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# Senate

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

## PRAYER

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

Let us pray.

Almighty God, our rock and fortress, You put the mountains in place and bring silence to roaring waves. You are a strong tower where we find safety. We ask You for peace on Earth and good will to humanity. Lord, strengthen our faith, and forgive us for doubting Your power and providence. Thank You for this great land and for the many freedoms we sometimes take for granted. We appreciate Your faithfulness and Your mercies that are new each day.

Today, lead our lawmakers so that Your Name will be honored. Protect them from hidden dangers, and sustain them through the lengthening shadows.

We pray in Your wonderful Name. Amen.

## PLEDGE OF ALLEGIANCE

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

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

## RESERVATION OF LEADER TIME

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

## CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business is closed.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

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

The senior assistant legislative clerk read the nomination of Dana M. Douglas, of Louisiana, to be United States Circuit Judge for the Fifth Circuit.

Mr. WARNOCK. Mr. President, I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### RECOGNITION OF THE MAJORITY LEADER

The majority leader is recognized.

#### RECOGNIZING THE SYRACUSE ORANGE MEN'S SOCCER TEAM

Mr. SCHUMER. Mr. President, before I begin, I want to extend a massive—massive—congratulations to the Syracuse Orange men's soccer team for winning the NCAA College Cup national championship last night in a heart-stopping 7-to-6 victory, after penalty kicks. A big congrats to Coach McIntyre, all the amazing players, and the staff on a phenomenal accomplishment—the first in Syracuse history. Go Orange.

#### GOVERNMENT FUNDING

Mr. President, now on the omnibus, a more serious subject, negotiations for a yearlong omnibus agreement move forward. There is a lot of work left to do, but we are optimistic that if we preserve the good faith we have seen so far, we will get there. I remain hopeful because despite disagreements about the ultimate package, there is little disagreement that an omnibus is by far the best solution for funding the government. Still, we are going to need a little more time beyond this week to get an omnibus done.

To avoid a shutdown this Friday, the Senate should be ready to pass a 1-week CR by the end of this week to give negotiators more time to finish an agreement by the holidays. The House is set to begin consideration of a weeklong CR today, and after all the progress made towards an omnibus agreement, I hope nobody here in the Senate stands in the way of getting a 1-week CR passed quickly, through consent if needed.

Again, an omnibus is the best option—the most responsible option—for funding the government in the next fiscal year. It will ensure that the Federal Government has all the resources necessary to serve the public at full capacity. It will make sure our troops in uniform are taken care of. And I expect an omnibus will contain priorities both sides want to see passed into law, including more funding for Ukraine and the Electoral Count Act, which my colleagues in the Rules Committee have done great work on. It will be great to get that done.

After all the work we have done this year to pass important new bills, like the PACT Act and the CHIPS and Science Act and so much more, a CR into next year could prevent the investment secured in those bills from going out the door. The vast majority of us don't want to go down that road. So, again, the best option—the most responsible option—is to proceed toward an omnibus, even if it won't contain everything both sides want.

#### NOMINATION OF ARUN SUBRAMANIAN

Mr. President, now on judges, later this morning it will be my honor to come before the Senate Judiciary Committee to introduce an exceptional public servant, Arun Subramanian, whom President Biden nominated on my urging to serve as a district judge for the Southern District of New York.

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

Here on the floor, Arun Subramanian is one of the few South Asians who are on the bench—we need more—but he will pave the way. And it is my intention to continue to support South Asians to come to the bench.

NOMINATION OF DANA M. DOUGLAS

Mr. President, here on the floor, we will also proceed with the confirmation of Dana Douglas to serve as circuit court judge for the Fifth District, which covers Texas, Louisiana, and Mississippi.

Judge Douglas's confirmation today will be significant for a few reasons. For one, Judge Douglas will be the 28th—the 28th—circuit court judge this majority confirms in the last 2 years. Of the many votes we take in this Chamber, confirming circuit court judges ranks near the top in importance. The lion's share of all Federal cases, after all, are decided at the circuit court level.

Judge Douglas is also significant because, after her confirmation, the Senate will have confirmed 11 Black women to serve as circuit court judges. This is a record for any single session of Congress. Before President Biden, only eight such nominees had been confirmed by this Chamber. So this is truly a historic shift in the court's composition.

This representation matters enormously. The health of our Federal courts hangs on judges who will both apply the law correctly while also earning Americans' trust in the first place. The more our courts look like the country at large—the more languages and backgrounds and specialties we have on the bench—the more likely the trust endures. That is more important than ever, given the recent disturbing decisions handed down by the Supreme Court.

That is why judges like Dana Douglas matter. That is why circuit court judges matter. And we are going to keep working for the rest of this year and beyond to bring diversity and balance back to our courts.

RESPECT FOR MARRIAGE ACT

Mr. President, on the White House signing ceremony, finally, this morning I want to note my tie. I am wearing it today for two reasons. First, it is a constant reminder of one of the happiest moments of my life, the day my daughter got married. And, second, I am wearing it because, later this afternoon, President Biden will sign the Respect for Marriage Act into law.

For many Americans in same-sex marriages—or who one day wish to marry their partner—today is a day of relief and of jubilation. By passing this law, we are sending a message to LGBTQ Americans everywhere: You, too, deserve dignity and equality under the law.

Few bills have hit home for Members on the Hill quite like this one. Marriage equality is not just the right thing to do for America, it is personal for so many of us, our staffs, and our families.

My daughter and her wife are beautifully—praise God—expecting their first child, my third grandchild, next spring, and I want them to raise their child with all the love and security that every child deserves. Thanks to the dogged work of many of my colleagues, my grandchild will live in a world that will respect and honor their mothers' marriage.

And, look, nothing about the Respect for Marriage Act was inevitable. On the contrary, it took a lot of faith and a bit of risk taking to reach this point. When my colleagues came and asked me for a delay, I made that choice, and it was because they believed—and I believed—that the bipartisan process could indeed work.

It wasn't a decision we took lightly, but today that gamble is paying off. So I thank my colleagues on both sides of the aisle for making today's signing possible, and I thank my friend Senator FEINSTEIN, who originally authored this landmark bill. Because of them and because of the millions of Americans out there who pushed for change, history will be made at the White House later today.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

The Republican leader is recognized.

UKRAINE

Mr. MCCONNELL. Mr. President, Senate Republicans have spent, literally, months focused on the need for a strong bipartisan National Defense Authorization Act, as well as robust funding for our Armed Forces. Defending our homeland, deterring future threats, and supporting our allies and partners should not be last-minute, low priorities. They are fundamental duties if we want to remain the strongest power in the world, and investing in strength today protects our country, our servicemembers, and the American taxpayer tomorrow.

Let's take, for example, Ukraine. For nearly a year now, the free people of a sovereign nation have stood firm and battled against brutal and lawless aggression. The Ukrainians' brave stand was made possible, in part, because the United States and a number of other countries have realized that supporting their self-defense directly serves our own interests.

Europe together constitutes America's largest trading partner. Instability in Europe poses a direct threat to countless American producers who sell to our friends across the Atlantic. Further, huge disruptions to European markets would only add to the inflationary challenges that the Democrats' spending has caused us already here at home.

What is more, a successful Russian invasion would embolden the entire club of anti-American thug regimes to take bolder and more brazen steps toward further conflict, including direct threats to American lives.

Every day Russia spends on the back foot in Ukraine degrades its own ability to wage further wars and dramatically changes the cost-benefit calculus for others who might contemplate similar violence.

Continuing support for Ukraine is the popular mainstream view that stretches across the ideological spectrum.

On my side of the aisle, for example, the former Director of National Intelligence, John Ratcliffe, said recently that supporting Ukraine ''fully and completely'' is in the best interest of the United States.

The top foreign policy expert at the Heritage Foundation, James Carafano, has spoken out forcefully about the need for continued military assistance, and so has former Secretary of State Pompeo, former Vice President Pence, and virtually every other leading national security official from the previous administration.

Now, while the conflict has exposed serious weaknesses in Russia's ability to wage a conventional war, it has also exposed shortcomings in the West, particularly with our defense industrial bases.

Our European friends who had treated themselves to holidays from history after the Cold War, who presumed a new normal of stability and security and shifted spending disproportionately into domestic programs, have received a harsh—harsh—wake-up call. They are rushing to reinvest more in their own defenses. Some politicians here in America fell victim to the same lullaby.

Now, fortunately, supplying the specific kinds of American armaments that Ukraine needs does not cut our readiness in other important regions, such as the Pacific. China and its neighbors are watching the conflict in Ukraine closely, and the CCP would be delighted if Ukraine fell to Russia.

But the long lead times to replenish what we are sending still provide us with a sober reminder. We know, for a fact, that the world's foremost military and economic superpower can and should both produce all the capabilities that we need for ourselves and serve as freedom's arsenal for our friends at the same time. We just need to organize our resources and make critical, overdue investments in our defense industrial capacity.

That is why the National Defense Authorization Act we will take up soon provides multiyear procurement authority for longer term certainty, planning, and efficiency. It authorizes significant investments in modernizing our forces and capabilities.

But following through on these promises also requires that we pass robust appropriations. I made that clear at

last week's briefing with the Biden officials.

I will say it again: Providing for the common defense is a fundamental governing responsibility. It is not extra credit.

Our Democratic colleagues will not receive a goody bag of domestic spending in exchange for fulfilling this solemn duty.

TRIBUTE TO RICHARD BURR

Mr. President, now on an entirely different matter, I would like to begin my tribute to another of our distinguished departing colleagues by quoting his own words from a letter written back in 2009. Here is what he said:

Dear Mr. and Mrs. Carver, Thank you for entrusting me with [your son's] memorial bracelet at the Asheville Veterans Day Ceremony. I wish there had been more time to talk that day. I returned to Washington, DC with the bracelet on my wrist . . . [your son's] unrelenting courage and zeal for life are what I will think of when I look at his name on my wrist. Rest assured that I will wear [this] bracelet forever.

A quiet gesture, unheralded and understated, but leaving hugely impactful ripples in its wake. A perfect case study of Senator RICHARD BURR.

At first glance, it might appear to the uninitiated that our distinguished friend is a man of contrasts or contradictions. For example, this impeccably dressed Southern gentleman has been known to drive around town in a rickety old Volkswagen. I think that our dear departed colleague John McCain once called it ''an assault on the senses''; or take the fact that when most of us were happy enough to finish high school as either a successful jock or a successful student, Richard was both a standout scholarship football player and winner of the science fair; or consider that our unflappable, calm colleague with an easy manner—almost casual, really—has been one of this Chamber's most dogged legislators and most relentless champions across a whole array of critically important causes.

That special bracelet bearing Army Chief Warrant Officer Mitch Carver's name isn't just a comfort to one Gold Star family; it is an outward sign of RICHARD BURR's entire approach to his job: supporting service, honoring sacrifice, and making life better for folks in North Carolina and across the Nation.

For 5 years, RICHARD's colleagues tasked him with helming the Intelligence Committee. Some of this institution's most sensitive and critical responsibilities wound up right in his lap.

But Senators on both sides knew that RICHARD's thoughtfulness, fairmindedness, and discretion tailor-made made him for the role—no showy victory laps, no braggy press tours. He led with the serious, collegial, and patriotic tone that the issues actually demanded.

This quiet competence has been part of the RICHARD BURR brand from the very beginning. As a backbench House freshman, RICHARD spearheaded massive reforms of the Food and Drug Administration. Long before COVID–19, he had a personal passion for helping to equip BARDA and other pandemic preparedness initiatives.

RICHARD has authored transformational legislation that disability advocates called the most important advance for their cause in a quarter century. He reached across the aisle to help deliver justice for victims of decades-old hate crimes. He drove bipartisan consensus on a measure that has helped save students and families near $100 billion in loan payments.

In a situation folks in my own State know well, he stepped up to help tobacco farmers transition to succeed in a freer market, and as the ranking member of the Veterans' Affairs Committee, RICHARD delivered much needed relief to men and women who served our Nation with the Veterans Choice Act of 2014.

It is truly amazing what you can accomplish when you are willing to be patient, keep an even keel, share some credit—oh, and occasionally, even jump out a window. Let me explain. This is creative problem-solving in action.

Back during sequestration, when staffing shortages had closed some of the normal entrances and exits around the Capitol campus, our friend found himself in the Russell Building while the only open exit was all the way over in Dirksen. Rather than lengthen his commute, this ever-pragmatic man of mystery found the lowest window around, grabbed his dry cleaning, shimmied out, and hopped right down to the sidewalk.

Now the day is fast approaching when our colleague will escape from this institution for good, but RICHARD's remarkable legacy here will endure—whether that has meant using his charm and judgment of character to disarm committee witnesses and get to the bottom of complex issues under investigation or using his fluency in House-speak to translate key happenings for us, his colleagues over here in the upper Chamber.

And I would be remiss if I didn't mention how RICHARD excels at turning up the pressure to break a stalemate. You see, if an issue is dragging out and no solution appears forthcoming, unless RICHARD was the point person himself, he would frequently just threaten to leave town altogether until things got worked out.

We are talking about a colleague who is famous for keeping closer tabs on the Senate's weekly wrapup proceedings than just about anyone.

In fact, as I understand it, RICHARD's team became so famous for tracking the timing of final votes so closely that some other offices would try calling Team Burr for the scoop before they would even try the cloakroom.

Now, with RICHARD's seemingly laidback demeanor, you might assume our friend was just eager to get out to the beach or hit the links, but that would be another one of those deceptive appearances. The truth is, RICHARD didn't become an expert at speedy getaways because he wanted to shortchange his duties. In fact, it was just the opposite. Even as devoted a public servant as Senator BURR is, he knew that, in the final analysis, another set of duties was even more essential.

When our colleague was first elected to the House in 1994, he and his beloved wife Brooke had two young sons, and Brooke was carving out her own tremendously successful career in business.

So our friend was bound and determined that serving the people of North Carolina would not mean skimping on his proudest job of all—as father to Tyler and William, and now as a grandfather as well.

Through decades of committed service, he has found a way to do it all. But even so, I know RICHARD is excited to make up for lost time.

So we thank our colleague for his outstanding work for our country. And I have it on good authority that our friend has a favorite catch phrase that he has used to bid farewell to his office after they have spent a long day doing good work. So, RICHARD, as you like to say, ''Dilly dilly.''

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

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

BORDER SECURITY

Mr. THUNE. Mr. President, last Tuesday, President Biden was asked why he wasn't taking the opportunity to visit the border while traveling to Arizona. His reply? ''Because there [is a] more important [thing] going on.''

''[A] more important [thing] going on.''

Mr. President, no offense to new investment, but if President Biden thinks that visiting a plant to celebrate new investment is more important than the security and the humanitarian crises raging at our southern border, then his priorities are seriously out of order, but, of course, we already knew that.

This is hardly the first time the President has made it clear what he thinks of the crisis at our southern border—as just an annoying distraction from what he would rather be doing as President. In fact, he has shown a remarkable ability throughout his Presidency to ignore or minimize crises that he isn't interested in dealing with.

''There [is a] more important [thing] going on.''

I venture to suggest that for overwhelmed border communities struggling with an apparently never-ending influx of illegal immigration, there isn't anything—anything—more important going on, and the President's

trivializing of our border crisis is a serious betrayal of the responsibility he owes to these Americans and to all Americans.

The situation at our southern border is out of control and has been that way for most of the President's administration. Over this past weekend alone, Customs and Border Protection encountered more than 16,000 individuals attempting to cross our southern border illegally. That is an average of 8,000 per day—higher than the daily average in May, which posted the highest number of attempted illegal crossings ever recorded. October saw a staggering 230,678 attempted illegal crossings along our southern border.

All told, U.S. Customs and Border Protection encountered nearly 2.4 million individuals attempting to cross our southern border illegally during fiscal year 2022. That is the highest number ever recorded, exceeding the previous record set the year before by roughly 640,000. Of course, these numbers just refer to individuals the Border Patrol actually apprehended. There have also been almost 1 million known ''got-aways'' over the past 2 fiscal years and an untold number of unknown ''got-aways.''

President Biden's comment doesn't just trivialize the scope of this crisis; it also trivializes the human misery that has resulted. At least 853 migrants died crossing the southern border in fiscal year 2022—the highest number ever recorded. It is hard to imagine that that number wouldn't have been smaller if President Biden had gotten serious about addressing this border crisis instead of inviting illegal immigration with his lax border policies.

I mentioned overwhelmed border communities. I should also mention the incredible strain the past 2 years have placed on the Border Patrol, which has been forced to divert agents from border enforcement to the overwhelmed humanitarian mission. Then, of course, there is the very real danger represented by unchecked illegal immigration, including the risk of dangerous individuals entering our country undetected and the potential for increased drug trafficking.

Illegal drugs are flowing across our southern border and contributing to violent crime not just in border communities but in communities around the Nation. And that is not even to mention our Nation's fentanyl crisis, which is being fed by drugs that are trafficked across—where else?—our southern border. Our current border crisis is an open invitation to increased illegal drug activity, but the President has more important places to be than the southern border even though, I should point out, he has never actually visited the southern border—not once. The closest he got was literally driving by the border on the way to a campaign rally in 2008.

For border communities and strained Border Patrol agents, I venture to say that there is nothing more important than getting our Nation's border crisis under control, but I guess we will just have to keep waiting. After all, the President has more important things to do.

INFLATION

Mr. President, in other tone-deaf comments from the Biden administration last week, White House Chief of Staff Ron Klain said:

> Fiscal responsibility is very important to us in the Biden administration. We're very well aware that we have to stay within our means economically. I think . . . you see that in everything we've tried to do these past two years.

That was from the President's Chief of Staff.

Well, when I read that, I wasn't sure whether to laugh or cry or just be angry on behalf of the millions of Americans who are currently suffering as a result of the Democrats' lack of fiscal responsibility over the past 2 years. We are currently in the midst of the worst inflation crisis in 40 years. My daughters, who are married and have their own children now, weren't even alive the last time inflation was this bad.

November's inflation numbers came out this morning, and they just confirmed what we already know: that we are still very much in the midst of this crisis. Currently, inflation is up 13.8 percent since January of 2021, when President Biden took office. Even if our inflation crisis ended tomorrow, the inflation we have already experienced will cost the average household more than $9,000 over the next 12 months—$9,000. Now, for a lot of families, that is the difference between prosperity and just getting by. For many others, it is the difference between just getting by and not being able to get by at all.

How did we get here? Well, in substantial part, it is thanks to the President's and Democrats' fiscal irresponsibility.

When Democrats took office in January 2021, Congress had just passed a fifth bipartisan COVID bill that met essentially all of the current pressing COVID needs, but the Democrats just wanted to keep spending. So, despite being warned that the size of the package they were contemplating risked overheating our economy, under the guise of COVID relief, the Democrats passed a massive and partisan $1.9 trillion spending bill filled with unnecessary spending and payoffs to the Democrats' interest groups. The economy, not surprisingly, overheated as a result. Inflation began climbing and climbing and climbing again.

But what is almost worse and what makes the White House's claim that they care about fiscal responsibility so incredibly ludicrous is what the Democrats and the President did next. Even as it became clear that their massive spending spree had helped set off a serious inflation problem, the Democrats and the President kept pushing for more spending. In fact, their goal, which they were, fortunately, prevented from achieving, was passing another massive spending spree in the neighborhood of $5 trillion.

Even after that plan was foiled, the Democrats and the President kept right on pursuing more fiscally irresponsible legislation. In August, the Democrats passed legislation, their so-called Inflation Reduction Act—again filled with hundreds of billions of dollars in Green New Deal spending, partially financed by tax hikes that will raise energy prices and slow job creation.

Democrats tried to clothe the bill in an aura of fiscal responsibility by claiming—dubiously, I might add—that it would reduce the deficit by $300 billion.

Do you want to know how long that purported deficit reduction lasted once the bill was signed into law? Eight days. Eight days. That is how long it took for President Biden to completely wipe out any deficit reduction of the bill by implementing his massive student loan giveaway—a giveaway that not only wipes out any possible deficit reduction but will also, according to the Committee for a Responsible Federal Budget, ''meaningfully boost inflation.'' Yet we are supposed to believe that the Biden administration values fiscal responsibility.

When it comes to fiscal responsibility, the Biden administration has demonstrated that it could not care less. The Biden administration is interested in implementing the big-government priorities of the far left, no matter how much they cost. And, unfortunately, the American people are the ones paying the price.

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.

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

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

TRIBUTE TO DAVID MCKINLEY

Mrs. CAPITO. Mr. President, today, I rise to really honor a seventh-generation West Virginian, a lifelong Wheeling native, a devoted husband, father, grandfather, and public servant, my very good friend, Congressman DAVID MCKINLEY.

DAVID and I have known each other for a very long time. He and Mary, his wife, have extended steadfast love and friendship to my entire family but, in particular, to my parents during some good times and bad. Those friendships extended for many, many years and never wavered.

From when DAVID was a delegate in the West Virginia State House to when he chaired the West Virginia Republican Party to later when he became my colleague and our colleague in the U.S. House of Representatives, we worked together a lot.

DAVID got a slot on the Energy and Commerce Committee during his very

first year in Washington. Now, I had already been there 10 years and still hadn't made it to the Energy and Commerce Committee, so I was a little bit jealous of DAVID then. But, wow, did he really do tremendous work on that committee.

Although time has gone by, DAVID's passion and his love for West Virginia have never wavered, and his pragmatic service has never changed.

As the only licensed engineer in the House of Representatives—and if you didn't know that, DAVID is quick to tell you—his unique and thoughtful analysis to challenges has helped his constituents immensely, and it certainly made West Virginia a better place. And, by the way, he has helped me understand some very complex issues.

In fact, I don't think there are as many Members of Congress who have held townhall meetings on the Megabus to DC as DAVID has to meet with our constituents. But DAVID never misses an opportunity to have a conversation.

DAVID has played an essential role in advancing legislation critical to infrastructure, life-altering hearing aid devices, and securing the pensions and retirement benefits that our West Virginia coal miners rely on.

DAVID is, and always will be, a problem-solver, and he brought thoughtful solutions to the needs of our fellow West Virginians every single day with unrelenting passion.

I have mentioned passion many times already in this short speech, but ''passion'' is a very fitting word because DAVID does not do anything halfway. He is passionate about our State of West Virginia. He is passionate about West Virginia University's football team and all sports teams. And he is always there ready to cheer on the Mountaineers.

He is passionate about his hometown of Wheeling, and he is a passionate defender of those Northern Panhandlers, which is what I am as well. He is passionate about the men and women who have worked to power our Nation and the solutions to our future.

But there is another component to DAVID's public service and his life that we must stop and recognize, and that is of his beloved wife, Mary.

Mary has truly been a partner to DAVID and his work to make West Virginia stronger and healthier. Mary received her masters of science degree in nursing from none other than West Virginia University, has had an exceptional career as a nurse at Ohio Valley Medical Center, and is the director of education and professional development at the Ohio Valley Health Services and Education Corporation in Wheeling.

But do you know what? Mary has a national presence as well. Mary served as the national president of the American Association of Critical Care Nurses. She epitomizes West Virginia's warmth and friendliness, and we thank her for her service to our State as well.

As I reflect on Congressman MCKINLEY's Federal work and accomplishments, perhaps no other area has seen his trademark tireless devotion than protecting and promoting the hard work and values embodied by our West Virginia coal miners.

DAVID has fought tooth and nail for our coal miners' livelihoods, for their healthcare, and for their ability to power this Nation but sometimes get taken for granted when we look at the sacrifices that they have made.

As DAVID turns the page on this chapter of his life, I am sure this is not the last that we will hear from him. I certainly hope not. In retirement, DAVID and Mary will be able to enjoy time spent with their four children and six grandchildren.

With DAVID's time in Congress coming to a close, his thoughtful approach to problems and his fearless advocacy on behalf of West Virginians will be missed in this town, will be missed in our country, but certainly can never be erased from our State and our country's history. But his contributions and the example he set will continue to stay with us always.

I admire DAVID's tenacity and divisiveness. You really never have to wonder what DAVID MCKINLEY thinks on a certain topic. I like that. I like that. For that, we should all be grateful. I know that I and West Virginians are certainly grateful.

So, DAVID, thank you for your service. I know he is not coming back into town until tomorrow, but I wanted to get this on the record. The difference that you have made in our State that we both love, and the friendship and counsel that you have provided me over the years is much appreciated.

So when I see DAVID and we have a conversation and he sends me on my way, he has a trademark saying that he always says to me, so I am going to say it back to him today. DAVID, I will say this to you: Go get 'em, kid.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

UNANIMOUS CONSENT REQUEST—S. 5941

Mr. KENNEDY. Mr. President, I want to talk a few minutes about Medicare.

If I am on Medicare and I go to my physician for an earache and my physician treats me, hopefully successfully, my physician then does not turn around and send a bill to Medicare that says: For services rendered for an earache. What my physician does is fill out a form that has a bunch of codes on it, and my physician fills out the form with the code for an earache.

Now, what does that mean? That means that when that form with a code for an earache goes to Washington, the administrators at Medicare look up the code for an earache, and they know then how much they are going to pay my physician for treating an earache.

As you can imagine, there are thousands of codes—literally thousands of codes—because there are thousands of diagnoses for which our citizens on Medicare seek treatment every year.

So, every year, Medicare puts out a fee schedule, and in its essential form this is just a schedule listing all of the codes for all the different illnesses that doctors who treat Medicare patients bill for. And these codes, this fee schedule, are used to reimburse doctors and hospitals. Well, of course, it is not as simple as that, and the way that the codes are put together and the fee schedule is put together are not exactly a model of clarity. And we need to do better, and, hopefully, someday we will do better. But, at the moment, we have to deal with reality as it is.

Now, in setting a code—or how much Medicare is going to pay my doctor for treating my earache under Medicare—and in putting together the fee schedule, which is put together by the Centers for Medicare and Medicaid Services, which I will just refer to it as ''Medicare''—Medicare takes all kinds of factors into consideration in deciding how much to pay my doctor for an earache. Medicare looks at things like the diagnosis, of course. Medicare will pay less for an earache than for heart surgery. Medicare looks at the procedure that the doctor had to use.

Medicare looks at the location. If I go to my doctor in Baton Rouge, where my primary care physician is located, the cost of living in Baton Rouge is lower than the cost of living in New York. So the fee for an earache paid by Medicare to my Baton Rouge physician is going to be lower than that paid to a physician in New York.

The fee schedule looks at time and expenses of the doctor. The fee schedule that Medicare puts together looks at things like the cost of maintaining a practice: rent, supplies, support personnel. The fee schedule tries to take into consideration the cost of medical malpractice.

So the point is that a doctor treating me in Baton Rouge for an earache will not receive the same fee that a doctor, for example, in New York will receive for treating a patient there under Medicare for an earache.

But every year Medicare gets together and they send out a new fee schedule, and it is a very complicated process. And that process is complicated by the fact of what we call budget neutrality. Under current law, the Centers for Medicare and Medicaid Services—or Medicare, as I have been calling it—is required to make budget neutrality adjustments to the payment schedule. And the technical definition is—I will read it to you, and then I will explain it: Medicare is required to make Medicare physician payment schedule adjustments whenever changes in relative value units generate a payment increase or decrease of $200 million.

I told you it was complicated.

Now, what does that mean? That means that Medicare is statutorily required—required by Congress—to maintain budget neutrality, and this means that, as certain codes increase in value, in order to maintain budget neutrality, Medicare has to reduce payment for other codes. Budget neutrality is also

much more complicated than I just explained it, but those are the basic rules.

Now, here is the problem. The Centers for Medicare and Medicaid Services—CMS, or Medicare, as I have been referring to it—has just released their 2023 physician fee schedule. The new fee schedule has come out, and because of the formula and because of the budget neutrality requirement, CMS is proposing—or Medicare—a 4.5-percent across-the-board reduction in Medicare payments. So every payment is going to be cut 4.5 percent across the board.

Well, it gets even more difficult. Due to the $1.9 trillion deficit increase caused by the American Rescue Plan and under our budget rules, pay-go sequestration is going to be triggered by the American Rescue Plan, and that is going to require an additional 4-percent reduction across the board in payments to physicians and hospitals.

So unless we do something, every physician who treats a patient who is on Medicare—it doesn't matter what for—is going to be paid 8.5 percent less—in the middle of raging inflation, in the middle of not only doctor shortages but staff shortages as well.

Now, this is not the first time we have had this problem. We had it last year, and we had it the year before. We solved it then, but we need to solve it today. And you do not have to be a senior at Cal Tech to figure out that if you cut physicians' fees for every different diagnosis for which Americans seek treatment from a Medicare physician by 8.5 percent, physicians are going to have to either make it up somewhere or stop seeing Medicare patients. So all of a sudden your doctor under Medicare is not taking any more Medicare patients. We don't want that.

Not only that, but the Medicare fee schedule is looked to by private insurance companies when they determine how much to pay physicians under their insurance plans. That is the problem.

Here is what my bill would do to solve it. My bill would freeze the current fee schedule in this sense—not per se but indirectly. My bill would keep physician reimbursement at existing levels. So the amount that doctors are paid today for that earache would be the same next year.

My bill would pause the pay-go cuts until 2024. So, in effect, my bill would prevent, next year, an 8.5-percent reduction across the board to physician fees.

Now, I know what you are thinking, Mr. President. You are thinking: Well, I have heard speeches by KENNEDY before about controlling the cost of spending in government and the rate of growth. So here he is suggesting that we spend more.

And it is true that this bill would replace the fee schedule cuts by adding money to the Medicare budget. The pay-go cuts would just be postponed. But I have a pay-for. I am not asking this Congress just to add spending and go borrow the money and put us further in debt. I have a way to pay for it.

As you know, we sent—''we,'' meaning the U.S. Congress, sent—a lot of money to our healthcare delivery system during COVID to help patients, or, rather, to help physicians and hospitals deal with our healthcare crisis. We sent a lot of that money through what is called the Provider Relief Fund. These are dollars that were sent out to the hospitals and the doctors to help them get through the COVID pandemic.

Our doctors and hospitals didn't use all that money. They have returned some of it, believe it or not. As of February of this year, a few months ago, they had returned $9.8 billion. And I suspect, by now, they have returned, as best as we can tell from CBO, about $15 billion. So we have $15 billion in our healthcare budget that is not accounted for in terms of how it would be spent.

My bill would cost $2.25 billion. I would propose, Mr. President, that we pay for that $2.25 billion and take it out of what I believe is the $15 billion pot of money that was returned to the Provider Relief Fund. So I have a problem, I have a solution, and I have a way to pay for it without us having to spend money we don't have and thereby borrow it.

So, Mr. President, as if in legislative session, I ask unanimous consent that the Committee on Finance be discharged from further consideration of S. 5194.

Let me stop just for a moment, Mr. President. We have to solve this problem. We are going to solve this problem. We solved it last year, and we solved it the year before. Nobody in this body wants to throw people off Medicare.

Now, we are having trouble putting together a budget. I don't know how that movie is going to end. It may end with an omnibus. It may end with a continuing resolution, where we will wait for a new Congress. But we need to solve this problem now and not make it contingent on an omnibus and not make it contingent upon a continuing resolution. We need to solve it now for the American people who depend on Medicare, and that is what my bill does.

We can continue to fight over the budget. We can continue to fight over the CR. But we are going to solve this problem today with a pay-for, with my bill.

So I repeat, as if in legislative session, I ask unanimous consent that the Committee on Finance be discharged from further consideration of S. 5194 and the Senate proceed to its immediate consideration, and 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 any objection?

Mr. WYDEN. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, let me say to our colleague from Louisiana that I very much agree with much of the statement he has given. I have been interested in these sensible policies with respect to providers since the days when I was codirector of the Oregon Gray Panthers. So our colleague from Louisiana is talking about important issues.

As chair of the Finance Committee, I can say that nobody on either side wants to see financial hardship for healthcare providers or disruption to the healthcare system. This is particularly important when you have got COVID, what looks like a god-awful flu, and an RSV crisis filling up the doctors' and hospitals' waiting rooms nationwide.

What I can tell my colleague from Louisiana is that, on both sides of the aisle on the Finance Committee, Democrats and Republicans have put in some long hours—long hours—discussing solutions to these physician payment issues with our colleagues in the House on both sides and the administration.

Our discussions include other critical healthcare issues. For example, I think my colleague knows that Senator CRAPO and I have been very focused on mental healthcare, making it easier for Americans to get mental healthcare when they need it.

And we are especially proud that this bipartisanship is paying off. As our colleagues may know, Senator CRAPO and I got four major provisions—four—into the commonsense gun safety law—everything from helping kids on Medicaid, behavioral health—our colleague, Senator STABENOW. So we believe strongly in writing black-letter law on a bipartisan basis.

