, Spottswood Thomas Bolling, et al., Petitioners, v. C. Melvin Sharpe, President of the District of Columbia Board of Education, et al., filed in Virginia; Gebhart v. Belton, filed in Delaware; and Bolling v. Sharpe, filed in the District of Columbia) and consolidated into one case named Brown v. Board of Education of Topeka.

''(4) A 1999 historic resources study examined the five cases included in Brown v. Board of Education of Topeka and found each to be nationally significant and to contribute unique stories to the case for educational equity.''; and

(C) by inserting after paragraph (6) (as so redesignated by this section), the following:

''(7) Summerton High School in South Carolina, the all-White school that refused to admit the plaintiffs in Briggs v. Elliott, has been listed on the National Register of Historic Places in recognition of its national significance and is used as administrative offices for Clarendon School District 1. Other sites include former Scott's Branch High School, an 'equalization school' constructed for African-American students in 1951 to provide facilities comparable to those of White students and that is now the Community Resource Center owned by Clarendon School District 1.

''(8) Robert Russa Moton School, the all-Black school in Farmville, Virginia, which was the location of a student-led strike leading to Davis v. County School Board of Prince Edward County, Spottswood Thomas Bolling, et al., Petitioners, v. C. Melvin Sharpe, President of the District of Columbia Board of Education, et al., has been designated a National Historic Landmark in recognition of its national significance. The school, now the Robert Russa Moton Museum, is governed by the Moton Museum, Inc., and affiliated with Longwood University.

''(9) Howard High School in Wilmington, Delaware, an all-Black school to which plaintiffs in Belton v. Gebhart were forced to travel, has been designated a National Historic Landmark in recognition of its national significance. Now the Howard High School of Technology, it is an active school administered by the New Castle County Vocational-Technical School District. The all-White Claymont High School, which denied plaintiffs admission, is now the Claymont Community Center administered by the Brandywine Community Resource Council, Inc. The Hockessin School #107C (Hockessin Colored School) is the all-Black school in Hockessin, Delaware that one of the plaintiffs in Belton v. Gebhart was required to attend with no public transportation provided. The former Hockessin School building is utilized by Friends of Hockessin Colored School #107, Inc. as a community facility.

''(10) John Philip Sousa Junior High School in the District of Columbia, the all-White school that refused to admit plaintiffs in Bolling v. Sharpe, has been designated a National Historic Landmark in recognition of its national significance. John Philip Sousa Junior High School, now John Philip Sousa Middle School, is owned by the District of Columbia Department of General Services and administered by the District of Columbia Public Schools.''.

(3) In section 102(b)(3)—

(A) by inserting '', protection,'' after ''preservation'';

(B) by inserting '', Kansas; Summerton, South Carolina; Farmville, Virginia; Wilmington and Hockessin, Delaware; and the District of Columbia'' after ''Topeka''; and

(C) by inserting ''and the context of Brown v. Board of Education'' after ''civil rights movement''.

(4) In section 103, by inserting after subsection (b) the following:

''(c) BOUNDARY ADJUSTMENT.—

''(1) IN GENERAL.—In addition to land described in subsection (b), the historic site shall consist of land and interests in land identified as Summerton High School and Scott's Branch High School located in Clarendon County, South Carolina, after such land, or interests in land, is acquired by the Secretary and the determination is made under paragraph (2).

''(2) DETERMINATION BY SECRETARY.—The historic site shall not be expanded until the date on which the Secretary determines that a sufficient quantity of land, or interests in land, has been acquired to constitute a manageable park unit.

''(3) NOTICE.—Not later than 30 days after the date on which the Secretary makes a determination under paragraph (2), the Secretary shall publish in the Federal Register notice of the expansion of the historic site.

''(4) MAP.—After the determination in subsection (2), the Secretary shall publish a new map of the historic site to include land or interests in land acquired under this subsection.''.

(5) In section 104—

(A) by striking ''section 103(b)'' and inserting ''subsections (b) and (c) of section 103'';

(B) by striking '': *Provided, however,* That the'' and inserting ''. The''; and

(C) by adding before the final period the following: ''nor by condemnation of any land or interest in land within the boundaries of the historic site''.

(6) In section 105(c), by inserting before the final period the following: ''in Topeka, Kansas. After the boundary adjustment under section 103(c), the Secretary shall prepare and submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a general management plan for the historic site locations in Clarendon County, South Carolina''.

(7) By inserting after section 105, the following:

''SEC. 106. ESTABLISHMENT OF THE BROWN V. BOARD OF EDUCATION AFFILIATED AREAS.

''(a) IN GENERAL.—The locations associated with the three court cases included in Brown v. Board of Education of Topeka described in sections 102(a)(8), (9), and (10) are established as affiliated areas of the National Park System.

''(b) ADMINISTRATION.—The affiliated areas shall be managed in accordance with—

''(1) this section; and

''(2) any law generally applicable to units of the National Park System.

''(c) GENERAL MANAGEMENT PLAN.—

''(1) IN GENERAL.—Not later than two years after the date of the enactment of this Act,

the Secretary, in consultation with the management entity of each affiliated area, shall develop a general management plan for each of the affiliated areas in accordance with section 100502 of title 54, United States Code. The general management plan shall—

''(A) be prepared in consultation and coordination with the interested State, county, and local governments, management entities, organizations, and interested members of the public associated with the affiliated area;

''(B) identify, as appropriate, the roles and responsibilities of the National Park Service and management entity in administering and interpreting the affiliated area in such a manner that it does not interfere with existing operations and continued use of existing facilities; and

''(C) require the Secretary to coordinate the preparation and implementation of the management plan and interpretation of the affiliated area with the Brown v. Board of Education National Historic Site.

''(2) PUBLIC COMMENT.—The Secretary shall—

''(A) hold not less than one public meeting in the general proximity of each affiliated area on the proposed general management plan, including opportunities for public comment; and

''(B) publish the draft general management plan on the internet and provide an opportunity for public comment.

''(3) TRANSMITTAL.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall transmit the general management plan for each affiliated area developed under subparagraph (1) to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

''(d) MANAGEMENT ENTITY.—The organizations described in paragraphs (8), (9), and (10) of section 102(a) shall be the management entity for its respective affiliated area.

''(e) COOPERATIVE AGREEMENTS.—The Secretary may provide technical assistance and grants and enter into cooperative agreements with the management entity for each affiliated area to provide financial assistance for the marketing, marking, interpretation, and preservation of the respective affiliated area.

''(f) LAND USE.—Nothing in this section affects land use rights of private property owners within or adjacent to the affiliated areas, including activities or uses on private land that can be seen or heard within the affiliated areas and the authorities for management entities to operate and administer the affiliated areas.

''(g) LIMITED ROLE OF THE SECRETARY.—Nothing in this section authorizes the Secretary to acquire property in an affiliated area or to assume overall financial responsibility for the operation, maintenance, or management of an affiliated area. Each affiliated area shall continue to be owned, operated, and managed by its respective public and private owners.''.

(8) By redesignating section 106 as section 107.

(9) In section 107 (as so redesignated by this subsection), by inserting before the period the following: ''at the historic site, and there is authorized to be appropriated such sums as are necessary to carry out sections 103(c) and 106''.

SEC. 3. REDESIGNATION OF THE BROWN V. BOARD OF EDUCATION NATIONAL HISTORICAL PARK.

(a) IN GENERAL.—The Brown v. Board of Education National Historic Site established by section 103(a) of Public Law 102–525 (54 U.S.C. 320101 note; 106 Stat. 3439) shall be known and designated as the ''Brown v. Board of Education National Historical Park''.

(b) REFERENCES.—Any reference in any law, regulation, document, record, map, or other paper of the United States to the Brown v. Board of Education National Historic Site shall be considered to be a reference to the ''Brown v. Board of Education National Historical Park''.

Mr. SCHUMER. I ask unanimous consent that the committee-reported amendment be withdrawn; the Coons amendment at the desk be considered and agreed to; and the bill, as amended, be considered read a third time.

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

The committee-reported amendment was withdrawn.

The amendment (No. 5018) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill, as amended, was ordered to be engrossed for a third reading and was read the third time.

Mr. SCHUMER. I know of no further debate on the bill.

The PRESIDING OFFICER. If there is no further debate, the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 270), as amended, was passed.

Mr. SCHUMER. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

MODERNIZING ACCESS TO OUR PUBLIC LAND ACT

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3113, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3113) to require the Secretary of the Interior, the Secretary of Agriculture, and the Assistant Secretary of the Army for Civil Works to digitize and make publicly available geographic information system mapping data relating to public access to Federal land and waters for outdoor recreation, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SCHUMER. I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

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

The bill (H.R. 3113) was ordered to a third reading, was read the third time, and passed.

WILLIAM T. COLEMAN, JR., DEPARTMENT OF TRANSPORTATION HEADQUARTERS ACT

Mr. SCHUMER. Mr. President, I ask that the Chair lay before the Senate the message to accompany S. 400.

The PRESIDING OFFICER. The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 400) entitled ''An Act to designate the headquarters building of the Department of Transportation located at 1200 New Jersey Avenue, SE, in Washington, DC, as the 'William T. Coleman, Jr., Federal Building'''', do pass with an amendment.

MOTION TO CONCUR

Mr. SCHUMER. Mr. President, I move to concur in the House amendment, and I ask unanimous consent that the motion be agreed to and the motion to reconsider be considered made and laid upon the table.

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

COUNTERING HUMAN TRAFFICKING ACT OF 2021

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 272, S. 2991.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 2991) to establish a Department of Homeland Security Center for Countering Human Trafficking, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Countering Human Trafficking Act of 2021''.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the victim-centered approach must become universally understood, adopted, and practiced;

(2) criminal justice efforts must increase the focus on, and adeptness at, investigating and prosecuting forced labor cases;

(3) corporations must eradicate forced labor from their supply chains;

(4) the Department of Homeland Security must lead by example—

(A) by ensuring that its government supply chain of contracts and procurement are not tainted by forced labor; and

(B) by leveraging all of its authorities against the importation of goods produced with forced labor; and

(5) human trafficking training, awareness, identification, and screening efforts—

(A) are a necessary first step for prevention, protection, and enforcement; and

(B) should be evidence-based to be most effective.

SEC. 3. DEPARTMENT OF HOMELAND SECURITY CENTER FOR COUNTERING HUMAN TRAFFICKING.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Homeland Security shall operate, within U.S. Immigration and Customs Enforcement's Homeland Security Investigations, the Center for Countering Human Trafficking (referred to in this Act as ''CCHT'').

(2) PURPOSE.—The purpose of CCHT shall be to serve at the forefront of the Department of Homeland Security's unified global efforts to counter human trafficking through law enforcement operations and victim protection, prevention, and awareness programs.

(3) ADMINISTRATION.—Homeland Security Investigations shall—

(A) maintain a concept of operations that identifies CCHT participants, funding, core functions, and personnel; and

(B) update such concept of operations, as needed, to accommodate its mission and the threats to such mission.

(4) PERSONNEL.—

(A) DIRECTOR.—The Secretary of Homeland Security shall appoint a CCHT Director, who shall—

(i) be a member of the Senior Executive Service; and

(ii) serve as the Department of Homeland Security's representative on human trafficking.

(B) MINIMUM CORE PERSONNEL REQUIREMENTS.—Subject to appropriations, the Secretary of Homeland Security shall ensure that CCHT is staffed with at least 45 employees in order to maintain continuity of effort, subject matter expertise, and necessary support to the Department of Homeland Security, including—

(i) employees who are responsible for the Continued Presence Program and other victim protection duties;

(ii) employees who are responsible for training, including curriculum development, and public awareness and education;

(iii) employees who are responsible for stakeholder engagement, Federal interagency coordination, multilateral partnerships, and policy;

(iv) employees who are responsible for public relations, human resources, evaluation, data analysis and reporting, and information technology;

(v) special agents and criminal analysts necessary to accomplish its mission of combating human trafficking and the importation of goods produced with forced labor; and

(vi) managers.

(b) OPERATIONS UNIT.—The CCHT Director shall operate, within CCHT, an Operations Unit, which shall, at a minimum—

(1) support criminal investigations of human trafficking (including sex trafficking and forced labor)—

(A) by developing, tracking, and coordinating leads; and

(B) by providing subject matter expertise;

(2) augment the enforcement of the prohibition on the importation of goods produced with forced labor through civil and criminal authorities;

(3) coordinate a Department-wide effort to conduct procurement audits and enforcement actions, including suspension and debarment, in order to mitigate the risk of human trafficking throughout Department acquisitions and contracts; and

(4) support all CCHT enforcement efforts with intelligence by conducting lead development, lead validation, case support, strategic analysis, and data analytics.

(c) PROTECTION AND AWARENESS PROGRAMS UNIT.—The CCHT Director shall operate, within CCHT, a Protection and Awareness Programs Unit, which shall—

(1) incorporate a victim-centered approach throughout Department of Homeland Security policies, training, and practices;

(2) operate a comprehensive Continued Presence program;

(3) conduct, review, and assist with Department of Homeland Security human trafficking training, screening, and identification tools and efforts;

(4) operate the Blue Campaign's nationwide public awareness effort and any other awareness efforts needed to encourage victim identification and reporting to law enforcement and to prevent human trafficking; and

(5) coordinate external engagement, including training and events, regarding human trafficking with critical partners, including survivors, nongovernmental organizations, corporations, multilateral entities, law enforcement agencies, and other interested parties.

SEC. 4. SPECIALIZED INITIATIVES.

(a) HUMAN TRAFFICKING INFORMATION MODERNIZATION INITIATIVE.—The CCHT Director, in conjunction with the Science and Technology Directorate Office of Science and Engineering, shall develop a strategy and proposal to modify systems and processes throughout the Department of Homeland Security that are related to CCHT's mission in order to—

(1) decrease the response time to access victim protections;

(2) accelerate lead development;

(3) advance the identification of human trafficking characteristics and trends;

(4) fortify the security and protection of sensitive information;

(5) apply analytics to automate manual processes; and

(6) provide artificial intelligence and machine learning to increase system capabilities and enhance data availability, reliability, comparability, and verifiability.

(b) SUBMISSION OF PLAN.—Upon the completion of the strategy and proposal under subsection (a), the Secretary of Homeland Security shall submit a summary of the strategy and plan for executing the strategy to—

(1) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Committee on Homeland Security of the House of Representatives.

SEC. 5. REPORTS.

(a) INFORMATION SHARING TO FACILITATE REPORTS AND ANALYSIS.—Each subagency of the Department of Homeland Security shall share with CCHT—

(1) any information needed by CCHT to develop the strategy and proposal required under section 4(a); and

(2) any additional data analysis to help CCHT better understand the issues surrounding human trafficking.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the CCHT Director shall submit a report to Congress that identifies any legislation that is needed to facilitate the Department of Homeland Security's mission to end human trafficking.

SEC. 6. TRANSFER OF OTHER FUNCTIONS RELATED TO HUMAN TRAFFICKING.

(a) BLUE CAMPAIGN.—The functions and resources of the Blue Campaign located within the Office of Partnership and Engagement on the day before the date of the enactment of this Act are hereby transferred to CCHT.

(b) OTHER TRANSFER.—

(1) AUTHORIZATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security may transfer the functions and resources of any component, directorate, or other office of the Department of Homeland Security related to combating human trafficking to the CCHT.

(2) NOTIFICATION.—Not later than 30 days before executing any transfer authorized under paragraph (1), the Secretary of Homeland Security shall notify the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives of such planned transfer.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

In addition to amounts otherwise authorized to be appropriated, there is authorized to be appropriated to the Secretary of Homeland Security to carry out this Act $14,000,000, which shall remain available until expended.

Mr. SCHUMER. I ask unanimous consent that the committee-reported substitute amendment be withdrawn; that the Peters substitute amendment, which is at the desk, be agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

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

The committee-reported amendment in the nature of a substitute was withdrawn.

The amendment (No. 5019) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Countering Human Trafficking Act of 2021''.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the victim-centered approach must become universally understood, adopted, and practiced;

(2) criminal justice efforts must increase the focus on, and adeptness at, investigating and prosecuting forced labor cases;

(3) corporations must eradicate forced labor from their supply chains;

(4) the Department of Homeland Security must lead by example—

(A) by ensuring that its government supply chain of contracts and procurement are not tainted by forced labor; and

(B) by leveraging all of its authorities against the importation of goods produced with forced labor; and

(5) human trafficking training, awareness, identification, and screening efforts—

(A) are a necessary first step for prevention, protection, and enforcement; and

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(a) ESTABLISHMENT.—

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(2) PURPOSE.—The purpose of CCHT shall be to serve at the forefront of the Department of Homeland Security's unified global efforts to counter human trafficking through law enforcement operations and victim protection, prevention, and awareness programs.

(3) ADMINISTRATION.—Homeland Security Investigations shall—

(A) maintain a concept of operations that identifies CCHT participants, funding, core functions, and personnel; and

(B) update such concept of operations, as needed, to accommodate its mission and the threats to such mission.

(4) PERSONNEL.—

(A) DIRECTOR.—The Secretary of Homeland Security shall appoint a CCHT Director, who shall—

(i) be a member of the Senior Executive Service; and

(ii) serve as the Department of Homeland Security's representative on human trafficking.

(B) MINIMUM CORE PERSONNEL REQUIREMENTS.—Subject to appropriations, the Secretary of Homeland Security shall ensure that CCHT is staffed with at least 45 employees in order to maintain continuity of effort, subject matter expertise, and necessary support to the Department of Homeland Security, including—

(i) employees who are responsible for the Continued Presence Program and other victim protection duties;

(ii) employees who are responsible for training, including curriculum development, and public awareness and education;

(iii) employees who are responsible for stakeholder engagement, Federal interagency coordination, multilateral partnerships, and policy;

(iv) employees who are responsible for public relations, human resources, evaluation, data analysis and reporting, and information technology;

(v) special agents and criminal analysts necessary to accomplish its mission of combating human trafficking and the importation of goods produced with forced labor; and

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(b) OPERATIONS UNIT.—The CCHT Director shall operate, within CCHT, an Operations Unit, which shall, at a minimum—

(1) support criminal investigations of human trafficking (including sex trafficking and forced labor)—

(A) by developing, tracking, and coordinating leads; and

(B) by providing subject matter expertise;

(2) augment the enforcement of the prohibition on the importation of goods produced with forced labor through civil and criminal authorities;

(3) coordinate a Department-wide effort to conduct procurement audits and enforcement actions, including suspension and debarment, in order to mitigate the risk of human trafficking throughout Department acquisitions and contracts; and

(4) support all CCHT enforcement efforts with intelligence by conducting lead development, lead validation, case support, strategic analysis, and data analytics.

(c) PROTECTION AND AWARENESS PROGRAMS UNIT.—The CCHT Director shall operate, within CCHT, a Protection and Awareness Programs Unit, which shall—

(1) incorporate a victim-centered approach throughout Department of Homeland Security policies, training, and practices;

(2) operate a comprehensive Continued Presence program;

(3) conduct, review, and assist with Department of Homeland Security human trafficking training, screening, and identification tools and efforts;

(4) operate the Blue Campaign's nationwide public awareness effort and any other awareness efforts needed to encourage victim identification and reporting to law enforcement and to prevent human trafficking; and

(5) coordinate external engagement, including training and events, regarding human trafficking with critical partners, including survivors, nongovernmental organizations, corporations, multilateral entities, law enforcement agencies, and other interested parties.

SEC. 4. SPECIALIZED INITIATIVES.

(a) HUMAN TRAFFICKING INFORMATION MODERNIZATION INITIATIVE.—The CCHT Director, in conjunction with the Science and Technology Directorate Office of Science and Engineering, shall develop a strategy and proposal to modify systems and processes throughout the Department of Homeland Security that are related to CCHT's mission in order to—

(1) decrease the response time to access victim protections;

(2) accelerate lead development;

(3) advance the identification of human trafficking characteristics and trends;

(4) fortify the security and protection of sensitive information;

(5) apply analytics to automate manual processes; and

(6) provide artificial intelligence and machine learning to increase system capabilities and enhance data availability, reliability, comparability, and verifiability.

(b) SUBMISSION OF PLAN.—Upon the completion of the strategy and proposal under subsection (a), the Secretary of Homeland Security shall submit a summary of the strategy and plan for executing the strategy to—

(1) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Committee on Homeland Security of the House of Representatives.

SEC. 5. REPORTS.

(a) INFORMATION SHARING TO FACILITATE REPORTS AND ANALYSIS.—Each subagency of the Department of Homeland Security shall share with CCHT—

(1) any information needed by CCHT to develop the strategy and proposal required under section 4(a); and

(2) any additional data analysis to help CCHT better understand the issues surrounding human trafficking.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the CCHT Director shall submit a report to Congress that identifies any legislation that is needed to facilitate the Department of Homeland Security's mission to end human trafficking.

(c) ANNUAL REPORT ON POTENTIAL HUMAN TRAFFICKING VICTIMS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of Homeland Security shall submit a report to Congress that includes—

(1) the numbers of screened and identified potential victims of trafficking (as defined in section 103(17) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(17))) at or near the international border between the United States and Mexico, including a summary of the age ranges of such victims and their countries of origin; and

(2) an update on the Department of Homeland Security's efforts to establish protocols and methods for personnel to report human trafficking, pursuant to the Department of Homeland Security Strategy to Combat Human Trafficking, the Importation of Goods Produced with Forced Labor, and Child Sexual Exploitation, published in January 2020.

SEC. 6. TRANSFER OF OTHER FUNCTIONS RELATED TO HUMAN TRAFFICKING.

(a) BLUE CAMPAIGN.—The functions and resources of the Blue Campaign located within the Office of Partnership and Engagement on the day before the date of the enactment of this Act are hereby transferred to CCHT.

(b) OTHER TRANSFER.—

(1) AUTHORIZATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security may transfer the functions and resources of any component, directorate, or other office of the Department of Homeland Security related to combating human trafficking to the CCHT.

(2) NOTIFICATION.—Not later than 30 days before executing any transfer authorized under paragraph (1), the Secretary of Homeland Security shall notify the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives of such planned transfer.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

In addition to amounts otherwise authorized to be appropriated, there is authorized to be appropriated to the Secretary of Homeland Security to carry out this Act $14,000,000, which shall remain available until expended.

The bill (S. 2991), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

RESOLUTIONS SUBMITTED TODAY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate now proceed to the en bloc consideration of the following Senate resolutions introduced earlier today: S. Res. 579, S. Res. 580, S. Res. 581, S. Res. 582, and S. Res. 583.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. SCHUMER. I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and that the motions to reconsider be considered made and laid upon the table, all en bloc.

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

The resolutions were agreed to.

The preambles were agreed to.

(The resolutions, with their preambles, are printed in today's RECORD under ''Submitted Resolutions.'')

ORDERS FOR THURSDAY, APRIL 7, 2022

Mr. SCHUMER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, April 7; 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 conclusion of morning business, the Senate proceed to executive session to consider the nomination of Ketanji Brown Jackson to be Associate Justice of the Supreme Court.

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

ADJOURNMENT UNTIL 9:30 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 previous order.

There being no objection, the Senate, at 9:35 p.m., adjourned until Thursday, April 7, 2022, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 6, 2022:

DEPARTMENT OF STATE

JAMES C. O'BRIEN, OF NEBRASKA, TO BE HEAD OF THE OFFICE OF SANCTIONS COORDINATION, WITH THE RANK OF AMBASSADOR.

SECURITIES INVESTOR PROTECTION CORPORATION

GLEN S. FUKUSHIMA, OF CALIFORNIA, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2024.

OFFICE OF PERSONNEL MANAGEMENT

KRISTA ANNE BOYD, OF FLORIDA, TO BE INSPECTOR GENERAL, OFFICE OF PERSONNEL MANAGEMENT.

DEPARTMENT OF ENERGY

MARVIN L. ADAMS, OF TEXAS, TO BE DEPUTY ADMINISTRATOR FOR DEFENSE PROGRAMS, NATIONAL NUCLEAR SECURITY ADMINISTRATION.

EXTENSIONS OF REMARKS

HONORING THE LIFE OF BEVERLY CAMP

HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2022

Mr. McCARTHY. Madam Speaker, I rise today to honor the life and legacy of a dear friend, Beverly ''Bev'' Camp, of Bakersfield, California. After battling cancer for nearly two years, Bev passed away on February 19, 2022, surrounded by loved ones.

Born in Queens, New York, Bev entered the world on July 29, 1962 to two loving parents. As the youngest of three children, she was curious and patient, always putting others before herself. In 1979, when Bev was 17, her family packed their bags and moved out to Bakersfield, California—the city where Bev would meet her husband and partner in life, raise three beautiful children, and make countless contributions to our community.

A woman of faith and compassion, Bev devoted her time to charitable causes. As a member of Catholic Charities, Bev advanced the launch of Harvest of Hope, an annual fundraiser that provides financial support to low-income families facing hardship, and helped found the organization's Career and Education Center, which helps students develop career skills for future employment. Along with her husband Jim, Bev's philanthropic efforts were impactful to many other community initiatives. In 2019, the pair helped establish the county's first burn unit at Bakersfield Memorial Hospital and more recently, were leading the expansion project for Mercy Hospital Southwest to address the growing needs of Bakersfield residents.

In recognition of her efforts, Bev was regularly recognized with awards by local organizations, including Community Action Partnership of Kern County's Humanitarian of the Year, the Kern County Hispanic Chamber of Commerce's Community Service Award, and Garden Pathways' Woman with a Heart for Bakersfield.

Above all, Bev loved her family. She enjoyed watching her kids grow and took pride in the Sunday family dinners she cooked after church. Bev is survived by her husband Jim; her parents Bruce and Margaret Murray; and her three sons, Bruce and wife, Kayla; Kurt and wife, Montse; and Scott.

On behalf of the 23rd Congressional District of California, it is my privilege to honor Bev's life and the remarkable service and impact she had on our community. My thoughts and prayers are with her loved ones as they mourn the loss of an incredible woman.

RECOGNIZING OFFICER JONATHAN DIAZ

HON. DAVID G. VALADAO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2022

Mr. VALADAO. Madam Speaker, I rise today to celebrate the life and service of Officer Jonathan Diaz as the California legislature dedicates the Lemoore overpass for Highway 198 and 19th Avenue in his honor.

A Huron native, Mr. Diaz graduated from Coalinga High School. He went on to earn his associates degree in criminal justice from West Hills College. Following his passion for serving his community, he joined the Huron Police Department as a reserve police officer during the summer of 2014. Just one year later, he was named Officer of the Year by the Huron Police Department. He would later join the Lemoore Police Department in 2016, where he earned Officer of the Year in 2018.

Mr. Diaz was equally committed to helping those in his community outside of his regular duties. He was involved in the Youth Adult Awareness Program, where he helped to mentor and guide at-risk children in the community. He also participated in developing juvenile awareness programs to teach local youth about the realities of prison and incarceration and put them on a path to success. Through his dedication to his community and his commitment to service, Mr. Diaz uplifted so many during his life.

Mr. Diaz's courage, dedication, professionalism, and selflessness was well-known throughout his entire department. He played a vital role in solving a significant number of cases, helping to bring justice to those he swore to protect. While he is missed by his loved ones every day, his service still inspires us all.

I ask all my colleagues in the United States House of Representatives to join me in honoring the life and service of Officer Jonathan Diaz of the Lemoore Police Department.

HONORING ATTORNEY YEMI KINGS

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2022

Mr. THOMPSON of Mississippi. Madam Speaker, I rise today to honor a remarkable public servant, Attorney Yemi Kings from Jackson, Mississippi.

He graduated from Lanier High School and went on to Tougaloo College. Then, received his law degree from Thurgood Marshall School of Law in 2009. Little did the Kings realize that when he valiantly saved the life of a man, who was tragically shot on Thanksgiving Day in 2021, in Jackson, that he was walking straight into fame's arena.

On Thanksgiving Day 2021, around 4:30 p.m., when there was still a glimmer of daylight outside, Kings' friends and family were eating dinner. During the celebration, they heard about 15–gun shots from what sounded like an assault rifle close to where they gathered. Then they heard someone yelling, ''I have been shot.''

Kings went outside and saw a man lying on the ground in a pool of gushing blood. He was crying, screaming, and saying, ''Please help me! Don't let me die!'' After calling 911, Kings asked him where he was shot. The victim replied, ''I can't feel my arm! Help me! I have been shot! I am fading out! I am dying!'' Kings grabbed sweaters and shirts from a car, wrapped them in layers and pressed them on the bullet wound until the bleeding stopped. ''I kept pressure on his wound and continued talking to him, telling him that he was going to live.'' Kings said.

Firefighters came and took over. They told everyone to step aside as they did their job.

The good Samaritan who courageously saved the person's life was Deputy Hinds County Attorney Yemi L. Kings.

When asked what motivated him to be so daring in such a dangerous escapade, he said, ''One thing that came to mind was that I had to try to help save this man's life. As a prosecutor, I am always helping people on the other side of tragic situations. I never thought I would ever come that close to a shooting or a shooting victim.''

Kings is the son of Yemi L. Kings and Terri Lyn Smith.

Kings' motivation is his family. He comes from a large family that includes four brothers, two sisters and one son. He wants to continue being there for his loved ones.

Madam Speaker, I ask my colleagues to join me in recognizing Attorney Yemi Kings for his dedication to serving.

MICHIGAN WORLD WAR II LEGACY MEMORIAL

HON. ANDY LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2022

Mr. LEVIN of Michigan. Madam Speaker, I rise today to celebrate the groundbreaking of the Michigan World War II (WWII) Legacy Memorial, which will take place in Royal Oak, Michigan on April 7, 2022.

This effort has been a fifteen-year labor of love for a dedicated group of volunteers, many of whom had family members who served in the military, including in World War II, and some who are veterans themselves. In 2007, Honor Flight Michigan began providing one-day trips to Washington, D.C. to allow World War II veterans to visit the national World War II Memorial on the National Mall. Between 2007 and 2010, Honor Flight Michigan operated 33 flights, ensuring that all 1,400 veterans on its waiting list made the trip to our nation's capital. The group then committed itself to creating a memorial in Michigan. Its intent is best described in the words of the organization itself: ''The Michigan WWII Legacy

Memorial will serve as a place to gather, remember, and inspire. It is a memorial designed with the desire to engage the community and educate future generations on the vision, values, and heroic efforts of the Greatest Generation."