Now, the reason I am taking the time to put this into context, it is very important that our bipartisan discussions on a yearend healthcare package continue. Time is, obviously, short.

I am just coming off two red-eye flights to Oregon in the last 4 days, and I want my colleague to know, again, I appreciate much of what he has said. I didn't come to the floor to say, Senator KENNEDY is horrible. Quite the contrary. I think he has good ideas here. Time is tight, and I am confident there is a bipartisan agreement around the corner.

I do say to my colleague, passing this proposal now, in my view, would make this process that we are part of, Senator CRAPO and I—talking to the administration, talking to the House, and doing all the things that my colleagues have a lot of experience on—passing this proposal now would make it harder to reach a bipartisan agreement on physician payments, mental health, a variety of other key kinds of issues. So I will just say, with the understanding, a, that my colleague has raised important points and, b, that Members on both sides are working towards a

shared goal on this issue, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Louisiana.

Mr. KENNEDY. Mr. President, I appreciate my good friend Senator WYDEN's comments. And I hope he gets some sleep off that red-eye flight.

I am just going to repeat quickly what I said before.

I hope we can put together—we can't solve this problem without passing a bill. I don't know if we are going to be able to pass a bill, any kind of bill. Hopefully, before we go home for Christmas and before this Congress ends, we will be able to do the National Defense Authorization Act, which I think we are going to do this week. There will be some people objecting to the NDAA. I know that. And it will slow it down. But after they object and they get to be dramatic for a little while, we will come back and pass the bill. And then we will decide whether to do an omnibus or whether we are going to do a continuing resolution and wait for the new Congress.

But in order to solve this problem, we have got to do something now. And there are millions of Americans out there that are looking at an 8½ percent cut to Medicare when we have an 8-percent inflation. That is a 16-point swing. And those millions of people are not just physicians or nurses. They are patients who depend on Medicare for life and death.

So I hope that the chairman of Finance, who is whip smart, will consider my proposal. It would postpone the pay-go cuts of 4 percent, and it would freeze the current fee schedule. If we don't, if the new fee schedule goes into effect, we are going to have another 4½ percent cut—that is where I get the 8½ percent—and it would pay for it.

It wouldn't increase debt at all. We pay for it, very simply, as I explained. We pay for it out of the $15 billion in the Provider Relief Fund.

And if our Finance Committee doesn't like that as a pay-for, I have another one. You can pay for it out of the Medicare Improvement Fund. It has 7.3 billion in it. Now, that is $24 billion we have got to solve the $2.5 billion problem so the elderly in our country can sleep tonight. So I hope my esteemed colleague will take this into consideration. And I know that he will.

The PRESIDING OFFICER. The Senator from Louisiana.

FLOOD INSURANCE

Mr. KENNEDY. Mr. President, I am going to talk for a minute about another subject: flood insurance. It doesn't do any good to offer flood insurance when people can't afford it. And that is what FEMA is doing right now.

We all know—or most people know—that you can't buy flood insurance really in the private market. I mean, you can, but for the most part, you can't. And if your house floods and you have homeowners insurance, don't make the mistake of thinking your homeowners insurance covers it because it doesn't. You have got to go buy special flood insurance.

And we have had this problem for a while, and the Federal Government addressed it by creating the National Flood Insurance Program. We call it, as you know, NFIP. About 5 million people who wouldn't be insured for flood otherwise are members of the National Flood Insurance Program. They don't get it for free. They pay for the flood insurance, and they pay dearly.

My State, Louisiana, has 5,000 people out of 5 million who depend on the National Flood Insurance Program. We in Louisiana have the highest participation rate in the country, bar none. And despite what some people may think, my people who are buying flood insurance, they are not multimillionaires; they are working people. They are people who get up every day and go to work, and they obey the law and pay their taxes. They try to do the right thing by their children. They live paycheck to paycheck. These aren't multimillionaires paying for this flood insurance. And they are not paying for the flood insurance on mansions on the beach. We don't have those in Louisiana. These are working people.

Now, for my people and for most Americans who carry flood insurance, their home is their biggest investment. It is the biggest investment they will ever make. It is the most money they will ever spend at one time. And so they want to protect their investment. And they need flood insurance to do that. And we in the Federal Government solved the problem when we created the National Flood Insurance Program.

Now, last year, FEMA, which is under the executive branch, of course—we all know what FEMA is—FEMA rolled out the most significant change in history in the way the National Flood Insurance Program calculates the cost of flood insurance—the most important change in history—and they didn't ask Congress for our input. They just did it.

They went out and hired a consultant who created a new algorithm. And this algorithm, supposedly, says FEMA, can see the future. It can look out 35 years and tell whether your home is going to flood and when it is going to flood. And they cannot only look at a particular area, they say this algorithm is so good that it can look at your specific property and tell whether it is going to flood and assess the risk. Man, I want a dozen of those.

FEMA calls this Risk Rating 2.0. There is just one problem: FEMA won't tell any of us in the U.S. Congress, much less the American people, how this algorithm works. I asked them to give me the algorithm, and I would pay, at my expense—at my expense—to have somebody evaluate it. FEMA said, if I showed it to you, KENNEDY, I would have to kill you. They won't show it to us.

But yet when I asked them about it—I have asked them in committees—FEMA says, Risk Rating 2.0—that is what they call it—they say it is fairer, and they say it is based on the value of your home and the unique flood risk for that property. Once again, man, FEMA is clairvoyant. This algorithm is awesome. They can look out 35 years; they just won't tell us how they do it.

There is no transparency on this grading 2.0. People have absolutely no idea, Members of the U.S. Congress have no idea, how this algorithm works and how they come up with the specific price for every home in America. But I will tell you what we do know: All the prices have gone up.

Let me give you an example. In Louisiana, we have a lot of levees. A lot of those levees are helped paid for with Americans' taxpayer money. And we are grateful to our neighbors and America for helping us out. But a lot of those levees are paid for by Louisiana citizens. We have asked: How does this algorithm, in raising these prices, take into account the levees? Are we getting credit for our levees? And they say: Sure. And I say: Can you show me? And they say: If I showed you, I would have to kill you; this is a secret algorithm.

No transparency. None.

Now, in the past, FEMA has already recognized levees and their importance. And they say they are doing it now under Risk Rating 2.0. But they won't show us how. And our levees work. Our levees work.

Last year, we had a number of storms. We had one that came through New Orleans. We have a levee system around New Orleans. It held. Thank you, American taxpayers. But we don't know how FEMA takes that into account. They say they do. They say: Trust us.

You know, every now and then, I play poker with friends. And they are all good friends. I trust them. But you know what, every time I play poker, every hand, I cut the cards. It is not a matter of friendship or trust. That is just the way it is supposed to be: transparency.

Now, this isn't just my opinion. There was an interview in the Times-Picayune, Mr. Dwayne Bourgeois. Mr. Bourgeois knows what he is talking about. He is the executive director of the North Lafourche Conservation, Levee, and Drainage District in Louisiana. He is an expert on floodwater drainage and levees. This is what he said about the Risk Rating 2.0:

> I [just] can't figure out why some people get this minimum result and these other people get the maximum result. I can't tell you what the secret sauce is to get to that rate.

And the reason he can't is because FEMA will not tell us what the secret sauce is. What is the effect of this secret sauce? FEMA says it is going to make everything fairer. I know this much: It is going to make everything more expensive.

According to FEMA's estimates, 80 percent of the people who have flood

insurance and have to have flood insurance in Louisiana—in part because the mortgage company requires it—are going to see their rates go up.

The likely average full-risk premium for a home in Louisiana under this new secret sauce is $1,700. Under the old system, it was $766. That is a 122-percent increase because of this algorithm, this secret sauce, which FEMA will not let us see.

My people can't afford this. And the reality is, people are already dropping flood insurance. They are saying: We just can't pay for it. Something has to give. We have inflation at 8 percent or my rent has gone up. Food has gone up. Gas has gone up. We just can't afford it.

The number of flood insurance policies in eight of my parishes—we call our counties parishes—in eight of my parishes or counties, the number of policies has dropped from 290,000 in October 2021 to 267,000 in November of 2022, and it has fallen.

So that is 22,000 people—almost 23,000—out of only 8 parishes or counties who have had to give up their flood insurance.

Now, it is not just Louisiana, Mr. President. You may be having the problem in California.

The Associated Press estimates that 1 million fewer Americans will be able to afford to buy flood insurance by the end of the decade because of Risk Rating 2.0, their algorithm, their secret sauce. And E&E News has identified 425,000 policyholders across the country who have already discontinued coverage.

What does that mean for each State? Well, for example, cancellations of flood insurance because they can't afford it. Eleven percent of the people of California who were buying flood insurance can't afford it anymore, they have dropped it; 11 percent of the policyholders in Texas; 9.6 percent in Florida; in Virginia, North Carolina, Georgia, and South Carolina, 8 percent.

Now, this is a disaster waiting to happen. And I am all for a fair system, but I will tell you what I am not for. I am not for having a Federal Agency, without consulting the U.S. Congress, without talking to you, Mr. President, about your policyholders in California or me in Louisiana, without explaining to us how they are doing it, just unilaterally raising prices with an algorithm or their secret sauce, as I call it.

Now, Senators CASSIDY and GILLIBRAND and I have introduced a bill. It is called the Flood Insurance Pricing Transparency Act. It is a bipartisan bill. All we are asking that FEMA do is talk to us and tell us how they are coming up with these rate increases.

The American people pay the salary of the people at FEMA, and my people and your people, Mr. President, deserve to know how their policies are being priced.

And, Mr. President—Mr. President Biden, if you are listening—I hope you will pick up the phone and you will call your FEMA Director, for whom I have great respect—I don't hate anybody—but I hope the President will call the FEMA Director here and ask him what planet he just parachuted in from and what is he thinking, raising these kinds of prices without telling the American people why.

NOMINATION OF DANA M. DOUGLAS

Mr. DURBIN. Mr. President, today, the Senate will vote to confirm Judge Dana Douglas to the U.S. Court of Appeals for the Fifth Circuit.

Born and raised in New Orleans, Judge Douglas' passion for the law and public service was inspired by her family's background in law enforcement. In particular, her mother, Ms. Ida Woodfork, served in the Orleans Parish Sheriff's Office for 30 years, and her uncle, Mr. Warren Woodfork, Sr., was the first Black superintendent of the New Orleans Police Department.

Judge Douglas earned her B.A. in social work and Black world studies at Miami University and received her J.D. from Loyola University School of Law. From there, she clerked for Judge Ivan L.R. Lemelle on the U.S. District Court for the Eastern District of Louisiana.

Judge Douglas then spent 18 years litigating, trying four cases to verdict or judgment and handling several administrative matters before State agencies. Although she worked in private practice, she also served the community for 9 years as a commissioner and then vice president of the New Orleans Civil Service Commission, a quasi-judicial body regulating the city's civil service.

Since 2019, Judge Douglas has served as a magistrate judge for the Eastern District of Louisiana. In that time, she has authored 111 reports and recommendations, all of which have been adopted in whole or in part by the district court.

Judge Douglas enjoys the strong support of Senators KENNEDY and CASSIDY, and the American Bar Association unanimously rated her as ''qualified'' to serve on the Fifth Circuit.

If confirmed, Judge Douglas will be the first woman of color to serve on the Fifth Circuit.

Judge Douglas' experience, qualifications, and temperament will be assets on the Fifth Circuit, and I urge my colleagues to join me in supporting her nomination.

VOTE ON DOUGLAS NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the Douglas nomination?

Ms. SMITH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Colorado (Mr. HICKENLOOPER) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Alaska (Mr. SULLIVAN).

The result was announced—yeas 65, nays 31, as follows:

[Rollcall Vote No. 388 Ex.]

YEAS—65

| | | |
|---|---|---|
| Baldwin | Grassley | Romney |
| Bennet | Hassan | Rosen |
| Blumenthal | Heinrich | Rounds |
| Blunt | Hirono | Sanders |
| Booker | Kaine | Schatz |
| Brown | Kelly | Schumer |
| Burr | Kennedy | Shaheen |
| Cantwell | King | Sinema |
| Capito | Klobuchar | Smith |
| Cardin | Leahy | Stabenow |
| Carper | Luján | Tester |
| Casey | Manchin | Tillis |
| Cassidy | Markey | Toomey |
| Collins | Menendez | Van Hollen |
| Coons | Merkley | Warner |
| Cornyn | Murphy | Warnock |
| Cortez Masto | Murray | Warren |
| Duckworth | Ossoff | Whitehouse |
| Durbin | Padilla | Wicker |
| Feinstein | Peters | Wyden |
| Gillibrand | Portman | Young |
| Graham | Reed | |

NAYS—31

| | | |
|---|---|---|
| Barrasso | Hawley | Paul |
| Blackburn | Hoeven | Risch |
| Boozman | Hyde-Smith | Rubio |
| Braun | Inhofe | Sasse |
| Cotton | Johnson | Scott (FL) |
| Cramer | Lankford | Scott (SC) |
| Crapo | Lee | Shelby |
| Daines | Lummis | Thune |
| Ernst | Marshall | Tuberville |
| Fischer | McConnell | |
| Hagerty | Moran | |

NOT VOTING—4

| | |
|---|---|
| Cruz | Murkowski |
| Hickenlooper | Sullivan |

The nomination was confirmed.

The PRESIDING OFFICER (Ms. SINEMA). 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.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:58 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. MURPHY).

## EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Jay Curtis Shambaugh, of Maryland, to be an Under Secretary of the Treasury.

VOTE ON SHAMBAUGH NOMINATION

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

Mr. CARDIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Colorado (Mr. HICKENLOOPER) and the Senator from New Hampshire (Mrs. SHAHEEN) are necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Texas (Mr. CRUZ).

The result was announced—yeas 70, nays 27, as follows:

[Rollcall Vote No. 389 Ex.]

YEAS—70

| | | |
|---|---|---|
| Baldwin | Graham | Risch |
| Bennet | Grassley | Romney |
| Blackburn | Hassan | Rosen |
| Blumenthal | Heinrich | Rounds |
| Blunt | Hirono | Sanders |
| Booker | Kaine | Sasse |
| Boozman | Kelly | Schatz |
| Brown | King | Schumer |
| Burr | Klobuchar | Sinema |
| Cantwell | Leahy | Smith |
| Capito | Luján | Stabenow |
| Cardin | Manchin | Tester |
| Carper | Markey | Thune |
| Casey | McConnell | Tillis |
| Collins | Menendez | Van Hollen |
| Coons | Merkley | Warner |
| Cornyn | Murkowski | Warnock |
| Cortez Masto | Murphy | Warren |
| Cramer | Murray | Whitehouse |
| Crapo | Ossoff | Wicker |
| Duckworth | Padilla | Wyden |
| Durbin | Peters | Young |
| Feinstein | Portman | |
| Gillibrand | Reed | |

NAYS—27

| | | |
|---|---|---|
| Barrasso | Hoeven | Moran |
| Braun | Hyde-Smith | Paul |
| Cassidy | Inhofe | Rubio |
| Cotton | Johnson | Scott (FL) |
| Daines | Kennedy | Scott (SC) |
| Ernst | Lankford | Shelby |
| Fischer | Lee | Sullivan |
| Hagerty | Lummis | Toomey |
| Hawley | Marshall | Tuberville |

NOT VOTING—3

| | | |
|---|---|---|
| Cruz | Hickenlooper | Shaheen |

The nomination was confirmed.

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

The Senator from Washington.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCOTT of South Carolina. I ask unanimous consent that the order for the quorum call be rescinded.

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

UNANIMOUS CONSENT AGREEMENT

Mr. SCOTT of South Carolina. Mr. President, I ask unanimous consent to modify the previous order so that the Senate remains in executive session until 5 p.m., with all provisions under the previous order remaining in effect.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

CHARTER SCHOOLS

Mr. SCOTT of South Carolina. Mr. President, tomorrow, we will have an opportunity to vote for students. Tomorrow, we will have an opportunity to vote for parents. Tomorrow, we will have the opportunity to vote for common sense in the U.S. Senate. Tomorrow, we will have an opportunity to vote for my resolution to stop the Biden Department of Education from destroying educational opportunities for millions of students and their parents.

During the pandemic, we saw the devastating impact of prolonged school closures on America's kids, especially kids living in low-income communities.

Big labor unions orchestrated these shutdowns, and blue city politicians fell in lockstep. They sided with union bosses over parents, over kids, and over plain old common sense.

Now we see the tragic consequences. The 2022 NAEP scorecard shows the largest drop in reading scores for 9-year-olds in more than 30 years and the first-ever—the first-ever—drop in math scores, a 7-percent decrease.

We warned them that this would happen. We said stop, stop letting labor bosses make decisions. Parents—parents—are the ones who know what is best for their kids. They need flexibility. They deserve choice.

One of those options should always be high-quality public charter schools. These charter schools continue to outkick their coverage. This year, charter schools only represent 12 percent—12 percent—of all public high schools, but they make up 22 percent of the top 100 public high schools in our amazing country. That is nearly one out of four amazing public schools is a charter school, even though only 12 percent of all schools, all high schools, are charter schools.

Think about this. In Colorado, 85 percent of charter school students met performance standards compared to only 66 percent of students in district-managed schools.

Despite their proven track record of success for students, for parents, and, of course, for common sense, the Biden administration continues to attack charter schools. He campaigned against them. And then as soon as he got in office, he directed the bureaucrats at the DOE—the Department of Education—to put new restrictions on charter schools desperately, desperately looking for funding. These restrictions are a slap in the face to parents who are turning to charter schools as a better alternative for their children.

Since the pandemic, charter schools have gained 7 percent—7 percent; that is, 240,000 more students have chosen charter schools because their parents are able to access common sense for their kids' education path. That means hundreds of thousand of students are better off today than they were before they had this option.

These are kids growing up in some of America's most devastated communities, some of America's poorest communities, some of America's most disadvantaged communities.

This is a game changer, not just for the students while they are enrolled in these schools, but this is a game changer for the rest of their lives. This is a game changer for them economically. This is the fastest path to the American dream, what we all hope to achieve one day. This is the game changer that we so often talk about.

We have seen the success of providing parents with more options right here in Washington, DC, since the creation of the bipartisan—and let me say that word one more time because sometimes here in Washington, we don't think anything happens in a bipartisan fashion. But the DC Opportunity Scholarship is a bipartisan coalition of Senators and Congress members who came together to make sure that DC kids, since 2004, have had opportunity for quality education through charter schools. Yes, 11,000 students, by the way—not 500, not 2,000, 11,000 students—from low-income families here in DC were able to receive scholarships to attend the school of their choice, scholarships that were provided by Republicans and Democrats in Congresses since 2004.

There is good news, by the way. The good news is that these students attending these remarkable public charter schools graduate 91 percent of the time—91 percent of the time. Compare that to students in the DC area who do not attend a public charter school who are in the public school system; they graduate only two out of three times, 66 percent. Wow.

I can't imagine a world where my friends across the aisle who stood with me to protect DC Opportunity Scholarships would not stand with us today to protect more education options for kids all across America.

By voting for the administration's restrictions, my friends across the aisle are telling these hard-working parents that labor union bosses and bureaucrats know what is best for their kids better than the parents themselves. That is plain wrong.

Here is what I know: The greatest difference between the haves and the have-nots, it is not the color of your skin, it is not the neighborhood you live in, it is not the income of your parents, the biggest difference between the haves and the have-nots in our country will not be solved by playing politics and putting labor unions in front of your kids. The way that we close that gap, the biggest difference between the two sides—the haves and have-nots—my friend from Indiana, is education, quality education. It changes lives. It sets poor kids on the right path.

I want to do for the kids today what was done for me when I was a kid. I want to make sure that everybody understands that education is the closest thing to magic in America, and I do mean a good education.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BRAUN. Mr. President, I come to the floor here to give an even simpler argument as it applies in many different areas in addition to education.

Senator SCOTT came to the floor to ask for choice, opportunity, and competition all mixed in together. When you have got that, you have got the description of a perfect marketplace, whether it is for healthcare, whether it is for education. And, ironically, the two places in our country where expenses keep going up and up would be in healthcare. Most families would put that up there right along with education.

K–12, having that ability to choose where you would want your own kids to go to school is something that you should never be afraid of. If you are not interested in it, you are probably trying to hide something. That would be, in many cases, where you are not mustering what it takes to minimally educate your own child properly.

I was on a school board for 10 years—2004 through 2014—in Indiana, a public school system in one of the most Catholic places in the State of Indiana. I will never forget, a high school tried to start that was Catholic. Our public school system was so good it couldn't get to first base, but at least the attempt was made. Not all areas are blessed with a public school system, as we traditionally know it, offering that top-notch education.

Whenever you do fear competition, transparency—which doesn't necessarily apply here, but choice, it does—you are probably trying to cover up something that is not performing.

And, sadly, here is where you need the choice more than any other place, where folks can't afford to have the choice. And if you are trapped in one system, what does that say for your kids' future?

I ran a business for 37 years. So many businesses tried to do the same thing, get involved in markets. It gets concentrated. That is what is happening in our healthcare industry. It is like an unregulated utility, and it disguises itself as free enterprise. That is restricting competition, restricting transparency, restricting choice.

Costs have been going up for decades with no end in sight; postsecondary education, very similar. Here, all we need to do is take a system that still has a pretty good value to it, it just is not producing the results.

Indiana has been one of the leaders in charter schools and choice. We have over 100 charter schools. I reflect back—I think it was when I was a State legislator—on a neighboring county, there were three grade schools. The smallest of the three had to be shut down because of cost cuts—well, best performing of the three. Those kids would have had to travel 10, 15 miles to get to one of the other two public schools, elementary. This place worked as hard as it could over 2 years, scraped together the resources, and kept their Otwell Miller Academy open. It was the choice of the parents. They were part of a system that wasn't working, and they were able to do it. Had it not been for the charter school policy in our State, that community would have been out of luck.

We have some of the best charters in the country in Indiana because we are a place that generally embraces competition, transparency, choice, and no barriers to entry. Whenever the healthcare industry is trying to lobby for not having more competition, for instance, through physician-owned hospitals, when public school systems want themselves to be the only option, sometimes you get lucky, like I did, and went to a great public school system, but many times you don't, and you are trapped in a bad system.

Our schools, too, that are charter sometimes are a little more experimental. They focus on things like STEM, CTE, particular education that community might need, where if you are brought into the same old curriculum, the same old process, the same thing that is not generating even the basic results, you are trapped in something that should never be the case.

Be for choice. Be for competition. Be for a successful education.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, charter schools have seen explosive growth since they first came onto the scene in 1992 as a model for education. In 1993, there were just 23 charter schools in the United States, serving a little over 6,000 students. Today, there are over 7,000 charter schools and counting, serving more than 3 million American students. It is not difficult to understand their increasing popularity. They offer an affordable alternative to parents and students who want more options. More options increase competition, and more options improve the quality of the traditional public education system.

Unfortunately, the Biden administration's new rule threatens to stifle their progress by imposing stringent, onerous, burdensome new requirements on charter schools, specifically those that receive grants under the Federal Charter Schools Program, or CSP. This is a terrible idea.

The CSP was established to provide grants to eligible charter schools to help ensure that all children have access to quality education regardless of their ZIP Code. The administration's new rules would stifle this proven, emerging, and burgeoning model, one that serves millions of the most vulnerable students in our traditional public school system. It would require CSP grantees to hold hearings—to hold hearings—specifically to prove that the presence of the school in question does not or would not contribute to increased racial segregation. This would impose a deliberately costly and inherently unfairly accusatory burden on charter schools and would disincentivize new schools from opening. This, I fear, is precisely the point. That is a feature, not a bug, in this program.

Look, everyone can agree that we want our children to have access to quality education. The President's rule is antithetical to that very mission. The rule treats charter schools as if they have done something wrong, as if they are guilty somehow of racial segregation until they prove themselves innocent. The accusation of racial segregation is particularly egregious here because CSP schools are required to admit students through a lottery system if there are more interested students than there are available slots at the school. Clearly, this isn't an observation of reality but an injection of woke politics into an issue as fundamental as the education of America's schoolchildren.

Most charter schools are doing their best to provide quality education to all students, regardless of race or ethnicity. Punishing them for behavior that they don't engage in simply isn't fair. It is not right.

These regulations would also require the Secretary to examine whether a charter school is ''needed.'' Maybe I am old-fashioned, but I tend to think that parents—and certainly not the U.S. Secretary of Education—should be the ones deciding the necessity of such schools.

You know, we have seen this in other areas, other sectors of our economy. There are special interests that tend to stifle competition by pushing for regulations requiring new market entrants to demonstrate that they meet a need, to demonstrate that their facility of one sort or another, a hospital or otherwise, is ''needed.''

I fear this requirement would do the same, and I fear this requirement has as its object the same thing as those other requirements in other industries: stifling competition, erecting barriers to entry, squelching competition. This is not OK. I don't think it is OK in any industry. It is certainly not OK where the victims are innocent schoolchildren who just need to learn, who need to be taught, need to go to school somewhere, and ought to be able to go to school with some options that their parents can have a role in choosing.

Proponents of these rules argue that the regulations are necessary because charter schools are more likely to close than traditional public schools. They rightly argue that such closures can be disruptive to students' education. In reply, I first note that CSP schools are less likely to experience closure than other charter schools, but I would also note here that school closures also show why charter schools are so valuable.

Unlike traditional public schools, where students in failing schools can go for 13 consecutive years without any other option, charter schools are subject to greater accountability. That is the power of choice.

Mr. President, we shouldn't subject new charter schools to onerous requirements. We should not set up rules purely to protect the interests of teachers unions—the very same teachers unions that also pushed to close schools, that resisted reopening those schools and repeatedly placed their interests above those of parents and students.

The President's rule would only lead to fewer educational opportunities for America's schoolchildren.

While accountability for any government-funded enterprise is undoubtedly important, these rules go far beyond mere accountability. In fact, they are not about accountability; they are about something else, something far less credible, far less defensible than accountability. This is about squelching competition and protecting teachers unions from competition, and that is wrong.

I urge my colleagues to oppose this misguided rule, this misguided effort, and to protect parent choice, ensuring that all children have access to quality education regardless of their ZIP Code.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. LANKFORD. Mr. President, I want to tell a bit of a story. There are some great schools and great teachers in Oklahoma. They do an incredible job, and they serve our families every day, doing remarkable work, working alongside so many kids who struggle in their educational environment, who struggle to be able to learn but who excel. I am grateful to those teachers across our State. Those teachers who are in our public schools—both our public traditional schools and our public charter schools—deserve to be applauded and encouraged for the work they do every day, and I am proud to know many of them as friends and as neighbors.

But what is interesting to me right now is there is a push that is happening from the Biden administration to divide teachers, teachers who are in public school education, that there are some who are like the good public school teachers, and apparently there are some that—you are the bad public school teachers. And it is not based on the ratings for their students or the quality of their teaching; it is based on which public school they choose to be able to serve in.

You see, the Biden administration has put out a new policy to try to crush public charter schools. How are they doing it? They are saying that if there are open desks in other public schools, then the public charter school can't prove a need for them to exist at all, and they want to just be able to wipe them out.

Stop. Let me just set this in context for you. In Oklahoma, there is a school called Harding Charter Preparatory High School. Maybe you wouldn't know it, but U.S. News & World Report—they know it. U.S. News & World Report—with 18,000 schools in America, they rank the 18,000 schools in America. U.S. News & World Report ranked Harding Charter Preparatory School in Oklahoma City 115th out of 18,000 schools. In fact, in Oklahoma, Harding Charter Preparatory High School was ranked No. 1. The No. 1 school in the State is this public charter school.

Now, it happens to be in an area where there are open desks in other schools around it, so it won't meet the need requirement that the Biden administration is putting out to say: You can't prove a need for your existence. So the No. 1 school in our State could be wiped out because those public school teachers are teaching at the wrong public school.

What else can I tell you about Harding? At Harding, 100 percent of the students go to AP classes—100 percent of them. What else can I tell you about Harding? Seventy-two percent of the students at Harding Preparatory School are minorities—72 percent—and it is the No. 1 school in our State.

What is different about a public charter school and a traditional public school? Well, the rules for the kids are exactly the same—the same testing requirements, the same State requirements, the same Federal requirements for the kids. The rules are exactly the same for the kids, but they are different for the grownups. The grownups have a different set of rules. They have a different set of accountability in charter schools.

What is the result they are getting? The No. 1 school in our State is a charter school. The 115th school in the country is this charter school. Yet, now the Biden administration is saying: You are going to have to prove a need for it.

Can I tell you, the parents and families in Oklahoma have already proven a need for it. I got an email in from one of those students, who said: I was not getting access to these AP classes in the school—in the public school they were in before. They had no shot of really getting into the college they wanted to be able to get into until they got into Harding Charter Preparatory School, a public charter school, and now they have a shot.

I have to tell you, I don't understand the battle with choice that is happening with parents in this country. I don't understand why suddenly so many government officials want to be able to say to parents: You go to that school, the school we choose; you can't move; you have to stay right there—why that is suddenly the trend in America.

This growing push across our country for public charter schools, for parents to be more involved in their child's education, for parents to have new options in education, for parents to be able to have a choice and some freedom, why is that so bad, that so many kids get a shot?

Can I tell you, I have two daughters. They are not the same. They have different preferences. They have different ideas. They are both beautiful and amazing girls. But, for some reason, the folks in the Biden administration, in the Education Department, are saying: All kids are the same, and we are going to require them to do it the way we want all kids to do it—rather than allowing parents like me and parents like others to be able to say: This child's best education environment is in that location, in that public school, or another child has a better educational environment in a different charter public school.

Don't lose track of this: They are both public schools. They both have requirements for the students which are exactly the same, but the rules for the grownups are different. Some in the teachers union do not like that, and so this plan is to shut down this type of school, like Harding.

I say let's stand with those parents and with those students, with that charter school and a multitude of others in my State where parents are engaged in their child's education and administrators in those schools have to work twice as hard because they don't get the same level of funding as other public schools. Let's support them, not try to diminish them.

I yield the floor.

The PRESIDING OFFICER (Mr. LUJÁN). The Senator from Florida.

Mr. SCOTT of Florida. Mr. President, I would like to thank my colleague from South Carolina for all of his work to promote school choice. I have been proud to partner with him each year to cosponsor the National School Choice Week resolution and promote the maximum amount of educational choice for parents.

Since I have been in Washington, I have noticed how many different school options are available for families in the area: public schools, charter schools, private schools, religious schools, home schools, co-ops. There are all kinds of options for parents and their children here.

DC is an example of a place where school choice has helped everyone, as government-funded schools have generally failed.

Of course, Washington, DC, is also where our Nation's political elite and their children reside. It is where diplomats from around the world come and send their kids to the school of their choice. Bureaucrats, politicians, and wealthy parents have all the choice in the world to send their kids to get a great education. But why should that choice only be available to the elite political class? Why is it that teachers unions and Democratic politicians want to fight school choice and keep students from middle and lower income families in failing schools?

It is a perfect example of how the swamp works: They will give every advantage to their own kids, while pushing the working class down. The elites have always had school choice, and like my colleague from South Carolina, I simply want to extend that choice to every family.

During my 8 years as Governor of Florida, I was a proud champion of school choice and charter schools. I have long believed that parents, not the government, know what is best for their children.

Near the end of my time as Governor, Florida had 653 charter schools operating across our great State. More than one in four K–12 public school kids in Florida chose a school other than the one that they were assigned to.

We were ranked third in the Nation for our number of charter schools and the number of students enrolled in our charter schools. That competition helped everyone, including our public school system. When I was leaving, we ranked fourth in the Nation for K–12 student achievement. In other words, our push for maximum choice helped their students in all of our schools get ahead.

That didn't happen overnight, of course. But we had to work at it. For example, I worked to expand access to Florida's Tax Credit Scholarship Program. This tax credit encourages voluntary contributions from corporate donors to scholarship funding organizations. These organizations then award scholarships to students from low-income families so they can attend private schools or get help transporting them to a public school in another school district.

During my 8 years, the number of kids benefiting from that scholarship program grew from 40,000 to 108,000. Sixty thousand more students were able to attend a school that better met their needs because we gave them that choice.

Similarly, I signed legislation creating open enrollment in Florida. That bill allowed more than 280,000 students to attend any public school in the State regardless of their ZIP Code.

I also signed legislation to expand access to scholarships for students with disabilities so they could attend a public or private school of their choice.

I also signed a bill creating the Schools of Hope Program. It established high-quality educational options for students attending persistently low performing public schools.