The organization chose Royal Oak as the location for the memorial because of its central location in the heart of Southeast Michigan, and with the strong support of the City of Royal Oak to host the memorial at Memorial Park on Woodward Avenue and Thirteen Mile Road. The memorial has been designed to be educational and interactive and as a center of community activities as well as serving as a place for contemplation and remembrance.

This week, after fifteen years of work, ground will be broken for the construction of this important tribute to a defining point in history and to the vital contributions millions of Americans made to the essential cause of winning World War II. So many people have played important roles in guiding this project to this significant day, and it would be impossible to name all of them. But I would like to recognize the Board of Directors of the Michigan World War II Legacy Memorial for their efforts: President John Maten, Vice-President Chris Graveline, Secretary Kim Jones, Treasurer J. Michael Mastentuono; board members Debi Hollis, Russell Levine, Judy Maten, Ryan Friedrichs and Molly Gale; and Honorary Director Retired Air Force Lt. Col. Alexander Jefferson who served in the legendary Tuskegee Airmen. I would also like to recognize two members of the board who sadly passed away before this occasion: Michael Cameron and former Oakland County Executive L. Brooks Patterson.

Madam Speaker, I invite my colleagues to join me in celebrating the groundbreaking of the Michigan World War II Legacy Memorial, which I have no doubt will be viewed as a jewel in Southeast Michigan, and in congratulating all those who made vital contributions to this truly momentous occasion.

COMMEMORATING THE 50TH ANNIVERSARY OF THE MASSACHUSETTS STATE LOTTERY

HON. KATHERINE M. CLARK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2022

Ms. CLARK of Massachusetts. Madam Speaker, I rise today to congratulate the Massachusetts State Lottery as it celebrates its 50th anniversary.

Since selling its first ticket on March 22, 1972, the Mass Lottery has generated over $137 billion in revenues, returning over $29 billion in net profit to the Commonwealth of Massachusetts. These funds have been distributed to all 351 cities and towns in Massachusetts as unrestricted local aid, supporting a wide range of initiatives, including public safety, snow removal, road improvements, school staffing and services, programs for seniors, and parks and recreation projects.

The Mass Lottery has awarded over $96 billion in prizes to its loyal customers. Prize winners have been able to put their winnings toward the purchase of homes, sending their kids to college, opening their own businesses, covering medical expenses and making donations to charitable organizations.

The Mass Lottery has been a valuable source of additional income for thousands of businesses across the state, and collectively the Mass Lottery's retail partners have earned over $7.8 billion in commissions and bonuses over the last fifty years.

Under the guidance of the Mass Lottery, Charitable Gaming events have given nonprofit organizations in Massachusetts opportunities to raise money to support their causes while providing social entertainment in their communities.

Over the last five decades, Mass Lottery employees have worked diligently to build the Mass Lottery into one of the most successful lotteries in the world. In turn, the Mass Lottery has been a valuable employer in the state, offering a wide range of career opportunities with pathways for advancement within the organization.

The Mass Lottery will be commemorating "50 Years of Winning" throughout 2022 by showing its appreciation for the customers, retailers, communities and employees who are a part of its amazing success story.

Madam Speaker, it is my distinct honor to recognize the Massachusetts State Lottery as it celebrates its 50th anniversary.

REMEMBERING ALCEE HASTINGS

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2022

Mr. COHEN. Madam Speaker, I rise today to recognize the one-year anniversary of the passing of Representative Alcee Hastings, a civil rights advocate and active leader of the Commission on Security and Cooperation in Europe (U.S. Helsinki Commission) for more than twenty years. His work included promoting principled foreign policy, human rights, strengthened democracy across Europe, domestic and international election observations, and diversity and inclusion at all levels of government and foreign policy decision making. Alcee Hastings passed away on April 6, 2021.

As a U.S. Helsinki Commissioner, Rep. Hastings served as Ranking Member, Co-Chairman, and twice as Chairman from 2007–2008 and 2019–2020. He was the first African American Chair of the Commission, and over the full span of his time on the Commission, visited all 57 participating States (pS) of the Organization for Security and Cooperation in Europe (OSCE), 11 Asian and Mediterranean OSCE Partners for Co-operation countries, and attended over three dozen meetings of the OSCE Parliamentary Assembly (OSCE PA).

In addition to holding various leadership positions at the U.S. Helsinki Commission, Alcee Hastings also held offices with the OSCE PA, including Rapporteur of the First Committee on Political Affairs and Security, Vice Chair of the First Committee, Chair of the First Committee, Special Representative of Mediterranean Affairs, Vice President of the OSCE PA, President of the OSCE PA, and President Emeritus of the OSCE PA. Alcee remains the only American to hold the office of President of the 323-member body.

Alcee brought attention to several issues throughout the OSCE region and pushed to legitimize U.S. authority on human rights standards. He was a staunch opponent of Russian attempts to undermine security and stability in Europe and beyond, holding hearings as Chair on Russia's support for separatists and introducing legislation aiding Georgia following the 2008 invasion by Russia and supporting Ukraine's democratic gains since the 2004 Orange Revolution. He was an outspoken supporter of Europe's largest ethnic minority, the Roma, and he led efforts to address anti-Semitism and anti-Jewish violence in OSCE pS. Alcee was deeply engaged in the Middle East peace process, improving relations with Mediterranean partners, protections for minorities in the Kosovo independence plan, and strengthening democracy and expansion within the European Union. Thanks to his efforts stressing the importance of having election observers monitor U.S. elections, the OSCE PA held its first election observation mission in the U.S. in 2002.

Representative Hastings believed that diversity and inclusion in foreign policy was critical for upholding democratic values. This included equal representation across different racial, ethnic, gender identity, sexual orientation, religious and geographic communities, including youth participation. He held hearings, introduced legislation, supported programs at the State Department and fellowship programs geared towards promoting minority participation, and worked with European partners on initiatives to meet this end.

Alcee Hastings was born in Altamonte Springs, Florida and received his bachelor's degree from Fisk University in Nashville, Tennessee and his law degree from Florida A&M University. Prior to serving in government, he tirelessly fought racial injustice as a civil rights lawyer and activist. In 1979, Representative Hastings became the first African American Federal Judge in the State of Florida when President Jimmy Carter appointed him to the bench. When elected to Congress in 1992, he was one of the first three African Americans to represent Florida since the reconstruction era. He has long championed the rights of minorities, women, the elderly, children, and immigrants.

It was an honor to serve with Representative Alcee Hastings in Congress and to have the privilege to work with him on the Helsinki Commission. He was the reason I sought appointment. I am proud to have called him my friend and will be forever grateful to him for introducing me to the Commission on which I now serve as Co-Chairman. He is remembered by all here and at the OSCE PA. His was a life well-lived.

HONORING HAZEL A. WILSON AS WOMAN OF THE YEAR

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2022

Mr. THOMPSON of California. Madam Speaker, I rise today to honor Hazel Wilson, whom I have named the 2022 Woman of the Year in Solano County, California. Woman of the Year recognizes women who have made important contributions to California's 5th Congressional District in Arts and Culture, Professional Achievement, Entrepreneurship and Innovation or Community Service.

Born in Bristow, Oklahoma, Mrs. Wilson graduated from Langston University, an historically Black university, with a bachelor's degree in business administration. After her graduation, she moved to Vallejo, California, in 1973, where she co-founded the Kappa Beta Omega Chapter of the Alpha Kappa Alpha Sorority. Kappa Beta Omega Chapter focuses on introducing students to the different options of Historically Black Colleges and Universities and the benefits of attending these schools.

Mrs. Wilson also served on the Vallejo City Unified School District governing board for 14 years and still attends their meetings to support Vallejo students by addressing community concerns to the district and its board.

As a Community Liaison Volunteer for the CC and Amber Sabathia PitCCh-In Foundation, Mrs. Wilson has worked to provide free backpacks and school supplies to elementary school children and teachers in Vallejo. She also contributes to an annual scholarship for a high school senior who will be attending an historically Black college or university.

Mrs. Wilson is an advocate and a consensus builder for students across the city. Through her extensive work with the school district and other non-profits like the National Association for the Advancement of Colored People, the African American Alliance of Vallejo, and the Solano County Chapter of the Link, Inc., she has directly impacted the lives of so many children.

Her husband, a retired teacher, Michael Wilson and their two children, Michael Wilson III, a teacher, and Andrinee Wilson-Tucker, Ph.D., a psychologist, also graduated from Historically Black Colleges and Universities. Mrs. Wilson's family and the rest of the community describe her as incredibly compassionate, dignified, and motivated in supporting students with their education.

Madam Speaker, it is evident that Hazel Wilson has dedicated her life to the students of Vallejo through her public service. Therefore, it is fitting and proper that we honor her here today.

RECOGNIZING LEE SYKES, OWNER OF TOW BOAT US BEAUFORT, AND CREW MEMBERS JOHNATHON EVANS, JAY BOONE, CROCKETT HENDERSON, LUIS HERRON AND JOHN WILSON

HON. GREGORY F. MURPHY

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2022

Mr. MURPHY of North Carolina. Madam Speaker, I rise today to pay a tribute to the heroic crew members of Tow Boat US Beaufort (TBUS). On February 13, 2022, TBUS was alerted to a possible downed aircraft east of Cape Lookout shoals near Drum Inlet. This aircraft was comprised of eight individuals, including four high school students. The honorable crew quickly departed towards the vicinity of the last known position of the aircraft. At this time, weather conditions were deteriorating, and seas were a rough 3 to 5 feet.

The wreckage of the aircraft was found before dark, and it was clear that there were likely no possible survivors. The next morning, emergency services called TBUS seeking their assistance in locating the aircraft on the sea floor. While local first responders focused on chasing floating debris offshore, the TBUS crew investigated where the plane struck the water using sonar to locate the wreckage. By 4:00 PM on February 14, 2022, TBUS confirmed they had found the crash site and had remotely operated vehicle footage of the debris on the bottom. That night, TBUS crews would be tasked with running the dive operations, while providing divers and surface support for body recovery.

The next day, February 15, 2022, TBUS had put together a dive plan and divers to try and access the aircraft. Water temperatures were around 52 degrees on the surface, the current was running approximately 3.9 knots on the bottom in 60 feet of water, and seas were rough at 3 to 5 feet, making this an extraordinarily difficult dive to achieve with limited bottom time. TBUS crews worked until the next day, when all the remains had been recovered for the families. While this was a strenuous job, the selfless heroes at TBUS thought it was a necessary mission to help the grieving families of the victims. Putting divers in during small craft conditions, 50-degree water, and heavy currents makes for very dangerous conditions that highlight the heroic actions of the TBUS crew.

TBUS crew members involved were Lee Sykes, Johnathon Evans, Jay Boone, Crockett Henderson, Luis Herron and John Wilson. None of this would have been possible were it not for the selflessness and servant attitude of the aforementioned members. Madam Speaker, please join me in honoring these incredible and wonderful heroes.

RECOGNIZING MR. RONALD D'ARTENAY, SR.

HON. DAVID G. VALADAO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2022

Mr. VALADAO. Madam Speaker, I rise today to honor the life of Mr. Ronald ''Ron'' d'Artenay, Sr., who passed away on Sunday, January 23, 2022.

Mr. d'Artenay was born in Hanford, California on June 29, 1943. He was raised in nearby Kettleman City where he first began helping his father on the farm. His interest in farming and agriculture continued to grow while attending Avenal High School.

After graduation, Mr. d'Artenay chose to stay in the industry and started his first business, d'Artenay Hay Service, early in his career. In the 1980s, he started d'Artenay Farms in Coalinga, California, where he successfully grew pistachios for over thirty years.

Mr. d'Artenay was also a fixture in the local racing community. He served as a founding member and president of the Avenal Sand Drags Association. He became known for his sand drag race car, 'The Red Warrior.' Mr. d'Artenay was a valued member of our local community, and it is with great pride that I recognize him for his service to the Central Valley.

Madam Speaker, I ask my colleagues in the United States House of Representatives to join me in honoring the life and legacy of Mr. Ronald ''Ron'' d'Artenay, Sr.

IN MEMORIAM—ROBERT ''BOB'' FOOTE

HON. TRACEY MANN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2022

Mr. MANN. Madam Speaker, I rise today to commemorate the memory of Bob Foote, a tremendous Kansan who passed away on March 25th. Bob was a man of many talents. He built one of the largest cattle operations in America, feeding 550,000 head a year and employing 400. He and his wife Gail also built an amazing family who will carry on his legacy and lead the Foote Cattle Company into the future.

Bob had tenacity, grit, confidence, and he wasn't afraid to embrace an aggressive approach to business. His motto was ''Get It''—which he would say to remind those around him to never give up and keep pushing forward. Bob was a staunch conservative who could often be found giving one of his trademark ''Bob Foote lectures'' on politics. He was a true patriot, and most importantly, now that he has gone on to heaven, he was a man of great faith.

From the farm and headquarters in eastern Kansas, to ranchland in the Flint Hills, to feed yards in Western Kansas. I am hard pressed to think of any Ag producer who had such an impact on the entirety of Kansas agriculture. Whether he was buying cattle or sharing his faith and work ethic with his grandchildren, Bob believed that he should use the talents that God gave him to be the best man he could be. He is now able to reunite with his beloved Colleen and together watch over his legacy—the Foote Cattle Company—and gaze proudly on his spouse Gail and sons Scott, Brad, and Greg as they continue to lead the industry and Kansas Agriculture forward.

May Bob Foote rest in peace.

HONORING BLACK ORGANIZATION 100 BLACK MEN OF GRENADA, INC.

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2022

Mr. THOMPSON of Mississippi. Madam Speaker, I rise today to honor a resilient organization that is doing great things in their community, 100 Black Men of Grenada, Inc.

The 100 Black Men of Grenada, Inc., received a charter from the 100 Black Men of America, Inc., in 2008 to serve the African American and other disadvantaged youth in Grenada and the contiguous counties.

Since organizing, the 100 Black Men of Grenada, Inc., has developed many strong partnerships with a diverse group of individuals, organizations, businesses, and agencies. This has resulted in many valuable services for youth and community.

Some of their key accomplishments of the chapter are: Establishing the ''Eagles'' Mentoring Program for the Grenada School District, sponsoring College Fairs and ACT preparation sessions for area high schools, sponsoring out of town educational and enrichment field trips for area youth, etc.

The services of the men of the 100 Black Men of Grenada have greatly benefited the

local community, and, has resulted in the Chapter being selected as the 2020–2021 Small Chapter of the Year by the 100 Black Men of America, Inc.

The 100 Black Men of Grenada also established a partnership with the Finch-Henry Job Corps Center to refer, mentor and assist enrollees with clothing, college books, scholarships, and other needs. They also organized the first 100 Black Men of America Collegiate affiliate in Mississippi at Rust College.

Moreover, they have operated a successful Summer Educational Enrichment and Mentoring (SEEM) Program in partnership with the 100 Black Men of Jackson, Inc., the Mississippi Department of Human Services, and key local organizations.

Madam Speaker, I ask my colleagues to join me in recognizing the 100 Black Men of Grenada, Inc., for their resilience and the hard work they do for their community.

CELEBRATING THE COMMITTED SERVICE OF COMMAND SERGEANT MAJOR MICHAEL P. GEDEON

HON. TROY A. CARTER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2022

Mr. CARTER of Louisiana. Madam Speaker, I rise today to celebrate the committed service of Command Sergeant Major Michael Gedeon.