Instead of attending the lower performing school, we drew in charter school networks that had a proven track record for operating high-performing charter schools in underserved communities. Because we offered them increased autonomy and flexibility and gave them access to grants and low-interest facility loans, these charter schools were better able to serve Florida's neediest students.

Add to that, I signed legislation to give every student access to virtual learning, with 428,000 students taking advantage of that program in the 2017–2018 school year. That number was up by 312,000 students compared to 10 years earlier.

Parents could use Florida Virtual School to supplement what was happening in person at school, and they could use a hybrid setup with home school or do completely online learning—whatever best suited their child's needs.

In Florida, school choice isn't just for the elites, it is for everyone because every family deserves the chance to send their child to the school that best meets their needs. Whether it was virtual school, a private school, a religious school, home school, a charter school, or a public school in a different district, I fought to give the kids the best opportunity to get a quality education.

And the best part about it, this kind of choice and competition among schools benefited everyone. It helped all of our schools, including our public schools and neighborhood schools, to improve.

In October, a team of researchers from Northwestern University, UC Davis, and Emory studied the outcomes of Florida students who remained in public schools in the 2016–2017 school year—the same time we were continuing to expand school choice.

I will read you what they concluded.

We find broad and growing benefits for students at local public schools as the school-choice program scales up.

In particular, students who attend neighborhood schools with higher levels of market competition have lower rates of suspensions and absences and higher test scores in reading and math.

And while our analysis reveals gains for virtually all students, we find that those most positively affected are students with the greatest barriers to school success, including those with low family incomes and less-educated mothers.

In other words, school choice helps students of poor and working class families, like the one I grew up in. I was born to a single mom with an 11th grade education and never met my birth father. My adoptive father never had more than a sixth grade education. We were poor and didn't have much to brag about. We lived in public housing and moved around a lot. But my mom pushed me to work hard in school and get a good education. And by God's grace, I was able to live the American dream. That is why I am here—because school choice shouldn't only be for the elites, it should be for everyone.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, my children are grown now, but every time that we moved or considered what neighborhood to live in, as they were growing up and attending public schools, the first question we would ask is, ''What about the schools?'' because we, like most parents, wanted to make sure that our children went to the very best schools possible. And if we had to dig a little deeper and figure out how do we buy a house in a neighborhood that was in that school district, then we would do it. But the sad fact of life is that many parents of lesser means, of lower income, don't have the luxury of buying a house in a neighborhood where a public school is excellent. In fact, many of our children, because they don't have access to charter schools, are literally trapped in failing schools, which will forever affect their course of life, their development, the jobs they can qualify for, the level of education they can achieve. All of that will be impacted negatively by the fact that many of our young people go to schools that are less than excellent and, in many cases, failing.

In 2010, I think it was, I saw the documentary called ''Waiting for Superman.'' This was a story that in one way was exhilarating but in another way it was very depressing because it was all about the lottery system in New York's schools. If you were lucky enough to win the lottery, you knew that your life and your future was going to be forever impacted for the better.

But I still remember looking at the faces and the tears of the children who did not win the lottery, who did not get to go to the best schools, and they knew that their life, too, would be forever impacted but in that case for the worse.

I am a firm believer that competition makes us all better. It makes us work harder, strive for greater achievement. But I think the public school system—in particular, the teachers unions—they don't want any competition because they don't want anybody to show that our children can be educated better—with better teachers, better training, better facilities. And that is what the charter school movement has provided: some competition, some basis for comparison.

If everybody is operating at this level, with no one operating at this level, then everybody is going to continue to operate in a subpar performance. Of course, I am not painting with a broad brush, but I am saying that a lot of low-income children are condemned to bad schools with no way out. And charter schools offer a way out for those children.

Now, I think sometimes the term ''school choice'' gets confused with charter schools because school choice, as I understand it, is more broadly interpreted to mean parochial schools and that sort of thing—private schools. But charter schools are public schools. We are talking about high-quality, tuition-free public schools that are open to all students.

In my State, in Texas, we have 900 charter schools. They don't serve the elite. They don't serve the wealthy. They don't serve even the majority population. In fact, 62 percent of Texas charter school students are Hispanic. We have about a 42-percent Hispanic population. So you can say that charter schools disproportionately benefit Hispanic students.

Twenty-seven percent of the students that attend charter schools have limited proficiency in English; that is, English is not their first language. And

the overwhelming majority of students are economically disadvantaged. In other words, their parents can't buy a house in the best school district in town. Their parents don't have the money to send them to a private school. And so charter schools represent the only real option—public, tuition-free schools that are open to all students.

I am concerned that the Biden administration is too close to the teachers unions that were responsible for much of the extended lockdowns we saw during COVID–19, and many of their members basically refused to go back to the classroom even though across the country private schools and many other educational institutions were able to continue—yes, observing social distancing, masking, all of the protocols we became very familiar with during the pandemic. But they continued to learn in person, in school—my understanding is, for example, virtually all the Catholic schools because they depend on the tuition dollars from parents, and parents weren't going to pay to have their children learn sitting in front of a computer, if they were able to learn at all. And we are only today beginning to skim the surface of the kind of damage that occurred to our students—our children—as a result of remote learning.

You know, I sort of envision a single mom with three children who may not have even graduated from high school, much less college, herself, worried about her own job, worried about being able to provide for her family, with three school-aged children, all attending different grade levels. I can't imagine being able to adequately supervise and make sure that your children are able to learn in those circumstances. Maybe you have three kids from three different grades with three separate curricula sitting in front of a computer trying to pick up whatever educational benefit that you can.

What we learned, as a result of the draconian lockdowns supported and encouraged by Randi Weingarten and the teachers unions, is that many of our children have fallen far behind. And it may take not months, not weeks, but literally years to catch up, if they ever do.

So I don't really understand this idea of some of the Biden administration and the teachers unions who don't like and won't tolerate charter schools. Is it because they are OK with children being trapped in failing schools? I can't really understand why they would view this as a threat.

Public, tuition-free, high-quality charter schools—these are public schools. They aren't private schools. These aren't for the elite. This isn't for the rich. This is for overwhelmingly economically disadvantaged students.

And so I support Senator TIM SCOTT. I applaud his leadership in this area in saying that the Biden administration should not stand in the way of these charter schools.

Every child deserves a quality education, and every parent deserves the freedom to choose the school that will serve their child best.

So I appreciate the fact that Senator SCOTT is such a tireless advocate for charter schools and is a champion of choices and alternatives for parents, many of whom are economically disadvantaged and have no other choice other than to send their child to a failing school.

I hope our colleagues will join us in voting to overturn this damaging new rule tomorrow when we vote on it.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. 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 ERIC M. GARCETTI

Mr. GRASSLEY. Mr. President, I would like to express my strong opposition to the nomination of Eric Garcetti to be Ambassador to India. I am compelled to vote against Mayor Garcetti due to the serious allegations that he enabled sexual harassment and racism to run rampant in the Los Angeles mayor's office.

During my career, I have prioritized protecting victims of sexual harassment and sexual abuse. In 2005, I cosponsored the Violence Against Women Act. That bill provides vital aid to the Justice Department's Office on Violence Against Women and to law enforcement to protect victims of sexual harassment and abuse.

Over several Congresses, I have co-led bills introduced by Senator GILLIBRAND to defend victims of sexual harassment and sexual misconduct. I cosponsored resolutions introduced by Senator FEINSTEIN to raise awareness of sexual assault. These include the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021, the Military Justice Improvement and Increasing Prevention Act of 2021, the Speak Out Act, the Campus Accountability and Safety Act, and a resolution supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month.

I have also pressed the FBI and the Department of Homeland Security for more transparency and accountability on their handling of sexual misconduct in the workplace. Moving into the next Congress, Senator DURBIN and I have agreed to jointly pursue these inquiries.

With respect to Mayor Garcetti, several credible whistleblowers approached my office about concerning allegations that he was aware of and enabled his deputy chief of staff Rick Jacobs to sexually harass several employees within the mayor's office.

These men and women allege that Rick Jacobs engaged in inappropriate physical conduct without their consent. They alleged that Rick Jacobs made crude sexual remarks and gestures towards staff and others. They alleged that he made blatantly racist remarks toward Asians and other minorities.

These allegations have also been publicly reported in the Los Angeles Times. Text messages made public by the Los Angeles Times indicate that these instances were common knowledge among the Garcetti staff. One picture that has been made public shows Jacobs inappropriately touching an individual next to him. In the picture Mayor Garcetti is standing on the other side of Mr. Jacobs. For Mayor Garcetti to claim that he didn't know what was going on defies reason.

There is also a pending lawsuit by a Los Angeles police officer against the city of Los Angeles as a result of this type of disgraceful behavior. The kinds of behavior mentioned in the lawsuit include Jacobs subjecting the police officer to unwanted hugs, shoulder massages, and crude sexual language.

In total, my office identified over 19 individuals who have either witnessed Jacobs' behavior or were the victims of it. So who are these brave and courageous individuals who made these allegations?

Are they Republican operatives?

No. They are his former communications director, senior staffers, junior staffers, businessmen, civic leaders, and the Los Angeles Police Department officer assigned to protect him.

Despite attempts by Mayor Garcetti and the Biden administration to frame complaints against him as a political hit job, some of the individuals who have come forward and shed light on misconduct are from Mayor Garcetti's own staff.

How hypocritical is it for this administration to encourage victims of sexual harassment to speak out, yet when they do so against a powerful ally of Joe Biden, they are ignored? And they have been ignored in this matter even after providing evidence of harassment, including photographs and text messages.

When convenient, Democrats have supported claims of harassment with far less.

Just last week, President Biden signed into law a bill sponsored by Senator GILLIBRAND that I cosponsored which enabled survivors to speak out about workplace sexual assault and harassment. Continuing to push this nominee after signing that bill into law is the very definition of tone deafness.

Unfortunately, the Biden administration is sending a message to victims of sexual harassment in the workplace that they will only be believed when politically convenient. As a result, the Biden administration and all those who support this nomination have no credibility when it comes to protecting victims of sexual harassment.

I conducted a thorough investigation of the allegation irrespective of partisan politics. That is my reputation.

The evidence is clear that Jacobs engaged in blatant sexual misconduct and racist behavior and did it for years. The evidence is clear that Mayor Garcetti either had direct knowledge of it or chose willful ignorance as a defense.

Nobody is that brazen to engage in this type of outrageous behavior against other people unless they know that they have a powerful enabler protecting them. Based on the facts and the evidence, the enabler is Mayor Eric Garcetti.

To defend himself, Mayor Garcetti has pointed to a report which inconceivably purports to clear Jacobs of any wrongdoing. The report was conducted by a law firm hired and paid for by the city of Los Angeles.

Mayor Garcetti and the City of Los Angeles would be liable if the report concluded sexual harassment occurred. The report was also delivered to the city of Los Angeles under attorney-client privilege, apparently in the hope that no one outside the city would ever see it.

The report failed to interview multiple firsthand witnesses. The interviews were not taken under penalty of perjury.

The report focused exclusively on allegations of sexual harassment made by the Los Angeles Police Department and—get this—failed to give due weight to other witnesses.

For example, the report includes an interview with Jacobs in which he admits he used racist language, kissing, hugging, and squeezing people's shoulders. The report also identifies the individual in the lewd photo I mentioned earlier. The report says that the individual stated that Jacobs' actions weren't funny and embarrassed that person.

That makes it clear. It makes it clear nonconsensual, physical contact occurred. It is evidence that sexual harassment occurred. Oddly, the report makes no attempt—no attempt whatsoever—to reconcile how it can conclude there was no sexual harassment after clearly describing sexual harassment throughout.

These aren't acts of transparency; these are acts to sweep this whole thing under the rug. Although Mayor Garcetti may be indifferent to the allegations and the actions of his deputy chief of staff, my colleagues and I have a duty to take such concerning allegations and take them very seriously. Whether here in the United States or abroad, there is no place for sexual misconduct or racism.

Mayor Garcetti has had countless opportunities over the years to stand up for victims by removing his deputy chief of staff, which he failed to do. These fundamental failures by Mayor Garcetti are incompatible with the office that he seeks. Therefore, I can't, in good conscience, vote for him.

I strongly encourage my colleagues to review all of this evidence found in my investigative report as well as what is reported in the press. The facts and the evidence compel me to vote no, and I hope my colleagues will join me in doing the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

ORDER OF BUSINESS

Mr. SCHATZ. Mr. President, I ask unanimous consent to modify the previous order so that the Senate remain in executive session until 6:15 p.m., with all provisions under the previous order remaining in effect.

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

The Senator from Hawaii.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. SCHATZ. Mr. President, our Navy and Marine Corps are the best in the world, but we face many challenges across the globe. We need to build new ships and maintain our current fleet. We need to recruit, train, and equip a force necessary to deter conflict, especially in the Indo-Pacific. We need to help keep sea lanes open for commerce and build deeper relationships with our allies and our partners.

To make sure that the Navy is able to carry out all military and civilian objectives, we allocate a lot of money for its budget. A Comptroller is critical to ensuring the accountability of taxpayer dollars and to keeping the Navy's readiness at the highest level.

Russell Rumbaugh, the nominee for this position, will bring firsthand knowledge to the job, having previously served as both special assistant to the Director and as an operations research analyst in the Secretary of Defense's Cost Assessment and Program Evaluation Office.

In having served as an Army infantry officer, Mr. Rumbaugh has had a unique perspective that will help him to support and strengthen our Navy, but his nomination is stuck because the Senator from Missouri is blocking it over disagreements, not with Russell Rumbaugh and not even necessarily with the Department of the Navy but with the Biden administration and Afghanistan policy.

I know because we have been here before, actually, Senator HAWLEY and I, I think, three times. This is the third time. I know what he is going to do today. I am going to make a unanimous consent request that we get the Navy a Comptroller, and he is going to say: No. I want a special committee on the Afghanistan withdrawal.

I am not the Armed Services chairman, and I am not the majority leader. I can't authorize that kind of thing. In any case, the House Armed Services Committee is absolutely, under a presumed Speaker McCarthy, going to do tons of oversight in this space.

My basic complaint about this tactic is that it is not what this power is for. It is not what this power is for. We are all given the ability to block a nominee. It is supposed to be used sparingly and not in the fashion that it is being used by the Senator from Missouri. The Senator from Missouri, essentially, has got a total blanket hold. Sometimes, he allows the body to vote on somebody, but the demand, which he knows will never be accepted, remains. Otherwise, he will block the logistics guy at the Army; he will block the fiscal guy at the Navy; he has blocked numerous Department of Defense nominees not because of their qualifications and not because of any particular dispute regarding the nominee but because he is mad about the Afghanistan withdrawal. Lots of people are mad about the Afghanistan withdrawal, but only Senator HAWLEY does this.

I would just submit that the right way to influence foreign policy is on the floor as an amendment to the Defense authorization or to the State Department authorization or on the Senate Foreign Relations Committee or on the Senate Armed Services Committee, but not just by stomping your feet and disabling the Department of Defense from doing the work that it needs to do.

I just got out of a meeting. I came right out of this meeting with the Chief of Naval Operations. We talked a little bit about this position, and he talked to me about how important it was. So Senator HAWLEY and I may have a different view about the Afghanistan withdrawal, but I don't understand what Russell Rumbaugh has to do with this. He is an eminently qualified person. I don't even think the Senator from Missouri is alleging that this guy couldn't do the job or shouldn't do the job. It is just that he is mad about something else.

So we have got to break this logjam. The Senator from Missouri has been doing this for, well, more than a year now, and the Department of Defense itself is suffering. We have exchanged some pretty tough words, but I just hope that he sees fit to separate his foreign policy objections around Joe Biden being President and Secretary Austin and Secretary Blinken. Fair enough. It is a free country. He is a Republican; I am a Democrat. These are the kinds of fights that we have. But why block the Comptroller from the Navy? It just makes no sense to me.

I ask unanimous consent that the Senate consider the following nomination: Calendar No. 972, R. Russell Rumbaugh, to be an Assistant Secretary of the Navy; that the Senate vote on the nomination without intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

The Senator from Missouri.

Mr. HAWLEY. Mr. President, in reserving the right to object, I ask for permission to hold up this shirt.

Mr. SCHATZ. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SCHATZ. It is fine. Go ahead.

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

Mr. HAWLEY. Mr. President, this is Jared Schmitz, Lance Corporal Schmitz, from the State of Missouri, Wentzville, MO. His father made this T-shirt and gave it to me just a couple of weeks ago, when I last had the chance to visit with him.

Lance Corporal Schmitz was killed in action at Abbey Gate on August 22 of last year. On the back are the 12 other marines who were lost, along with Lance Corporal Schmitz, on that day.

When I saw his father and he gave me the shirt, he told me about all they are doing to honor Jared's memory. He asked me to continue to fight to uphold that memory and to get answers, and I said: That is exactly what I will do.

The truth is that this family and the families of the other lost marines and every American citizen have been waiting too long for answers about what happened at Abbey Gate, over a year ago, as the Senator from Hawaii rightly notes. We are waiting for answers as to why the commanders on the ground weren't heeded. We are waiting for answers as to why the White House wasn't ready to do a proper evacuation. We are waiting for answers about how the security situation so deteriorated that 13 servicemembers were killed and hundreds of American civilians were left behind to terrorists there in Afghanistan. We are still waiting for answers.

No, I am not willing to pretend that everything is fine at the Pentagon. Everything is not fine at the Pentagon. I am not willing to say that business as usual should go on. No, I am not willing to waive the rules of regular order and expedite nominations without even having a vote on the floor of this Senate, but I understand my colleague's sense of urgency here. I understand that he wants to move these nominations.

UNANIMOUS CONSENT REQUEST—S. RES. 763

Mr. President, in the spirit of trying to reach a compromise, as he proposes, I would just say this: Why don't we agree to take a vote—just a vote—on having a select committee to look into what happened at Abbey Gate and get those answers and make them public—not a commission that will take years and years to report, Vietnam-style, when everybody who made the decisions are safely out of power and collecting their pensions, but a select committee that will report and make it public to the American people and get real accountability—because who has been fired over what happened at Abbey Gate? Nobody. Who has been held accountable? Nobody. Who has given answers? Nobody.

Here is what I propose: I ask that the Senator modify his request so that following confirmation of the Rumbaugh nomination, the Senate proceed to legislative session; that the Committee on Rules and Administration be discharged from further consideration; that the Senate now proceed to S. Res. 763; further, that the resolution be agreed to 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. Mr. President, in reserving the right to object and just very quickly, look, we are at an impasse here. The problem is that the Senator from Missouri is asking for something that he knows I can't agree to, and he is blocking the Comptroller of the U.S. Navy because he is mad about something else. I mean, it is very clear what he is mad about, and he has come in with his set speech about what he is mad about.

The fundamental point here is that this is not the way to be a Member of the U.S. Senate. I remember—I guess it was a couple of years ago—he came down and said: I ask unanimous consent that we pass my bill on section 230 of the Communications Decency Act.

I said: If you want to get a hearing, go try to get a hearing. Introduce a bill. Get a Democratic cosponsor. Make the case. Work it through the committee process.

He has failed on that, and he has failed on this issue. He doesn't have other people with him, so he is pitching a fit. And the bummer about this is that it is not me who suffers; it is not one party or the other who suffers; it is the taxpayer. In this instance, it is the Department of the Navy that will lack a Comptroller because JOSH HAWLEY is not getting his way.

I object.

The PRESIDING OFFICER (Mr. KING). The objection is heard.

Is there objection to the original request?

Mr. HAWLEY. I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Rhode Island.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. REED. Mr. President, I rise to discuss the nomination of Musetta Tia Johnson, who is nominated to be a judge on the U.S. Court of Appeals for the Armed Forces, the senior appellate court for the military, with exclusive jurisdiction over the Uniform Code of Military Justice.

Ms. JOHNSON was favorably reported out of the committee on April 5, 2022, and has been pending on the Senate calendar ever since. I am unaware of any objection to her nomination with respect to her qualifications to be a judge on this appellate court.

When confirmed, Miss Johnson will be one of five judges on the Court of Appeals for the Armed Forces, often referred to as the supreme court of military law. This court, which is composed of civilian appellate judges, has been operating without its full quota of confirmed judges for this entire judicial session, where it considered important jurisdictional and substantive military criminal law issues.

Importantly, the fiscal year 2022 National Defense Authorization Act implemented extensive changes to the UCMJ, including a statute that would criminalize sexual harassment under some circumstances. Ms. JOHNSON will play a critical role on the court of appeals in reviewing challenges and issues with the recent sexual assault and sexual harassment statutes, including defendants' rights under the UCMJ. Without Ms. JOHNSON, the court risks deadlock, which will further hamper the military's ability to maintain good order and discipline.

Mr. President, I ask unanimous consent that the Senate consider the following nomination: Calendar No. 861, Musetta Tia Johnson to be a judge of the U.S. Court of Appeals for the Armed Forces for a term of 15 years; that the Senate vote on the nomination without intervening action or debate; and that, if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

The Senator from Missouri.

Mr. HAWLEY. Mr. President, reserving the right to object, it has now been 16 months since President Biden's disastrous withdrawal from Afghanistan; 16 months since Lance Corporal Schmitz from Missouri and 12 other marines lost their lives at Abbey Gate; 16 months since hundreds of American civilians were left behind to the enemy; 16 months and no one has been fired, no one has offered answers. There has been zero accountability.

So for approximately the 200th time, we are here on the floor as I continue to fulfill my pledge to seek accountability for what happened at Abbey Gate, for the lives that were lost, including a life from my own State, Lance Corporal Schmitz, and to press for answers. It is not too much to ask that not just the families of the fallen but that the people of this country not be lied to about what happened at Abbey Gate and that we be given the answers the American people deserve.

In that time, in those 16 months, Central Command has done an exhaustive investigation and report. Here it is right here. It is thousands of pages long. I can't seem to convince my friend from Rhode Island to hold a hearing on it, so I have been entering it into the CONGRESSIONAL RECORD page by page. We are about—I don't know—100 pages in. We have many hundreds more to go. But when we are finished, everyone will be able to read this report in full. There have been other reports since then. The Special IG for Afghanistan recently issued his own report, that office's own report, about the collapse of the Afghan Government. And what these reports have in common is a consistent theme that commanders on the ground repeatedly

warned the administration, repeatedly warned the National Security Council, repeatedly warned the State Department as early as the spring of 2021 that the security situation was deteriorating rapidly, that the Taliban was gaining ground rapidly, and that there needed be to be an evacuation.

Yet what did the White House do? Well, according to the findings in this report, nothing. Did they plan? No. Did they take action necessary? No. And so on August 26, there was a terrorist explosion at Abbey Gate. We lose those 13 marines. Hundreds of American civilians are left behind in a botched evacuation. And here we are. Yet we are asked to act as if nothing has happened, as if we should just go on, business as usual. Keep the conveyor belt of nominees to this Pentagon running with no votes, no votes on this floor, no debate on this floor; just wave them through; waive regular order; move it right along; nothing to see here. I am not willing to do that. I haven't been willing to do it for over a year.

I hope my colleagues see now, a year on, that I was serious in August of 2021 when I said I would not consent to waiving the rules to send more nominees to this Pentagon until something is done to get answers and, frankly, to change the culture because the truth is, we have a cultural problem in the whole military-industrial complex.

This is an entity, an organization, that has lied to the American people repeatedly over the years. They lied about Vietnam for a decade. They lied about Iraq. They lied about the true state of the war in Afghanistan. And now we are getting the same lies again, to the point that we can't even hold a hearing in public because the White House won't consent to it.

I don't really blame Chairman REED. He can't get witnesses to come testify in public because this White House doesn't want to say another word about what happened at Abbey Gate. We have a word for that. It is called a coverup, and it is time for it to stop.

Listen, much has been said about my blocking nominees. The truth is, I can't block any nominee. All of these nominees can be brought to the floor. They can't even be filibustered. It is just a matter of what the Senate majority leader wants to do. Sadly my side is not in the majority, and we are not going to be for the next 2 years. So if the Senate majority leader sees fit to vote on these nominees, he can at any time. But as to whether or not I will consent to waiving the rules and allowing these nominees to the Pentagon in leadership positions to be confirmed without even a vote—I will not until something changes at the Pentagon, until something is done about what happened at Abbey Gate.

I know that my colleague the chairman is acting in good faith. It is a privilege to serve with him on the committee. I know he is in a tough spot here because he has a White House that doesn't want to give an inch and doesn't want to say a word. I would just say that I hope, with real oversight coming soon in the House of Representatives, that the Senate will see fit and see its way to doing its part and holding open hearings on this report, on this tragedy, and making sure it does not happen again.

With that, I object.

The PRESIDING OFFICER. The objection is heard.

Mr. REED. Retaining my time, Mr. President, I disagree, obviously, with the Senator from Missouri.

The Senate Armed Services Committee has had extensive oversight on Afghanistan. The committee actions include seven public and closed hearings regarding the Afghan war, lessons learned, and ongoing regional counterterrorism requirements since the withdrawal last August. Senator HAWLEY had the opportunity to participate in each of these hearings.

The fiscal year 2022 National Defense Authorization Act contained a provision that mandated that the Department of Defense deliver quarterly briefings in both unclassified and classified form on the security situation in Afghanistan and ongoing counterterrorism efforts. The classified briefings have taken place on January 20, April 14, and July 21. The unclassified briefings have taken place on February 14 and April 25. Most recently, on October 19, the committee held unclassified and classified briefings, and Senator HAWLEY has full access to these briefings.

The fiscal year 2022 National Defense Authorization Act also contained a provision, section 1069, which requires the yearly assessment of our ''over the horizon'' counter-terrorism capabilities in Afghanistan. The committee has received the first installment, and this, too, is accessible to all members of the committee.

The fiscal year 2022 NDAA further mandated the establishment of the Afghanistan War Commission, which will spend several years examining all aspects of the 20-year war in depth. Let me emphasize—the 20-year war in depth. All the Commissioners have been appointed. We expect the Commission to commence work in the near term.

I note that Senator HAWLEY indicated that beginning in 2020 there were reports that military leaders were warning of possible complications. That was during the term of President Trump.

I think also one of the issues that has to be looked at is the release of 5,000 Taliban fighters at the direction of President Trump and over the objections of the Afghan Government. Were they at Abbey Gate? Were they the leading forces who were moving in and surrounding Kabul?

This situation requires a long, detailed study. To focus on one event will create headlines but not information or knowledge that we can bring forward. The factors contributing to Abbey Gate were long in the making, and unless we look at those factors over time, unless we look at the whole operation, I don't think we are going to get the kinds of insights we need.

So I respectfully disagree with Senator HAWLEY's objection, and I hope we can find a way to confirm Ms. JOHNSON.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. Mr. President, if I could just briefly build on the remarks of Chairman REED, never before has such a small number of Senators stood in the way of this large a number of nominees. The impact of this constant effort to hold up nominees to the State Department and the Department of Defense is to compromise the national security of this Nation; to try to rob from this administration, from this President, the ability to govern and to protect this Nation.

I would just remind my colleagues that what comes around goes around. I know right now some Republicans may delight in the President not having any personnel necessary to run Agencies because of this record number of holds that have been put on nominees by the Republican minority. But there will be a Republican President someday. There will be a Republican majority someday. And a handful of Democratic Senators will use the same tactics that are being used today to essentially rob from this administration its right to do the job it was elected to do by the American people, at great risk to American national security.

So my prerogative on this is that we should just change the rules and make it less easy for one Senator to hold up nominees who are supported by 90 to 95 percent of us and make it easier to proceed to a vote on nominees.

The Senator from Missouri wants to vote no on this nominee or others. That is his right, but we should come up with a process by which the entire administration is not ground to a halt by 1 or 2 of 100. We should just decide to do that because today this is hamstringing a Democratic President. But let me guarantee you, it will hamstring a Republican President someday as well.

YEMEN

Mr. President, I come to the floor today to provide remarks in support of Senator SANDERS' resolution that we will consider later today.

I have come to the floor many times to talk about the war in Yemen. I think I first came to the floor during the Obama administration, when very few people even knew there was a civil war in Yemen that the United States was participating in.

But let me just say again what I hope is common knowledge. The war in Yemen has been a national security disaster for the United States. It has now been ongoing for 8 years, and by no metric has this war accrued to the benefit of U.S. national security. Let me just give you a few windows into why this is true.

First and foremost, this is a humanitarian nightmare. The world's worst humanitarian disaster is in Yemen today.

The U.N. says that 66 percent of the country's population—and, by the way, this is not a small country, right; this is a country of 30-plus million people—right now, survive only because of emergency aid. Twenty-three thousand airstrikes have been launched just from 2015 to 2021, killing or injuring 18,000 civilians. Eighteen thousand civilians—10,000 of them children—have been hit, killed, or maimed by airstrikes.

There is a humanitarian nightmare inside Yemen today. That does not accrue to the benefit of the United States' security. Why? Because al-Qaida and ISIS operate inside Yemen; and when there is this kind of misery, when there is this kind of devastation, that is a breeding ground, that is fertile recruitment ground for the terrorist groups that are organizing against the United States and seeking to recruit those who are looking for answers. Al-Qaida, ISIS are growing stronger, and the misery in Yemen is growing deeper. And, at the same time, Iran is growing more influential.

This was not, at the outset, a proxy war between Iran and Saudi Arabia. Saudi Arabia supports the old regime in Yemen, and Iran, which has been partners with the rebel group, the Houthis, that controls the capital, Sana'a, has become more embedded, as time goes on, with the Houthis. As the war lingers, as it persists year to year, Iran becomes more influential, has more power inside Yemen.

So if our interest in the region is to decrease Iran's power, then every year that this war persists, Iran gets more powerful inside Yemen. So if we care about the growth of Sunni terrorist groups, if we care about the growing influence of Iran, if we care about saving people from misery, destitution, and death, then we have to do everything in our power to wind down this war. What benefit is there to us, to the Yemeni people, to the Middle East region for this war to persist year after year after year?

Now, in 2019, we considered a similar resolution. It passed both the House and the Senate, a resolution to end U.S. participation in the Yemen war. It was vetoed by President Trump. We didn't have enough votes to override the veto.

Let's be honest. This is a very different moment than 2019. Why? Because President Biden has pursued a very different policy than President Trump. President Trump backed the Saudis. He, for a long time, refueled Saudi planes that were dropping bombs in Yemen. He sold them massive amounts of weapon. He embedded American forces with Saudi forces to help pick targets.

President Biden ran on a promise to end U.S. support for the war in Yemen, and, by and large, he made good on that promise. The Biden administration does not sell Saudi Arabia weapons to be used in the Yemen war. They don't refuel the planes midair. They don't help with targeting. They don't help with intelligence.

But Senator SANDERS has correctly identified some lingering lines of cooperation between the United States and the Saudi-led coalition that do continue to help them perpetuate this war, including the work that we do to help maintain the Saudi Air Force.

This is a different moment than 2019, and we should give President Biden credit for pursuing a very different policy. The facts on the ground are different as well. There have been, for long stretches during the Biden administration, ceasefires in Yemen—ceasefires that we did not see during the Trump administration.

The Saudis, to their credit, have been more interested in peace during the Biden administration than they ever were during the Trump administration. That is, I believe, in part because they don't have a blank check from the U.S. regime any longer. In fact, as we stand here today, it is the Houthis that are the primary impediment to peace, not the Saudis. Now, the Saudis' interest in peace and deescalation, it comes and it goes. But today, as we speak, it is, in fact, the Houthis who need to make the commitments necessary to sit at the table and find a path to permanently end the fighting in Yemen and find a way for everyone in Yemen—Houthis included—to be able to live in peace, to have a government that everyone can call their own.

So why support this resolution if President Biden has pulled most all of our support for the war, if the primary barrier to a peaceful solution today is the Houthis? Well, I think it is pretty simple. I think we have seen the impact that we have when we withdraw our blank check. And, I think, so long as there are any lines of effort that the United States is involved in that continue this war, we are weaker as a nation. Practically, we are weaker because, every day this war persists, Iran gets stronger and the potential for Sunni extremist organizing becomes stronger. But we are also just morally weaker because, for us to be a participant in any way, shape, or form in a war with this kind of misery, it really shapes the way that people think about us in the region and around the world.

So I am here to support Senator SANDERS' resolution and urge my colleagues to vote for it, not because I believe that this is the same moment as 2019. It is a different moment. But I think it commands the United States to send a very clear message, and our message is that this war has to end.

The United States should not be involved in this war—not a little, not a lot. This war, every day it persists, makes us less safe and harms our credibility, and the Senate, I would argue, should pass this resolution.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MARKEY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT REQUEST—S. 5244

Mr. LEE. Mr. President, this Friday at midnight, the government will run out of funding. That leaves us with just a few options.

One, we could pass the massive, yet-to-be-drafted, Pelosi-Schumer omnibus spending package, leaving the outgoing Democratic House majority in charge of drafting the bill to fund the Federal Government for the balance of fiscal year 2023, despite the fact that voters sent a clear message this November disapproving of the fiscal direction of our Federal Government.

Two, we could, yet again, pass another short-term stopgap measure that just kicks the can down the road for one more week to allow more backroom negotiations to take place, in secret. To be clear, this accomplishes nothing. It is simply a way to whip up support for another inflated spending package.

So when I say it accomplishes nothing, that is not really true. It is very effective at doing some things.

It marshals very effectively the angst of hundreds of millions of Americans who don't want a government shutdown. A lot of these people depend on the Federal Government remaining open to process—whether it is the paychecks for soldiers, sailors, airmen, and marines, or others who have contract with the government or receive payments from the government of one sort or another or otherwise impacted by the Federal Government's inability to operate during a shutdown. They all have something to worry about. They all have reasons to fear a shutdown. And those anxieties end up being transferred onto their elected representatives in the House of Representatives and in the Senate who in turn fear a shutdown for the same reasons and feel the collective weight of those concerns bearing down on them.

But there is a dual threat that takes place here. You see, those who may be coming to the Senate floor in the next day or two to propose exactly this, option 2—that is, to just kick the can down the road for another week, for another 1-week spending measure—will be coming down here, predictably, foreseeably, in the name of avoiding a shutdown.

But make no mistake, when saying that they want to delay spending, they want to delay any shutdown by another week, they are not really saying we don't want the threat of a shutdown. They are saying we want to move the threat of a shutdown, the possibility of a shutdown, closer to Christmas.

Why Christmas? Well, that is when the anxiety of the American people and

their elected representatives in Congress are at their maximum. That is where we all feel it the most. We all feel the pressure to get something done the most. And that is also where Members of Congress, being human, understandably, want to be able to get home in time for Christmas, to spend the Christmas holidays with their families.

And it is this dual threat that very often, year after year, is used to persuade Members of Congress to vote for a spending bill that spends too much money and that does so through a mechanism that they have had no part in; that they have been excluded from; that they would never vote for in the absence of this dual threat of a shutdown at Christmastime.

No, this isn't right. When we do that to the American people, what you are really doing is cutting them out of the process. When you cut the people's elected representatives in Congress who have been elected by the American people to take care of these things for them so that they don't have to worry about it and then you tell them we are not going to give those you elect any opportunity to have meaningful input into a spending bill which we are going to present to them at Christmastime in order to force a nonexistent consensus behind something they know they shouldn't vote for, that is wrong. It has gone on over and over again, and it has to stop. It must stop now. So that is option 2—suboptimal, to say the least.

Option 3. We could do the right thing, and we could pass a continuing resolution that keeps the government funded, maintaining current spending levels until after we have sworn in the new Congress, including the Republican House majority, early next year.

It is only this latter option—only the third option—that makes any sense at all. And it is only this third option that is fair to voters. You see, for the last 2 years, we have seen unprecedented inflation driven by reckless government spending, and we have seen that moving forward in a way that has crushed American families. Our national debt has grown during those 2 years by about $4 trillion, reaching an astronomical $31 trillion—a figure that we just reached within the last few days.

In Utah, inflation costs the average household a thousand dollars a month every single month, relative to the day that Joe Biden took office. They are not, for the most part, people who just have an extra thousand dollars to burn, nor is the extra thousand dollars a month going toward luxury items. No, it is just groceries, housing, gasoline, healthcare—the basic things that the American people need in order to live.

Simply put, the American people can't afford the policies of the last few years. They certainly can't afford the kinds of spending bills that get passed when we use this dual threat of the shutdown threatened at Christmastime under an artificially imposed deadline.

Unsurprisingly, American voters cast their votes and in so doing signaled that they want the government to go in a new direction. After listening to an exhaustive list of excuses from the Biden administration, blaming inflation on everything from the pandemic to Putin, the American people saw through the smoke and mirrors. They voted for accountability and made it clear that they expect their elected representatives to be responsible stewards of taxpayer dollars.

Unfortunately, if this body just goes right ahead and passes another omnibus spending bill, a bill that we know is coming, a bill that we know is going to be thousands of pages long, a bill that we know that we will receive, at the most, maybe a day or two before we are expected to vote on it, with no intervening committee debate or discussion or opportunity for amendment—this body, if it chooses to enact such legislation, will be ignoring those legitimate desires on the part of the voters.

We are witnessing a conspicuous recurring trend, whereby leaders use the threat of a government shutdown to pressure Members into voting for inflated spending provisions without even time to read the bill, much less without giving them any time to consult with those they represent about how they feel about that spending and those policies.

So does this tactic remind you of anything? Well, it should. How about Speaker PELOSI's now infamous statement about ObamaCare when she said: You know, we have to pass the bill in order to find out what is in it. We all know how that turned out—not well.

Like ObamaCare, the resulting omnibus legislation that results from that kind of attitude, that kind of dismissive approach—dismissive not just to individual Members but of those whom they represent—always contains ideologically driven provisions, utterly unrelated to the budget, many of which could never pass if they had to withstand the light of day if they had to be voted on of their own merit.

We cannot, we must not, we should never use the threat of a government shutdown to force through policy changes that could never survive a vote on their own merit.

I believe we should pass—we must pass—a clean continuing resolution, one that will take us into the next Congress. Failure to do so will lock the remainder of this fiscal year into a pattern in which liberal policies and an inflationary spending agenda, crammed through by unaccountable Members of Congress, many of whom have just lost reelection or didn't seek it—all those things will descend upon the American people in a most unfavorable and unwelcomed way. We can't let that happen. I don't want to be any part of that. I don't think most of our colleagues on either side of the aisle do.

Not only would it be poor form and unwise and inconsiderate and really unkind for Congress to pass a massive spending bill, but it would also be without precedent in modern U.S. history.

You know, since 1954, the party in control of the House of Representatives has shifted from one party to another a total of just five times since 1954. In exactly zero of those instances did Congress go back after that election and during a lameduck session enact sweeping, comprehensive spending legislation. Not one instance since 1954 has that happened. Not once has there been an instance where Congress did that before a newly elected House majority could be sworn in.

We can pass a continuing resolution that doesn't include any of the new partisan agenda items that either side has proposed. It would keep the government running until the new Congress can develop a full-year discretionary budget—one that is agreeable to both sides or at least has been adequately vetted on both sides and with our constituents, with input from Members of both political parties and both Chambers of Congress.

I urge my colleagues to support the passage of this short-term continuing resolution that maintains current spending levels until the new Congress takes office. Doing so will ensure that we listen to the people's voices and that the incoming House majority has the opportunity to make the spending decisions that are in the best interests of the American people. We owe them nothing less.

Mr. President, to that end, as in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 5244, which is at the desk; 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 Vermont.

Mr. LEAHY. Mr. President, reserving the right to object, and I will, but let me explain why. The bill offered by my colleague on the other side of the aisle is shortsighted and premature.

We have been working on this omnibus for months. I would have been happy to, among the 50 or 60 Senators of both parties, if they had sat down and talked to me about what might be in it. I would have been happy to have heard from him, too, but I know he had other pressing duties and didn't have time to.

But I am afraid it would unnecessarily punt our basic responsibilities even further down the road. Vice Chairman SHELBY, Chair DELAURO, and I continue to trade offers and negotiate an omnibus spending bill with the Democrats and Republicans who have worked with us, and we believe we are close to a bipartisan, bicameral agreement. Reaching this agreement now is important for Americans in every State across the country.

I know in my State of Vermont, in my hometown—my farmhouse in Middlesex, VT—it was 20 degrees. Next week, it is going to get colder. With

the cost of natural gas and heating oil up more than 25 percent, families across my State are sitting down at their kitchen tables trying to figure out how they are going to afford to heat their homes and feed their families. Groceries are up more than 10 percent. They are making these decisions right now because they do not have the luxury of simply kicking the can down the road. They need assistance now, not months from now, if at all. They are not the ones who got the benefit from the huge Trump tax cut which increased the deficit but gave money to the highest level of income in our country.

Reaching this agreement now is important because in my home State, opioid deaths are on pace to surpass last year's grim toll. I don't think there is a Senator on this floor who hasn't seen opioid deaths go up in their State. We have seen it throughout the country. And I am not going to stand in the way of blocking money that might help bring those opioid deaths down because Vermont is not alone in this fight against this scourge. You cannot name a State in this country, if they are honest, that is not facing this scourge. Communities across the country host grieving families and people struggling with addiction who need new resources now, not months from now, if at all. That is Republicans, Democrats, Independents, everybody.

These communities are also pleading for resources to support State and local law enforcement. Having spent 8 years in law enforcement, I know what is needed. In fact, most of my friends on the other side of the aisle claim to support law enforcement. Well, if they really mean it, they should pass an omnibus agreement now, which would mean we could get more than 1,500 more police officers on the streets and provide law enforcement new and needed resources now, not months from now, if at all.

Our Nation's veterans need us to act now. Everybody claims they are in support of them—as I am, as our Presiding Officer is, as most Senators are. If we do not do our jobs, the bipartisan PACT Act will go underfunded and VA medical care will fall at least $7.5 billion short. Our Nation's veterans deserve to have the promises we made them fulfilled now, not months from now, if at all.

Victims of natural disasters like Hurricanes Ian and Fiona need us to act now. A continuing resolution would delay aid to these communities by at least 6 weeks.

Now, this week, the Senate will pass the NDAA. It will receive bipartisan praise because of what it says for our armed services. Well, I would remind my colleagues that the NDAA makes many promises, but without an omnibus appropriations bill, it is a broken promise; $76 billion for national defense will be left on the Republican cutting room floor—$76 billion for national defense will be left on the Republican cutting room floor.

I could take up the entire day talking about why this short-term CR is a dereliction of our sworn duty, a failure for the American people, a temporary solution that promises to run headlong into even more difficult problems.

But I will end by saying that Vice Chairman SHELBY, Chair DELAURO, and I are close to an agreement. The American people sent us here to do our jobs, not kick the can down the road, not make statements on the floor, but to do our work.

So for these reasons, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Indiana.

Mr. BRAUN. It is going to be real easy, real short.

In November, the House of Representatives was returned back to Republicans. It was in a much wider kind of popular margin when you add up the votes that we won across the country through the House of Representatives, slimmer in terms of the number of seats we picked up, but we got it back.

Why would Republicans go along with a huge spending bill like this one? It has happened every year since I have been here—no budgeting, no appropriations that even an appropriator like myself can look at because it is done behind closed doors.

And all we have got to do is get this into the next Congress.

Congress funds the government through CRs all the time for the wrong reason—because they don't do the homework; they don't do the regular order. It kicks the can down the road consistently—standard operating procedure.

It is a slap in the face to those voters to let the outgoing House majority set the agenda for the next 10 months.

We shouldn't fund the government with huge omnibus bills in the first place, and we shouldn't give PELOSI—current Speaker PELOSI—a going-away present when she has been part of the process for all these years. We should actually do a budget like it is supposed to be done, and we should not do this as we are heading into a new Congress.

I yield back to the Senator from Utah.

Mr. LEE. Mr. President, I yield to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. JOHNSON. Mr. President, you will notice that the senior Senator from Vermont didn't talk about overall spending numbers.

I would ask the President—I would ask anybody listening to these floor speeches today: Do you know how much the Federal Government spent last year?

I have been asking that question of my colleagues. I have been asking that question of journalists here in Washington, DC, people who report on the dealings on the floor, and the vast majority cannot answer that question.

So the question you all ought to be asking yourself is, Why can't you answer that question?

It is not your fault. The reason nobody knows how much the Federal Government spent in total last year—virtually no one knows it—is that we never talk about it. We are the largest financial entity in the world, and we never talk about how much we spend in total. We talk about little bits and pieces. We talk about $6 billion here, $76 billion there—no doubt, necessary funding for top priorities. But we don't spend the time talking about how we are mortgaging our children's future.

I have got a couple of charts that I would like to display.

This first chart shows over 20 years of spending history, going back to the year 2002, when the Federal Government spent, in total, a little more than $2 trillion.

If we would have just increased spending from that point by population growth and the rate of inflation, last year we would have spent a little under $3.8 trillion.

If you go to the year 2008, when we spent just under $3 trillion, and once again just grew spending by population and inflation, last year we would have spent $4.4 trillion.

If you go back to 2016, when we were spending $3.8 trillion—under $4 trillion—and grew that by just the rate of growth and the population rate of inflation, last year we would have spent about $4.8 trillion.

Instead, last year, we spent $6.3 trillion.

Now, I realize—and you can see on this chart—that, the last 3 years, spending was heavily impacted by COVID relief, close to $6 trillion worth.

But in 2019, before the COVID pandemic, we spent about $4.4 trillion.

I have another chart I would like to put up here that puts this all in perspective.

This breaks down spending between discretionary and mandatory plus interest, and then you have total outlays.

Again, if you look at 2019, total outlay is $4.4 trillion. So because of COVID, the next year we spent an additional $2.1 trillion—$6.5 trillion. In 2021, $6.8 trillion; last year, $6.3 trillion.

Now, I heard President Biden say the pandemic is over. I think most of us have gotten back to our normal lives. That is a good thing. Why haven't we gone back to a normal spending level?

I don't know exactly what the total spending will be for fiscal year 2023. I do know that we are 2½ months into the fiscal year. We have not brought up one appropriations bill on the floor of the Senate for debate, for amendments—not one. We are operating on a continuing resolution.

I hear all the time that these continuing resolutions are such a terrible way to do business. I agree. It shows the dysfunction—the complete dysfunction—which is leading to these out-of-control spending numbers.

You would think, now that the pandemic is over, that we would return to a more normal level of spending.

Had we just grown the 2019 level by, again, the rate of population growth, the rate of inflation, we would be spending about $4.8 trillion this year, but it appears—again, we don't know; there are a couple of people negotiating this; the rest of us are completely outside of the process—that we are going to have some massive omnibus spending bill dropped on our desks, and we expect to vote on it in a day or two, or maybe just hours. But it is going to be somewhere around $6 trillion.

Have we literally just increased the baseline since the beginning of the pandemic by $1.6 trillion? That is a 36-percent increase.

I will just put this in perspective. Again, had we grown this just by inflation and population growth—that would be a reasonable way to put some kind of constraints on what we are spending—that would be $4.8 trillion.

Last year, the Federal Government raised in revenue $4.9 trillion.

Again, I can't predict what revenue is going to be in 2023, but based on 2022 revenue, if we are only talking about $4.8 trillion, we would actually have a surplus as opposed to a massive deficit almost guaranteed to be more than $1 trillion.

My final point is this. And I know Senator SCOTT also is in the business world, and a number of Senators have been. If we were looking at this as, let's say, a division that had a problem, that had to spend a lot more money—a fire, some kind of real issue with the business where they had to drag increased spending over the last 2 or 3 years—but that spending issue had been resolved, and that division came to us having spent $4.4 million in 2019 and now that the problem has been resolved, now they want to spend $6 million, I can guarantee you we would be looking for a lot more detail. We would be spending a lot more time in terms of why in the world would we be increasing our base budget by 36 percent now that the danger or the problem has passed.

So in the business world, in the private sector, where I and Senator SCOTT came from, we would be spending a lot of time analyzing this. But here, in Washington, DC, the world's capital of dysfunction—of monetary and budgetary dysfunction—we don't even know what we are spending, and we are not even supposed to know because the powers that be are negotiating some massive omnibus bill, and they are going to jam us up against the Christmas holidays and ask for an up-or-down vote. That is outrageous.

This process—this horribly broken, dysfunctional process—must end, which is why I completely agree with Senator LEE's amendment.

Let's pass a continuing resolution. As much as I hate them, as much as that signals dysfunction, it will allow us the time to actually take a look at, debate, and question: Why in the world are we talking about $6 trillion of spending when, at most, looking back to 2019, growing that by inflation and population growth, we ought to be talking somewhere in the neighborhood of 4.8, certainly under $5 trillion, and maybe looking at the prospect for the first time in many, many years of balancing a budget?

That is the attitude we ought to be taking. That is the debate we need to have. We need to have time for that debate, which is why I support Senator LEE's amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. SCOTT of Florida. Mr. President, let me begin with a simple question: When are we going to say enough?

The American people are saying it. Heck, even traditionally liberal, mainstream news outlets are getting there.

But here in Congress, it is nothing but business as usual. We just keep letting it pile up month after month, year after year. Now it is burying our country.

The ''it'' should be obvious. I am talking about America's massive Federal debt, now more than $31 trillion. It has grown by nearly $5 trillion since President Biden took office, and it was growing like a weed before that too.

We should all be disgusted with the reckless spending in Washington that has caused this massive debt.

Just look at what it is doing to our country. Historic inflation is raging across America, hurting families and businesses, and pushing the American Dream out of reach, as prices skyrocket and interest rates follow closely behind.

Reckless spending approved by this Chamber and our colleagues in the House has caused this.

I have been in the Senate for almost 4 years. In this time, I have talked a lot about my childhood. Maybe you have heard my story of someone who was born to a single mom, grew up poor, and lived in public housing.

It is a hard place to start your life, and, today, folks in the same situation are struggling more than ever to get by and make ends meet as they deal with sky-high inflation. In most places across the world, people who grow up like me have no hope of being anything but what they were born into—for me, that was poor and watching my mom struggle every day to get by. That is untrue in America.

This is the greatest Nation on Earth because a kid who grows up watching their parents struggle and living in public housing can work hard and be anything.

But that promise isn't guaranteed. We have to protect that by being responsible with taxpayer money and not allowing inflation and debt to ruin us.

Throughout my life, I have run businesses big and small, from a couple of hundred employees to hundreds of thousands of employees. Here is one thing that doesn't change no matter how big you get: If you don't live within your means, you fail. Same goes for any family. No family or business in any of our States gets to burn through money with no consequences. The only place that has become acceptable is here in Washington. Why? Because Congress stopped doing what it got elected to do.

As I said, I have been in Washington for about 4 years now. One thing I have learned is that in Washington, compromise means everyone gets everything so nobody has to make a tough choice. The result is gross fiscal mismanagement and unsustainable debt. Instead of standing up to this broken status quo in Congress—something I think most of us ran on—too many people get elected, come to Washington, and become a rubber stamp for more spending.

So here we are again, just days away from a government funding deadline. Some of our colleagues are again pushing a massive omnibus—what we are calling the Pelosi-Schumer spending bill—which keeps this inflation-bomb deficit spending going.

I asked earlier: When are we going to say ''enough?'' Will it be when the deficit hits $35 trillion, $45 trillion, $50 trillion? Can you imagine $50 trillion worth of debt? No. The answer has to be now. We say enough is enough today. And we should start by saying no to a massive omnibus spending bill and approving a simple continuing resolution being offered by my good friend Senator LEE of Utah.

Doing this allows the new Congress to put together a real budget that is balanced, which is what we should be doing anyway.

I don't like continuing resolutions any more than I think anyone here does. Since my first day in the Senate, I have been vocal about needing to pass a budget—a full budget—that is balanced and gets America's finances in order. But that is not going to happen in the next 3 days or before the next Congress begins, for that matter.

So the thought of passing a Pelosi-Schumer spending bill now, just weeks before a new Republican majority takes power in the House, is insane. It is as bad an idea as I have heard of up here.

It also goes against decades of precedent. As Senator LEE has said, since 1954, control of the House has changed five times, and there has never been an instance of Congress passing an omnibus spending bill before a new House majority takes power.

Given that America is now in more debt than ever before and inflation is the highest it has been in 40 years, why should we choose now to break precedent and green-light more reckless spending?

And let's not forget what Democrats wish to do with the hard-earned tax dollars of American families. The last time Democrats passed a spending bill, they approved $80 billion so that the IRS can hire 87,000 new agents to target working families and small businesses. Worse still, Democrats are now

forcing every American to report any transaction of $600 or more to the IRS, giving the Federal Government unprecedented access into the personal finances of American families. We can expect more of the same from them now.

Maya Angelou was right when she said:

When someone shows you who they are, believe them the first time.

Now, we just heard what our Democrat colleagues are saying in objecting to this commonsense solution to avoid a government shutdown. They are saying that our proposal will cut services. Passing the CR into next year will not result in any cuts to funding or services; it will simply continue government operations just as they are today.

Here is the deal. For too long, the failed and ridiculous thinking in Washington has been that budgets don't matter and inflation doesn't matter because voters will never tie wasteful spending to inflation. The only way to get some things done is to shove them into a giant spending bill negotiated in secret and pass it before anyone has any time to read it. That is wrong, and the American public is disgusted with this. It is not how any family or business operates.

In the real world, you make plans, you meet deadlines, you make choices and live within your means, because failing to do so means failing to survive and prosper.

Congress shouldn't be treated any differently. Congress has been broken and unaccountable for too long.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, in closing this discussion, I just want to respond to a couple of points made by my friend and colleague, the distinguished Senator from Vermont.

Senator LEAHY is someone I have really enjoyed working with throughout my 12 years in the Senate, and I will miss him when he is gone.

I respectfully but very strongly disagree with his decision to object to this commonsense approach toward avoiding a government shutdown, and I want to make clear just a few things.

No. 1, this continuing resolution is not preclusive of anything else he may want to do. It doesn't preclude anyone from still working to pass an omnibus. It, rather, provides a safety net so that Congress doesn't produce a government shutdown and, just as importantly, so that Members don't feel coerced into this dual threat of having to navigate between the Scylla of a threatened shutdown and the Charybdis of people having to cancel their holiday plans with their families. That is what we are trying to avoid. So it is a false choice to say that this doesn't allow for anything else. That is just not true.

Now, I disagree with him about his desire to pass an omnibus because that omnibus doesn't yet exist. There still isn't an agreement on it. The bill has yet to exist and has yet to see the light of day, not only to the public but to all but four Members of the United States Congress. That is what I object to.

But make no mistake: What we are proposing today, what we are reasonably suggesting today, would not preclude a subsequent omnibus; it would just take away the shutdown threat—which is exactly my point, which is exactly my concern. When we do this sort of thing—without speaking to anyone's subjective motives; I can't read other people's minds, but I do know that this pattern has been used before. It is a tried-and-true process by which people convince their colleagues to vote for things they would never otherwise vote for because, typically, we don't like to vote on things that we haven't seen and spend trillions of dollars.

My colleague from Vermont also refers to the fact that he has had lengthy conversations with a number of colleagues coming to him with their concerns. That is great. I appreciate that. That is a very appropriate thing for any Senator to do, particularly the chairman of the Appropriations Committee. As great as that is, that isn't legislating. That doesn't substitute for actual floor debate, and it sure as heck doesn't substitute for transparency and accountability, allowing the American people to see what they are going to be spending their money on.

We are going to get, in a matter of days, probably in about a week—usually, they don't give us more time than that—a bill. It will be 2,000 or 3,000 pages long, and it will spend probably 1.6 or $1.7 trillion.

And the American people understand that 2,000 or 3,000 pages of appropriations legislative text does not read like a fast-paced novel. Nobody is going to have a chance to review this, and that is the problem. So the fact that he is meeting with individual Members, hearing their concerns, and talking about possible tradeoffs—that is great, but it doesn't provide what the American people need.

Next, he appeals to the sense of the good things that will be in the bill, talking about the need to fund efforts to combat opioid abuse and addiction and the need to fund law enforcement—great things, great things—but we haven't seen the legislative text, and the fact that there may be good things in the bill funding good causes that would benefit good, deserving beneficiaries doesn't mean that the bill as a whole makes any sense.

He also says, with some defiance and indignation, that he is not going to settle for another short-term CR, that short-term CRs are a bad way of doing things, and he is not OK with a short-term CR.

It is a good point. I am not either. I don't like them. It is a default.

But we have been on a short-term CR since September 30. That is 2½ months. So I don't comprehend exactly where he would draw the line between a short-term CR that is acceptable and one that isn't. So 2½ months is just fine but a few more weeks isn't?

I suspect it is going to be fine when somebody comes to the floor and asks for a 1-week, short-term CR—a 1-week, short-term spending bill.

That is wrong. Why? Because it moves the threat of a shutdown that much closer to Christmas when Members most want to get out of town and when the American people and those they elect to represent them here are most concerned about a shutdown.

That is coercive. That isn't trying to avoid a shutdown. No. That is playing with fire. That is presenting as a feature, not a bug, the risk of a shutdown. It is wrong, and it has to stop.

Look, the objective today—I hope he will reconsider. This isn't right. We know it isn't right. Those who elected us, whether we are Republicans or Democrats deserve better. They don't deserve this.

The PRESIDING OFFICER. (Mr. PETERS). The Senator from Nevada.

IMMIGRATION REFORM

Ms. ROSEN. Mr. President, I rise today to express my strong and continued support for Dreamers, TPS recipients, and immigrant communities in Nevada and across our Nation.

It has been decades since Congress has passed real immigration reform, and almost a decade since we have made a real attempt at taking action to provide a permanent solution for those communities and allow families—allow families to stay together. As a result, our broken immigration system has been left with a patchwork of policies that are outdated and inefficient. This is why Congress needs to take action now on comprehensive immigration reform, so we can, once and for all, fix this severely broken system.

It shouldn't be a partisan issue. We are talking about families who deserve peace of mind about their future. They shouldn't be subjected to the uncertainty they currently face every single day.

Unfortunately, some of my colleagues on the other side of the aisle refuse to come to the table to work with us on comprehensive immigration reform. They would rather leave Dreamers in limbo and have this issue for their own political gain than work toward solutions.

But a number of reasonable Republicans have said in the past that they do support a legislative fix to protect our Dreamers and their futures. So let's start there and work together to provide an immediate, permanent legislative solution for DACA recipients right now—right now—while at the same time, we keep working for more comprehensive immigration reform.

In the 10 years since the DACA program first went into effect, it has protected nearly 600,000 Dreamers and allowed them to make a home and build a life and a future here in our country. In my State of Nevada alone, thousands of individuals and families rely on DACA to live, work, and raise a

family, free from fear in a country—the only country they have ever known or ever called home.

DACA has provided vital protections and opportunities for Dreamers, ensuring that they can attend college, fully contribute to our economy, serve in our military, and really make a difference in our communities.

Because of DACA, thousands of people have been given access to the American dream. And yet yearslong threats to end this policy have left nearly 600,000 DACA recipients in limbo, facing uncertainty and awaiting court decision after court decision that can jeopardize their future and threaten the lives that they have built here.

So we cannot wait any longer to take action. That is why I am calling on my colleagues to work to pass a permanent legislative solution this year—this year—for Dreamers, one that gives them permanent protections and a pathway to citizenship, while we continue working on comprehensive immigration reform.

So let's put a stand-alone proposal to provide a permanent legislative fix for DACA recipients. Let's put that proposal right here on the Senate floor and take a vote immediately to solve this issue.

We must also continue to keep fighting. We have to keep fighting to ensure we take a comprehensive approach to reforming our immigration system and finally giving these families the peace of mind they so richly deserve.

Families across our country deserve certainty in their futures, and the Senate must feel the same sense of urgency that they feel every single day. We can't keep them waiting any longer.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT—S.J. RES. 56

Mr. SANDERS. Mr. President, I ask that the previous order with respect to the motion to discharge be vitiated.

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

Mr. SANDERS. Mr. President, I further ask that I be allowed to speak for up to 30 minutes, Senator RISCH for up to 5 minutes, and Senator MENENDEZ for up to 10 minutes.

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

YEMEN

Mr. SANDERS. Mr. President, this is an issue that I and a number of us Democrats and Republicans, progressives and conservatives, have been working on for a number of years.

I was disappointed that the Biden administration has announced its opposition to the resolution I am bringing forth, but we have been in communication with the administration all day, and just a few minutes ago, we have received a commitment from them that they will work with us to end the war in Yemen and bring peace to that very troubled region.

I don't know if the administration and those of us who want to go forward will end up being in agreement. If not, I assure the Members that we will be back with a resolution in the very near future, as soon as we can, because this is an issue that I and many of us feel passionately about.

To the Members, I am not going to ask for a vote tonight, but I do want to express my concerns, deep concerns, about what is going on in that region.

In 2014, with the active support of the U.S. military, Saudi Arabia, the UAE and a coalition of other countries intervened in the civil war in Yemen. The result of that intervention was the creation of the worst humanitarian crisis on the planet, and it really is almost hard to imagine what is going on in that impoverished country.

Since the war began in 2015, over 377,000 people have been killed, including at least 130,000 people who have died from indirect causes like food insecurity and lack of healthcare as a direct result of the Saudi blockade of Yemen and the humanitarian obstruction by warring parties.

Today, nearly 25 million Yemenis are in need of humanitarian assistance, 5 million are at risk of famine, and over a million are affected by cholera. According to UNICEF, by the end of this calendar year, nearly 18 million people, including over 9 million children, will lack access to safe water, sanitation, and hygiene services in Yemen, leading to regular outbreaks of preventable diseases like cholera, measles, and diphtheria.

The 8-year war in Yemen has internally displaced over 4 million people, making Yemen home to one of the largest internal displacement crises in the world, with women and children bearing the brunt of that burden.

According to the United Nations Population Fund, nearly 77 percent—or 3 million—of those displaced in Yemen are women and children. Every 2 hours, a Yemeni woman dies during childbirth, an almost entirely preventable crisis. Furthermore, in Yemen today, more than a million pregnant and breastfeeding women are acutely malnourished, a number we may see double with rising food insecurity.

According to the international relief organization Oxfam, the threat of famine is very serious. Despite ongoing humanitarian assistance, over 17 million people in Yemen remain food insecure, a number set to rise to 19 million by the end of this year. In Yemen today, over a million pregnant or breastfeeding women and over 2 million children under 5 require treatment for acute malnutrition—acute malnutrition.

And if you think the suffering in that country cannot get any worse, unfortunately, you would be dead wrong. The United Nations reports that, if the conflict doesn't stop, the war in Yemen could lead to the deaths of 1.3 million people by the year 2030.

And let us be crystal clear: The initiators of this terrible war in Yemen were Saudi Arabia, one of the very most dangerous countries on the face of this Earth. Saudi Arabia is a dictatorship that is doing everything that it can to crush democracy in its own country. It is a brutal regime that treats women as third-class citizens and tortures civilians. It is one of the worst human rights violators in the world.

Saudi Arabia's Crown Prince, as I think many of us are familiar with, Muhammad bin Salman, ordered the murder of Jamal Khashoggi, a Washington Post columnist and American resident, with a bone saw in 2018. And there is little doubt about that.

In a blatant attempt to jack up gas prices in the United States and harm our economy, Saudi Arabia agreed to partner with Vladimir Putin in the murderous war against the people of Ukraine.

At a time when children in Yemen are facing mass starvation, when that impoverished country's healthcare system is collapsing, Saudi Crown Prince Muhammad bin Salman bought himself a $500 million yacht, a $300 million French chateau, and a $450 million Leonardo da Vinci painting. And he can afford to do this because their family is worth some $1.4 trillion, one of the wealthiest, if not the wealthiest, families in the entire world.

According to Freedom House, a respected human rights organization:

> Saudi Arabia's absolute monarchy restricts almost all political rights and civil liberties. No officials at the national level are elected. The regime relies on pervasive surveillance, the criminalization of dissent, appeals to sectarianism and ethnicity, and public spending supported by oil revenues to maintain power. Women and religious minorities face extensive discrimination in law and in practice.

According to Human Rights Watch, under the government headed by Crown Prince Muhammad bin Salman, ''Saudi Arabia has experienced the worst period of repression in its modern history.'' Human Rights Watch has reported that ''accounts have emerged of alleged torture of high-profile political detainees in Saudi prisons,'' including Saudi women's rights activists and others. The alleged torture included electric shocks, beatings, whippings, and sexual harassment.

Enough is enough. We must fundamentally reassess our relationship with the murderous regime of Saudi Arabia. We can and we must begin to do that by ending our support for the Saudi-led war in Yemen, and that is why I have introduced a resolution that requires the United States to withdraw its forces from and involvement in the Saudi-led war in Yemen, which has not been authorized by the U.S. Congress.

This obviously is not a radical idea. In 2019, the Senate passed a similar resolution by a vote of 54 to 46. Every Democrat who was present voted for it, along with seven Republicans. The House of Representatives passed that same resolution by a vote of 247 to 175. Every Democrat in the House who was present voted for it, along with 16 Republicans. Sadly, then-President Trump vetoed it, and it did not become law.