CMS Gedeon has been a fearless leader and public servant since he joined the Army on November 24, 1982. Serving 39 years of Active and Reserve Army service, he has shown tremendous courage and dedication to this country.

Following Basic Training and Advanced Initial Training, he was allocated to the 1st Signal Battalion in Kaiserslautem West Germany from 1983 to 1985, and afterward served in the 501st Signal Battalion, 101st Airborne Division.

CSM Gedeon was deployed from 2004 to 2005 and 2009 to 2010 to Haiti for Operation Uphold Democracy, Operation Joint Endeavor in Bosnia, and Operation Iraqi Freedom.

Returning to American soil, he entered the US Army Reserve in the HHC second Psychological Operations Group and settled in Parma Ohio.

As a life-long learner, CSM Gedeon started his military education with the Combat Lifesaver Course and ultimately ending with the Battalion Pre-Command Course in 2015.

Since 1987, he has served in various second POG—non combat—units and rose through the ranks to ultimately become a Command Sergeant Major in February of 2013. The rank of CMS is the most senior enlisted member of a color-bearing Army unit, and serves as a spokesman to address all the issues of soldiers to the unit commander. He also began working as the Director of Instruction in the twelfth/100th CA/MISO Training Battalion.

In the latter half of his military career, CSM Gedeon accepted his first Command Sergeant Major assignment for the 16th Psychological Operations Battalion in Fort Sheridan, Illinois in January of 2014. His second assignment was the 11th Psychological Operations Battalion in White Plains, Maryland in April of 2016 to July of 2019 and his final assignment was in February of 2019, as the 2nd Psychological Operations Group Command Sergeant Major.

With over 3 decades of experience, the Army has honored CSM Gedeon with multiple awards signifying his dedication and service to this country. His many decorations include the Bronze Star, the Meritorious Service Medal, the Army Commendation Medal and many others.

After a lifetime of service at home and abroad, CSM Gedeon is now retired from duty and currently resides in Cleveland, Ohio where he works at a law firm and parents two young daughters, Paige and Molly.

A huge congratulations to Hon. CSM Michael P. Gedeon. We thank him for his service.

CONGRATULATING ENTERPRISE HIGH SCHOOL BASKETBALL TEAM

HON. BARRY MOORE

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2022

Mr. MOORE of Alabama. Madam Speaker, I am proud to honor an outstanding group of young men from my hometown who represented both their school and state this season.

Enterprise Native, Head Coach, and friend, Coach Rhett Harrelson, led his team to their first-ever Wildcat 7A championship win. This team showed dedication and determination this season as they rallied around one another for the final game. To the players, Keion Dunlap, Jordan Hines, Elijah Terry, Tomar Hobdy, Kenneth Mitchell, Jr., Tre Kemmerlin, Mykel Johnson, Eric Winters, Dylan Baldwin, Tristan Agard, Quentin Hayes, Matther Reed, Nick Roberts, Talmadge Sessions, and Reese Dowling, cherish this win and continue to represent the wildcats with the same attitude you showed throughout the season and through long hours of practice. You knew as a team what it meant to get to this point in your basketball career and how to accomplish the goals you set for your team and yourself. Celebrate this win and remember the legacy you are creating as the first team in Enterprise history to win the championship.

To assistant coaches and staff Clark Quisenberry, John Wadsworth, and Keith Sesions, I thank them for molding these students into the young men that we see today. I thank them for their dedication to their student-athletes as they worked long hours to teach them not only how to play the game well, but also how to love the sport. I know they will cherish this win and will continue to mentor students for years to come.

To the fans, we thank them for always going the extra mile to be at games and always making sure their team was represented throughout the season.

As a fellow wildcat, I want to honor this amazing team for all that they have accomplished, and I can't wait to see their legacy continue. May this commemoration forever be preserved.

AFFORDABLE INSULIN NOW ACT

SPEECH OF

HON. GARRET GRAVES

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2022

Mr. GRAVES of Louisiana. Madam Speaker, Pharma Bro Martin Shkreli should have dozens of jailbird colleagues for the unethical practices of many in the pharmaceutical industry. There is no question that the price of insulin, EpiPens, asthma inhalers and hundreds of other drugs are multiple times what they should be and that needs to change. While I support the goal of H.R. 6833, as written the bill does nothing to actually lower the price of insulin—and zero for other drugs. The bill simply mandates that the out-of-pocket cost not exceed $35 for insulin. If you think insurance companies are just going to eat this extra cost then I've got a bridge to sell. Insurance companies will simply increase premiums to cover the extra cost. This means everyone pays more. It's a shell game. Obamacare has been a mess and that law doesn't need any help in further raising insurance premiums. For that reason, I will vote 'NAY' for the bill. The solution here is to actually lower the cost of the prescriptions. This can be done by stopping patent abuse by pharmaceutical companies, allowing importation of drugs from countries with appropriate quality control, and incentivizing generic manufacturers. H.R. 19 is a bill that takes steps in the right direction. I would vote for that, but I am working with another bipartisan group on a better solution.

PERSONAL EXPLANATION

HON. JOHN KATKO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2022

Mr. KATKO. Madam Speaker, I missed the vote on Roll Call No. 108 on April 4, 2022. Had I been present, I would have voted YEA on Roll Call No. 108.

HONORING ROY SEKINE FOR HIS SERVICE TO THE COUNTY OF KERN, CALIFORNIA

HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2022

Mr. MCCARTHY. Madam Speaker, I rise today to honor Roy Sekine on his retirement from the County of Kern in California after 31 years of service to our community.

A friend and public servant, Roy attended college at California State University, Bakersfield, graduating in 1991 with a Bachelor's degree in Computer Science. While still a college senior, Roy began working at the Kern County Library—which currently serves over 850,000 county residents—as a systems coordinator. Maintaining his employment with the organization upon graduation, Roy spent the next six years transforming the library system. Roy's tireless efforts led to the installation of the first public internet terminal at Beale Library, the

implementation of Netscape browsers throughout the 30 County Library Branches, and a swift transition to the electronic book checkout system for Kern County residents.

One year after transferring to the Bakersfield Municipal Court in 1997, Roy was recruited to the Kern County Department of Child Support Services (KCDCSS). Named the Local Area Network Systems Administrator for KCDCSS, Roy led critical improvements to the Department's technology systems for over 20 years, enabling the organization to better assist parents and youth in our community. With a savviness in computer networking and operations management, Roy helped start the KIDZ Child Support Program and implement the State of California's CASES Child Support Program locally. Additionally, when the coronavirus pandemic forced KCDCSS operations online, Roy helped County staff work through technological issues so they could continue to serve Kern County residents in a seamless fashion.

Roy's service to Kern County is undeniable. In 2020, he was recognized with the KCDCSS Values Award for Teamwork for his patience, work ethic, and respect for all. On behalf of the 23rd Congressional District of California, I want to thank my good friend Roy for his unwavering commitment to bettering our community and Kern County government that serves many of my constituents. Judy and I wish him the best as he enters this new chapter in his life.

HONORING DR. BRIANNA THOMPSON

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2022

Mr. THOMPSON of Mississippi. Madam Speaker, I rise today to honor a tenacious and innovative woman, Dr. Brianna Thompson. Dr. Thompson has shown what can be done through hard work, dedication, and a desire to achieve success.

Dr. Brianna Thompson has been awarded top honors with the 2022 Black Engineer of the Year Awards (BEYA), which recognizes African-American scientists and engineers around the country. The winners chosen are leaders shaping the future of science, technology, engineering, and mathematics (STEM), as well as promoting diversity and inclusion in the STEM pipeline. She was recognized at this year's BEYA STEM Global Competitiveness Conference, which was held in Washington, D.C. Feb. 17 through 19.

Dr. Thompson began her career at ERDC in ITL three years ago as a mathematician and was chosen for the BEYA Modern-Day Technology Leader Award. Her research in hypersonic systems evaluation and design and the coupling of fluid, thermal and structure models for computational simulation of hypersonic systems is making a difference and advancing the capabilities of the Army and the DOD in developing state-of-the-art solutions to challenging problems. Dr. Thompson earned her doctorate degree in computational science from the University of Southern Mississippi.

Madam Speaker, I ask my colleagues to join me in recognizing Dr. Brianna Thompson for her passion and dedication to the field of Engineering.

DEPARTMENT OF HOMELAND SECURITY INSPECTOR GENERAL TRANSPARENCY ACT

SPEECH OF

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2022

Ms. JACKSON LEE. Mr. Speaker, I rise in strong support of H.R. 5633. This bill requires the OIG to submit to Congress any report that substantiates a violation of specified provisions regarding prohibited personnel practices, protected communications, or retaliatory personnel actions.

The bill also requires the OIG to submit to Congress any report about a violation of Presidential Personnel Directive–19 (protecting whistleblowers with access to classified information); or an allegation of misconduct, waste, fraud, abuse, or a violation of policy within DHS involving a senior DHS official.

The OIG must make each report publicly available on its website, with some exceptions.

The bill requires the OIG's semiannual reports to include specified information regarding ongoing audits, inspections, and evaluations.

Mr. Speaker, the importance of this bill cannot be understated. Inspectors General are incredibly important in the justice process, and especially so when Homeland Security is under review.

The Department of Homeland Security has one of the hardest jobs of all federal agencies: protecting the homeland from terror.

As a senior member of the Committee on Homeland Security, I am fervently committed to overseeing and improving the Department of Homeland Security and keeping America safe from terrorism.

One way we do that is through enforcing accountability in all the Department's functions, which is the purpose of this bill.

To underscore its importance, I want to remind this body of critical reports from the Office of Inspector General in the Department of Homeland Security in 2018 and 2019. They brought to light the cruel humanitarian situation migrants were suffering through under the previous administration's zero-tolerance immigration policies.

In 2018, the Office of Inspector General released a scathing report detailing the previous administration's child separation policy.

The details of the report were damning. Specifically, it stated that: Department of Homeland Security was not prepared to deal with the staggering repercussions of separating children from their parents and there was no computer or automated system to facilitate the reunification of parents after they have been separated.

The OIG determined that, despite a 72-hour limit on the time a child may be separated from their parents, many children were separated for five days, and some as long as a dozen days.

The report concluded that the government failed to adequately notify parents of the child separation policy, and the process to initiate reunification.

The OIG found that government officials gave inconsistent information to parents arriving at the border, which had the effect of instituting confusion at these ports of entry.

The report made special note of how the former Secretary of Homeland Security, Kristjen Nielsen signed off on the actions which led to the child separation policy, which is in stark contrast to Secretary Nielsen's May 15, 2018, testimony to the United States Senate.

In another report published in 2019, the Office of Inspector General discussed the pitiful conditions for those being held in detention facilities along the border.

During the Inspector General's visits to five Border Patrol facilities and two ports of entry in the Rio Grande Valley, they reviewed compliance with CBP's Transport, Escort, Detention and Search (TEDS) standards, which govern CBP's interaction with detained individuals, and observed serious overcrowding and prolonged detention of unaccompanied alien children (UACs), families, and single adults that require immediate attention.

Specifically, Border Patrol was holding about 8,000 detainees in custody at the time of our visit, with 3,400 held longer than the 72 hours generally permitted under the TEDS standards. Of those 3,400 detainees, Border Patrol held 1,500 for more than 10 days.

In addition to the overcrowding they observed, Border Patrol's custody data indicates that 826 (31 percent) of the 2,669 children at these facilities had been held longer than the 72 hours generally permitted under the TEDS standards and the Flores Agreement.

For example, of the 1,031 UACs held at the Centralized Processing Center in McAllen, TX, 806 had already been processed and were awaiting transfer to HHS custody. Of the 806 that were already processed, 165 had been in custody longer than a week.

Additionally, there were more than 50 UACs younger than 7 years old, and some of them had been in custody over two weeks while awaiting transfer.

In addition to holding roughly 30 percent of minor detainees for longer than 72 hours, several Rio Grande Valley facilities struggled to meet other TEDS standards for UACs and families.

For example, children at three of the five Border Patrol facilities the Inspector General visited had no access to showers, despite the TEDS standards requiring that ''reasonable efforts'' be made to provide showers to children approaching 48 hours in detention.

At these facilities, children had limited access to a change of clothes; Border Patrol had few spare clothes for the children and no laundry facilities. While all facilities had infant formula, diapers, baby wipes, and juice and snacks for children, the Inspector General observed that two facilities had not provided children access to hot meals—as is required by the TEDS standards—until the week the Inspector General arrived.

Instead, the children were fed sandwiches and snacks for their meals. Additionally, while Border Patrol tried to provide the least restrictive setting available for children (e.g., by leaving holding room doors open), the limited space for medical isolation resulted in some UACs and families being held in closed cells.

These investigations and reports provide just a snapshot of the work the Office of Inspector General under the Department of Homeland Security does. Time and time again, they have shone a much-needed light on affairs that are all of public interest.

It is for that reason Mr. Speaker I strongly support H.R. 5633.

It will hold all decision makers accountable and force their actions to be submitted not only to Congress, but the court of public opinion as well.

This bill prioritizes both transparency and accountability, so I urge my colleagues to support this critical piece of legislation.

REPORTING EFFICIENTLY TO PROPER OFFICIALS IN RESPONSE TO TERRORISM ACT OF 2021

SPEECH OF

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2022

Ms. JACKSON LEE. Mr. Speaker, I rise in strong support of H.R. 1540, the Reporting Efficiently to Proper Officials in Response to Terrorism Act of 2021 or the REPORT Act.

The purpose of this bill is to provide reports to Congress that are jointly developed by relevant federal agencies regarding incidents of terrorism.

This bill requires the Department of Homeland Security, in coordination with the Department of Justice and the Federal Bureau of Investigation, whenever an incident of terrorism occurs in the United States, to submit to Congress an unclassified report upon completion of the investigation by the primary U.S. government agency conducting the investigation concerning the incident.

The report should contain:

1. A statement of the facts of the incident that are known at the time of the report.

2. Any recommendations for changes in practices or law, consistent with the Constitution, with particular attention to changes that could help prevent future incidents of terrorism.

The bipartisan bill requires the Department of Homeland Security, the Justice Department, the FBI, and/or the National Counterterrorism Center to work together to submit a report to Congress after a foreign or domestic terrorist attack, which must include an explanation of what happened, any gaps in national security, and recommendations for additional measures to improve homeland security and prevent future terrorist attacks.

After a terrorist attack, federal agencies will be required to report to Congress with information about exactly what happened and recommendations to prevent future attacks.

The first priority of government should be making sure that all Americans are safe, secure, and free.

The 9/11 attack on American soil on September 11, 2001 took the lives of nearly 3,000 innocent civilians and since that day, the role of virtually every federal, state, and local law enforcement agency changed.

The 9/11 attack remains a tragedy that defines our nation's history. But the final chapter will be written by those who are charged with keeping our nation and people safe while preserving the way of life that terrorists sought to change.

On January 6, 2021, during a joint session of Congress, a mob breached the U.S. Capitol, illegally entering the complex, violent participants, incited by the former President's rhetoric, injured scores of D.C. Police and U.S. Capitol Police officers—killing one, while four civilians also died.

The escalation in violent domestic attacks since the January 6 attack has been felt by our nation's law enforcement officers, as well as others which is evidenced by the rise in murder and assaults across the nation.