It is long past time that we take a very hard look at our relationship with Saudi Arabia, a country whose government represents the very opposite of what we profess to believe in. Last year, President Biden and his administration did the right thing when it announced it would end U.S. support for offensive military operations led by Saudi Arabia in Yemen and named a special envoy to help bring this conflict to an end.

The good news is that, as a result of these efforts—I think as a result of the resolution passed in the House and the Senate—the Saudis have paused their deadly airstrikes in Yemen, and, in April, the United Nations brokered a truce between the warring factions.

The bad news is that this truce expired over 2 months ago, and there is now evidence that violence in Yemen is beginning to escalate.

Now, I understand that the administration is opposed to this resolution, and let me briefly respond to some of their concerns. First, the administration claims that this resolution is unnecessary because Saudi Arabia has paused its bombing campaign in Yemen. Well, Mr. President, that may be true, but—let's be clear—there is no guarantee that Saudi Arabia will not start bombing Yemen tomorrow, relying on U.S. military support and U.S.-manufactured weapons to carry out those airstrikes, which in the past have done incalculable harm to the people of Yemen. In fact, a previously announced end to U.S. offensive support did not prevent devastating and indiscriminate Saudi airstrikes in Yemen, which occurred as late as March 2022.

Passing this legislation would allow Congress to play a constructive role in the negotiation of an extension of the truce and a long-term and lasting peace. The resolution that we are debating today—we are discussing right now—will help ensure that Saudi airstrikes do not resume.

Further, while it is true that the Saudi blockade is not as severe as it has been in the past, vital commodities like fuel and medicine are still in short supply; and Saudi Arabia, to this day, still has imposed restrictions on nearly all commercial imports into Yemen, including fuel. And Saudi Arabia still has control over Yemeni airspace, which has prevented thousands of patients with medical emergencies from leaving the capital of Sana'a, according to the Quincy Institute.

This legislation that I have brought forward simply codifies what President Biden has already pledged to do by ending U.S. military assistance to the Saudi-led coalition's war in Yemen. Specifically, this resolution would achieve three important goals:

First, it would end U.S. intelligence sharing for the purpose of enabling offensive, Saudi-led coalition strikes inside Yemen.

Second, it would end U.S. logistical support for offensive, Saudi-led coalition strikes, including the provision of maintenance and spare parts to coalition members flying warplanes.

Finally, it would prohibit U.S. military personnel from being assigned to command, coordinate, participate in the movement of or accompany Saudi-led coalition forces engaged in hostilities without specific statutory authorization from the Congress.

Let us be clear. This is a narrowly targeted resolution that only affects Saudi Arabia's offensive operations in Yemen. This resolution would still allow for U.S. military support to be used to protect the territorial integrity of Saudi Arabia. In other words, nothing in this legislation prevents the United States from helping Saudi Arabia defend itself against attacks originating from Yemen. Further, this resolution would not affect America's support for Ukraine's self-defense, as some opponents of this legislation have claimed.

That is why I am proud to be joined on this resolution by some of the staunchest defenders of Ukrainian sovereignty and U.S. national security interests, who, like me, are outraged by Saudi Arabia's collaboration with Russia and open support of illegal wars of aggression. They include Senator DURBIN, Senator BLUMENTHAL, Senator PETERS, Senator WARREN, Senator MARKEY, and a number of others who support this resolution.

Passing this War Powers Resolution will send a very powerful message to Saudi Arabia that the war in Yemen must finally come to an end. There must be a peaceful resolution to this horrific conflict. Passing this resolution will also send a message to Saudi Arabia that its partnership with Russia, with respect to the war in Ukraine, is unacceptable.

In October, after Saudi Arabia agreed to cut oil production, the Biden administration recognized the need to work with Congress to reexamine the relationship between Saudi Arabia and the United States. President Biden said he wanted action from Congress. This resolution is a narrowly tailored response that will help achieve that objective.

In October, the chairman of the Senate Foreign Relations Committee, Senator MENENDEZ, said:

> The United States must immediately freeze all aspects of our cooperation with Saudi Arabia, including any arms sales and security cooperation beyond what is absolutely necessary to defend U.S. personnel and interests.

He continued:

> As Chairman of the Senate Foreign Relations Committee, I will not green-light any cooperation with Riyadh until the Kingdom reassesses its position with respect to the war in Ukraine. Enough is enough.

I agree with that, and this resolution is our opportunity to send a powerful message to Saudi Arabia that Congress is, in fact, reexamining our relationship with that country; it is an attempt to defend the Constitution of the United States, which gives the power of making war to Congress, not to the President; and it is an effort to end our complicity in this horrendously bloody and horrible conflict.

Congress has a narrow window now to do something important. Enacting the War Powers Resolution will send a powerful message to the Saudis and to the Houthis that the United States will not be a party to this war and that the warring factions must find a sustainable peace solution.

The vote on this resolution is very important. And let me repeat: We, just a few minutes before I got to the floor, received word from the administration that they wanted to work with us in crafting language that would be mutually acceptable, and we are going to give them that opportunity. Whether we succeed or not, I don't know. And let me repeat: If we do not succeed, I will be back with many of my colleagues to bring forth this resolution, something that is very important.

What this resolution, finally, is about is that it says that the people of Yemen need more humanitarian assistance, not more bombs. It is a vote that says that the Senate believes in the Constitution of our country, which makes it clear that the Congress, not the President, determines whether and when the United States goes to war. It is a vote that tells Saudi Arabia that we will not continue to give it a blank check with respect to war and foreign intervention. And it is a vote that says: No, we will not stand with Saudi Arabia while it is actively supporting Vladimir Putin's horrific war of aggression against the people of Ukraine.

So, once again, where we are at is, I am not going to ask for a vote tonight. I look forward to working with the administration, which was opposed to this resolution, to see if we can come up with something that is strong, that is effective. And if we do not, I will be back.

With that, I yield the floor.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

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

TRIBUTE TO ROB PORTMAN

Mr. BROWN. Madam President, I wanted to just say a few words—not a formal speech—about my junior partner, the junior Senator from Ohio. He is only the junior Senator not in intellect or actions but only in seniority,

which is the way it works here. I know I am talking when the Presiding Officer has such a record of bipartisanship and working with others in the Senate—the junior Senator from New Hampshire and the work she has done. And I just wanted to talk for a moment about ROBPORTMAN.

I was at the last speech he gave, his retirement speech, last week. I wanted to just say a few words about his work. He and I, on the big issues, no surprise—Senator PORTMAN, from Cincinnati; I live in northern Ohio—have looked at the world differently on big trade issues, on tax issues. I mean, he was for the Trump tax cut that gave big tax breaks to corporations and, I think, squeezed middle-class and low-income taxpayers. But on the big issues, we, in a sense, canceled each other's vote out, and we talk about that sometimes. But on a lot of Ohio-specific things, we are able to work together on really, really important problem-solving kinds of issues. And a few of them come to mind, like ''level the playing field''—the first issue—and then ''level the playing field'' 2.0,'' which will help the United States enforce its trade laws.

While ROB was for NAFTA and I was against it—or for PNTR with China, and I was against it—we did come together in making sure our trade laws are enforced, which helped Ohio businesses and Ohio manufacturing. That is one example.

Another example is what we were able to do in the infrastructure bill. He was a leader on writing the infrastructure bill, always thinking about how important it was—the Brent Spence Bridge in Cincinnati and the Western Hills Viaduct on the western side of Cincinnati, but also what we did on the 71–70 interchange in Columbus, what we were able to do on small township roads around small counties in rural Ohio, what we were able to do in Appalachia, what we were able to do in major transportation projects.

Another example, ROB PORTMAN cared a lot about the environment. He loves canoeing. We worked on issues that matter on the Ohio River and especially issues that matter on Lake Erie. One of my favorite statistics is that Lake Erie, the smallest of the Great Lakes in area, the most shallow, only 30-feet deep, and around Toledo, 90-feet deep, around my wife's home county of Ashtabula. Lake Erie is 2 percent of all the water in the Great Lakes but has 50 percent of the fish, and Lake Superior, the largest lake, has 50 percent of the water and 2 percent of the fish. We know how important Lake Erie is to fishing. We know how important Lake Erie is to our water supply. And we know how important Lake Erie is just as one of the beautiful parts of the Great Lakes that matter to all of us.

So when I think about ROB, I regret he is leaving. I look forward to working with Senator Vance. I am hopeful that we can be as cooperative and effective as ROB and I have been on issues that are Ohio-specific, and we will continue to search out those issues.

Another one was NASA Glenn in Cleveland. We have one of the 10 NASA facilities in the country. NASA Glenn is particularly important, with the Armstrong Center in Sandusky, to the State's economy, and to our space program. That is in my part of the State. ROB has been helpful there. I have been helpful in his part of the State with Wright-Patterson Air Force Base, one of the key facilities for our U.S. Air Force.

So on issue after issue, many of them, ROB and I have each cosponsored dozens of bills that have become law—some 35, I believe, with each other, that have become law, and dozens more with other Senators in both parties, including Senator HASSAN from New Hampshire, who has been one of the real leaders on doing bipartisan work.

So those kinds of issues don't get the attention of the media, and I don't blame them. They would rather cover when ROB and I disagree than when we agree. But my job, as Senator PORTMAN's job, has always been to look for opportunities to do things together. We found dozens of those opportunities in our 12 years together.

I came in 2006, and he came in 2010. He is retiring at the end of 2022. We had 12 years together, and we were able to accomplish a lot of things for the State. I will miss him. I will miss his leadership. I will miss his reasonableness. And we will continue, I hope, once he retires, in working on other things that are State-specific for my State.

I thank the Presiding Officer for allowing me to speak for a couple of minutes about my friend ROB Portman.

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

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

The majority leader.

## LEGISLATIVE SESSION

### MORNING BUSINESS

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to legislative session and be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

## TRIBUTE TO THAO GRIFFITHS

Mr. LEAHY. Madam President, I have spent more than 30 years working to build closer relations with Vietnam, a country where 58,220 Americans and an estimated 3 million Vietnamese died in a war that never should have been fought. In 1975, as the newest member of the Armed Services Committee, I voted to end funding for the war, a vote that caused the largest newspaper in Vermont to predict that I would never be reelected. The citizens of Vermont reelected me seven times, and that vote is among the ones I am proudest of.

The war was a disaster for both countries, and for 20 years after the war ended, the U.S. maintained a trade embargo against Vietnam which only formally ended in 1994, shortly before diplomatic relations were restored in 1995. That historic step toward reconciliation was due in large part to the advocacy of two American veterans, Senators John Kerry and John McCain, and the involvement of key Vietnamese diplomats such as Prime Minister Phan Van Khai, Deputy Prime Minister Nguyen Co Thach, and Nguyen Manh Cam.

Since the late 1980s, the Congress has approved funding for a number of humanitarian programs in Vietnam to address the harmful legacies of the war. We have provided many hundreds of millions of dollars to locate and destroy landmines and other unexploded ordnance, to assist people with severe physical and cognitive disabilities resulting from UXO accidents and exposure to Agent Orange, to clean up former U.S. air bases contaminated with dioxin, and to help Vietnam locate and identify some of its hundreds of thousands of missing soldiers and civilians. Each of these initiatives has been carried out in close cooperation with the Government of Vietnam, including its Ministry of Defense. Next year, we will embark on a unique project to create new exhibits at Vietnam's War Remnants Museum, to tell the story of this postwar cooperation.

These efforts have succeeded due to the vision and support of many people, including Bobby Muller who founded Vietnam Veterans of America Foundation—VVAF—and led the first group of American veterans back to Vietnam in 1981, President George H. W. Bush, and Sr. Lt. General Nguyen Chi Vinh. And they have opened the door to U.S.-Vietnam cooperation in many other areas, including higher education, public health, climate change, and regional security.

I mention this for context and to highlight the key role played by one person who has remained out of the limelight. Thao Griffiths, a Vietnamese woman originally from the small rural community of Ha Giang in the isolated, ethnic minority region of Vietnam bordering China, deserves special recognition.

Thao, a gifted student, was sent to school in Hanoi, graduated from the Diplomatic Academy of Vietnam, became a Fulbright Scholar and received her master's degree at American University in Washington, was awarded an

Eisenhower Fellowship, and for 9 years served as the first Vietnamese citizen and the first woman to direct VVAF's programs in Vietnam. I was introduced to Thao by Bobby Muller 17 years ago, and since then, she has become a trusted source of invaluable advice for me and my staff. Even more than that, she is a friend to me and to my wife Marcelle, who once had the exhilarating experience of riding around the city of Hanoi on the back of Thao's motor scooter. Anyone familiar with Hanoi traffic knows what that means.

It would not be an exaggeration to say that none of the war legacy initiatives that have played such a central role in building a comprehensive partnership between the U.S. and Vietnam would have progressed as they have without Thao's constant encouragement and thoughtful advice. Fluent in English and a networker extraordinaire with unlimited positive energy, on a first name basis with many of Vietnam's top civilian and military leaders, academics and artists, and U.S. and foreign diplomats, Thao has helped build bridges between key players in both governments in ways that I doubt anyone else could have. For the past decade and a half, Thao has, more than anyone else, helped to smooth the way for the leaders of both governments to keep striving to deepen and expand our relations by overcoming distrust, bureaucratic obstacles, and cultural differences. Her efforts have had a profound and lasting impact on our relations, our mutual understanding, and on the lives of the Vietnamese and American people.

This work has been among the things I am proudest of having had a role in during my 48 years in the Senate. On behalf of myself and my wife Marcelle, I want to express my deepest appreciation to Thao Griffiths for her invaluable help in making it possible.

## TRIBUTE TO DEAN SEIBERT

Mr. LEAHY. Madam President, in 1986, when much of Central America was embroiled in armed conflicts in which hundreds of thousands of people, overwhelmingly civilians, were killed, a group of parishioners from the Franconia, NH, Congregational Church established Americans Caring Teaching Sharing—ACTS. They traveled to Honduras to support peace and justice through community development, beginning in the small subsistence farming village of El Rosario in the highlands of northwestern Honduras.

Since then, ACTS has become a nonprofit, nonsectarian organization involving hundreds of volunteers who have contributed thousands of hours to ACTS' mission of improving the lives of people in rural Honduras through community projects focused on basic healthcare, nutrition, sanitation, education, agriculture, and economic diversification. ACTS is governed and sustained by volunteers. Teams travel to Honduras several times a year, for a week or 2, to help move the projects forward.

Over the years, the program has expanded to include about a dozen communities surrounding El Rosario. ACTS has developed a close working relationship with the villagers, who are the visionaries for progress. The villagers set the priorities and perform much of the labor. ACTS volunteers provide the technical skills, guidance, material resources, and hands-on help. The result has been a successful example of sustainable, community development in one of the most neglected, impoverished parts of the country.

In addition to the Honduran communities in which ACTS supports projects, it has developed partnerships and associations with many U.S. and Honduran organizations, institutions of higher education, and foundations.

I mention this to provide context and to highlight the extraordinary dedication and leadership of Dean Seibert, long-time resident of Norwich, VT, and professor emeritus at the Geisel School of Medicine, who has been affiliated with ACTS for over 20 years and led the organization for most of that time. He has visited El Rosario as team leader over 30 times. This year alone Dean traveled there three times. Some might find that remarkable, since Dean celebrated his 90th birthday in August. To those who know Dean, it wasn't remarkable at all. His enthusiasm and dedication are indefatigable.

Dean has long had an interest in community development and the challenges of providing healthcare to people of different cultures and traditions. He has worked with the Tohano O'odum, Navajo, Hopi, and Pueblo tribes in the American southwest, and he provided care to flood victims in the Mosquito Coast area of Honduras after Hurricane Mitch, to war refugees in Albania, Kosovo, and Liberia, to earthquake survivors in Pakistan and Haiti, and to flood victims following the Indonesian tsunami and Hurricane Katrina in the U.S. He received the Albany Medical College Alumni Humanitarian Award and the Geisel School of Medicine John H. Lyons award for humanism in medicine.

If that weren't enough, in the past year, Dean has played a central role in creating a new nonprofit, Honduran Tolupan Education Program—Honduran TEP—devoted to building libraries and providing other basic services in half a dozen marginalized Tolupan indigenous communities in the mountainous province of Yoro. Honduran TEP is based on the recognition that literacy and access to educational resources are fundamental to enabling the Tolucan to develop their communities and defend against corrupt entities that threaten their cultural survival.

In the Congress, we talk a lot about leadership, about what it means, about its importance. We talk about how the Senate can and should be the conscience of the Nation. When I think of Dean Seibert and what he has done in his life, how he has used his medical training and experience, combined with his commitment to social justice, for the betterment of others born into extreme poverty or victims of tragic losses, I can't think of a better example of leadership and conscience.

For much of Honduras' modern history, the U.S. has propped up corrupt, abusive governments and provided their security forces with training and equipment to support poorly conceived strategies to combat drug trafficking and stop migration. The consequences for the Honduran people and Honduras' democratic institutions have been devastating. For the most part, it is not a history to be proud of.

But all Vermonters should be proud of Dean Seibert and ACTS' and Honduran TEP's volunteers for showing a different face of America to the people of Honduras—a face of generosity, compassion, opportunity, and hope.

## TRIBUTE TO CA VAN TRAN

Mr. LEAHY. Madam President, in 1988, after speaking with Bobby Muller, a Vietnam veteran who was wounded and later founded the Vietnam Veterans of America Foundation—VVAF—to help alleviate the suffering of Vietnamese and Cambodians who were badly injured in the war, I met with President George H. W. Bush and Secretary of State James Baker at the White House.

At the time, the United States and Vietnam did not have diplomatic relations. Vietnam's economy had been devastated by the war, but the U.S. had a trade embargo against the country which remained in effect for another 15 years. There were many hundreds of thousands of Vietnamese who had been severely disabled due to war injuries, with no access to rehabilitation services. President Bush and Secretary Baker and I agreed that it was in the interest of the United States to begin reconciling with Vietnam by addressing some of the worst legacies of the war and that the way to begin was to use what later became known as the ''Leahy War Victims Fund,'' administered by the U.S. Agency for International Development, to provide artificial limbs and wheelchairs to victims of landmines and other unexploded ordnance—UXO.

That initiative, beginning in Vietnam, was expanded over the years to many other countries whose people have been harmed by armed conflict, and it continues to this day. One of the implementers of the Leahy War Victims Fund in Vietnam, starting in the early 1990s, has been Vietnam Assistance for the Handicapped—VNAH—whose founder and president, Ca Van Tran, left Vietnam as a refugee in 1975 with hardly a penny to his name. Over many years, through hard work and perseverance, Ca became a successful businessman in the United States. After returning to Vietnam and seeing

the ongoing suffering of people who had no access to prostheses or wheelchairs, he founded VNAH. Since then, VNAH has carried out successful projects in multiple provinces and was instrumental in working with the Vietnamese authorities to write Vietnam's disabilities law, the first of its kind in the country.

Ca became a good friend to me and my wife Marcelle and to my staff. We have visited VNAH's projects in Vietnam, which now assist victims of Agent Orange as well as injured survivors of UXO accidents. The difference that Ca and VNAH's superb Vietnamese staff have made in the lives of the severely disabled and their families cannot be adequately described in words. People who lost one or both legs, who were crawling on the ground for years, finally received an artificial limb or wheelchair and their dignity restored. Parents, children, and siblings with cognitive and physical disabilities so severe they cannot speak, walk, sit up, feed, or clean themselves now have better care.

In recent years, Ca has had to cope with his own health challenges due to separate motor vehicle accidents both of which were due entirely to the negligence of other drivers. At one point, his own mobility was limited to a wheelchair. Yet as soon as he was physically able and Vietnam relaxed its COVID restrictions, Ca went back there to explore ways to expand VNAH's activities.

Ca has been an inspiration to me and to countless others in this country and in Vietnam. He overcame immense challenges as a refugee, and when he was financially able, he devoted his life to helping others far less fortunate. Although originally from the south, through sheer perseverance and dedication to helping others, he overcame the suspicions of the authorities in Hanoi. It is in no small measure thanks to Ca Van Tran and VNAH that the Leahy War Victims Fund became what it is today.

As I prepare to retire after 48 years in the Senate, I want other Members of Congress to know about Ca Van Tran. He is an exceptional example of the life-changing difference that one compassionate, dedicated person has made to overcome some of the painful legacies of the war in Vietnam.

## RECOGNIZING THE 90TH ANNIVERSARY OF WORLD LEARNING

Mr. LEAHY. Madam President, I rise today to celebrate the 90th anniversary of World Learning, a nonprofit organization based in Brattleboro, VT, that is dedicated to building stronger human connections through people-to-people exchanges, international education, and global development programs.

World Learning is more than Vermont's window to the world; it is its door. Its history is deeply rooted in the Green Mountains of southern Vermont. The organization is guided by our State's values of tolerance and interest in the world, living a purposeful life through serving others, and building communities by welcoming newcomers with empathy and dignity.

I am proud that World Learning's impact extends well beyond Vermont. World Learning through its School for International Training—SIT—administers more than 90 development programs in over 30 countries, teaching English to refugees, expanding STEM training opportunities, and increasing job opportunities for young adults from all backgrounds. World Learning's youth, academic, and professional exchanges bring over 2,000 emerging leaders annually to the U.S. from nearly 160 countries for degree and nondegree programs and professional development and networking opportunities. These programs build enduring ties between future leaders and their U.S. host communities and place American culture and values front and center.

In 1932, World Learning—at that time known as the Experiment in International Living—established the first program in the country to enable young Americans to study abroad and engage in intercultural communication. Through the Experiment, students first lived in the homes of families from the countries where they studied. The then-radical idea, of the ''home stay,'' as the Experiment's founder Dr. Donald Watt put it, is how people would ''learn to live together by living together.''

In the immediate aftermath of World War II, the Experiment sent young Americans across the Atlantic to Western Europe as peacemakers to assist in rebuilding war-ravaged communities across the continent. These young Americans became our Nation's first generation engaged in international community service and international volunteerism.

At the height of the Cold War, President John F. Kennedy asked young Americans to serve their country in the Peace Corps and build human connections and a greater understanding between nations and people. The Experiment was the inspiration behind the vision of international service by Kennedy and Sargent Shriver, the first Peace Corps Director. Shriver was a participant in the Experiment, traveling to Germany and Austria in 1934, and then leading other youth groups for the organization in 1936 and 1939. In 1964, another prominent innovator, Dr. John A. Wallace, founded SIT, an extension of the Experiment, and directed SIT until 1978. Jack was a good friend whose leadership at SIT built on the Experiment platform with programs that sent thousands of young learners around the world. Over time, World Learning has helped design and launch nearly 70 Peace Corps projects and train volunteers for service in more than 30 countries.

The Experiment also rose to the challenge of supporting the U.S. State Department in the largest refugee training and resettlement program in history, assisting more than 250,000 South East Asian refugees at processing centers in Thailand and Indonesia. They led skills assessments, English language instruction, and cultural orientation training. They demonstrated once again the organization's steadfast commitment to building human connections, healthy communities, and peace.

That commitment continues today, at World Learning's headquarters in the town of Brattleboro, where they welcome refugees and support their integration into communities around southern Vermont. As the first stop in Vermont for newcomers from Afghanistan, Ukraine, and elsewhere, World Learning brings together staff, faculty, alumni, and neighbors to offer language, cultural orientation, and friendship in a program that is a national model for effective refugee integration.

I have covered a lot of history in these remarks. That is to be expected when one speaks about World Learning and its many contributions over the past 90 years. This is a time when the world needs what World Learning offers and does best. Many of the challenges we face in my State of Vermont are the same challenges seen in towns and provinces in countries around the world, such as climate change, resettling refugees, combatting infectious diseases, protecting democracy, and the list goes on.

I am just one of many Vermonters who takes immense pride in World Learning's history of bringing people together to develop innovative solutions to shared challenges and to recognize our common humanity. I thank World Learning—its staff and faculty, alumni, and participants—for their achievements and important ongoing efforts.

## VOTE EXPLANATION

Mr. MERKLEY. Madam President, on December 12, 2022, I missed rollcall vote No. 387, confirmation of Tamika R. Montgomery-Reeves, of Delaware, to be United States Circuit Judge for the Third Circuit due to my attendance at an event back home in Oregon that required me to fly back on a later flight. Had I been in attendance, I would have voted yea.

An expert in corporate law during her time as a corporate litigator in private practice, Justice Montgomery-Reeves has served as a Delaware State court judge since 2015. She has blazed a trail as the first Black woman to serve on both the Delaware Supreme Court and Delaware Court of Chancery. A jurist who has earned a reputation for fairness, consideration, and consensus-building, Justice Montgomery-Reeves has participated in thousands of decisions and authored more than 300 opinions since joining the bench.

Justice Tamika R. Montgomery-Reeves is imminently qualified and will do an exemplary job for the people

of Delaware and the people of the United States on the Third Circuit Court of Appeals.

## TRIBUTE TO CHESNA FOORD

Mrs. FEINSTEIN. Madam President, I rise today to recognize and give thanks to one of the hardest working and most integral members of my team, Ms. Chesna Foord. Chesna has been my director of scheduling for 6 years and has spent nearly a decade in my offices in Washington, DC, and in San Francisco.

Every Member of this Senate knows the importance of their scheduler, and Chesna has been a 10. She is the first person I call in the morning and often the last person I check with at night. She gets me where I need to be and ensures that I am prepared when I get there, but she also has developed a sixth sense for what needs to be done and pitfalls to avoid. And I am forever grateful that she does it all with unflappable patience and good cheer. I am pleased to have her not just on my staff, but as a friend.

As a Senator, I have the pleasure of seeing young people come into public service and, in some cases, flourish in the environment. Chesna is one of those people.

She joined my San Francisco office as an intern shortly after graduating from the University of Puget Sound. After distinguishing herself there, Chesna moved across country to intern in my Washington, DC, office and was promoted to staff assistant and then to deputy scheduler.

But it has been over the past 6 years as director of scheduling that I have gotten to know Chesna and watched her grow in skill, in communication, in leadership, and into the woman I now get to see day in and day out.

She has been here with me through good times and bad and has helped me get through impeachments and Supreme Court confirmations, vote-a-ramas and insurrection. And I will be always be thankful for her help with arrangements and support when my husband passed away earlier this year.

I am sad to see Chesna leave, but I understand that the lure of the West Coast and personal ties are calling Chesna back home to California. Thankfully, Chesna will remain on the team, as a field representative in my Los Angeles office.

And so, on behalf of this grateful Senator, I thank Chesna Foord for her friendship and her forbearance, and thank her for her years of excellent and caring service.

## MESSAGES FROM THE HOUSE

At 11:17 a.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 bill, without amendment:

S. 314. An act to repeal the Klamath Tribe Judgment Fund Act.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2551. An act to designate and adjust certain lands in the State of Utah as components of the National Wilderness Preservation System, and for other purposes.

H.R. 5715. An act to reauthorize the Morris K. Udall and Stewart L. Udall Trust Fund, and for other purposes.

H.R. 5949. An act to designate the facility of the United States Postal Service located at 615 North Bush Street, in Santa Ana, California, as the ''Judge James Perez Post Office''.

H.R. 6042. An act to designate the facility of the United States Postal Service located at 213 William Hilton Parkway in Hilton Head Island, South Carolina, as the ''Caesar H. Wright Jr. Post Office Building''.

H.R. 6427. An act to amend the Red River National Wildlife Refuge Act to modify the boundary of the Red River National Wildlife Refuge, and for other purposes.

H.R. 7082. An act to designate the facility of the United States Postal Service located at 2200 North George Mason Drive in Arlington, Virginia, as the ''Jesus Antonio Collazos Post Office Building''.

H.R. 7496. An act to direct the Secretary of the Interior to install a plaque at the peak of Ram Head in the Virgin Islands National Park on St. John, United States Virgin Islands, to commemorate the slave rebellion that began on St. John in 1733.

H.R. 7514. An act to designate the facility of the United States Postal Service located at 345 South Main Street in Butler, Pennsylvania, as the ''Andrew Gomer Williams Post Office Building''.

H.R. 7519. An act to designate the facility of the United States Postal Service located at 2050 South Boulevard in Bloomfield Township, Michigan, as the ''Dr. Ezra S. Parke Post Office Building''.

H.R. 7638. An act to designate the facility of the United States Postal Service located at 6000 South Florida Avenue in Lakeland, Florida, as the ''U.S. Marine Corporal Ronald R. Payne Jr. Post Office''.

H.R. 7873. An act to designate the facility of the United States Postal Service located at 400 Southern Avenue Southeast in Washington, District of Columbia, as the ''District of Columbia Servicemembers and Veterans Post Office''.

H.R. 7952. An act to authorize the Secretary of the Interior to issue a right-of-way permit with respect to a natural gas distribution pipeline within Valley Forge National Historic Park, and for other purposes.

H.R. 7988. An act to designate the facility of the United States Postal Service located at 79125 Corporate Centre Drive in La Quinta, California, as the ''Corporal Hunter Lopez Memorial Post Office Building''.

H.R. 8026. An act to designate the facility of the United States Postal Service located at 825 West 65th Street in Minneapolis, Minnesota, as the ''Charles W. Lindberg Post Office''.

H.R. 8226. An act to designate the facility of the United States Postal Service located at 236 Concord Exchange North in South Saint Paul, Minnesota, as the ''Officer Leo Pavlak Post Office Building''.

H.R. 8622. An act to designate the facility of the United States Postal Service located at 123 South 3rd Street in King City, California, as the ''Chief Rudy Banuelos Post Office''.

H.R. 9074. An act to designate the facility of the United States Postal Service located at 333 North Sunrise Way in Palm Springs, California, as the ''Chairman Richard Milanovich Post Office''.

The message further announced that the House passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 1466. An act to authorize the Director of the United States Geological Survey to establish a regional program to assess, monitor, and benefit the hydrology of saline lakes in the Great Basin and the migratory birds and other wildlife dependent on those habitats, and for other purposes.

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At 3:09 p.m., a message from the House of Representatives, delivered by Mrs. Alli, one of its reading clerks, announced that the House agreed to the amendment of the Senate to the bill (H.R. 7535) to encourage the migration of Federal Government information technology systems to quantum-resistant cryptography, and for other purposes.

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At 4:26 p.m., a message from the House of Representatives, delivered by Mrs. Alli, one of its reading clerks, announced that the House agreed to the amendment of the Senate to the bill (H.R. 7776) to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes, with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 121. Concurrent resolution directing the Clerk of the House of Representatives to make a correction in the enrollment of the bill H.R. 7776.

## MEASURES DISCHARGED PETITION

We, the undersigned Senators, in accordance with chapter 8 of title 5, United States Code, hereby direct that the Senate Committee on Health, Education, Labor and Pensions be discharged from further consideration of S.J. Res. 60, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to ''Final Priorities, Requirements, Definitions, and Selection Criteria-Expanding Opportunity Through Quality Charter Schools Program (CSP)-Grants to State Entities (State Entity Grants); Grants to Charter Management Organizations for the Replication and Expansion of High-Quality Charter Schools (CMO Grants); and Grants to Charter School Developers for the Opening of New Charter Schools and for the Replication and Expansion of High-Quality Charter Schools (Developer Grants)'', and, further, that the joint resolution be immediately placed upon the Legislative Calendar under General Orders.

Tim Scott, Mike Lee, Tom Cotton, Dan Sullivan, Rick Scott, John Kennedy, Kevin Cramer, Tommy Tuberville, Shelley Moore Capito, Thom Tillis, Marco Rubio, Mike Braun, Mike Rounds, Mitt Romney, John Cornyn, John Thune, Richard Burr, Ron Johnson, Mitch McConnell, Lindsey Graham, John Barrasso, Cynthia M. Lummis, James Lankford, Ted Cruz, Joni Ernst, Steve Daines, Jerry Moran, John Boozman, Todd Young, Cindy Hyde-Smith, Rob Portman, Marsha Blackburn, Bill Cassidy, Bill Hagerty.

## MEASURES DISCHARGED

The following joint resolution was discharged from the Committee on Health, Education, Labor, and Pensions, by petition, pursuant to 5 U.S.C. 802(c), and placed on the calendar:

S.J. Res. 60. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to ''Final Priorities, Requirements, Definitions, and Selection Criteria-Expanding Opportunity Through Quality Charter Schools Program (CSP)-Grants to State Entities (State Entity Grants); Grants to Charter Management Organizations for the Replication and Expansion of High-Quality Charter Schools (CMO Grants); and Grants to Charter School Developers for the Opening of New Charter Schools and for the Replication and Expansion of High-Quality Charter Schools (Developer Grants)''.

## MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 5244. A bill making continuing appropriations for fiscal year 2023, extending various health programs, and for other purposes.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PETERS, from the Committee on Homeland Security and Governmental Affairs, with an amendment:

S. 2439. A bill to amend the Homeland Security Act of 2002 to provide for the responsibility of the Cybersecurity and Infrastructure Security Agency to maintain capabilities to identify threats to industrial control systems, and for other purposes (Rept. No. 117–247).

By Mr. PETERS, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 2540. A bill to make technical corrections to title XXII of the Homeland Security Act of 2002, and for other purposes (Rept. No. 117–248).

S. 2875. A bill to amend the Homeland Security Act of 2002 to establish the Cyber Incident Review Office in the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security, and for other purposes (Rept. No. 117–249).

S. 2989. A bill to amend the Homeland Security Act of 2002 to enhance the Blue Campaign of the Department of Homeland Security, and for other purposes (Rept. No. 117–250).

By Mr. PETERS, from the Committee on Homeland Security and Governmental Affairs, with an amendment:

S. 4592. A bill to encourage the migration of Federal Government information technology systems to quantum-resistant cryptography, and for other purposes (Rept. No. 117–251).

By Mr. PETERS, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 4894. A bill to provide for the perpetuation, administration, and funding of Federal Executive Boards, and for other purposes (Rept. No. 117–252).

H.R. 473. An act to require a review of Department of Homeland Security trusted traveler programs, and for other purposes (Rept. No. 117–253).

By Mr. PETERS, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 4488. A bill to establish an interagency committee on global catastrophic risk, and for other purposes (Rept. No. 117–254).

By Mr. PETERS, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 521. A bill to require the United States Postal Service to continue selling the Multinational Species Conservation Funds Semipostal Stamp until all remaining stamps are sold, and for other purposes (Rept. No. 117–255).

## EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. BROWN for the Committee on Banking, Housing, and Urban Affairs.

*Kimberly Ann McClain, of Maryland, to be an Assistant Secretary of Housing and Urban Development.

*Travis Hill, of Maryland, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation for a term of six years.

*Travis Hill, of Maryland, to be Vice Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation.

*Jonathan McKernan, of Tennessee, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation for the remainder of the term expiring May 31, 2024.

*Martin J. Gruenberg, of Maryland, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation for a term of six years.

*Martin J. Gruenberg, of Maryland, to be Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation for a term of five years.

*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. MARKEY:

S. 5240. A bill to redesignate the Salem Maritime National Historic Site as the ''Salem Maritime National Historic Park'', and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BRAUN:

S. 5241. A bill to amend the Fair Labor Standards Act of 1938 to revise the definition of the term ''tipped employee'', and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. SHAHEEN (for herself and Ms. COLLINS):

S. 5242. A bill to prevent international violence against women, and for other purposes; to the Committee on Foreign Relations.

By Mr. COONS (for himself and Mr. RUBIO):

S. 5243. A bill to amend title 36, United States Code, to designate March 9 as U.S. Hostage and Wrongful Detainee Day and to designate the Hostage and Wrongful Detainee flag as an official symbol to recognize citizens of the United States held as hostages or wrongfully detained abroad; to the Committee on the Judiciary.

By Mr. LEE (for himself, Mr. BRAUN, Mr. SCOTT of Florida, and Mr. JOHNSON):

S. 5244. A bill making continuing appropriations for fiscal year 2023, extending various health programs, and for other purposes; read the first time.

By Mr. RUBIO:

S. 5245. A bill to protect Americans from the threat posed by certain foreign adversaries using current or potential future social media companies that those foreign adversaries control to surveil Americans, learn sensitive data about Americans, or spread influence campaigns, propaganda, and censorship; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. RUBIO:

S. 5246. A bill to establish a National Development Strategy, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BOOKER:

S. 5247. A bill to enforce the Sixth Amendment right to the assistance of effective counsel at all stages of the adversarial process, to confer jurisdiction upon the district courts of the United States to provide declaratory and injunctive relief against systemic violations of such right, and for other purposes; to the Committee on the Judiciary.

By Mr. CASEY:

S. 5248. A bill to reauthorize the training demonstration program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TUBERVILLE (for himself, Mr. MARSHALL, Mr. DAINES, Mr. LANKFORD, Mr. MORAN, Mr. CRAMER, and Mr. ROUNDS):

S.J. Res. 66. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Veterans Affairs relating to ''Reproductive Health Services''; to the Committee on Veterans' Affairs.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. Res. 869. A resolution commending and congratulating the Portland Thorns Football Club on winning the 2022 National Women's Soccer League championship; considered and agreed to.

By Mr. BLUMENTHAL (for himself, Ms. ERNST, Mrs. SHAHEEN, Ms. HIRONO, Mr. KAINE, Ms. WARREN, Mr. PETERS, Ms. DUCKWORTH, Mr. KELLY, Mr. REED, Mr. KING, and Mr. MANCHIN):

S. Res. 870. A resolution honoring the life and the legacy of Secretary Ash Carter; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 190

At the request of Mr. BLUMENTHAL, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 190, a bill to amend chapter 44 of title 18, United States Code, to require the safe storage of firearms, and for other purposes.

S. 1068

At the request of Mr. BROWN, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 1068, a bill to direct the Occupational Safety and Health Administration to issue an occupational safety and health standard to protect workers from heat-related injuries and illnesses.

S. 1106

At the request of Mr. BOOKER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1106, a bill to prohibit the sale of shark fins, and for other purposes.

S. 1848

At the request of Mrs. GILLIBRAND, the name of the Senator from Arizona (Mr. KELLY) was added as a cosponsor of S. 1848, a bill to prohibit discrimination on the basis of religion, sex (including sexual orientation and gender identity), and marital status in the administration and provision of child welfare services, to improve safety, well-being, and permanency for lesbian, gay, bisexual, transgender, and queer or questioning foster youth, and for other purposes.

S. 2513

At the request of Ms. CORTEZ MASTO, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 2513, a bill to amend title 38, United States Code, to improve the application and review process of the Department of Veterans Affairs for clothing allowance claims submitted by veterans, and for other purposes.

S. 3017

At the request of Mr. SANDERS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3017, a bill to expand the provision and availability of dental care furnished by the Department of Veterans Affairs, and for other purposes.

S. 3238

At the request of Mr. CASEY, the names of the Senator from Maine (Mr. KING) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 3238, a bill to assist employers providing employment under special certificates issued under section 14(c) of the Fair Labor Standards Act of 1938 in transforming their business and program models to models that support people with disabilities through competitive integrated employment, to phase out the use of such special certificates, and for other purposes.

S. 3417

At the request of Mr. BENNET, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 3417, a bill to prohibit discrimination against individuals with disabilities who need long-term services and supports, and for other purposes.

S. 3508

At the request of Mr. BLUMENTHAL, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3508, a bill to posthumously award a congressional gold medal to Constance Baker Motley.

S. 3797

At the request of Mr. MERKLEY, the name of the Senator from Florida (Mr. SCOTT) was added as a cosponsor of S. 3797, a bill to amend title V of the Social Security Act to support stillbirth prevention and research, and for other purposes.

S. 4389

At the request of Mr. SCOTT of South Carolina, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 4389, a bill to provide for the abolition of certain United Nations groups, and for other purposes.

S. 4441

At the request of Ms. CORTEZ MASTO, the name of the Senator from Maine (Mr. KING) was withdrawn as a cosponsor of S. 4441, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide for peer support specialists for claimants who are survivors of military sexual trauma, and for other purposes.

S. 4505

At the request of Mr. ROUNDS, the name of the Senator from Arizona (Mr. KELLY) was added as a cosponsor of S. 4505, a bill to amend title 38, United States Code, to improve the program for direct housing loans made to Native American veterans, and for other purposes.

S. 4565

At the request of Mr. BOOZMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 4565, a bill to amend title 38, United States Code, to repeal the copayment requirement for recipients of Department of Veterans Affairs payments or allowances for beneficiary travel, and for other purposes.

S. 4656

At the request of Mr. PORTMAN, his name was added as a cosponsor of S. 4656, a bill to reauthorize and amend the Homeland Security Act of 2002 to create stronger accountability mechanisms for Joint Task Forces.

S. 4787

At the request of Ms. KLOBUCHAR, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 4787, a bill to provide support for nationals of Afghanistan who supported the United States mission in Afghanistan, adequate vetting for parolees from Afghanistan, adjustment of status for certain nationals of Afghanistan, and special immigrant status for at-risk Afghan allies and relatives of certain members of the Armed Forces, and for other purposes.

S. 5135

At the request of Mr. BOOZMAN, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 5135, a bill to amend the Securities Exchange Act of 1934 to prohibit the Securities and Exchange Commission from requiring an issuer to disclose information relating to certain greenhouse gas emissions, and for other purposes.

S. 5239

At the request of Mr. COTTON, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Florida (Mr. SCOTT) were added as cosponsors of S. 5239, a bill to impose sanctions with respect to foreign telecommunications companies engaged in economic or industrial espionage against United States persons, and for other purposes.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 869—COMMENDING AND CONGRATULATING THE PORTLAND THORNS FOOTBALL CLUB ON WINNING THE 2022 NATIONAL WOMEN'S SOCCER LEAGUE CHAMPIONSHIP

Mr. WYDEN (for himself and Mr. MERKLEY) submitted the following resolution; which was considered and agreed to:

S. RES. 869

Whereas, on October 29, 2022, the Portland Thorns FC (referred to in this preamble as the ''Thorns''), a professional women's soccer team, won the 2022 National Women's Soccer League (referred to in this preamble as the ''NWSL'') championship;

Whereas the Thorns defeated the Kansas City Current by 2 to 0 in the NWSL championship, which was played in Washington, DC;

Whereas the 2022 championship is the third for the Thorns franchise, making the Thorns the first NWSL team with 3 championships;

Whereas the Thorns are the first team in NWSL history to qualify for 4 NWSL championship games;

Whereas the enthusiastic fan support of the Thorns once again placed the benchmark franchise among the NWSL leaders in attendance;

Whereas, in 2022, the Thorns scored the most team goals in the entire NWSL with 49 goals;

Whereas Rhian Wilkinson, head coach of the Thorns who was also a former player for the Thorns in 2015, led the Thorns to the championship in her first year as head coach, becoming the second woman head coach to win the NWSL championship;

Whereas Karina LeBlanc, general manager of the Thorns who was also a former player for the Thorns during the championship season of the Thorns in 2013, became the first person to win a NWSL championship as a player and general manager;

Whereas Thorns player Sophia Smith—

(1) was named NWSL 2022 Most Valuable Player (referred to in this preamble as ''MVP''), making her the youngest league MVP winner in NWSL history;

(2) was named NWSL championship MVP, becoming the first player in NWSL history to win the league MVP and championship MVP in the same season;

(3) became the youngest NWSL championship goalscorer and the highest single-season scorer in Thorns franchise history by scoring her 15th goal of the season in the championship game; and

(4) became the youngest NWSL player to score more than 10 goals in a season;

Whereas Thorns player, and former University of Portland standout, Christine Sinclair—

(1) is the first player to win 3 NWSL championships with the same club;

(2) is the most prolific player in the NWSL, charting the most playoff minutes of any player in league history with 1,022 minutes played; and

(3) is the all-time leader of the Thorns in games played and goals scored;

Whereas Thorns players Bella Bixby, Natalia Kuikka, Kelli Hubly, Sam Coffey, Rocky Rodríguez, Hina Sugita, Olivia Moultrie, Morgan Weaver, Sophia Smith, Yazmeen Ryan, and Janine Beckie made their NWSL championship debut in the game on October 29, 2022;

Whereas Thorns players Sam Coffey and Sophia Smith were named to the NWSL Best XI First Team for the 2022 season;

Whereas Thorns players Kelli Hubly and Becky Sauerbrunn were named to the NWSL Best XI Second Team for the 2022 season;

Whereas, at 17 years old, Olivia Moultrie became the youngest player in NWSL history to play in the championship game;

Whereas the entire Thorns squad should be congratulated for its dedication, the resilience of its players in the face of hardship, its teamwork, and its impressive display of athletic talent;

Whereas the ongoing success, camaraderie, sportsmanship, and joy demonstrated by the Thorns has inspired young women to dedicate themselves to soccer and to pursue sports;

Whereas the Thorns donated $140,000 of ticket profits from the NWSL semifinal game on October 23, 2022, to 4 different charities, including—

(1) Girls on the Run, which helps young girls learn life skills through physical education;

(2) Girls Inc. of the Pacific Northwest, which mentors girls and supports lifelong education;

(3) SHE FLIES, an initiative of the Sport Oregon Foundation to connect women and girls to sports in Oregon; and

(4) Street Soccer USA, which brings soccer to low income communities nationwide.

Whereas the donation by the Thorns was only one example of the tradition of philanthropy of the Thorns, which was celebrated by the Portland Business Journal as one of the top philanthropic businesses in Portland in 2022;

Whereas the Thorns, in association with the Portland Timbers, have donated more than $550,000 to Oregon charities in 2022;

Whereas the Thorns, in association with the Portland Timbers, raised more than $600,000 for humanitarian assistance in Ukraine in April of 2022; and

Whereas the Thorns, its fans, and the Oregon soccer community came together in the wake of a devastating report by the NWSL and NWSL Players' Association condemning former team management and ownership for its treatment of allegations of abuse, demonstrating the resilience of the Thorns players, commitment to one another, and dedication to player welfare and safety: Now, therefore, be it

*Resolved,* That the Senate—

(1) commends and congratulates the Portland Thorns FC on winning the 2022 National Women's Soccer League championship and completing a successful 2022 season;

(2) recognizes the achievements of all players, coaches, and staff who contributed to the success of the Portland Thorns FC during the 2022 season; and

(3) respectfully requests that the Secretary of the Senate transmit an enrolled copy of this resolution to—

(A) the interim president and general counsel of the Portland Thorns FC, Heather Davis;

(B) the general manager of the Portland Thorns FC, Karina LeBlanc; and

(C) the captain of the Portland Thorns FC, Christine Sinclair.

## SENATE RESOLUTION 870—HONORING THE LIFE AND THE LEGACY OF SECRETARY ASH CARTER

Mr. BLUMENTHAL (for himself, Ms. ERNST, Mrs. SHAHEEN, Ms. HIRONO, Mr. KAINE, Ms. WARREN, Mr. PETERS, Ms. DUCKWORTH, Mr. KELLY, Mr. REED, Mr. KING, and Mr. MANCHIN) submitted the following resolution; which was considered and agreed to:

S. RES. 870

Whereas Ashton ''Ash'' Baldwin Carter (referred to in this preamble as ''Secretary Carter'') was born on September 24, 1954, in Philadelphia, Pennsylvania, to William Carter, Jr., and Anne Carter (née Baldwin);

Whereas Secretary Carter received dual bachelor's degrees in physics and medieval history at Yale College, summa cum laude, and a doctorate in theoretical physics from Oxford University as a Rhodes Scholar;

Whereas Secretary Carter first entered public service in 1981, serving in the Program Analysis and Evaluation Office of the Department of Defense;

Whereas, from 1993 to 1996, Secretary Carter served as Assistant Secretary of Defense (Nuclear Security and Counterproliferation) and Assistant Secretary of Defense (International Security Policy) under President William J. Clinton, during which Secretary Carter oversaw the Nunn-Lugar Cooperative Threat Reduction Program, which was responsible for the securing and dismantling of weapons of mass destruction in the former states of the Soviet Union, including the removal of nuclear weapons from Ukraine, Kazakhstan, and Belarus;

Whereas, from 2009 to 2011, Secretary Carter served as Under Secretary of Defense for Acquisition, Technology, and Logistics under President Barack H. Obama, during which he led critical procurement and acquisition initiatives, such as the Mine-Resistant Ambush Protected family of vehicles, saving the lives of countless service members;

Whereas, from 2011 to 2013, Secretary Carter served as Deputy Secretary of Defense under President Barack H. Obama, during which he oversaw the management and personnel of the Department of Defense and steered defense strategy and budget through sequestration;

Whereas, from 2015 to 2017, Secretary Carter served as the 25th Secretary of Defense under President Barack H. Obama, and he was revered for his leadership on gender equity and the reinvigoration of United States technology in the defense sector;

Whereas Secretary Carter charted a strategic path for the Department of Defense to meet the China challenge by continuing to rebalance the defense presence and security cooperation of the United States in the Asia-Pacific region;

Whereas Secretary Carter played a leading role in the United States-led global coalition against the Islamic State of Iraq and the Levant, which led to the liberation of strongholds in Mosul, Iraq, and Raqqa, Syria, and the territorial defeat of the Islamic State in Iraq and Syria;

Whereas Secretary Carter's focus on innovation led to the creation of the Defense Innovation Unit, the goal of which is to bring the rapid advancement in commercial technologies to the Department of Defense;

Whereas, under the direction of Secretary Carter, the Defense Advanced Research Projects Agency funded mRNA research, later contributing to the development of critical COVID–19 vaccines, saving millions of lives in the United States and abroad;

Whereas, under the direction of Secretary Carter, the Department of Defense opened all military roles to women, increased critical paid military maternity leave, and permitted transgender service members to join and serve openly;

Whereas Secretary Carter authored and co-authored 11 books and more than 100 articles on physics, technology, national security, and management;

Whereas, after Secretary Carter's tenure as Secretary of Defense ended, his dedication to public service continued as the Director of the Belfer Center for Science and International Affairs at the John F. Kennedy School of Government at Harvard University, where he mentored the next generation of national security leaders;

Whereas Secretary Carter was a 5-time recipient of the Department of Defense Distinguished Public Service Medal, was a 2-time recipient of the Chairman of the Joint Chiefs of Staff Joint Distinguished Civilian Service Award, and received numerous other awards and decorations for public service;

Whereas Secretary Carter was known to all as a devoted public servant who was resilient in the face of adversity;

Whereas, on October 24, 2022, at the age of 68, Secretary Carter died due to a sudden cardiac event and is survived by his wife, Stephanie, his son, Will, his daughter, Ava, and his sisters, Corinne and Cynthia; and

Whereas Secretary Carter will be remembered as a committed teacher, a loving father, a devoted husband, and a loyal friend: Now, therefore, be it

*Resolved,* That—

(1) the Senate—

(A) expresses its deepest sympathy to the family members of the late Secretary Ashton B. Carter;

(B) honors the outstanding life and legacy of Secretary Ashton B. Carter; and

(C) commends Secretary Ashton B. Carter for his life accomplishments within the United States Government; and

(2) when the Senate adjourns today, it stands adjourned as a further mark of respect to the memory of the late Secretary Ashton B. Carter.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 6512. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill H.R. 7776, to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes; which was ordered to lie on the table.

SA 6513. Mr. SCHUMER (for Mr. MANCHIN) proposed an amendment to the bill H.R. 7776, supra.

SA 6514. Mr. JOHNSON (for himself, Mr. CRUZ, Mr. RISCH, Mr. MARSHALL, Mr. BRAUN, Mr. CRAPO, Mr. DAINES, Mrs. HYDE-SMITH, Mr. PAUL, Mr. HOEVEN, Mr. HAWLEY, Ms. LUMMIS, Mr. GRAHAM, Mr. LEE, and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill H.R. 7776, supra; which was ordered to lie on the table.

SA 6515. Mr. SCHUMER proposed an amendment to amendment SA 6513 proposed by Mr. SCHUMER (for Mr. MANCHIN) to the bill H.R. 7776, supra.

SA 6516. Mr. SCHUMER proposed an amendment to the bill H.R. 7776, supra.

SA 6517. Mr. SCHUMER proposed an amendment to amendment SA 6516 proposed by Mr. SCHUMER to the bill H.R. 7776, supra.

SA 6518. Mr. SCHUMER proposed an amendment to amendment SA 6517 proposed by Mr. SCHUMER to the amendment SA 6516 proposed by Mr. SCHUMER to the bill H.R. 7776, supra.

SA 6519. Mr. SCHUMER (for Mr. CORNYN) proposed an amendment to the bill S. 4926, to amend chapter 33 of title 28, United States Code, to require appropriate use of multidisciplinary teams for investigations of child sexual exploitation or abuse, the production of child sexual abuse material, or child trafficking conducted by the Federal Bureau of Investigation.

## TEXT OF AMENDMENTS

**SA 6512.** Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill H.R. 7776, to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**DIVISION L—OTHER ENERGY MATTERS**

**TITLE CXXI—MOUNTAIN VALLEY PIPELINE**

**SEC. 12101. AUTHORIZATION OF MOUNTAIN VALLEY PIPELINE.**

(a) FINDING.—Congress finds that the timely completion of the construction of the Mountain Valley Pipeline—

(1) is necessary—

(A) to ensure an adequate and reliable supply of natural gas to consumers at reasonable prices;

(B) to facilitate an orderly transition of the energy industry to cleaner fuels; and

(C) to reduce carbon emissions; and

(2) is in the national interest.

(b) PURPOSE.—The purpose of this section is to require the appropriate Federal officers and agencies to take all necessary actions to permit the timely completion of the construction and operation of the Mountain Valley Pipeline without further administrative or judicial delay or impediment.

(c) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Federal Energy Regulatory Commission.

(2) MOUNTAIN VALLEY PIPELINE.—The term ''Mountain Valley Pipeline'' means the Mountain Valley Pipeline Project, as generally described and approved in Federal Energy Regulatory Commission Docket Nos. CP16–10 and CP19–477.

(3) SECRETARY CONCERNED.—The term ''Secretary concerned'' means, as applicable—

(A) the Secretary of Agriculture;

(B) the Secretary of the Interior; or

(C) the Secretary of the Army.

(d) AUTHORIZATION OF NECESSARY APPROVALS.—

(1) BIOLOGICAL OPINION AND INCIDENTAL TAKE STATEMENT.—Notwithstanding any other provision of law, not later than 30 days after the date of enactment of this Act, the Secretary of the Interior shall issue a biological opinion and incidental take statement for the Mountain Valley Pipeline, substantially in the form of the biological opinion and incidental take statement for the Mountain Valley Pipeline issued by the United States Fish and Wildlife Service on September 4, 2020.

(2) ADDITIONAL AUTHORIZATIONS.—Notwithstanding any other provision of law, not later than 30 days after the date of enactment of this Act—

(A) the Secretary of the Interior shall issue all rights-of-way, permits, leases, and other authorizations that are necessary for the construction, operation, and maintenance of the Mountain Valley Pipeline, substantially in the form approved in the record of decision of the Bureau of Land Management entitled ''Mountain Valley Pipeline and Equitrans Expansion Project Decision to Grant Right-of-Way and Temporary Use Permit'' and dated January 14, 2021;

(B) the Secretary of Agriculture shall amend the Land and Resource Management Plan for the Jefferson National Forest as necessary to permit the construction, operation, and maintenance of the Mountain Valley Pipeline within the Jefferson National Forest, substantially in the form approved in the record of decision of the Forest Service entitled ''Record of Decision for the Mountain Valley Pipeline and Equitrans Expansion Project'' and dated January 2021;

(C) the Secretary of the Army shall issue all permits and verifications necessary to permit the construction, operation, and maintenance of the Mountain Valley Pipeline across waters of the United States; and

(D) the Commission shall—

(i) approve any amendments to the certificate of public convenience and necessity issued by the Commission on October 13, 2017 (161 FERC 61,043); and

(ii) grant any extensions necessary to permit the construction, operation, and maintenance of the Mountain Valley Pipeline.

(e) AUTHORITY TO MODIFY PRIOR DECISIONS OR APPROVALS.—In meeting the applicable requirements of subsection (d), a Secretary concerned may modify the applicable prior biological opinion, incidental take statement, right-of-way, amendment, permit, verification, or other authorization described in that subsection if the Secretary concerned determines that the modification is necessary—

(1) to correct a deficiency in the record; or

(2) to protect the public interest or the environment.

(f) RELATIONSHIP TO OTHER LAWS.—

(1) DETERMINATION TO ISSUE OR GRANT.—The requirements of subsection (d) shall supersede the provisions of any law (including regulations) relating to an administrative determination as to whether the biological opinion, incidental take statement, right-of-way, amendment, permit, verification, or other authorization shall be issued for the Mountain Valley Pipeline.

(2) SAVINGS PROVISION.—Nothing in this section limits the authority of a Secretary concerned or the Commission to administer a right-of-way or enforce any permit or other authorization issued under subsection (d) in accordance with applicable laws (including regulations).

(g) JUDICIAL REVIEW.—

(1) IN GENERAL.—The actions of the Secretaries concerned and the Commission pursuant to subsection (d) that are necessary for the construction and initial operation at full capacity of the Mountain Valley Pipeline shall not be subject to judicial review.

(2) OTHER ACTIONS.—The United States Court of Appeals for the District of Columbia Circuit shall have original and exclusive jurisdiction over—

(A) any claim alleging—

(i) the invalidity of this section; or

(ii) that an action is beyond the scope of authority conferred by this section; and

(B) any claim relating to any action taken by a Secretary concerned or the Commission relating to the Mountain Valley Pipeline other than an action described in paragraph (1).

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**SA 6513.** Mr. SCHUMER (for Mr. MANCHIN) proposed an amendment to the bill H.R. 7776, to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes; as follows:

At the end, add the following:

**DIVISION L—OTHER ENERGY MATTERS**

**TITLE CXXI—BUILDING AMERICAN ENERGY SECURITY ACT OF 2022**

**SEC. 12101. SHORT TITLE.**

This title may be cited as the ''Building American Energy Security Act of 2022''.

**Subtitle A—Accelerating Agency Reviews**

**SEC. 12111. DEFINITIONS.**

In this subtitle:

(1) AGENCY.—The term ''agency'' means any agency, department, or other unit of Federal, State, local, or Tribal government.

(2) ALASKA NATIVE CORPORATION.—The term ''Alaska Native Corporation'' has the meaning given the term ''Native Corporation'' in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

(3) AUTHORIZATION.—The term ''authorization'' means any license, permit, approval, finding, determination, interagency consultation, or other administrative decision that is required or authorized under Federal law (including regulations) to design, plan, site, construct, reconstruct, or commence operations of a project, including any authorization described in section 41001(3) of the FAST Act (42 U.S.C. 4370m(3)).

(4) COOPERATING AGENCY.—The term ''cooperating agency'' means any Federal agency (and a State, Tribal, or local agency if agreed on by the lead agency), other than a lead agency, that has jurisdiction by law or special expertise with respect to an environmental impact relating to a project.

(5) ENVIRONMENTAL DOCUMENT.—The term ''environmental document'' includes any of the following, as prepared under NEPA:

(A) An environmental assessment.

(B) A finding of no significant impact.

(C) An environmental impact statement.

(D) A record of decision.

(6) ENVIRONMENTAL IMPACT STATEMENT.—The term ''environmental impact statement'' means the detailed statement of environmental impacts of a project required to be prepared under NEPA.

(7) ENVIRONMENTAL REVIEW PROCESS.—The term ''environmental review process'' means the process for preparing an environmental impact statement, environmental assessment, categorical exclusion, or other document required to be prepared to achieve compliance with NEPA, including pre-application consultation and scoping processes.

(8) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given the term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5130).

(9) LEAD AGENCY.—The term ''lead agency'', with respect to a project, means—

(A) the Federal agency preparing, or assuming primary responsibility for, the authorization or review of the project; and

(B) if applicable, any State, local, or Tribal government entity serving as a joint lead agency for the project.

(10) NEPA.—The term ''NEPA'' means the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (including NEPA implementing regulations).

(11) NEPA IMPLEMENTING REGULATIONS.—The term ''NEPA implementing regulations'' means the regulations in subpart A of chapter V of title 40, Code of Federal Regulations (or successor regulations).

(12) PARTICIPATING AGENCY.—The term ''participating agency'' means an agency participating in an environmental review or authorization for a project.

(13) PROJECT SPONSOR.—The term ''project sponsor'' means an entity, including any private, public, or public-private entity, seeking an authorization for a project.

**SEC. 12112. STREAMLINING PROCESS FOR AUTHORIZATIONS AND REVIEWS OF ENERGY AND NATURAL RESOURCES PROJECTS.**

(a) DEFINITIONS.—In this section:

(1) CATEGORICAL EXCLUSION.—The term ''categorical exclusion'' means a categorical exclusion within the meaning of NEPA.

(2) MAJOR PROJECT.—The term ''major project'' means a project—

(A) for which multiple authorizations, reviews, or studies are required under a Federal law other than NEPA; and

(B) with respect to which the head of the lead agency has determined that—

(i) an environmental impact statement is required; or

(ii) an environmental assessment is required, and the project sponsor requests that the project be treated as a major project.

(3) PROJECT.—The term ''project'' means a project—

(A) proposed for the construction of infrastructure—

(i) to develop, produce, generate, store, transport, or distribute energy;

(ii) to capture, remove, transport, or store carbon dioxide; or

(iii) to mine, extract, beneficiate, or process minerals; and

(B) that, if implemented as proposed by the project sponsor, would be subject to the requirements that—

(i) an environmental document be prepared; and

(ii) the applicable agency issue an authorization of the activity.

(4) SECRETARY CONCERNED.—The term ''Secretary concerned'' means, as appropriate—

(A) the Secretary of Agriculture, with respect to the Forest Service;

(B) the Secretary of Energy;

(C) the Secretary of the Interior;

(D) the Federal Energy Regulatory Commission;

(E) the Secretary of the Army, with respect to the Corps of Engineers; and

(F) the Secretary of Transportation, with respect to the Maritime Administration and the Pipeline and Hazardous Materials Safety Administration.

(b) APPLICABILITY.—

(1) IN GENERAL.—The project development procedures under this section—

(A) shall apply to—

(i) all projects for which an environmental impact statement is prepared;

(ii) all major projects; and

(iii) to the maximum extent practicable, projects described in clause (i) or (ii) for which an authorization is being sought or that are subject to an environmental review process initiated prior to the date of enactment of this Act.

(B) may be applied, as requested by a project sponsor and to the extent determined appropriate by the Secretary concerned, to other projects for which an environmental document is prepared; and

(C) shall not apply to—

(i) any project subject to section 139 of title 23, United States Code;

(ii) any project that is a water resources development project of the Corps of Engineers; or

(iii) any authorization of the Corps of Engineers if that authorization is for a project that alters or modifies a water resources development project of the Corps of Engineers.

(2) FLEXIBILITY.—Any authority provided by this section may be exercised, and any requirement established under this section may be satisfied, for a project, class of projects, or program of projects.

(3) SAVINGS PROVISION.—Nothing in this section—

(A) precludes the use of an authority provided under any other provision of law, including for a covered project under title XLI of the FAST Act (42 U.S.C. 4370m et seq.);

(B) supersedes or modifies any applicable requirement, authority, or agency responsibility provided under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or any other provision of law; or

(C) shall be considered an abbreviated authorization or environmental review process for purposes of section 41001(6)(A)(i)(III) of the FAST Act (42 U.S.C. 4370m(6)(A)(i)(III)).

(c) LEAD AGENCIES.—

(1) JOINT LEAD AGENCIES.—Nothing in this section precludes an agency from serving as a joint lead agency for a project, in accordance with NEPA.

(2) ROLES AND RESPONSIBILITIES.—With respect to the environmental review process for a project, the lead agency shall have the authority and responsibility—

(A) to take such actions as are necessary and appropriate to facilitate the expeditious resolution of the environmental review process for the project;

(B) to prepare any required environmental impact statement or other environmental document, or to ensure that such an environmental impact statement or environmental document is completed, in accordance with this section and applicable Federal law;

(C) not later than 45 days after the date of publication of a notice of intent to prepare an environmental impact statement, or the initiation of an environmental assessment, as applicable, for a project—

(i) to identify any other agencies that may have financing, environmental review, authorization, or other responsibilities with respect to the project;

(ii) to invite the identified agencies to become participating agencies in the environmental review process for the project; and

(iii) to establish, as part of the invitation, a deadline for the submission of a response, which may be extended by the lead agency for good cause;

(D) to consider and respond to comments timely received from participating agencies relating to matters within the special expertise or jurisdiction of those agencies;

(E) to consider, and, as appropriate, rely on, adopt, or incorporate by reference, baseline data, analyses, and documentation that have been prepared for the project under the laws and procedures of a State or an Indian Tribe if the lead agency determines that—

(i) those laws and procedures are of equal or greater rigor, as compared to each applicable Federal law and procedure; and

(ii) the baseline data, analysis, or documentation, as applicable, was prepared under circumstances that allowed for—

(I) opportunities for public participation;

(II) consideration of alternatives and environmental consequences; and

(III) other required analyses that are substantially equivalent to the analyses that would have been prepared if the baseline data, analysis, or documentation was prepared by the lead agency pursuant to NEPA; and

(F)(i) to ensure that the project sponsor complies with design and mitigation commitments for the project made jointly by the lead agency and the project sponsor; and

(ii) to ensure that environmental documents are appropriately supplemented if changes become necessary with respect to the project.