Today, we find ourselves in a nation where the terrorism landscape is more complex, it is imperative that we recognize and communicate the evolving and unorthodox nature of the terrorism threats we face today.

This bill is the most effective way for us to protect our country through solid reporting and communicating.

To prevent terrorist attacks and ensure efficiency and effectiveness in responding to an attack, agencies need to coordinate with each other to determine what went wrong so that we can strengthen our counterterrorism efforts moving forward.

Congress must have all available information to make the most informed policy decisions following a terrorist attack.

The REPORT Act ensures that members of Congress will receive the full accounting of the facts, so that they can hold federal agencies accountable.

Information sharing with both Congress and the American people, is a vital element of preventing, and responding to, terrorism.

I ask my colleagues to join me in voting for H.R. 1540 because our mission has been and will continue to be focused on preventing and preparing for all issues surrounding terrorism.

We owe a debt to those who have lost their lives and we must do all that we can to prevent another attack on United States soil.

DHS ILLICIT CROSS-BORDER TUNNEL DEFENSE ACT

SPEECH OF

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2022

Ms. JACKSON LEE. Mr. Speaker, I rise in strong support of H.R. 4209, the ''Department of Homeland Security Illicit Cross-Border Tunnel Defense Act.''

This bill authorizes for FY2022 and FY2023 U.S. Customs and Border Protection activities to identify and close tunnels criminals use to illegally cross our Southern Border.

This bill also directs the Customs and Border Patrol to develop and report to Congress a strategic plan to improve tunnel closures.

According to Customs and Border Patrol, Cross-border tunnels are dug by transnational criminal organizations to smuggle contraband into the U.S. from neighboring countries. Current detection capabilities rely on random tips and the laborious collection of human intelligence (HUMINT).

When tunnels are discovered, U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement have limited ability to access the tunnel to arrest and prosecute those involved in creating and using the tunnel.

The reason behind such limited ability is because Customs and Border Patrol lack the needed fiscal resources needed to combat tunnel construction and usage. This bill aims to ameliorate that problem.

Mr. Speaker, after considering statements from Customs and Border Patrol, it is clear that people seeking a better life do not use illegal tunnels to achieve such ends. The tunnels are instead used by those seeking to wreak havoc and bring crime into our communities, with no other purpose.

For example, upon discovery of a 183-foot-long subterranean tunnel in Mexicali, Baja California, near the international border, Cardell T. Morant, special agent in charge of HSI San Diego said, ''These types of tunnels enable drug traffickers to conduct illicit activities virtually undetected across the U.S.–Mexico border.''

Morant continued, ''Discovering and shutting down these tunnels deals a major blow to drug trafficking organizations because it denies them the ability to smuggle drugs, weapons and people across the border.''

That tunnel had an entrance measuring 12 feet by 10 feet and extended 3 feet north of the international border wall but had no exit on the U.S. side of the border, apparently creating temporary exits on an ad hoc basis.

The Drug Trafficking Organization who designed it equipped the tunnel with electricity, ventilation, a rail system with a cart, and an electric hoist.

Mr. Speaker, these tunnels, even if they are only open for a short period, can allow traffickers to move massive amounts of drugs, humans, currency, and firearms back-and-forth between Mexico and the United States.

As Chair of the Crime, Terrorism, and Homeland Security Committee, I am committed to ensuring our internal and homeland security. Fighting these criminals at every turn is critical to achieving of that objective, and this bill provides the CBP additional tools for that purpose.

I am therefore proud to support H.R. 4209, the ''Department of Homeland Security Illicit Cross-Border Tunnel Defense Act'' and urge my colleagues to as well.

DHS TRADE AND ECONOMIC SECURITY COUNCIL ACT OF 2021

SPEECH OF

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2022

Ms. JACKSON LEE. Mr. Speaker, I rise in strong support of H.R. 4476, the ''Department of Homeland Security Trade and Economic Security Council Act of 2021.''

This bill establishes the DHS Trade and Economic Security Council, which shall provide trade and economic security advice and recommendations to the Department of Homeland Security (DHS).

This includes identifying high priority risks and setting priorities for protecting the nation's trade and economic security.

The bill also establishes the position of Assistant Secretary for Trade and Economic Security within DHS's Office of Strategy, Policy, and Plans.

Mr. Speaker, the mission of the Department of Homeland Security is to secure the nation from the many threats we face.

Those threats encompass not only threats abroad but also at home, and our economic security is integral to national security.

Securing our economy means we will have safeguards in place to help prevent another economic disaster like the one brought about by the COVID–19 pandemic, from which countless Americans suffered.

The COVID–19 pandemic and resulting economic fallout caused significant hardship. In the early months of the crisis, tens of millions of people lost their jobs.

While employment began to rebound within a few months, unemployment remained high throughout 2020.

Improving employment and substantial relief measures helped reduce the very high levels of hardship seen in the summer of 2020.

Nonetheless, considerable unmet needs remained near the end of 2021, with 20 million households reporting having too little to eat in the past seven days and 10 million households behind on rent.

In early 2022, some 3 million fewer people are employed than before the pandemic, though steady progress has been made, including in recent months.

Hardship in 2020 and 2021 would have been far worse without the extraordinary steps taken by the federal government, states, and localities to respond to the pandemic and its economic fallout.

Key hardship indicators showed strong improvement during early 2021, aided by job growth and government benefits.

Hardship rates fell especially fast thanks to the American Rescue Plan enacted on March 11, 2021, which included $1,400 payments for most Americans as well as other assistance to struggling households.

Food hardship among adults with children also fell after the federal government began issuing monthly payments of the enhanced and expanded Child Tax Credit, which was first distributed on July 15, 2021, along with improvements in food assistance.

While those measures taken by the Biden Administration were swift and, I believe, lifesaving, much of the suffering the American people went through could have been mitigated through extensive planning.

This bill provides those means, which drives my support. No more Americans should suffer because the federal government refused to plan in the case of a disaster.

The DHS Trade and Economic Security Council Act of 2021 is a legislative embodiment of that understanding, so I am proud to support it. I urge my colleagues to as well.

RESILIENT ASSISTANCE FOR MITIGATION FOR ENVIRONMENTALLY RESILIENT INFRASTRUCTURE AND CONSTRUCTION BY AMERICANS ACT

SPEECH OF

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2022

MS. JACKSON LEE. Mr. Speaker, I rise in strong support of H.R. 5689, the Resilient Assistance for Mitigation for Environmentally Resilient Infrastructure and Construction by Americans Act or the Resilient AMERICA Act.

This bill bolsters U.S. disaster resilience and expands resources and strategies for hazard mitigation by state, local, tribal, territorial governments, and some nonprofit organizations.

The bill permits the redistribution of hazard mitigation funds that are unclaimed or unobligated for use in addressing a future major disaster.

The legislation also increases from 6 percent to 15 percent the estimated aggregate amount of grants made for national public infrastructure pre-disaster mitigation assistance so that we're better prepared to respond to disasters.

It also makes private nonprofit facilities eligible for technical and financial assistance in the implementation of cost-effective pre-disaster hazard mitigation measures.

The overall effect would be to expand the use of hazard mitigation assistance to cover certain activities pertaining to wildfires, tsunamis, and ice storms.

Additionally, the Federal Emergency Management Agency (FEMA) must set aside 10 percent of the funds annually to update relevant building codes on which consensus has been reached.

FEMA must also carry out a pilot program through which states and localities award grants to individuals for retrofitting their residences with appropriate hazard mitigation measures.

This legislation will build on the resilience initiatives contained in the recent bipartisan infrastructure law and provide additional tools to reduce risks posed by the changing climate.

For every dollar invested in resilience and predisaster mitigation, the taxpayer receives anywhere from $3.00 to $11.00 in return.

The Resilient AMERICA Act returns unspent funds from the Hazard Mitigation Grant Program to the Disaster Relief Fund (DRF), which ensures that these expiring and unspent funds will still help our communities prepare for and respond to disasters.

This bill doubles the funding stream dedicated to FEMA's Pre-Disaster Mitigation program and extends eligibility for Pre-Disaster Mitigation (PDM) to include private nonprofits (PNPs), which ultimately will reduce the impact and damage from a disaster.

It also expands the reach of the post-disaster Hazard Mitigation Grant Program (HMGP) to prevent utility outages in the face of extreme wildfire, wind, tsunami, and ice events.

It additionally funds residential resilience retrofit block grants to states, tribes, and territories to strengthen homes for maximum protection and safety.

It is clear that climate change is making extreme weather more intense and severe.

The snow and ice that unleashed a cascading effect of power and water outages in Texas and surrounding states was caused by a series of rare winter storms in 2021 and 2022.

My constituents were without potable water weeks after the storm, a lot of this damage was a direct consequence of a decades-long failure to maintain and upgrade our essential infrastructure.

We cannot leave our constituents living in mold-ridden homes, in the freezing cold, awaiting implementation of better, large-scale infrastructure.

We need our federal agencies and state governments to be proactive, anticipating potential infrastructure failures and working quickly to resolve them before Americans pay the price of our aged infrastructure.

This will reduce risk, save costs and encourage long-term planning and proactivity, rather than on-the-fly response to the impending challenges to our infrastructure.

Storms are inevitable, but they don't need to become life, threatening disasters.

I ask my colleagues to join me in voting for H.R. 5689 because we all deserve better protection from the things we know are coming.

UPHOLDING THE FOUNDING DEMOCRATIC PRINCIPLES OF THE NORTH ATLANTIC TREATY ORGANIZATION AND ESTABLISHING A CENTER FOR DEMOCRATIC RESILIENCE

SPEECH OF

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2022

Ms. JACKSON LEE. Mr. Speaker, I rise in strong support of House Resolution 831, which reaffirms unequivocal support for the North Atlantic Treaty Organization (NATO) as an alliance founded on democratic principles.

This resolution also calls on the President to use the voice and vote of the United States to adopt a new Strategic Concept for NATO that is clear about its support for shared democratic values and committed to enhancing NATO's capacity to strengthen democratic institutions within NATO member, partner, and aspirant countries.

Finally, the resolution calls on the President to use the voice and vote of the United States to establish a Center for Democratic Resilience within NATO headquarters.

First, I would like to commend all Ukrainians for their outstanding courage, resilience, fortitude, and bravery. It is truly inspiring for Americans, and for people around the world. America stands with Ukraine and the Ukrainian people.

Russia's launch of a premeditated war against Ukraine is an attack on democracy and a grave violation of international law, global peace, and security.

The fighting has sparked massive displacement and has forced over two million Ukrainians to flee their homes to neighboring states and has put women and girls at heightened risk of violence.

Although the world hopes for peace, Russia's invasion of Ukraine shows no signs of ending. Russian forces continue their bombardment of Ukrainian cities, including the capital, Kyiv, and the southern port city of Mariupol.

Additionally, as a body we must condemn the recent execution style killings of Ukrainians in Bucha.

It is abundantly clear that Russian soldiers were out to torture, rape, and kill innocent Ukrainian civilians. These actions amount to war crimes, and we must treat them as such.

Therefore, along with the President I believe we must hold Russian authorities and President Putin accountable before the International Criminal Court via a War Crimes trial.

This will bring the justice so greatly deserved to those families who lost their mothers, fathers, sons, and daughters to savagery. I additionally believe that this is a good first action under NATO's new Strategic Concept, which this bill seeks to redefine.

Considering the direness of the situation in Ukraine, it is absolutely critical that NATO

powers continue to bind together in opposition to President Putin's soulless actions.

Adopting a new Strategic Concept and establishing a Center for Democratic Resilience will further display to Putin and those like him that the West will not back down to autocrats and dictators.

I therefore am proud to support H. Res 831, and urge my colleagues to do the same.

IN SUPPORT OF H.R. 4738 COVID–19 AMERICAN HISTORY PROJECT ACT

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2022

Ms. JACKSON LEE. Madam Speaker, I rise today in strong support of H.R. 4738, the ''COVID–19 American History Project Act.''

This bill directs the American Folklife Center at the Library of Congress to establish the COVID–19 American History Project which will collect and make publicly available individual stories and records of experiences during the COVID–19 pandemic in the United States.

The bill includes a requirement to collect video and audio histories and testimonials of those who were affected by the pandemic.

Madam Speaker, the United States will soon reach a grave milestone. As of 9 o'clock this morning, there have been 974,277 American deaths from COVID–19. In the coming weeks, we will reach 1,000,000 deaths.

However, I believe that only focusing on that horrific number, though nonetheless important, makes us forget about who we lost.

Therefore, with this time I would like to tell the stories of my fellow Houstonians who sadly passed because of this unprecedented public health crisis.

The stories I will be recounting are all courtesy of Houston Public Media, of whose journalists I have been a strong supporter.

Knowing that his daughter would be unable to walk at her college graduation commencement due to the COVID–19 pandemic, Dr. Carlos Araujo-Preza threw his daughter, Andrea Araujo, a belated graduation celebration with her close friends and family in late October. She said he really put in the effort to give her the best ceremony he could.

Dr. Araujo-Preza always went out of his way to make sure his daughter and her brother were taken care of, despite a busy work schedule at Tomball Regional Hospital. The siblings and their father spent their weekends together binge-watching movies and TV shows together.

But in 2020, Andrea Araujo was forced to spend her 23rd birthday without her father.

Araujo-Preza was two weeks away from receiving his first round of the COVID–19 vaccine before he passed away. He died Nov. 30, 2020, at the age of 51.

He knew at a young age he was meant to pursue a career in the medical field. Coming from a family of doctors himself, Araujo-Preza was viewed as a loving caregiver and someone his patients could always rely on.

Araujo-Preza was the leading doctor at his hospital who specialized in plasma research, while also distributing COVID–19 vaccines to nurses.

''His colleagues were fans of him,'' she said. ''They loved when he came into work.''

He would go out of his way to give his personal phone number to patients and would accommodate their needs at any time of day. Araujo said her father would wake up as early as 3 a.m. to go into work. Araujo-Preza would sleep in the hospital for days and sometimes weeks at a time to always be on call for his patients.

Now, Araujo said she tries to live by a saying her father used to share in Spanish: ''The sun always rises the next day.'' Araujo-Preza would tell his children to not let daily challenges in life hold them back. Because, he said, as life goes on, you should too.

''I feel like people always say, 'with time, things get better', but I've noticed it's quite the opposite,'' she said. ''Every day gets harder.''

That story was courtesy of Emily Jaroszewski at Houston Public Media.

The next story is one that is especially close to my heart: Dick Cigler from the University of Houston.

Those who were mentored by Dick Cigler would tell you he left a lasting impression as one of the most influential staff members at the Daily Cougar—a highly regarded champion of free speech at the University of Houston's newspaper.

''He taught us about the importance of journalism,'' said Tanya Eiserer, an Emmy-award winning reporter for WFAA in Dallas and former Daily Cougar student editor. ''He really taught us the importance of doing the right thing, doing it for the right reasons, and standing up for the underdog.''

Nowhere was that more evident than when, in the 1990s, a group of UH journalists wrote a series of articles challenging the decreased university budget for UH downtown students and the increased budget for subsidiary campuses.

Dick allowed the students to voice their concerns brazenly.

''He didn't try to, you know, tell us to back down,'' Eiserer said. ''He ran interference, and they knew that we were an independent news operation.''

Eiserer remembers Cigler as being a listening ear and a guiding mentor when she transferred from Baylor University to UH. She regarded him as one of the people who helped her become the reporter she is today.

''I learned how to be a journalist at the Daily Cougar,'' said Eiserer. ''I would not give that time back for all the money in the world.''

Cigler worked as Director of UH's Student Publications department, now known as the Center for Student Media, for 23 years until his retirement in 2010.

His impact on the Daily Cougar can be felt to this day.

Cigler died on Jan. 24, 2021, at the age of 79. He leaves behind his two daughters Kerri Runge and Michelle Cigler.

That story was courtesy of Myrakel Baker at Houston Public Media.

The last individual I want to mention is someone who is a local hero but should be a national one. That person was John Bland.

More than 60 years ago, a group of Texas Southern University students took seats at the lunch counter at Weingarten's Supermarket at 4110 Almeda Road, knowing they wouldn't be served.

It was Houston's first sit-in, and that spring, Black college students in cities across the country forced the beginning of an end to racial segregation—at lunch counters, department stores, and city halls.

One of the TSU students at the sit-in was John Bland, a 20-year-old who spent the rest of his life working to advance civil rights and equal opportunity.

Bland worked as a bus operator at HouTran, now called Metro, and he spent more than 50 years organizing with the Transport Workers Union. He served as a vice president of the Texas State AFL-CIO, a president of the Houston chapter of the Coalition of Black Trade Unionists, a precinct judge, and a member of the Houston Police Department Citizen Review Committee.

''When workers would doubt their ability to beat the odds and make change, Mr. Bland would say, 'When we fought for integration in the 1960s, they arrested me 27 times, jailed me, and fined me, but that didn't stop us,' '' Hany Khalil, Executive Director of the Texas Gulf Coast Area Labor Federation, said.

Bland died on July 9, 2020, at the age of 80. He leaves behind his wife, Betty Davis Bland, and their two daughters and grandson.

That story was courtesy of Jen Rice at Houston Public Media.

I wish I could mention every Houstonian and honor their lives because they all deserve it. They were mothers, wives, fathers, husbands, sons, daughters, and so much more. They will all be missed and are not just another number.

It is for that reason, Madam Speaker, that I strongly support H.R. 4738 and urge my colleagues to support it as well.

IN MEMORY AND PRAISE OF GREGORY ALAN BERRY A PERSON DEDICATED TO EXCELLENCE IN SERVICE OF THE UNITED STATES HOUSE OF REPRESENTATIVES

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2022

Ms. JACKSON LEE. Madam Speaker, as a senior member of this body and the Committee on the Judiciary, I want to offer praise and a message of appreciation for a beloved man, who served as a member of my personal staff in service of the constituents of the 18th Congressional District of Texas, located in the city of Houston.

He was a member of the baby boom generation that directly benefited from and was inspired by the work of President John F. Kennedy, President Lyndon Banes Johnson, Martin Luther King Jr., Rosa Parks, and many other leaders that worked for equality and justice for all.

I am proud but heart-broken to later today participate in a tribute to his service in the U.S. House of Representatives, because Gregory Berry is an American original, my friend and valued member of my staff who died on March 15, 2022, at the age of 66 years old.

Gregory Alan Berry, long-time legislative counsel in the U.S. House of Representatives, died unexpectedly from hypertension on March 15, 2022, at his home in Gaithersburg, Maryland.

Greg was born in Cleveland, Ohio, on February 16, 1956, the second son of Jesse Frank Berry and Bonnie Allena Berry. His father preceded him in death. He is survived by

his mother; his two sons, Michael Jeffrey Berry and Connor Sias Berry, and their mother Elva Bowden Berry; his two brothers, Jeffrey (Donene) and Michael Berry, his sister, Bonnie Berry LaMon (André); two nieces, one nephew, two great-nieces, one great-nephew, five aunts and four uncles.

When Greg was four years old, his family moved to California where he attended various schools including Saddleback High School in Santa Ana. He graduated from Evergreen High School in Seattle after his family moved there the summer before his senior year.

Greg played both baseball and football in high school but was best known for his copious understanding of current political events, his debate skills, and his ability to recite on-demand the famous speeches of Abraham Lincoln and other seminal politicians and orators. Greg graduated from the University of Washington with a B.A. in Business Administration. In 1980, he obtained his J.D from University of Pennsylvania Law School.

Greg began his career as a Senior Attorney-Advisor in the U.S. Department of Energy, Office of Hearing Appeals, where he received the DOE Special Achievement Award for superior performance and sustained excellence and originality in legal analysis, research, and writing.

Four years later he became a Senior Trial Attorney in the Office of General Counsel at the U.S. Nuclear Regulatory Commission, where he received several Special Achievement and High Quality Awards as well as Certificates of Appreciation for Outstanding Performance.

Greg excelled at both these positions, but the call on his heart and mind since the early 1960s had always been American politics.

In 1989 he answered that call by matriculating into the University of Michigan Political Science Department. He graduated in 1991 with an M.A. in American Politics and Government, and within two years thereafter had completed all coursework and qualifying exams in connection with a Ph.D from the same program.

While still a Ph.D candidate at the University of Michigan, Greg accepted a position as Visiting Lecturer of Political Science at the University of Canterbury in Christchurch, New Zealand.

He taught several courses in American national government, politics, and American political thought.

The University of Canterbury offered him a full-time position and he returned to the University of Michigan where he taught introductory and advanced courses in American politics, government, political theory, race and politics, and political communication.

He then taught similar courses at James Madison University, in Virginia, before accepting a position as Legal Writing Professor at Howard University School of Law (HUSL), in Washington, D.C.

At HUSL he taught litigation related courses, Legal Reasoning, Research and Writing, Appellate Advocacy, and Legal Methods.

He was the Faculty Advisor to an award-winning National Moot Court Team and was voted ''Law Professor of the Year'' in 2003, and several times received the Warren S. Romarin Award for Excellence in Teaching and Service.

In 2006, Greg ''entered Congress'' as my Legislative Director/Senior Policy Adviser.

I knew then that I had found an extraordinary mind to serve in my personal office and the Hill had a great scholar who would contribute to the work of this great democracy.

Gregory over the years, also served as Legislative Counsel to Representative Barbara Lee (D–CA).

At the time of his passing Greg had worked for nine years as my Chief Counsel and Legislative Director.

He enjoyed developing, drafting, and managing legislation for the Appropriations, Judiciary, Foreign Affairs, Transportation & Infrastructure, Homeland Security, Science, and Rules Committees.

He negotiated with senior staff officials in the House leadership and standing committees, frequently on behalf of the office.

He sat in countless meetings with Executive Department officials at the federal and state level, and often met with lobbyists and policy entrepreneurs to garner support for important legislative initiatives.

He especially enjoyed writing statements and speeches for delivery in committee hearings and markups; before the Rules Committee and on the House floor; in the congressional district, across the nation, and abroad; and for print, electronic, and online media.

In his capacity as Legislative Director, Greg thrived on supervising, mentoring, and training the junior staff of legislative assistants, correspondents, and interns.

Greg was also a kind hearted person who treated everyone with dignity and respect.

His family is exceedingly grateful to Greg's colleagues and friends on the Hill for sharing his love of public service in the United States House of Representatives because he was able to spend the last sixteen years of his life steeped in the political world which unrelentingly captured his imagination as a young boy.

A fitting and proper means of paying tribute to Gregory Berry's extraordinary life is to join with family, friends and co-workers to salute this great democracy, which he loved without ceasing through his years of dedicated service.

I ask the House to observe a moment of silence in memory and thanks of Gregory Alan Berry, the three year old boy who visited the Capitol with his mother who returned to work in the job that gave him immense joy.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 7, 2022 may be found in the Daily Digest of today's RECORD.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S1989–S2056

Measures Introduced: Fourteen bills and seven resolutions were introduced, as follows: S. 4009–4022, and S. Res. 577–583. **Pages S2040–41**

Measures Reported:

S. Res. 446, commending the Government of Lithuania for its resolve in increasing ties with Taiwan and supporting its firm stance against coercion by the Chinese Communist Party, with an amendment in the nature of a substitute and with an amended preamble.

S. Res. 456, expressing support for a free, fair, and peaceful December 4, 2021, election in The Gambia, with an amendment in the nature of a substitute and with an amended preamble.

S. 3199, to promote peace and democracy in Ethiopia, with an amendment in the nature of a substitute.

S. 3491, to establish a commission to reform and modernize the Department of State, with an amendment in the nature of a substitute.

S.J. Res. 17, requiring the advice and consent of the Senate or an Act of Congress to suspend, terminate, or withdraw the United States from the North Atlantic Treaty and authorizing related litigation, with an amendment in the nature of a substitute. **Page S2040**

Measures Passed:

Congratulating the University of Kansas Jayhawks Men's Basketball Team: Senate agreed to S. Res. 578, commending and congratulating the University of Kansas Jayhawks men's basketball team for winning the 2022 National Collegiate Athletic Association Basketball National Championship. **Pages S2016–17, S2043**

Ukraine Democracy Defense Lend-Lease Act: Committee on Foreign Relations was discharged from further consideration of S. 3522, to provide enhanced authority for the President to enter into agreements with the Government of Ukraine to lend or lease defense articles to that Government to protect civilian populations in Ukraine from Russian military invasion, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Page S2052**

Schumer (for Cornyn) Amendment No. 5022, in the nature of a substitute. **Page S2052**

Brown v. Board of Education National Historic Park Expansion and Redesignation Act: Senate passed S. 270, to amend the Act entitled "Act to provide for the establishment of the Brown v. Board of Education National Historic Site in the State of Kansas, and for other purposes" to provide for inclusion of additional related sites in the National Park System, after withdrawing the committee amendment, and after agreeing to the following amendment proposed thereto: **Pages S2053–54**

Schumer (for Coons) Amendment No. 5018, in the nature of a substitute. **Page S2054**

Modernizing Access to Our Public Land Act: Senate passed H.R. 3113, to require the Secretary of the Interior, the Secretary of Agriculture, and the Assistant Secretary of the Army for Civil Works to digitize and make publicly available geographic information system mapping data relating to public access to Federal land and waters for outdoor recreation. **Page S2054**

Countering Human Trafficking Act: Senate passed S. 2991, to establish a Department of Homeland Security Center for Countering Human Trafficking, after withdrawing the committee amendment in the nature of a substitute, and agreeing to the following amendment proposed thereto: **Pages S2054–56**

Schumer (for Peters) Amendment No. 5019, in the nature of a substitute. **Pages S2055–56**

Big Bertha: Senate agreed to S. Res. 579, recognizing the 100th anniversary of Big Bertha, one of the largest bass drums in use by a university in the United States and located at The University of Texas at Austin. **Pages S2043–44**

World's Largest Drum 100th Anniversary: Senate agreed to S. Res. 580, recognizing the 100th anniversary of the creation of the Purdue "All-American" Marching Band's World's Largest Drum. **Page S2044**

National Crime Victims' Rights Week: Senate agreed to S. Res. 581, supporting the designation of the week of April 24 through April 30, 2022, as "National Crime Victims' Rights Week". **Page S2044**

National Park Week: Senate agreed to S. Res. 582, designating the week of April 16 through April 24, 2022, as "National Park Week". **Pages S2044–45**

National Safe Digging Month: Senate agreed to S. Res. 583, supporting the goals and ideals of National Safe Digging Month. **Page S2045**

House Messages:

William T. Coleman, Jr., Federal Building: Senate concurred in the amendment of the House of Representatives to S. 400, to designate the headquarters building of the Department of Transportation located at 1200 New Jersey Avenue, SE, in Washington, DC, as the "William T. Coleman, Jr., Federal Building". **Page S2054**

Suspending Energy Imports From Russia Act, and Suspending Normal Trade Relations With Russia and Belarus Act—Agreement: A unanimous-consent agreement was reached providing that notwithstanding Rule XXII, at 10 a.m., on Thursday, April 7, 2022, Senate begin the en bloc consideration of H.R. 6968, to prohibit the importation of energy products of the Russian Federation, and H.R. 7108, to suspend normal trade relations treatment for the Russian Federation and the Republic of Belarus; that Amendment No. 5021 to H.R. 6968 be considered and agreed to; and Amendment No. 5020 to H.R. 7108 be considered and agreed to; and those be the only amendments in order to either bill; and Senate vote on passage of H.R. 7108, as amended, and on H.R. 6968, as amended; without further intervening action or debate. **Pages S2051–52**

Message from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to the International Emergency Economic Powers Act and the National Emergencies Act, a report relative to the issuance of an Executive Order declaring additional steps with respect to the national emergency with respect to the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States posed by specified harmful foreign activities of the Government of the Russian Federation originally declared in Executive Order 14024 of April 15, 2021; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–30) **Page S2038**

Jackson Nomination—Agreement: Senate continued consideration of the nomination of Ketanji Brown Jackson, of the District of Columbia, to be an Associate Justice of the Supreme Court of the United States. **Pages S1989–99, S2000–16, S2017–34**

A unanimous-consent agreement was reached providing that upon disposition of H.R. 6968, to prohibit the importation of energy products of the Russian Federation, Senate vote on the motion to invoke cloture on the nomination. **Page S2052**

A unanimous-consent agreement was reached providing for further consideration of the nomination at approximately 9:30 a.m., on Thursday, April 7, 2022. **Page S2052**

Nominations Confirmed: Senate confirmed the following nominations:

By 71 yeas to 26 nays (Vote No. EX. 130), James C. O'Brien, of Nebraska, to be Head of the Office of Sanctions Coordination, with the rank of Ambassador. **Pages S1999–S2016**

Glen S. Fukushima, of California, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2024.

Krista Anne Boyd, of Florida, to be Inspector General, Office of Personnel Management.

Marvin L. Adams, of Texas, to be Deputy Administrator for Defense Programs, National Nuclear Security Administration. **Pages S2034, S2056**

Messages from the House: **Pages S2038–39**

Measures Referred: **Page S2039**

Measures Placed on the Calendar: **Pages S2039, S2052–53**

Measures Read the First Time: **Page S2039**

Executive Communications: **Pages S2039–40**

Executive Reports of Committees: **Page S2040**

Additional Cosponsors: **Pages S2041–42**

Statements on Introduced Bills/Resolutions: **Pages S2042–45**

Additional Statements: **Pages S2036–38**

Amendments Submitted: **Pages S2045–51**

Authorities for Committees to Meet: **Page S2051**

Record Votes: One record vote was taken today. (Total—130) **Page S1999**

Adjournment: Senate convened at 10 a.m. and adjourned at 9:35 p.m., until 9:30 a.m. on Thursday, April 7, 2022. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S2056.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: ARMY CORPS OF ENGINEERS AND BUREAU OF RECLAMATION

Committee on Appropriations: Subcommittee on Energy and Water Development concluded a hearing to examine proposed budget estimate and justification for fiscal year 2023 for the Army Corps of Engineers, and the Bureau of Reclamation, after receiving testimony from Michael L. Connor, Assistant Secretary of the Army for Civil Works, and Lieutenant General Scott A. Spellmon, Chief of Engineers, Army Corps of Engineers, both of the Department of Defense; and David Palumbo, Acting Commissioner, Bureau of Reclamation, Department of the Interior.