(d) PARTICIPATING AGENCIES.—

(1) APPLICABILITY.—

(A) INAPPLICABILITY TO COVERED PROJECTS.—The procedures under this subsection shall not apply to a covered project (as defined in section 41001 of the FAST Act (42 U.S.C. 4370m))—

(i) for which a project initiation notice has been submitted pursuant to section 41003(a) of that Act (42 U.S.C. 4370m–2(a)); and

(ii) that is carried out in accordance with the procedures described in that notice.

(B) DESIGNATIONS FOR CATEGORIES OF PROJECTS.—The Secretary concerned may exercise the authority under this subsection with respect to—

(i) a project;

(ii) a class of projects; or

(iii) a program of projects.

(2) FEDERAL PARTICIPATING AGENCIES.—Any Federal agency that is invited by a lead agency to participate in the environmental review process for a project shall be designated as a participating agency by the lead agency, unless the invited agency informs the lead agency, in writing, by the deadline specified in the invitation, that the invited agency has no responsibility for or interest in the project.

(3) FEDERAL COOPERATING AGENCIES.—A Federal agency that has not been invited by a lead agency to participate in the environmental review process for a project, but that is required to make an authorization or carry out an action for a project, shall—

(A) notify the lead agency of the financing, environmental review, authorization, or other responsibilities of the notifying Federal agency with respect to the project; and

(B) work with the lead agency to ensure that the agency making the authorization or carrying out the action is treated as a cooperating agency for the project.

(4) RESPONSIBILITIES.—A participating agency participating in the environmental review process for a project shall—

(A) provide comments, responses, studies, or methodologies relating to the areas within the special expertise or jurisdiction of the agency; and

(B) use the environmental review process to address any environmental issues of concern to the agency.

(5) EFFECT OF DESIGNATION.—

(A) REQUIREMENT.—A participating agency for a project shall comply with the applicable requirements of this section.

(B) NO IMPLICATION.—Designation as a participating agency under this subsection shall not imply that the participating agency—

(i) has made a determination to support or deny any project; or

(ii) has any jurisdiction over, or special expertise with respect to evaluation of, the applicable project.

(6) COOPERATING AGENCY DESIGNATION.—Any agency designated as a cooperating agency shall also be designated by the applicable lead agency as a participating agency under the NEPA implementing regulations.

(e) COORDINATION OF REQUIRED REVIEWS; ENVIRONMENTAL DOCUMENTS.—

(1) IN GENERAL.—The lead agency and each participating agency for a project shall apply the requirements of section 41005 of the FAST Act (42 U.S.C. 4370m–4) to the project, subject to the condition that any reference contained in that section to a ''covered project'' shall be considered to be a reference to the project under this section.

(2) SINGLE ENVIRONMENTAL DOCUMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (C), to the maximum extent practicable and consistent with Federal law, to achieve compliance with NEPA, all Federal authorizations and reviews that are necessary for a project shall rely on a single environmental document for each type of environmental document prepared under NEPA under the leadership of the lead agency.

(B) USE OF DOCUMENT.—

(i) IN GENERAL.—To the maximum extent practicable, the lead agency shall develop

environmental documents sufficient to satisfy the NEPA requirements for any authorization or other Federal action required for the project.

(ii) COOPERATION OF PARTICIPATING AGENCIES.—Each participating agency shall cooperate with the lead agency and provide timely information to assist the lead agency to carry out subparagraph (A).

(C) EXCEPTIONS.—A lead agency may waive the application of subparagraph (A) with respect to a project if—

(i) the project sponsor requests that agencies issue separate environmental documents;

(ii) the obligations of a cooperating agency or participating agency under NEPA have already been satisfied with respect to the project; or

(iii) the lead agency determines, and provides justification in the coordination plan established under subsection (g)(1), that multiple environmental documents are more efficient for the environmental review process or authorization process for the project.

(D) PAGE LIMITS.—

(i) IN GENERAL.—Notwithstanding any other provision of law and except as provided in clause (ii), to the maximum extent practicable, the text of the items described in paragraphs (4) through (6) of section 1502.10(a) of title 40, Code of Federal Regulations (or successor regulations), of an environmental impact statement for a project shall be not more than 150 pages.

(ii) EXCEPTIONS.—The text described in clause (i)—

(I) shall be not more than 300 pages in the case of a proposal of unusual scope or complexity; and

(II) may exceed 300 pages if the lead agency establishes a new page limit for the environmental impact statement for that project.

(f) ERRATA FOR ENVIRONMENTAL IMPACT STATEMENTS.—

(1) IN GENERAL.—In preparing a final environmental impact statement for a project, if the lead agency modifies the draft environmental impact statement in response to comments, the lead agency may write on errata sheets attached to the environmental impact statement in lieu of rewriting the draft environmental impact statement, subject to the conditions described in paragraph (2).

(2) CONDITIONS.—The conditions referred to in paragraph (1) are as follows:

(A) The comments to which the applicable modification responds shall be minor.

(B) The modifications shall be confined to—

(i) minor factual corrections; or

(ii) an explanation of the reasons why the comments do not warrant additional response from the lead agency.

(C) The errata sheets shall—

(i) cite the sources, authorities, and reasons that support the position of the lead agency; and

(ii) if appropriate, indicate the circumstances that would trigger reappraisal or further response by the lead agency.

(3) SAVINGS PROVISION.—Nothing in this subsection precludes a lead agency from responding to comments in a final environmental impact statement in accordance with procedures described in section 1503.4(c) of the NEPA implementing regulations.

(g) COORDINATION AND SCHEDULING.—

(1) COORDINATION PLAN.—

(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 90 days after the date of publication of a notice of intent to prepare an environmental impact statement, or the initiation of an environmental assessment, as applicable, for a project, the lead agency shall establish a plan for coordinating public and agency participation in, and comment regarding, the environmental review process and authorization decisions for the project or applicable category of projects (referred to in this paragraph as the ''coordination plan'').

(B) OTHER DATE.—If the project sponsor requests the establishment of a coordination plan for a project by a date earlier than the deadline described in subparagraph (A), the lead agency shall establish the coordination plan not later than 90 days after the request is received by the head of the lead agency.

(C) INCORPORATION INTO MEMORANDUM.—A coordination plan may be incorporated into a memorandum of understanding with the project sponsor, lead agency, and any other appropriate entity to accomplish the coordination activities described in this subsection.

(D) SCHEDULE.—

(i) IN GENERAL.—As part of a coordination plan for a project, the lead agency shall establish and maintain a schedule for completion of the environmental review process and authorization decisions for the project that—

(I) includes the date of project initiation or earliest Federal agency contact for the project, including any pre-application consultation;

(II) includes any programmatic environmental document or agreement that is a prerequisite or predecessor for the environmental review process for the project;

(III) includes—

(aa) any Federal authorization, action required as part of the environmental review process, consultation, or similar process that is required through project completion;

(bb) to the maximum extent practicable, any Indian Tribe, Alaska Native Corporation, State, or local agency authorization, review, consultation, or similar process; and

(cc) a schedule for each authorization under item (aa) or (bb), including any pre-application consultations, applications, interim milestones, public comment periods, draft decisions, final decisions, and final authorizations necessary to begin construction; and

(IV) is established—

(aa) after consultation with, and the concurrence of, each participating agency for the project; and

(bb) with the participation of the project sponsor.

(ii) MAJOR PROJECT SCHEDULES.—To the maximum extent practicable and consistent with applicable Federal law, in the case of a major project, the lead agency shall develop, with the concurrence of each participating agency for the major project and in consultation with the project sponsor, a schedule for the major project that is consistent with completing—

(I) the environmental review process—

(aa) in the case of major projects for which the lead agency determines an environmental impact statement is required, not later than 2 years after the date of publication by the lead agency of a notice of intent to prepare an environmental impact statement to the record of decision; and

(bb) in the case of major projects for which the lead agency determines an environmental assessment is required, not later than 1 year after the date on which the head of the lead agency determines that an environmental assessment is required to a finding of no significant impact; and

(II) any outstanding authorization required for project construction not later than 150 days after the date of an issuance of a record of decision or a finding of no significant impact under subclause (I).

(E) FACTORS FOR CONSIDERATION.—In establishing a schedule under subparagraph (D), a Federal lead agency shall consider factors such as—

(i) the responsibilities of participating agencies or cooperating agencies under applicable law;

(ii) resources available to the participating agencies or cooperating agencies;

(iii) the overall size and complexity of the project;

(iv) the overall time required by an agency to conduct the environmental review process and make decisions under applicable Federal law relating to a project (including the issuance or denial of a permit or license);

(v) the cost of the project;

(vi) the sensitivity of the natural and historic resources that could be affected by the project; and

(vii) timelines and deadlines established in this section and other applicable law.

(F) MODIFICATIONS.—

(i) IN GENERAL.—Except as provided in clause (iii), the lead agency may lengthen—

(I) a schedule established for a project under subparagraph (D) for good cause, in accordance with clause (ii); or

(II) shorten a schedule established for a project under subparagraph (D) if the lead agency has—

(aa) good cause; and

(bb) the concurrence of the project sponsor and any participating agencies.

(ii) GOOD CAUSE.—Good cause to lengthen a schedule under clause (i)(I) may include—

(I) Federal law prohibiting the lead agency or another agency from issuing an approval or permit within the period required under subparagraph (D);

(II) a request from the project sponsor that the permit or approval follow a different timeline; or

(III) a determination by the lead agency, with the concurrence of the project sponsor, that an extension would facilitate completion of the environmental review process and authorization process of the project.

(iii) EXCEPTIONS.—

(I) SHORTENING OF TIME PERIOD.—A lead agency may not shorten a schedule under clause (i)(II) if shortening the schedule would impair the ability of a participating agency—

(aa) to conduct any necessary analysis; or

(bb) to otherwise carry out any relevant obligation of the participating agency for the project.

(II) MAJOR PROJECTS.—In the case of a major project, the lead agency may lengthen a schedule for a project under subparagraph (D) for a Federal participating agency by not more than 1 year after the latest deadline established for the major project by the lead agency.

(III) COORDINATION PLANS PRIOR TO NOTICE OF INTENT.—In the case of a schedule established for a project under subparagraph (D) prior to the publication of a notice of intent, the lead agency may adjust the schedule, with the concurrence of participating agencies and the participation of the project sponsor, until the date of publication of the notice of intent.

(G) FAILURE TO MEET SCHEDULE OR DEADLINE.—If a participating Federal agency fails to meet a schedule or deadline established under subparagraph (D), not later than 30 days after the missed schedule or deadline, the participating Federal agency shall—

(i) notify—

(I) the Director of the Office of Management and Budget;

(II) the Executive Director of the Federal Permitting Improvement Steering Council;

(III) the Secretary concerned;

(IV) the Committee on Energy and Natural Resources of the Senate;

(V) the Committee on Environment and Public Works of the Senate;

(VI) the Committee on Natural Resources of the House of Representatives; and

(VII) the Committee on Energy and Commerce of the House of Representatives; and

(ii) include in the notifications under clause (i)—

(I) a description of the cause for the failure; and

(II) a new schedule or deadline agreed on by the project sponsor, the lead agency, and cooperating agencies.

(H) DISSEMINATION.—A copy of a schedule for a project under subparagraph (D), and any modifications to such a schedule, shall be—

(i) provided to—

(I) all participating agencies; and

(II) the project sponsor; and

(ii) in the case of a schedule for a major project under that subparagraph, made available to the public pursuant to subsection (l).

(I) NO DELAY IN DECISIONMAKING.—No agency shall seek to encourage a sponsor of a project to withdraw or resubmit an application to delay decisionmaking within the timelines under this subsection.

(2) COMMENT DEADLINES.—The lead agency shall establish the following deadlines for comment during the environmental review process for a project:

(A) For comments by agencies and the public on a draft environmental impact statement, a period of not more than 60 days after publication in the Federal Register of a notice of the date of public availability of the draft, unless—

(i) a different deadline is established by agreement of the lead agency, the project sponsor, and all participating agencies; or

(ii) the deadline is extended by the lead agency for good cause, together with a documented and publicly available explanation of the need for an extended comment period.

(B) For all other comment periods established by the lead agency for agency or public comment for a Federal authorization or in the environmental review process, a period of not more than 45 days beginning on the first date of availability of the materials regarding which comment is requested, unless a different deadline of not more than 60 days is established by agreement of the lead agency and all participating agencies, in consultation with the project sponsor.

(3) PUBLIC INVOLVEMENT.—Nothing in this section—

(A) reduces any time period provided for—

(i) public comment in the environmental review process; or

(ii) an authorization for a project under applicable Federal law;

(B) creates a requirement for an additional public comment opportunity in addition to any public comment opportunity required for a project under applicable Federal law; or

(C) creates a new requirement for public comment on a project for which an environmental assessment is being prepared.

(4) CATEGORICAL EXCLUSIONS.—Nothing in this subsection affects or creates new requirements for a project or activity that is eligible for a categorical exclusion.

(5) DEADLINE ENFORCEMENT.—

(A) DEFINITION OF APPLICABLE DEADLINE.—In this paragraph, the term ''applicable deadline'' means a deadline—

(i) for the environmental review process for a major project required under paragraph (1)(D)(ii)(I);

(ii) for a decision on an authorization for a major project required under paragraph (1)(D)(ii)(II); or

(iii) described in clause (i) or (ii) that has been modified under paragraph (1)(F).

(B) PETITION TO COURT.—A project sponsor may obtain a review of an alleged failure by a Federal agency, or a State agency acting pursuant to Federal law, to act in accordance with an applicable deadline under this section by filing a written petition with a court of competent jurisdiction seeking an order under subparagraph (C).

(C) COURT ORDER.—If a court of competent jurisdiction finds that a Federal agency, or a State agency acting pursuant to Federal law, has failed to act in accordance with an applicable deadline, the court shall set a schedule and deadline for the agency to act as soon as practicable, which shall not exceed 90 days from the date on which the order of the court is issued, unless the court determines a longer time period is necessary to comply with applicable law.

(D) JURISDICTION.—The United States Court of Appeals for the District of Columbia shall have original jurisdiction over any civil action brought pursuant to subparagraph (B), in addition to any court of competent jurisdiction under any other Federal law.

(E) EXPEDITED CONSIDERATION.—A court of competent jurisdiction shall set for expedited consideration any action brought under this subsection.

(h) ISSUE IDENTIFICATION AND RESOLUTION.—

(1) COOPERATION.—The lead agency and each participating agency shall work cooperatively in accordance with this section to facilitate the timely completion of the environmental review and authorization process by identifying and resolving issues that could—

(A) delay final decisionmaking for any authorization for a project;

(B) delay completion of the environmental review process for a project; or

(C) result in the denial of any authorization required for the project under applicable law.

(2) ACCELERATED ISSUE RESOLUTION AND REFERRAL.—

(A) IN GENERAL.—A participating agency, project sponsor, or the Governor of a State in which a project is located may request an issue resolution meeting to resolve issues relating to a project that could—

(i) delay final decisionmaking for any authorization for a project;

(ii) significantly delay completion of the environmental review process for a project; or

(iii) result in the denial of any authorization required for the project under applicable law.

(B) INITIAL MEETING.—Not later than 30 days after the date of receipt of a request under subparagraph (A), the lead agency shall convene an issue resolution meeting, which shall include—

(i) the relevant participating agencies;

(ii) the project sponsor; and

(iii) the Governor of a State in which the project is located, if the Governor requested the issue resolution meeting under that subparagraph.

(C) ELEVATION.—If issue resolution is not achieved by 30 days after the date of the initial meeting under subparagraph (B), the issue shall be elevated to the head of the lead agency, who shall—

(i) notify—

(I) the heads of the relevant participating agencies;

(II) the project sponsor; and

(III) the Governor of a State in which the project is located, if the Governor requested the issue resolution meeting under subparagraph (A); and

(ii) convene a leadership issue resolution meeting not later than 90 days after the date of the initial meeting under subparagraph (B) with—

(I) the heads of the relevant participating agencies, including any relevant Secretaries;

(II) the project sponsor; and

(III) the Governor of a State in which the project is located, if the Governor requested the issue resolution meeting under subparagraph (A).

(D) CONVENTION BY LEAD AGENCY.—A lead agency may convene an issue resolution meeting at any time to resolve issues relating to an authorization or environmental review process for a project, without the request of a participating agency, project sponsor, or the Governor of a State in which the project is located.

(E) REFERRAL OF ISSUE RESOLUTION FOR MAJOR PROJECTS TO COUNCIL ON ENVIRONMENTAL QUALITY.—

(i) IN GENERAL.—If issue resolution for a major project is not achieved by 30 days after the date on which a leadership issue resolution meeting is convened under subparagraph (C), the head of the lead agency shall refer the matter to the Council on Environmental Quality.

(ii) MEETING.—Not later than 30 days after the date of receipt of a referral from the head of the lead agency under clause (i), the Council on Environmental Quality shall convene an issue resolution meeting with—

(I) the head of the lead agency;

(II) the heads of relevant participating agencies;

(III) the project sponsor; and

(IV) the Governor of a State in which the major project is located, if the Governor requested the issue resolution meeting under subparagraph (A).

(F) CONSISTENCY WITH OTHER LAW.—An agency shall implement the requirements of this paragraph—

(i) unless doing so would prevent the compliance of the agency with existing law; and

(ii) consistent with, to the maximum extent permitted by law, any dispute resolution process established in an applicable law, regulation, or legally binding agreement.

(G) EFFECT OF PARAGRAPH.—Nothing in this paragraph limits the application of section 41003 of the FAST Act (42 U.S.C. 4370m–2) to a covered project (as defined in section 41001 of that Act (42 U.S.C. 4370m)) that is a project subject to the requirements of this section, including with respect to dispute resolution procedures regarding a permitting timetable.

(i) ENHANCED TECHNICAL ASSISTANCE FROM LEAD AGENCY.—

(1) DEFINITION OF COVERED PROJECT.—In this subsection, the term ''covered project'' means a project—

(A) that has a pending environmental review or authorization under NEPA; and

(B) for which the lead agency determines a delay to the schedule established under subsection (g) is likely.

(2) TECHNICAL ASSISTANCE.—At the request of a project sponsor, participating agency, or the Governor of a State in which a covered project is located, the head of the lead agency may provide technical assistance to resolve any outstanding issues that are resulting in project delay for the covered project, including by—

(A) providing additional staff, training, and expertise;

(B) facilitating interagency coordination;

(C) promoting more efficient collaboration; and

(D) supplying specialized onsite assistance.

(3) SCOPE OF WORK.—In providing technical assistance for a covered project under this subsection, the head of the lead agency shall establish a scope of work that describes the actions that the head of the lead agency will take to resolve the outstanding issues and project delays.

(4) CONSULTATION.—In providing technical assistance for a covered project under this subsection, the head of the lead agency shall consult, if appropriate, with participating agencies on all methods available to resolve any outstanding issues and project delays for

a covered project as expeditiously as practicable.

(j) JUDICIAL REVIEW.—Except as provided in subsection (k), nothing in this section affects the reviewability of any final Federal agency action in a court of—

(1) the United States; or

(2) any State.

(k) EFFICIENCY OF CLAIMS.—

(1) STATUTE OF LIMITATIONS.—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of an authorization issued or denied by a Federal agency for a project shall be barred unless the claim is filed by 150 days after the later of the date on which the authorization is final in accordance with the law under which the agency action is taken and the date of publication of a notice that the environmental document is final in accordance with NEPA, unless a shorter time is specified in the Federal law pursuant to which judicial review is allowed.

(2) EXPEDITED REVIEW.—A court of competent jurisdiction shall set for expedited consideration any claim arising under Federal law seeking judicial review of an authorization issued or denied by a Federal agency, or a State agency acting pursuant to Federal law, for a project.

(3) REMANDED ACTIONS.—

(A) IN GENERAL.—If a court of competent jurisdiction remands a final Federal agency action for a project to the Federal agency, the court shall set a reasonable schedule and deadline for the agency to act on remand, which shall not exceed 180 days from the date on which the order of the court was issued, unless a longer time period is necessary to comply with applicable law.

(B) EXPEDITED TREATMENT OF REMANDED ACTIONS.—The head of the Federal agency to which a court remands a final Federal agency action under subparagraph (A) shall take such actions as may be necessary to provide for the expeditious disposition of the action on remand in accordance with the schedule and deadline set by the court under that subparagraph.

(4) RANDOM ASSIGNMENT OF CASES.—To the maximum extent practicable, district courts of the United States and courts of appeals of the United States shall randomly assign cases seeking judicial review of any authorization issued by a Federal agency for a project to judges appointed, designated, or assigned to sit as judges of the court in a manner to avoid the appearance of favoritism or bias.

(5) EFFECT OF SUBSECTION.—Nothing in this subsection—

(A) establishes a right to judicial review; or

(B) places any limit on filing a claim that a person has violated the terms of an authorization.

(6) TREATMENT OF SUPPLEMENTAL OR REVISED ENVIRONMENTAL DOCUMENTS.—With respect to a project—

(A) the preparation of a supplemental or revised environmental document for the project, when required, shall be considered to be a separate final agency action for purposes of the deadline under subparagraph (B); and

(B) the deadline for filing a claim for judicial review of that action shall be the date that is 150 days after the date of publication of a notice in the Federal Register announcing the final agency action, unless a shorter time is specified in the Federal law pursuant to which judicial review is authorized.

(l) IMPROVING TRANSPARENCY IN PROJECT STATUS.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary concerned shall—

(A) use the searchable Internet website maintained under section 41003(b) of the FAST Act (42 U.S.C. 4370m–2(b)) to make publicly available—

(i) the status, schedule, and progress of each major project, including a project for which an authorization is being sought or that is subject to an environmental review process initiated prior to the date of enactment of this Act, with respect to compliance with the applicable requirements of NEPA, any authorization, and any other Indian Tribe, State, or local agency authorization required for the major project; and

(ii) a list of the participating agencies for each major project; and

(B) establish such reporting standards as are necessary to meet the requirements of subparagraph (A), which shall include requirements—

(i) to track major projects from initiation through the date that final authorizations required to begin construction are issued or the major project is withdrawn; and

(ii) to update the status, schedule, and progress of major projects to reflect any changes to the project status or schedule, including changes resulting from litigation (including any injunctions, vacatur of authorizations, and timelines for any additional authorization or environmental review process that is required as a result of litigation).

(2) FEDERAL, STATE, AND LOCAL AGENCY PARTICIPATION.—

(A) FEDERAL AGENCIES.—A Federal agency participating in the environmental review process or authorization process for a major project shall provide to the Secretary concerned information relating to the status and progress of the authorization of the major project for publication on the Internet website referred to in paragraph (1)(A), consistent with the standards established under paragraph (1)(B).

(B) STATE AND LOCAL AGENCIES.—The Secretary concerned shall encourage State and local agencies participating in the environmental review process or authorization process for a major project to provide information relating to the status and progress of the authorization of the major project for publication on the Internet website referred to in paragraph (1)(A).

(m) ACCOUNTABILITY AND REPORTING FOR MAJOR PROJECTS.—Each Secretary concerned shall—

(1) not later than 1 year after the date of enactment of this Act, establish a performance accountability system for the agency represented by the Secretary concerned; and

(2) on establishment of the performance accountability system under paragraph (1), and not less frequently than annually thereafter, publish a report describing performance accountability for each major project authorization and review conducted during the preceding year by the agency represented by the Secretary concerned, including—

(A) for each major project for which that agency serves as a lead agency or a participating agency, the extent to which the agency is achieving compliance with each schedule established under this section for an authorization, environmental review process, or consultation;

(B) for each major project for which that agency serves as a lead agency, information regarding the average time required to complete each applicable authorization and the environmental review process; and

(C) for each major project for which that agency serves as a participating agency with jurisdiction over an authorization, information regarding the average time required to complete the authorization process.

(n) PROGRAMMATIC COMPLIANCE.—

(1) IN GENERAL.—The Secretary concerned shall allow for the use of programmatic approaches to conduct environmental reviews that—

(A) eliminate repetitive discussions of the same issue;

(B) focus on the issues ripe for analysis at each level of review; and

(C) are consistent with—

(i) NEPA; and

(ii) other applicable laws.

(2) REQUIREMENTS.—In carrying out this subsection, each lead agency shall ensure that programmatic approaches to conduct environmental review processes—

(A) promote transparency, including the transparency of—

(i) the analyses and data used in the environmental review process;

(ii) the treatment of any deferred issues raised by agencies or the public; and

(iii) the temporal and spatial scales to be used to analyze issues under clauses (i) and (ii);

(B) use accurate and timely information, including through the establishment of—

(i) criteria for determining the general duration of the usefulness of the environmental review process; and

(ii) a timeline for updating any out-of-date environmental review process;

(C) describe—

(i) the relationship between any programmatic analysis and future tiered analysis; and

(ii) the role of the public in the creation of future tiered analyses;

(D) are available to other relevant Federal and State agencies, Indian Tribes, Alaska Native Corporations, and the public; and

(E) provide notice and public comment opportunities consistent with applicable requirements.

(o) DEVELOPMENT OF CATEGORICAL EXCLUSIONS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and not less frequently than once every 4 years thereafter, each Secretary concerned, in consultation with the Chair of the Council on Environmental Quality, shall—

(A) in consultation with the other agencies described in paragraph (2), as applicable, identify each categorical exclusion available to such an agency that would accelerate delivery of a project if the categorical exclusion was available to the Secretary concerned; and

(B) collect existing documentation and substantiating information relating to each categorical exclusion identified under subparagraph (A).

(2) DESCRIPTION OF AGENCIES.—The agencies referred to in paragraph (1) are—

(A) the Department of Agriculture;

(B) the Department of the Army;

(C) the Department of Commerce;

(D) the Department of Defense;

(E) the Department of Energy;

(F) the Department of the Interior;

(G) the Federal Energy Regulatory Commission; and

(H) any other Federal agency that has participated in an environmental review process for a project, as determined by the Chair of the Council on Environmental Quality.

(3) ADOPTION OF CATEGORICAL EXCLUSIONS.—Not later than 1 year after the date on which categorical exclusions are identified under paragraph (1)(A), each Secretary concerned shall—

(A) determine whether any such categorical exclusion meets the applicable criteria for a categorical exclusion under—

(i) the NEPA implementing regulations; and

(ii) any relevant regulations of the agency represented by the Secretary concerned; and

(B) publish a notice of proposed rulemaking to propose the adoption of any identified categorical exclusion that—

(i) is applicable to the agency represented by the Secretary concerned; and

(ii) meets the applicable criteria described in subparagraph (A).

(p) ADDITIONS TO CATEGORICAL EXCLUSIONS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and not later than 5 years thereafter, each Secretary concerned shall—

(A) conduct a survey regarding the use by the agency represented by the Secretary concerned of categorical exclusions for projects during the 5-year period preceding the date of the survey;

(B) publish a review of the survey under subparagraph (A) that includes a description of—

(i) the types of actions eligible for each categorical exclusion covered by the survey; and

(ii) any requests previously received by the Secretary concerned for new categorical exclusions; and

(C) solicit requests for new categorical exclusions.

(2) NEW CATEGORICAL EXCLUSIONS.—Not later than 120 days after the date of a solicitation of requests under paragraph (1)(C), the Secretary concerned shall publish a notice of proposed rulemaking to propose the adoption of any such new categorical exclusions, to the extent that the categorical exclusions meet the applicable criteria for a categorical exclusions under—

(A) the NEPA implementing regulations; and

(B) any relevant regulations of the agency represented by the Secretary concerned.

**SEC. 12113. PRIORITIZING ENERGY PROJECTS OF STRATEGIC NATIONAL IMPORTANCE.**

(a) DEFINITIONS.—In this section:

(1) CRITICAL MINERAL.—The term ''critical mineral'' has the meaning given the term in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)).

(2) DESIGNATED PROJECT.—The term ''designated project'' means an energy project of strategic national importance designated for priority Federal review under subsection (b).

(b) DESIGNATION OF PROJECTS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the President, in consultation with the Secretary of Energy, the Secretary of the Interior, the Administrator of the Environmental Protection Agency, the Federal Energy Regulatory Commission, and the heads of any other relevant Federal departments or agencies, as determined by the President, shall—

(A) designate 25 energy projects of strategic national importance for priority Federal review, in accordance with this section; and

(B) publish a list of those designated projects in the Federal Register.

(2) UPDATES.—Not later than 180 days after the date on which the President publishes the list under paragraph (1)(B), and every 180 days thereafter during the 10-year period beginning on that date, the President shall publish an updated list, which shall—

(A) include not less than 25 designated projects; and

(B) include each previously designated project until—

(i) a final decision has been issued for each authorization for the designated project; or

(ii) the project sponsor withdraws its request for authorization.

(3) PROJECT TYPES; FIRST 7 YEARS.—During the 7-year period beginning on the date on which the President publishes the list under paragraph (1)(B), of the list of designated projects maintained on an ongoing basis pursuant to this subsection, not fewer than—

(A) 5 shall be projects for the mining, extraction, beneficiation, or processing of critical minerals—

(i) of which not fewer than 3 shall include new mining or extraction of critical minerals; and

(ii) for which critical mineral production may occur as a byproduct;

(B) 7 shall be projects—

(i) to generate electricity or store energy without the use of fossil fuels; or

(ii) to manufacture clean energy equipment;

(C) 6 shall be projects to produce, process, transport, or store fossil fuel products, or biofuels, including projects to export or import those products from nations described in subsection (c)(3)(A)(vi);

(D) 3 shall be electric transmission projects or projects using grid-enhancing technology;

(E) 2 shall be projects to capture, transport, or store carbon dioxide, which may include the utilization of captured or displaced carbon dioxide emissions; and

(F) 2 shall be a project to produce, transport, or store clean hydrogen, including projects to export or import those products from nations described in subsection (c)(3)(A)(vi).

(4) PROJECT TYPES; PHASE-DOWN.—During the 3-year period beginning 7 years after the date on which the President publishes the list under paragraph (1)(B), of the list of designated projects maintained on an ongoing basis pursuant to this subsection, not fewer than—

(A) 2 shall be projects for the mining, extraction, beneficiation, or processing of critical minerals;

(B) 3 shall be projects described in paragraph (3)(B);

(C) 3 shall be projects described in paragraph (3)(C);

(D) 1 shall be a project described in paragraph (3)(D);

(E) 1 shall be a project described in paragraph (3)(E); and

(F) 1 shall be a project described in paragraph (3)(F).

(5) LIST OF PROJECTS MEETING EACH CATEGORY THRESHOLD; INSUFFICIENT APPLICATIONS.—

(A) IN GENERAL.—Subject to subparagraph (B), during the 10-year period beginning on the date on which the President publishes the list under paragraph (1)(B), the President shall maintain a list of designated projects that meet the minimum threshold for the applicable category of projects under each subparagraph of paragraph (3) or (4), as applicable.

(B) INSUFFICIENT APPLICATIONS.—If the number of applications submitted that meet the requirements for a designated project for a category of projects under a subparagraph of paragraph (3) or (4), as applicable, is not sufficient to meet the minimum threshold under that subparagraph, the President shall designate the maximum number of applications submitted that meet the requirements for a designated project for the applicable category until a sufficient number of applications meeting the requirements for a designated project for such category has been submitted.

(c) SELECTION AND PRIORITY REQUIREMENTS.—

(1) IN GENERAL.—The President shall carry out subsection (b) based on a review of applications for authorizations or other reviews submitted to the Corps of Engineers, the Department of Defense, the Department of Energy, the Department of the Interior, the Environmental Protection Agency, the Forest Service, the Federal Energy Regulatory Commission, the Nuclear Regulatory Commission, the Maritime Administration, the Pipeline and Hazardous Materials Safety Administration, and the Federal Permitting Improvement Steering Council.

(2) REQUIREMENT.—The President shall designate under subsection (b) only projects that the President determines are likely—

(A) to require an environmental assessment or environmental impact statement under NEPA;

(B) to require review by more than 2 Federal or State agencies;

(C) to have a total project cost of more than $250,000,000; and

(D) to have sufficient financial support from the project sponsor to ensure project completion.

(3) PRIORITY.—

(A) IN GENERAL.—In considering projects to designate under subsection (b), the President shall give priority to projects the completion of which will significantly advance 1 or more of the following objectives:

(i) Reducing energy prices in the United States.

(ii) Reducing greenhouse gas emissions.

(iii) Improving electric reliability in North America.

(iv) Advancing emerging energy technologies.