SUICIDE PREVENTION

Committee on Armed Services: Subcommittee on Personnel concluded a hearing to examine suicide prevention and related behavioral health interventions in the Department of Defense, after receiving testimony from Karin A. Orvis, Director, Defense Suicide Prevention Office, Richard Mooney, Acting Deputy Assistant Secretary for Health Services Policy and Oversight, and Michael J. Roark, Deputy Inspector General, Evaluations Component, all of the Department of Defense; Brenda S. Farrell, Director, Defense Capabilities and Management, Government Accountability Office; Chris Ford, Stop Soldier Suicide, and P. Murali Doraiswamy, Duke University School of Medicine, both of Durham, North Carolina; Craig J. Bryan, The Ohio State University College of Medicine, Columbus; and Beth Zimmer Carter.

INNOVATION

Committee on Armed Services: Subcommittee on Emerging Threats and Capabilities concluded a hearing to examine the Department of Defense's posture for supporting and fostering innovation, after receiving testimony from Heidi Shyu, Under Secretary for Research and Engineering; Stefanie Tompkins, Director, Defense Advanced Research Projects Agency, and Michael Brown, Director, Defense Innovation Unit, all of the Department of Defense.

NOMINATIONS

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the nominations of Ventris C. Gibson, of Virginia, to be Director of the Mint, and Paul M. Rosen, of California, to be Assistant Secretary for Investment Security, both of the Department of the Treasury, after the nominees testified and answered questions in their own behalf.

PUBLIC TRANSPORTATION

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Housing, Transportation, and Community Development concluded a hearing to examine advancing public transportation in small cities and rural places under the bipartisan infrastructure law, including S. 267, to increase the Federal share of operating costs for certain projects that receive grants under the Formula Grants to Rural Areas Program of the Federal Transit Administration, and S. 2365, to amend title 49, United States Code, to modify the Government share of the cost of certain planning activities, after receiving testimony from Ryan Daniel, St. Cloud Metro Bus, St. Cloud, Minnesota; Scott Bogren, Community Transportation Association of America, Washington, D.C.; and Baruch Feigenbaum, Reason Foundation, Los Angeles, California.

EPA BUDGET

Committee on Environment and Public Works: Committee concluded a hearing to examine the President's proposed budget request for fiscal year 2023 for the Environmental Protection Agency, after receiving testimony from Michael S Regan, Administrator, Environmental Protection Agency.

NOMINATIONS

Committee on Environment and Public Works: Subcommittee on Clean Air, Climate, and Nuclear Safety concluded a hearing to examine the nominations of Beth Pritchard Geer, Robert P. Klein, both of Tennessee, and L. Michelle Moore, of Georgia, all to be a Member of the Board of Directors, and Benny R. Wagner, of Tennessee, to be Inspector General, all of the Tennessee Valley Authority, after the nominees testified and answered questions in their own behalf.

TREATIES

Committee on Foreign Relations: Committee concluded a hearing to examine amendments to the Treaty on Fisheries between the Governments of Certain Pacific Island States and the Government of the United States of America (Treaty Doc.115–3), agreement between the Government of the United States of America and the Government of the Republic of Croatia comprising the instrument as contemplated

by Article 3(2) of the Agreement on Extradition between the United States of America and the European Union, signed June 25, 2003, as to the Application of the Treaty on Extradition signed on October 25, 1901 (the ''U.S.-Croatia Extradition Agreement''), and the Agreement between the Government of the United States and the Government of the Republic of Croatia comprising the Instrument as contemplated by Article 3(3) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed at Washington on June 25, 2003 (the ''U.S.-Croatia Mutual Legal Assistance Agreement''), both signed at Washington on December 10, 2019 (Treaty Doc.116–2), and amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer (the ''Montreal Protocol''), adopted at Kigali on October 15, 2016, by the Twenty-Eighth Meeting of the Parties to the Montreal Protocol (the ''Kigali Amendment'') (Treaty Doc.117–1), after receiving testimony from Richard C. Visek, Acting Legal Adviser, Office of the Legal Adviser, and John Thompson, Deputy Assistant Secretary for Environment, both of the Department of State; Vaughn A. Ary, Director, Office of International Affairs, Criminal Division, Department of Justice; James Sousa, American Tunaboat Association, San Diego, California; and Stephen R. Yurek, Air-Conditioning, Heating, and Refrigeration Institute, Arlington, Virginia.

BUSINESS MEETING

Committee on Homeland Security and Governmental Affairs: Committee ordered favorably reported the nominations of Derek Kan, of California, and Daniel Mark Tangherlini, of the District of Columbia, both to be a Governor of the United States Postal Service.

BUSINESS MEETING

Committee on Indian Affairs: Committee ordered favorably reported the following bills:

S. 3123, to amend the Siletz Reservation Act to address the hunting, fishing, trapping, and animal gathering rights of the Confederated Tribes of Siletz Indians;

S. 3126, to amend the Grand Ronde Reservation Act to address the hunting, fishing, trapping, and animal gathering rights of the Confederated Tribes of the Grand Ronde Community;

S. 3273, to take certain land in the State of California into trust for the benefit of the Agua Caliente Band of Cahuilla Indians;

H.R. 1975, to take certain land located in San Diego County, California, into trust for the benefit of the Pala Band of Mission Indians; and

H.R. 4881, to direct the Secretary of the Interior to take into trust for the Pascua Yaqui Tribe of Arizona certain land in Pima County, Arizona.

NOMINATION

Committee on Rules and Administration: Committee concluded a hearing to examine the nomination of Dara Lindenbaum, of Virginia, to be a Member of the Federal Election Commission, after the nominee testified and answered questions in her own behalf.

NOMINATION

Select Committee on Intelligence: Committee concluded a hearing to examine the nomination of Kate Elizabeth Heinzelman, of New York, to be General Counsel of the Central Intelligence Agency, after the nominee, who was introduced by Senator Bennet, testified and answered questions in her own behalf.

INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 23 public bills, H.R. 7411–7433; and 9 resolutions, H. Res. 1034–1042, were introduced. **Pages H4395–97**

Additional Cosponsors: **Pages H4397–98**

Reports Filed: Reports filed today as follows:

H.R. 1951, to increase the Federal share provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act for a certain time frame during fiscal year 2020, with amendments (H. Rept. 117–289); and

H. Res. 1033, providing for consideration of the bill (H.R. 3807) to amend the American Rescue Plan Act of 2021 to increase appropriations to the Restaurant Revitalization Fund, and for other purposes (H. Rept. 117–290). **Page H4395**

Speaker: Read a letter from the Speaker wherein she appointed Representative Strickland to act as Speaker pro tempore for today. **Page H4193**

Recess: The House recessed at 11:06 a.m. and reconvened at 12 noon. **Page H4200**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Burma Unified through Rigorous Military Accountability Act: H.R. 5497, amended, to authorize humanitarian assistance and civil society support, promote democracy and human rights, and impose targeted sanctions with respect to human rights abuses in Burma; and **Pages H4204–12**

Ukraine Invasion War Crimes Deterrence and Accountability Act: H.R. 7276, amended, to direct the President to submit to Congress a report on United States Government efforts to collect, analyze, and preserve evidence and information related to war crimes and any other atrocities committed during the full-scale Russian invasion of Ukraine since February 24, 2022, by a ⅔ yea-and-nay vote of 418 yeas to 7 nays, Roll No. 121; **Pages H4212–16, H4381–82**

Agreed to amend the title so as to read: ''To direct the President to submit to Congress a report on United States Government efforts to collect, analyze, and preserve evidence and information related to war crimes and other atrocities committed during the full-scale Russian invasion of Ukraine since February 24, 2022.''. **Page H4382**

Recommending that the House of Representatives find Peter K. Navarro and Daniel Scavino, Jr., in contempt of Congress for refusal to comply with subpoenas duly issued by the Select Committee to Investigate the January 6th attack on the United States Capitol: The House agreed to H. Res. 1037, recommending that the House of Representatives find Peter K. Navarro and Daniel Scavino, Jr., in contempt of Congress for refusal to comply with subpoenas duly issued by the Select Committee to Investigate the January 6th attack on the United States Capitol, by a yea-and-nay vote of 220 yeas to 203 nays, Roll No. 118. **Pages H4236–80**

H. Res. 1023, the rule relating to the consideration of House Report 117–284 and an accompanying resolution was agreed to by a yea-and-nay vote of 221 yeas to 200 nays, Roll No. 117, after the previous question was ordered by a yea-and-nay vote of 219 yeas to 206 nays, Roll No. 116. **Pages H4216–29**

Restaurant Revitalization Fund Replenishment Act—Rule for consideration: The House agreed to H. Res. 1033, providing for consideration of the bill (H.R. 3807) to amend the American Rescue Plan Act of 2021 to increase appropriations to the Restaurant Revitalization Fund, by a yea-and-nay vote of 218 yeas to 206 nays, Roll No. 120, after the previous question was ordered by a yea-and-nay vote of 221 yeas to 206 nays, Roll No. 119. **Pages H4229–36, H4380–81**

Presidential Message: Read a message from the President wherein he notified the Congress of taking additional steps with regard to the national emergency with respect to the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States posed by specified harmful foreign activities of the Government of the Russian Federation—Referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 117–106). **Page H4382**

Senate Referral: S. 2123 was held at the desk. **Page H4201**

Senate Message: Message received from the Senate today appears on page H4201.

Quorum Calls—Votes: Six yea-and-nay votes developed during the proceedings of today and appear on pages H4228, H4228–29, H4379, H4380, H4380–81, and H4381–82.

Adjournment: The House met at 10 a.m. and adjourned at 9:01 p.m.

Committee Meetings

A 2022 REVIEW OF THE FARM BILL: INTERNATIONAL TRADE AND FOOD ASSISTANCE PROGRAMS

Committee on Agriculture: Subcommittee on Livestock and Foreign Agriculture held a hearing entitled ''A 2022 Review of the Farm Bill: International Trade and Food Assistance Programs''. Testimony was heard from Daniel Whitley, Administrator, Foreign Agricultural Service, Department of Agriculture; Sarah Charles, Assistant to the Administrator, Bureau for Humanitarian Assistance, U.S. Agency for International Development; and public witnesses.

UNITED STATES AFRICA COMMAND

Committee on Appropriations: Subcommittee on Defense held a hearing entitled ''United States Africa Command''. Testimony was heard from General Stephen J. Townsend, Commander, U.S. Africa Command. This hearing was closed.

APPROPRIATIONS—U.S. CITIZENSHIP AND IMMIGRATION SERVICES

Committee on Appropriations: Subcommittee on Homeland Security held a budget hearing on U.S. Citizenship and Immigration Services. Testimony was heard from Ur M. Jaddou, Director, U.S. Citizenship and

Immigration Services, Department of Homeland Security.

SOCIAL AND EMOTIONAL LEARNING AND WHOLE CHILD APPROACHES IN K–12 EDUCATION

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies held a hearing entitled ''Social and Emotional Learning and Whole Child Approaches in K–12 Education''. Testimony was heard from public witnesses.

U.S. INTERNATIONAL ASSISTANCE TO COMBAT NARCOTICS TRAFFICKING

Committee on Appropriations: Subcommittee on State, Foreign Operations, and Related Programs held a hearing entitled ''U.S. International Assistance to Combat Narcotics Trafficking''. Testimony was heard from James Walsh, Principal Deputy Assistant Secretary, Bureau for International Narcotics and Law Enforcement Affairs, Department of State.

APPROPRIATIONS—DEPARTMENT OF VETERANS AFFAIRS

Committee on Appropriations: Subcommittee on Military Construction, Veterans Affairs, and Related Agencies held a budget hearing on the Department of Veterans Affairs. Testimony was heard from Denis R. McDonough, Secretary, Department of Veterans Affairs.

REGIONAL TRIBAL ORGANIZATIONS PUBLIC WITNESS HEARING FOR FY23

Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies held a hearing entitled ''Regional Tribal Organizations Public Witness Hearing for FY23''. Testimony was heard from public witnesses.

APPROPRIATIONS—DEPARTMENT OF HOMELAND SECURITY OFFICE OF INSPECTOR GENERAL

Committee on Appropriations: Subcommittee on Homeland Security held a budget hearing on the Office of Inspector General, Department of Homeland Security. Testimony was heard from Joseph V. Cuffari, Inspector General, Department of Homeland Security.

APPROPRIATIONS—HOUSE OF REPRESENTATIVES

Committee on Appropriations: Subcommittee on Legislative Branch held a budget hearing on the House of Representatives. Testimony was heard from U.S. House of Representatives officials: Enumale Agada, Acting Director, Office of Diversity and Inclusion; Wade Ballou, Jr., Legislative Counsel, Office of the Legislative Counsel; Cheryl L. Johnson, Clerk; Douglas N. Letter, General Counsel; Joseph C. Picolla, Acting Inspector General, Office of Inspector General; Ralph V. Seep, Law Revision Counsel; Catherine Szpindor, Chief Administrative Officer; and William J. Walker, Sergeant at Arms.

FISCAL YEAR 2023 STRATEGIC FORCES NATIONAL SECURITY SPACE PROGRAMS

Committee on Armed Services: Subcommittee on Strategic Forces held a hearing entitled ''Fiscal Year 2023 Strategic Forces National Security Space Programs''. Testimony was heard from John Plumb, Assistant Secretary of Defense for Space Policy, Office of the Undersecretary of Defense for Policy, Department of Defense; Lieutenant General Michael A. Guetlein, U.S. Space Force, Commander, U.S. Space System Command; Tonya P. Wilkerson, Deputy Director, National Geospatial Agency, Department of Defense; Christopher Scolese, Director, National Reconnaissance Office, Department of Defense; and Jon Ludwigson, Director, Contracting and National Security Acquisitions, Government Accountability Office.

DEPARTMENT OF HEALTH AND HUMAN SERVICES FY 2023 BUDGET

Committee on the Budget: Full Committee held a hearing entitled ''Department of Health and Human Services FY 2023 Budget''. Testimony was heard from Xavier Becerra, Secretary, Department of Health and Human Services.

EXAMINING THE POLICIES AND PRIORITIES OF THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

Committee on Education and Labor: Full Committee held a hearing entitled ''Examining the Policies and Priorities of the U.S. Department of Health and Human Services''. Testimony was heard from Xavier Becerra, Secretary, Department of Health and Human Services.

GOUGED AT THE GAS STATION: BIG OIL AND AMERICA'S PAIN AT THE PUMP

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled ''Gouged at the Gas Station: Big Oil and America's Pain at the Pump''. Testimony was heard from public witnesses.

THE ANNUAL TESTIMONY OF THE SECRETARY OF THE TREASURY ON THE STATE OF THE INTERNATIONAL FINANCIAL SYSTEM

Committee on Financial Services: Full Committee held a hearing entitled "The Annual Testimony of the Secretary of the Treasury on the State of the International Financial System". Testimony was heard from Janet L. Yellen, Secretary, Department of Treasury.

RESTORING AMERICAN LEADERSHIP IN THE INDO-PACIFIC

Committee on Foreign Affairs: Full Committee held a hearing entitled "Restoring American Leadership in the Indo-Pacific". Testimony was heard from Wendy R. Sherman, Deputy Secretary of State, U.S. Department of State.

MOBILIZING OUR CYBER DEFENSES: MATURING PUBLIC-PRIVATE PARTNERSHIPS TO SECURE U.S. CRITICAL INFRASTRUCTURE

Committee on Homeland Security: Subcommittee on Cybersecurity, Infrastructure Protection, and Innovation held a hearing entitled "Mobilizing our Cyber Defenses: Maturing Public-Private Partnerships to Secure U.S. Critical Infrastructure". Testimony was heard from Eric Goldstein, Executive Assistant Director for Cybersecurity, Cybersecurity and Infrastructure Security Agency, Department of Homeland Security; Robert K. Knake, Deputy National Cyber Director for Strategy and Budget, Principal Deputy National Cyber Director (Acting), Office of the National Cyber Director; and Tina Won Sherman, Director, Homeland Security and Justice, Government Accountability Office.

EXAMINING TITLE 42 AND THE NEED TO RESTORE ASYLUM AT THE BORDER

Committee on Homeland Security: Subcommittee on Border Security, Facilitation, and Operations held a hearing entitled, "Examining Title 42 and the Need to Restore Asylum at the Border". Testimony was heard from Mark Dannels, Sheriff, Cochise County, Arizona; and public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Full Committee continued a markup on H.R. 350, the "Domestic Terrorism Prevention Act of 2021"; H.R. 5460, the "Virgin Islands Visa Waiver Act of 2021"; H.R. 301, to amend title 36, United States Code, to establish the composition known as "Lift Every Voice and Sing" as the national hymn of the United States; H.R. 7072, the "NDO Fairness Act"; H.R. 4330, the "PRESS Act"; H.R. 3648, the "EAGLE Act of 2021"; H.R. 6577, the "Real Courts, Rule of Law Act of 2022"; and H.R. 1924, the "Kenneth P. Thompson Begin Again Act".

MISCELLANEOUS MEASURES

Committee on Natural Resources: Full Committee held a markup on H.R. 920, the "Brown v. Board of Education National Historic Site Expansion Act"; H.R. 1638, the "Gilt Edge Mine Conveyance"; H.R. 2626, the "Pullman National Historical Park Act"; H.R. 5093, the "Wind River Administrative Site Conveyance Act"; and H.R. 6651, the "Alaska Salmon Research Task Force Act". H.R. 920, H.R. 1638, and H.R. 2626 were ordered reported, as amended. H.R. 5093 and H.R. 6651 were ordered reported, without amendment.

MISCELLANEOUS MEASURES

Committee on Oversight and Reform: Full Committee held a markup on H.R. 1756, the "Measuring Real Income Growth Act"; H.R. 6531, the "Targeting Resources to Communities in Need Act of 2022"; H.R. 6967, the "Chance to Compete Act"; H.R. 7376, the "Honoring Civil Servants Killed in the Line of Duty Act"; H.R. 7185, the "Federal Contracting for Peace and Security Act"; H.R. 3544, the "Computers for Veterans and Students Act"; H.R. 7337, the "Access for Veterans to Records Act"; H.R. 6039, to designate the facility of the United States Postal Service located at 501 Charles Street in Beaufort, South Carolina, as the "Harriet Tubman Post Office Building"; H.R. 6041, to designate the facility of the United States Postal Service located at 10 Bow Circle in Hilton Head Island, South Carolina, as the "Charles E. Fraser Post Office Building"; H.R. 6042, to designate the facility of the United States Postal Service located at 213 William Hilton Parkway in Hilton Head Island, South Carolina, as the "Casear H. Wright Jr. Post Building"; H.R. 6175, to designate the facility of the United States Postal Service located at 135 West Wisconsin Street in Russell, Kansas, as the "Robert J. Dole Memorial Post Office Building"; H.R. 6614, to designate the facility of the United States Postal Service located at 4744 Grand River Avenue in Detroit, Michigan, as the "Rosa Louise McCauley Parks Post Office Building"; H.R. 6917, to designate the facility of the United States Postal Service located at 301 East Congress Parkway in Crystal Lake, Illinois, as the "Ryan J. Cummings Post Office Building"; H.R. 1095, to designate the facility of the United States Postal Service located at 101 South Willowbrook Avenue in Compton, California, as the "PFC James Anderson, Jr., Post Office Building"; H.R. 4622, to designate the facility of the United States Postal Service located at 226 North Main Street in Roseville, Ohio, as the "Ronald E. Rosser Post Office

Building''; H.R. 5809, to designate the facility of the United States Postal Service located at 1801 Town and Country Drive in Norco, California, as the ''Lance Corporal Kareem Nikoui Memorial Post Office Building''; H.R. 5349, to designate the facility of the United States Postal Service located at 1550 State Road S–38–211 in Orangeburg, South Carolina, as the ''J.I. Washington Post Office Building''; H.R. 5865, to designate the facility of the United States Postal Service located at 4110 Bluebonnet Drive in Stafford, Texas, as the ''Leonard Scarcella Post Office Building''; and H.R. 5900, to designate the facility of the United States Postal Service located at 2016 East 1st Street in Los Angeles, California, as the ''Marine Corps Reserve PVT Jacob Cruz Post Office Building''. H.R. 7185, H.R. 6531, H.R. 1756, H.R. 7376, H.R. 6967, H.R. 3544, H.R. 7337, and H.R. 6042 were ordered reported, as amended. H.R. 1095, H.R. 4622, H.R. 5809, H.R. 5349, H.R. 5865, H.R. 5900, H.R. 6039, H.R. 6041, H.R. 6175, H.R. 6614, and H.R. 6917 were ordered reported, without amendment.

RESTAURANT REVITALIZATION FUND REPLENISHMENT ACT OF 2021

Committee on Rules: Full Committee concluded a hearing on H.R. 3807, the ''Restaurant Revitalization Fund Replenishment Act of 2021'' [Relief for Restaurants and other Hard Hit Small Businesses Act of 2022]. The Committee granted, by record vote of 7–3, a closed rule providing for consideration of H.R. 3807, the ''Relief for Restaurants and other Hard Hit Small Businesses Act of 2022''. The rule provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Small Business or their designees. The rule waives all points of order against consideration of the bill. The rule provides that an amendment in the nature of a substitute consisting of the text of Rules Committee Print 117–39, modified by the amendment printed in the Rules Committee report, shall be considered as adopted and the bill, as amended, shall be considered as read. The rule waives all points of order against provisions in the bill, as amended. The rule provides one motion to recommit.

SBIR TURNS 40: EVALUATING SUPPORT FOR SMALL BUSINESS INNOVATION

Committee on Science, Space, and Technology: Subcommittee on Research and Technology held a hearing entitled ''SBIR Turns 40: Evaluating Support for Small Business Innovation''. Testimony was heard from J. Stephen Binkley, Acting Director, Office of Science, Department of Energy; Ben Schrag, Program Director and Policy Liaison, Small Business Innovation Research/Small Business Technology Transfer Program, Directorate for Technology, Innovation and Partnerships, National Science Foundation; and public witnesses.

SBA MANAGEMENT REVIEW: OFFICE OF ADVOCACY

Committee on Small Business: Subcommittee on Underserved, Agricultural, and Rural Business Development held a hearing entitled ''SBA Management Review: Office of Advocacy''. Testimony was heard from Major Clark, Deputy Chief Counsel for Advocacy (Performing the non-exclusive functions and duties of the Chief Counsel for Advocacy), Office of Advocacy, U.S. Small Business Administration.

NATIONAL TRANSPORTATION SAFETY BOARD REAUTHORIZATION

Committee on Transportation and Infrastructure: Full Committee held a hearing entitled ''National Transportation Safety Board Reauthorization''. Testimony was heard from Jennifer Homendy, Chair, National Transportation Safety Board.

MISCELLANEOUS MEASURES

Committee on Veterans' Affairs: Full Committee held a markup on H.R. 5738, the ''Lactation Spaces for Veteran Moms Act''; H.R. 6961, the ''Dignity for MST Survivors Act''; H.R. 2724, the ''VA Peer Support Enhancement for MST Survivors Act''; H.R. 7335, the ''Improving Military Sexual Trauma Claims Coordination Act''; H.R. 6052, the ''VA OIG Training Act''; H.R. 7277, the ''Improving Oversight of VA Community Care Providers Act of 2022''; H.R. 7393, the ''Improving VA Workforce through Minority Serving Institutions''; H.R. 2428, the ''Strengthening Oversight for Veterans Act of 2021''; H.R. 7369, the ''VENTURE Act''; H.R. 6376, the ''Student Veteran Work Study Modernization Act''; H.R. 7375, to direct the Secretary of Veterans Affairs to update the payment system of the Department of Veterans Affairs to allow for electronic fund transfer of educational assistance, administered by the Secretary, to a foreign institution of higher education; H.R. 2326, the ''Veterans Cyber Risk Awareness Act''; H.R. 7158, the ''Long-Term Care Veterans Choice Act''; H.R. 5754, the ''Patient Advocate Tracker Act''; H.R. 6064, to direct the Secretary of Veterans Affairs to seek to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine for a review of examinations, furnished by the Secretary, to individuals who submit claims to the Secretary for compensation under chapter 11 of title 38, United States Code, for mental and physical conditions linked to military sexual trauma; H.R. 7153, the ''Department of Veterans Affairs Principles of Benefits Automation Act''; and H.R. 6604, the ''VETS Credit Act''. H.R. 7393,

H.R. 6052, H.R. 2428, H.R. 7369, H.R. 7375, H.R. 7335, H.R. 2326, H.R. 7158, H.R. 5754, and H.R. 6064 were ordered reported, without amendment. H.R. 6961, H.R. 2724, H.R. 7277, H.R. 6376, H.R. 5738, H.R. 7153, and H.R. 6604 were ordered reported, as amended.

OVERCOMING RACISM TO ADVANCE ECONOMIC OPPORTUNITY

Committee on Ways and Means: Full Committee held a hearing entitled ''Overcoming Racism to Advance Economic Opportunity''. Testimony was heard from public witnesses.

COMPARTMENTED HEARING

Permanent Select Committee on Intelligence: Full Committee held a hearing entitled ''Compartmented Hearing''. This hearing was closed.

CONGRESSIONAL CONTINUITY: ENSURING THE FIRST BRANCH IS PREPARED IN TIMES OF CRISIS

Select Committee on the Modernization of Congress: Full Committee held a hearing entitled ''Congressional Continuity: Ensuring the First Branch is Prepared in Times of Crisis''. Testimony was heard from public witnesses.

(IM)BALANCE OF POWER: HOW MARKET CONCENTRATION AFFECTS WORKER COMPENSATION AND CONSUMER PRICES

Select Committee on Economic Disparity and Fairness in Growth: Full Committee held a hearing entitled ''(Im)Balance of Power: How Market Concentration Affects Worker Compensation and Consumer Prices''. Testimony was heard from public witnesses.

Joint Meetings

CONFRONTING OLIGARCHS

Commission on Security and Cooperation in Europe: Commission concluded a hearing to examine ways to counter tactics oligarchs use to launder their money and reputations and stifle dissent, after receiving testimony from Shannon Green, Senior Advisor to the Administrator and Executive Director of the Anti-Corruption Taskforce, USAID; Bill Browder, Global Magnitsky Justice Campaign; Daria Kaleniuk, Ukrainian Anti-Corruption Action Center; Scott Stedman, Forensic News; and Anna Veduta, Anti-Corruption Foundation International.

COMMITTEE MEETINGS FOR THURSDAY, APRIL 7, 2022

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold open and closed hearings to examine the Department of Defense budget posture in review of the Defense Authorization Request for fiscal year 2023 and the Future Years Defense Program, 9:30 a.m., SD–G50.

Committee on Energy and Natural Resources: to hold hearings to examine the scope and scale of critical mineral demand and recycling of critical minerals, 10 a.m., SD–366.

Committee on Environment and Public Works: business meeting to consider S. 2372, to amend the Pittman-Robertson Wildlife Restoration Act to make supplemental funds available for management of fish and wildlife species of greatest conservation need as determined by State fish and wildlife agencies, S. 3742, to establish a pilot grant program to improve recycling accessibility, S. 3743, to require the Administrator of the Environmental Protection Agency to carry out certain activities to improve recycling and composting programs in the United States, the nominations of David M. Uhlmann, of Michigan, to be an Assistant Administrator, and Carlton Waterhouse, of Virginia, to be Assistant Administrator, Office of Solid Waste, both of the Environmental Protection Agency, and 11 GSA resolutions, 10 a.m., SD–406.

Committee on Finance: to hold hearings to examine the IRS, the President's proposed budget request for fiscal year 2023, and the 2022 filing season, 10 a.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine the nominations of Caroline Kennedy, of New York, to be Ambassador to the Commonwealth of Australia, Philip S. Goldberg, of the District of Columbia, to be Ambassador to the Republic of Korea, MaryKay Loss Carlson, of Arkansas, to be Ambassador to the Republic of the Philippines, and Marc B. Nathanson, of California, to be Ambassador to the Kingdom of Norway, all of the Department of State, and other pending nominations, 10 a.m., SD–106.

House

Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies, hearing entitled ''FY2023 Member Day Hearing'', 9:30 a.m., Zoom.

Subcommittee on Defense, hearing entitled ''United States Special Operations Command'', 10 a.m., H–405. This hearing is closed.

Committee on House Administration, Full Committee, markup on legislation on adjusting the amount provided for the expenses of certain committees of the House of Representatives in the One Hundred Seventeenth Congress, 9 a.m., 1310 Longworth and Zoom.

Full Committee, hearing entitled ''Examining Stock Trading Reforms for Congress'', 9:10 a.m., 1310 Longworth and Zoom.

Committee on Natural Resources, Subcommittee on Water, Oceans, and Wildlife, hearing entitled ''Russian Seafood

Ban Implementation and Seafood Traceability'', 1 p.m., 1324 Longworth and Webex.

Committee on Oversight and Reform, Subcommittee on Civil Rights and Civil Liberties, hearing entitled ''Free Speech Under Attack: Book Bans and Academic Censorship'', 10 a.m., 2154 Rayburn and Zoom.

Select Committee on the Climate Crisis, Full Committee, hearing entitled ''Cost-Saving Climate Solutions: Investing in Energy Efficiency to Promote Energy Security and Cut Energy Bills'', 9 a.m., 1334 Longworth and Zoom.

Joint Meetings

Commission on Security and Cooperation in Europe: to hold hearings to examine protecting Ukrainian refugees from human trafficking, 10:30 a.m., SD–562.

Next Meeting of the **SENATE**

9:30 a.m., Thursday, April 7

Senate Chamber

Program for Thursday: Senate will continue consideration of the nomination of Ketanji Brown Jackson, of the District of Columbia, to be an Associate Justice of the Supreme Court of the United States. Following which, Senate will begin consideration of H.R. 6968, Suspending Energy Imports from Russia Act, and H.R. 7108, Suspending Normal Trade Relations with Russia and Belarus Act, and vote on passage of the bills at 10 a.m.

Following disposition of H.R. 6968, Senate will continue consideration of the nomination of Ketanji Brown Jackson, of the District of Columbia, to be an Associate Justice of the Supreme Court of the United States, and vote on the motion to invoke cloture thereon. Senate should expect to vote on confirmation of the nomination during Thursday's session.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

9 a.m., Thursday, April 7

House Chamber

Program for Thursday: Consideration of H.R. 3807—Relief for Restaurants and other Hard Hit Small Businesses Act.

Extensions of Remarks, as inserted in this issue

HOUSE

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