(v) Improving the domestic supply chains for, and manufacturing of, energy products, energy equipment, and critical minerals.

(vi) Increasing energy trade between the United States and—

(I) nations that are signatories to free trade agreements with the United States that cover the trade of energy products;

(II) members of the North Atlantic Treaty Organization;

(III) members of the Organization for Economic Cooperation and Development;

(IV) nations with a transmission system operator that is included in the European Network of Transmission System Operators for Electricity, including as an observer member; or

(V) any other country designated as an ally or partner nation by the President for purposes of this section.

(vii) Reducing the reliance of the United States on the supply chains of foreign entities of concern (as defined in section 40207(a) of the Infrastructure Investment and Jobs Act (42 U.S.C. 18741(a))).

(viii) To the extent practicable, minimizing development impacts through the use of existing—

(I) rights-of-way;

(II) facilities; or

(III) other infrastructure.

(ix) Creating jobs—

(I) with wages at rates not less than those prevailing on similar projects in the locality, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly referred to as the ''Davis-Bacon Act''); and

(II) with consideration of the magnitude and timing of the direct and indirect employment impacts of carrying out the project.

(B) OTHER PRIORITY.—In considering projects to designate for the category of projects described in subsection (b)(3)(C), in addition to the priorities specified in subparagraph (A), the President shall give priority to projects the completion of which will significantly reduce greenhouse gas emissions.

(d) REVIEWS OF DESIGNATED PROJECTS.—

(1) IN GENERAL.—The President shall, in consultation with the applicable department and agency heads, the Director of the Office of Management and Budget, the Chair of the Council on Environmental Quality, and the

Federal Permitting Improvement Steering Council, direct Federal agencies through executive order to prioritize the completion of the environmental review process and decisions on authorizations for designated projects.

(2) TIMELINES.—To the maximum extent practicable and consistent with applicable Federal law, the President shall complete—

(A) the environmental review process—

(i) in the case of a designated project for which the lead agency determines an environmental impact statement is required, not later than 2 years after the date of publication by the lead agency of a notice of intent to prepare an environmental impact statement to the record of decision; and

(ii) in the case of a designated project for which the lead agency determines an environmental assessment is required, not later than 1 year after the date on which the head of the lead agency determines that an environmental assessment is required to a finding of no significant impact; and

(B) decisions on any outstanding authorization required for project construction within 180 days of the issuance of a record of decision or finding of no significant impact under subparagraph (A).

(3) STREAMLINING REVIEW PROCESS.—A designated project shall be considered a major project (as defined in section 12112(a)) subject to the requirements of that section.

(e) NEPA.—

(1) IN GENERAL.—Nothing in this section supersedes or modifies any applicable requirement, authority, or agency responsibility provided under NEPA.

(2) DESIGNATION OF PROJECTS.—The act of designating a project under subsections (b) and (c) shall not be subject to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(f) REPORT.—Not later than 180 days after the date of enactment of this Act, and every 90 days thereafter, the President shall submit to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce and the Committee on Natural Resources of the House of Representatives a report describing—

(1) each designated project and the basis for designating that project pursuant to subsection (c);

(2) for each designated project, all outstanding authorizations, environmental reviews, consultations, public comment periods, or other Federal, State, or local reviews required for project completion; and

(3) for each authorization, environmental review, consultation, public comment period, or other review under paragraph (2)—

(A) an estimated completion date; and

(B) an explanation of—

(i) any delays meeting the timelines established in this section or in applicable Federal, State, or local law; and

(ii) any changes to the date described in subparagraph (A) from a report previously submitted under this subsection.

(g) FUNDING.—

(1) IN GENERAL.—Out of amounts appropriated under section 70007 of Public Law 117–169 to the Environmental Review Improvement Fund established under section 41009(d)(1) of the FAST Act (42 U.S.C. 4370m–8(d)(1)), $250,000,000 shall be used to provide funding to agencies to support more efficient, accurate, and timely reviews of designated projects in accordance with paragraph (2).

(2) USE OF FUNDS.—The Federal Permitting Improvement Steering Council shall prescribe the use of funds provided to agencies under paragraph (1), which may include—

(A) the hiring and training of personnel;

(B) the development of programmatic documents;

(C) the procurement of technical or scientific services for environmental reviews;

(D) the development of data or information systems;

(E) stakeholder and community engagement;

(F) the purchase of new equipment for analysis; and

(G) the development of geographic information systems and other analytical tools, techniques, and guidance to improve agency transparency, accountability, and public engagement.

(3) LIMITATION.—Of the amounts made available under paragraph (1) for a fiscal year, not more than $1,500,000 shall be allocated to support the review of a single designated project.

(4) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under this subsection shall be used in addition to existing funding mechanisms, including agency user fees and application fees.

**SEC. 12114. EMPOWERING THE FEDERAL PERMITTING IMPROVEMENT STEERING COUNCIL AND IMPROVING REVIEWS.**

(a) DEFINITION OF COVERED PROJECT.—Section 41001(6)(A) of the FAST Act (42 U.S.C. 4370m(6)(A)) is amended—

(1) in the matter preceding clause (i), by inserting ''critical mineral mining, production, beneficiation, or processing,'' before ''electricity transmission''; and

(2) in clause (i), by striking subclause (II) and inserting the following:

''(II) is likely to require a total investment of—

''(aa) more than $200,000,000; or

''(bb) in the case of a project for the construction, production, transportation, storage, or generation of energy, more than $50,000,000; and''.

(b) TRANSPARENCY.—Section 41003(b)(2)(A)(iii) of the FAST Act (42 U.S.C. 4370m–2(b)(2)(A)(iii)) is amended by adding at the end the following:

''(III) OUTER CONTINENTAL SHELF LANDS ACT.—The Secretary of the Interior shall create and maintain a specific entry on the Dashboard for the preparation and revision of the oil and gas leasing program required under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344).

''(IV) ADDITIONAL ENERGY PROJECTS.—The Secretary of the Interior or the Secretary of Energy, as applicable, shall create and maintain a specific entry on the Dashboard for any project that is a designated project (as defined in section 12113(a) of the Building American Energy Security Act of 2022) for which a notice of initiation under subsection (a)(1)(A) has not been submitted, unless the project is already included on the Dashboard as a covered project.''.

**SEC. 12115. LITIGATION TRANSPARENCY.**

(a) DEFINITIONS.—In this section:

(1) COVERED CIVIL ACTION.—The term ''covered civil action'' means a civil action—

(A) seeking to compel agency action affecting a project, as defined under section 12112 of this Act; and

(B) brought under—

(i) chapter 7 of title 5, United States Code; or

(ii) any other statute authorizing such an action.

(2) COVERED CONSENT DECREE.—The term ''covered consent decree'' means a consent decree entered into in a covered civil action.

(3) COVERED CONSENT DECREE OR SETTLEMENT AGREEMENT.—The term ''covered consent decree or settlement agreement'' means a covered consent decree and a covered settlement agreement.

(4) COVERED SETTLEMENT AGREEMENT.—The term ''covered settlement agreement'' means a settlement agreement entered into in a covered civil action.

(b) TRANSPARENCY.—

(1) PLEADINGS AND PRELIMINARY MATTERS.—

(A) IN GENERAL.—In any covered civil action, the agency against which the covered civil action is brought shall publish the notice of intent to sue and the complaint in a readily accessible manner, including by making the notice of intent to sue and the complaint available online not later than 15 days after receiving service of the notice of intent to sue or complaint, respectively.

(B) ENTRY OF A COVERED CONSENT DECREE OR SETTLEMENT AGREEMENT.—A party may not make a motion for entry of a covered consent decree or to dismiss a civil action pursuant to a covered settlement agreement until after the requirements of subparagraph (A) have been met.

(2) PUBLICATION OF COVERED CONSENT DECREES OR SETTLEMENT AGREEMENTS; PUBLIC COMMENT.—Not later than 30 days before the date on which a covered consent decree or settlement agreement is filed with a court, the agency seeking to enter the covered consent decree or settlement agreement shall—

(A) publish online the proposed covered consent decree or settlement agreement; and

(B) provide a reasonable opportunity by notice in the Federal Register to persons who are not named as parties or interveners to the covered civil action to comment in writing.

(c) CONSIDERATION OF PUBLIC COMMENT.—An agency seeking to enter a covered consent decree or settlement agreement shall promptly consider any written comments received under subsection (b)(2)(B) and may withdraw or withhold consent to the proposed consent decree or settlement agreement if the comments disclose facts or considerations that indicate that the consent is inappropriate, improper, inadequate, or inconsistent with any provision of law.

**Subtitle B—Modernizing Permitting Laws**

**SEC. 12121. TRANSMISSION.**

(a) CONSTRUCTION PERMIT.—Section 216 of the Federal Power Act (16 U.S.C. 824p) is amended by striking subsection (b) and inserting the following:

''(b) CONSTRUCTION PERMIT.—Except as provided in subsections (d)(1) and (i), the Commission may, after notice and an opportunity for hearing, issue 1 or more permits for the construction or modification of electric transmission facilities necessary in the national interest if the Commission finds that—

''(1)(A) a State in which the transmission facilities are to be constructed or modified does not have authority to—

''(i) approve the siting of the facilities; or

''(ii) consider the interstate benefits or interregional benefits expected to be achieved by the proposed construction or modification of transmission facilities in the State;

''(B) the applicant for a permit is a transmitting utility under this Act but does not qualify to apply for a permit or siting approval for the proposed project in a State because the applicant does not serve end-use customers in the State; or

''(C) a State commission or other entity that has authority to approve the siting of the facilities—

''(i) has not made a determination on an application seeking approval pursuant to applicable law by the date that is 1 year after the date on which the application was filed with the State commission or other entity;

''(ii) has conditioned its approval in such a manner that the proposed construction or modification will not significantly reduce transmission capacity constraints or congestion in interstate commerce or is not economically feasible; or

''(iii) has denied an application seeking approval pursuant to applicable law;

''(2) the proposed facilities will be used for the transmission of electric energy in interstate (including transmission from the outer Continental Shelf to a State) or foreign commerce;

''(3) the proposed construction or modification is consistent with the public interest;

''(4) the proposed construction or modification will—

''(A) significantly reduce transmission congestion in interstate commerce; and

''(B) protect or benefit consumers;

''(5) the proposed construction or modification—

''(A) is consistent with sound national energy policy; and

''(B) will enhance energy independence; and

''(6) the proposed modification will maximize, to the extent reasonable and economical, the transmission capabilities of existing towers or structures.''.

(b) STATE SITING AND CONSULTATION.—Section 216 of the Federal Power Act (16 U.S.C. 824p) is amended by striking subsection (d) and inserting the following:

''(d) STATE SITING AND CONSULTATION.—

''(1) PRESERVATION OF STATE SITING AUTHORITY.—The Commission shall have no authority to issue a permit under subsection (b) for the construction or modification of an electric transmission facility within a State except as provided in paragraph (1) of that subsection.

''(2) CONSULTATION.—In any proceeding before the Commission under subsection (b), the Commission shall afford each State in which a transmission facility covered by the permit is or will be located, each affected Federal agency and Indian Tribe, private property owners, and other interested persons a reasonable opportunity to present their views and recommendations with respect to the need for and impact of a facility covered by the permit.''.

(c) RIGHTS-OF-WAY.—Section 216(e) of the Federal Power Act (16 U.S.C. 824p(e)) is amended—

(1) in paragraph (1), by striking ''or a State''; and

(2) by adding at the end the following:

''(5) Compensation for property taken under this subsection shall be determined and awarded by the district court of the United States in accordance with section 3114(c) of title 40, United States Code.''.

(d) COST ALLOCATION.—

(1) IN GENERAL.—Section 216 of the Federal Power Act (16 U.S.C. 824p) is amended by striking subsection (f) and inserting the following:

''(f) COST ALLOCATION.—

''(1) TRANSMISSION TARIFFS.—For the purposes of this section, any transmitting utility that owns, controls, or operates electric transmission facilities that the Commission finds to be consistent with the findings under paragraphs (2) through (5) and, if applicable, (6) of subsection (b) shall file a tariff with the Commission in accordance with section 205 and the regulations of the Commission allocating the costs of the new or modified transmission facilities.

''(2) COST ALLOCATION PRINCIPLES.—The Commission shall require that tariffs filed under this subsection fairly reflect and allocate the costs of providing service to each class of customers, including improved reliability, reduced congestion, reduced power losses, greater carrying capacity, reduced operating reserve requirements, and improved access to generation, in accordance with cost allocation principles of the Commission.

''(3) COST CAUSATION PRINCIPLE.—The cost of electric transmission facilities described in paragraph (1) shall be allocated to customers within the transmission planning region or regions that benefit from the facilities in a manner that is at least roughly commensurate with the estimated benefits described in paragraph (2).''.

(2) SAVINGS CLAUSE.—If the Federal Energy Regulatory Commission finds that the considerations under paragraphs (2) through (5) and, if applicable, (6) of subsection (b) of section 216 of the Federal Power Act (16 U.S.C. 824p) (as amended by subsection (a)) are met, nothing in this section or the amendments made by this section shall be construed to exclude transmission facilities located on the outer Continental Shelf from being eligible for cost allocation established under subsection (f)(1) of that section (as amended by paragraph (1)).

(e) COORDINATION OF FEDERAL AUTHORIZATIONS FOR TRANSMISSION FACILITIES.—Section 216(h) of the Federal Power Act (16 U.S.C. 824p(h)) is amended—

(1) in paragraph (2), by striking the period at the end and inserting the following: '', except that—

''(A) the Commission shall act as the lead agency in the case of facilities permitted under subsection (b); and

''(B) the Department of the Interior shall act as the lead agency in the case of facilities located on a lease, easement, or right-of-way granted by the Secretary of the Interior under section 8(p)(1)(C) of the Outer Continental Shelf Lands Act (42 U.S.C. 1337(p)(1)(C)).'';

(2) in each of paragraphs (3), (4)(B), (4)(C), (5)(B), (6)(A), (7)(A), (7)(B)(i), (8)(A)(i), and (9), by striking ''Secretary'' each place it appears and inserting ''lead agency'';

(3) in paragraph (4)(A), by striking ''As head of the lead agency, the Secretary'' and inserting ''The lead agency'';

(4) in paragraph (5)(A), by striking ''As lead agency head, the Secretary'' and inserting ''The lead agency''; and

(5) in paragraph (7)—

(A) in subparagraph (A), by striking ''18 months after the date of enactment of this section'' and inserting ''18 months after the date of enactment of the Building American Energy Security Act of 2022''; and

(B) in subparagraph (B)(i), by striking ''1 year after the date of enactment of this section'' and inserting ''18 months after the date of enactment of the Building American Energy Security Act of 2022''.

(f) INTERSTATE COMPACTS.—Section 216(i)(4) of the Federal Power Act (16 U.S.C. 824p(i)(4)) is amended by striking ''in disagreement'' in the matter preceding subparagraph (A) and all that follows through the period at the end of subparagraph (B) and inserting ''unable to reach an agreement on an application seeking approval by the date that is 1 year after the date on which the application for the facility was filed.''.

(g) TRANSMISSION INFRASTRUCTURE INVESTMENT.—Section 219(b)(4) of the Federal Power Act (16 U.S.C. 824s(b)(4)) is amended—

(1) in subparagraph (A), by striking ''and'' after the semicolon at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(C) all prudently incurred costs associated with payments to jurisdictions impacted by electric transmission facilities developed pursuant to section 216.''.

(h) CONFORMING AMENDMENT.—Section 50151(b) of Public Law 117–169 (42 U.S.C. 18715(b)) is amended by striking ''facilities designated by the Secretary to be necessary in the national interest'' and inserting ''facilities in national interest electric transmission corridors designated by the Secretary''.

**SEC. 12122. DEFINITION OF NATURAL GAS UNDER THE NATURAL GAS ACT.**

(a) IN GENERAL.—Section 2 of the Natural Gas Act (15 U.S.C. 717a) is amended by striking paragraph (5) and inserting the following:

''(5) 'Natural gas' means—

''(A) natural gas unmixed;

''(B) any mixture of natural and artificial gas; or

''(C) hydrogen mixed or unmixed with natural gas.''.

(b) CONFORMING AMENDMENTS.—Section 7(c)(1)(A) of the Natural Gas Act (15 U.S.C. 717f(c)(1)(A)) is amended, in the first sentence, in the proviso—

(1) by inserting ''or, in the case of any person engaged in the transportation of natural gas described in section 2(5)(C), on the date of enactment of the Building American Energy Security Act of 2022,'' before ''over the route''; and

(2) by striking ''within ninety days after the effective date of this amendatory Act'' and inserting ''within 90 days after the effective date of this amendatory Act, or, in the case of any person engaged in the transportation of natural gas described in section 2(5)(C), within 90 days after the date of enactment of the Building American Energy Security Act of 2022''.

(c) SAVINGS CLAUSE.—Nothing in this section or an amendment made by this section authorizes the Federal Energy Regulatory Commission—

(1) to order a natural-gas company under section 7(a) of the Natural Gas Act (15 U.S.C. 717f(a)) to extend or modify the transportation facilities of the natural-gas company used for natural gas described in subparagraph (A) or (B) of section 2(5) of that Act (15 U.S.C. 717a(5)) to transport natural gas described in subparagraph (C) of that section; or

(2) to attach to a certificate of public convenience and necessity issued under section 7(e) of the Natural Gas Act (15 U.S.C. 717f(e)) any requirement that transportation facilities used for natural gas described in subparagraph (A) or (B) of section 2(5) of that Act (15 U.S.C. 717a(5)) be capable of transporting natural gas described in subparagraph (C) of that section.

**SEC. 12123. AUTHORIZATION OF MOUNTAIN VALLEY PIPELINE.**

(a) FINDING.—Congress finds that the timely completion of the construction of the Mountain Valley Pipeline—

(1) is necessary—

(A) to ensure an adequate and reliable supply of natural gas to consumers at reasonable prices;

(B) to facilitate an orderly transition of the energy industry to cleaner fuels; and

(C) to reduce carbon emissions; and

(2) is in the national interest.

(b) PURPOSE.—The purpose of this section is to require the appropriate Federal officers and agencies to take all necessary actions to permit the timely completion of the construction and operation of the Mountain Valley Pipeline without further administrative or judicial delay or impediment.

(c) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Federal Energy Regulatory Commission.

(2) MOUNTAIN VALLEY PIPELINE.—The term ''Mountain Valley Pipeline'' means the Mountain Valley Pipeline Project, as generally described and approved in Federal Energy Regulatory Commission Docket Nos. CP16–10 and CP19–477.

(3) SECRETARY CONCERNED.—The term ''Secretary concerned'' means, as applicable—

(A) the Secretary of Agriculture;

(B) the Secretary of the Interior; or

(C) the Secretary of the Army.

(d) AUTHORIZATION OF NECESSARY APPROVALS.—

(1) BIOLOGICAL OPINION AND INCIDENTAL TAKE STATEMENT.—Notwithstanding any other provision of law, not later than 30 days after the date of enactment of this Act, the Secretary of the Interior shall issue a biological opinion and incidental take statement for the Mountain Valley Pipeline, substantially in the form of the biological opinion and incidental take statement for the Mountain Valley Pipeline issued by the United States Fish and Wildlife Service on September 4, 2020.

(2) ADDITIONAL AUTHORIZATIONS.—Notwithstanding any other provision of law, not later than 30 days after the date of enactment of this Act—

(A) the Secretary of the Interior shall issue all rights-of-way, permits, leases, and other authorizations that are necessary for the construction, operation, and maintenance of the Mountain Valley Pipeline, substantially in the form approved in the record of decision of the Bureau of Land Management entitled ''Mountain Valley Pipeline and Equitrans Expansion Project Decision to Grant Right-of-Way and Temporary Use Permit'' and dated January 14, 2021;

(B) the Secretary of Agriculture shall amend the Land and Resource Management Plan for the Jefferson National Forest as necessary to permit the construction, operation, and maintenance of the Mountain Valley Pipeline within the Jefferson National Forest, substantially in the form approved in the record of decision of the Forest Service entitled ''Record of Decision for the Mountain Valley Pipeline and Equitrans Expansion Project'' and dated January 2021;

(C) the Secretary of the Army shall issue all permits and verifications necessary to permit the construction, operation, and maintenance of the Mountain Valley Pipeline across waters of the United States; and

(D) the Commission shall—

(i) approve any amendments to the certificate of public convenience and necessity issued by the Commission on October 13, 2017 (161 FERC 61,043); and

(ii) grant any extensions necessary to permit the construction, operation, and maintenance of the Mountain Valley Pipeline.

(e) AUTHORITY TO MODIFY PRIOR DECISIONS OR APPROVALS.—In meeting the applicable requirements of subsection (d), a Secretary concerned may modify the applicable prior biological opinion, incidental take statement, right-of-way, amendment, permit, verification, or other authorization described in that subsection if the Secretary concerned determines that the modification is necessary—

(1) to correct a deficiency in the record; or

(2) to protect the public interest or the environment.

(f) RELATIONSHIP TO OTHER LAWS.—

(1) DETERMINATION TO ISSUE OR GRANT.—The requirements of subsection (d) shall supersede the provisions of any law (including regulations) relating to an administrative determination as to whether the biological opinion, incidental take statement, right-of-way, amendment, permit, verification, or other authorization shall be issued for the Mountain Valley Pipeline.

(2) SAVINGS PROVISION.—Nothing in this section limits the authority of a Secretary concerned or the Commission to administer a right-of-way or enforce any permit or other authorization issued under subsection (d) in accordance with applicable laws (including regulations).

(g) JUDICIAL REVIEW.—

(1) IN GENERAL.—The actions of the Secretaries concerned and the Commission pursuant to subsection (d) that are necessary for the construction and initial operation at full capacity of the Mountain Valley Pipeline shall not be subject to judicial review.

(2) OTHER ACTIONS.—The United States Court of Appeals for the District of Columbia Circuit shall have original and exclusive jurisdiction over—

(A) any claim alleging—

(i) the invalidity of this section; or

(ii) that an action is beyond the scope of authority conferred by this section; and

(B) any claim relating to any action taken by a Secretary concerned or the Commission relating to the Mountain Valley Pipeline other than an action described in paragraph (1).

**SEC. 12124. RIGHTS-OF-WAY ACROSS INDIAN LAND.**

The first section of the Act of February 5, 1948 (62 Stat. 17, chapter 45; 25 U.S.C. 323) is amended by adding at the end the following: ''Any right-of-way granted by an Indian tribe for the purposes authorized under this section shall not require the approval of the Secretary of the Interior, on the condition that the right-of-way approval process by the Indian tribe substantially complies with subsection (h) of the first section of the Act of August 9, 1955 (69 Stat. 539, chapter 615; 25 U.S.C. 415(h)) or the Indian tribe has approved regulations under paragraph (1) of that subsection.''.

**SEC. 12125. FEDERAL ENERGY REGULATORY COMMISSION STAFFING.**

(a) CONSULTATION DEADLINE.—Section 401(k)(6) of the Department of Energy Organization Act (42 U.S.C. 7171(k)(6)) is amended—

(1) by striking ''The Chairman'' and inserting the following:

''(A) IN GENERAL.—The Chairman''; and

(2) by adding at the end the following:

''(B) DEADLINE.—The requirement under subparagraph (A) shall be considered met if the Director of the Office of Personnel Management has not taken final action on a plan for applying authorities under this subsection within 120 days of submission of the plan by the Chairman to the Director of the Office of Personnel Management.''.

(b) ELIMINATION OF REPORTING SUNSET.—Section 11004(b)(1) of the Energy Act of 2020 (42 U.S.C. 7171 note; Public Law 116–260) is amended by striking ''thereafter for 10 years,'' and inserting ''thereafter,''.

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**SA 6514.** Mr. JOHNSON (for himself, Mr. CRUZ, Mr. RISCH, Mr. MARSHALL, Mr. BRAUN, Mr. CRAPO, Mr. DAINES, Mrs. HYDE-SMITH, Mr. PAUL, Mr. HOEVEN, Mr. HAWLEY, Ms. LUMMIS, Mr. GRAHAM, Mr. LEE, and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill H.R. 7776, to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 525 the following:

**SEC. 525A. REMEDIES FOR MEMBERS OF THE ARMED FORCES DISCHARGED OR SUBJECT TO PUNISHMENT UNDER THE COVID–19 VACCINE MANDATE.**

(a) LIMITATION ON IMPOSITION OF NEW MANDATE.—The Secretary of Defense may not issue any COVID–19 vaccine mandate as a replacement for the rescinded mandates under this Act absent a further act of Congress expressly authorizing a replacement mandate.

(b) REMEDIES.—Section 736 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 10 U.S.C. 1161 note prec.) is amended—

(1) in the section heading, by striking ''**TO OBEY LAWFUL ORDER TO RECEIVE**'' and inserting ''**TO RECEIVE**'';

(2) in subsection (a)—

(A) by striking ''a lawful order'' and inserting ''an order''; and

(B) by striking ''shall be'' and all that follows through the period at the end and inserting ''shall be an honorable discharge.'';

(3) by redesignating subsection (b) as subsection (e); and

(4) by inserting after subsection (a) the following new subsections:

''(b) PROHIBITION ON ADVERSE ACTION.—The Secretary of Defense may not take any adverse action against a covered member based solely on the refusal of such member to receive a vaccine for COVID–19.

''(c) REMEDIES AVAILABLE FOR A COVERED MEMBER DISCHARGED OR PUNISHED BASED ON COVID–19 STATUS.—At the election of a covered member and upon application through a process established by the Secretary of Defense, the Secretary shall—

''(1) adjust to 'honorable discharge' the status of the member if—

''(A) the member was separated from the Armed Forces based solely on the failure of the member to obey an order to receive a vaccine for COVID–19; and

''(B) the discharge status of the member would have been an 'honorable discharge' but for the refusal to obtain such vaccine;

''(2) reinstate the member at the grade held by the member immediately prior to the involuntary separation or any other punishment received by the member based on the member's vaccine status;

''(3) expunge from the service record of the member any reference to any adverse action based solely on COVID–19 status, including involuntary separation; and

''(4) include the time of involuntary separation of the member reinstated under paragraph (2) in the computation of the retired or retainer pay of the member.

''(d) ATTEMPT TO AVOID DISCHARGE.—The Secretary of Defense shall make every effort to retain members of the Armed Forces who are not vaccinated against COVID–19.''.

(c) IMMEDIATE RESCISSION OF MANDATE.—Notwithstanding the deadline provided for in section 525, the rescission of the COVID–19 mandate shall take effect immediately.

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**SA 6515.** Mr. SCHUMER proposed an amendment to amendment SA 6513 proposed by Mr. SCHUMER (for Mr. MANCHIN) to the bill H.R. 7776, to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes; as follows:

At the end the following:

**SEC. EFFECTIVE DATE.**

This Act shall take effect on the date that is 1 day after the date of enachment of this Act.

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**SA 6516.** Mr. SCHUMER proposed an amendment to the bill H.R. 7776, to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes; as follows:

At the end add the following:

**SEC. EFFECTIVE DATE**

This Act shall take effect on the date that is 2 days after the date of enactment of this Act.

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**SA 6517.** Mr. SCHUMER proposed an amendment to amendment SA 6516 proposed by Mr. SCHUMER to the bill H.R. 7776, to provide for improvements to the rivers and harbors of the United

States, to provide for the conservation and development of water and related resources, and for other purposes; as follows:

On page 1, line 3, strike ''2'' and insert ''3''.

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**SA 6518.** Mr. SCHUMER proposed an amendment to amendment SA 6517 proposed by Mr. SCHUMER to the amendment SA 6516 proposed by Mr. SCHUMER to the bill H.R. 7776, to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes; as follows:

On page 1, strike ''3'' and insert ''4''.

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**SA 6519.** Mr. SCHUMER (for Mr. CORNYN) proposed an amendment to the bill S. 4926, to amend chapter 33 of title 28, United States Code, to require appropriate use of multidisciplinary teams for investigations of child sexual exploitation or abuse, the production of child sexual abuse material, or child trafficking conducted by the Federal Bureau of Investigation; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Respect for Child Survivors Act''.

**SEC. 2. MULTIDISCIPLINARY TEAMS.**

(a) AMENDMENT.—Chapter 33 of title 28, United States Code, is amended by adding at the end the following:

**''§ 540D. Multidisciplinary teams**

''(a) DEFINITIONS.—In this section—

''(1) the term 'child sexual abuse material' means a visual depiction described in section 2256(8)(A) of title 18;

''(2) the term 'covered investigation' means any investigation of child sexual exploitation or abuse, the production of child sexual abuse material, or child trafficking conducted by the Federal Bureau of Investigation;

''(3) the term 'Director' means the Director of the Federal Bureau of Investigation;

''(4) the term 'multidisciplinary team' means a multidisciplinary team established or used under subsection (b)(2);

''(5) the term 'relevant children's advocacy center personnel' means children's advocacy center staff that regularly participate in multidisciplinary child support settings, including the director of the children's advocacy center, the coordinator of a multidisciplinary team, forensic interviewers, victim advocates, forensic medical evaluators, physicians, sexual assault nurse examiners, and mental health clinicians; and

''(6) the term 'victim advocate' means a person, whether paid or serving as a volunteer, who provides services to victims under the auspices or supervision of a victim services program.

''(b) FBI VICTIM SUPPORT REQUIREMENTS.—

''(1) IN GENERAL.—To carry out the functions described in subsection (c) in connection with each covered investigation conducted by the Federal Bureau of Investigation, the Director shall, unless unavailable or otherwise inconsistent with applicable Federal law—

''(A) use a multidisciplinary team; and

''(B) in accordance with paragraph (3), use—

''(i) a trained Federal Bureau of Investigation child adolescent forensic interviewer; or

''(ii) in the absence of a trained Federal Bureau of Investigation child adolescent forensic interviewer, a trained forensic interviewer at a children's advocacy center.

''(2) USE AND COORDINATION.—The Director shall use and coordinate with children's advocacy center-based multidisciplinary teams as necessary to carry out paragraph (1).

''(3) CHILDREN'S ADVOCACY CENTERS.—The Director—

''(A) may work with children's advocacy centers to implement a multidisciplinary team approaches for purposes of covered investigations; and

''(B) shall allow, facilitate, and encourage multidisciplinary teams to collaborate with a children's advocacy center with regard to availability, provision, and use of services to and by victims and families that are participants in or affected by the actions at issue in a covered investigation.

''(4) REPORT.—The Director shall submit to the Attorney General an annual report identifying any interview of a victim reporting child sexual abuse material or child trafficking that took place—

''(A) without the use of—

''(i) a multidisciplinary approach;

''(ii) a trained forensic interviewer; or

''(iii) either the use of a multidisciplinary approach or a trained forensic interviewer; and

''(B) for each interview identified under subparagraph (A), describing the exigent circumstances that existed with respect to the interview, in accordance with paragraph (1).

''(5) MEMORANDA OF UNDERSTANDING.—The Director shall seek to enter into a memorandum of understanding with a reputable national accrediting organization for children's advocacy centers—

''(A) under which—

''(i) the children's advocacy services of the national organization are made available to field offices of the Federal Bureau of Investigation in the United States; and

''(ii) special agents and other employees of the Federal Bureau of Investigation are made aware of the existence of such memoranda and its purposes; and

''(B) which shall reflect a trauma-informed, victim-centered approach and provide for case review.

''(c) FUNCTIONS.—The functions described in this subsection are the following:

''(1) To provide for the sharing of information among the members of a multidisciplinary team, when such a team is used, and with other appropriate personnel regarding the progress of a covered investigation by the Federal Bureau of Investigation.

''(2) To provide for and enhance collaborative efforts among the members of a multidisciplinary team, when such a team is used, and other appropriate personnel regarding a covered investigation.

''(3) To enhance the social services available to victims in connection with a covered investigation, including through the enhancement of cooperation among specialists and other personnel providing such services in connection with a covered investigation.

''(4) To carry out other duties regarding the response to investigations of child sexual abuse or trafficking.

''(d) PERSONNEL.—

''(1) IN GENERAL.—Each multidisciplinary team shall be composed of the following:

''(A) Appropriate investigative personnel.

''(B) Appropriate mental health professionals.

''(C) Appropriate medical personnel.

''(D) Victim advocates or victim specialists.

''(E) Relevant children's advocacy center personnel, with respect to covered investigations in which the children's advocacy center or personnel of the children's advocacy center were used in the course of the covered investigation.

''(F) Prosecutors, as appropriate.

''(2) EXPERTISE AND TRAINING.—

''(A) IN GENERAL.—Any individual assigned to a multidisciplinary team shall possess such expertise, and shall undertake such training as is required to maintain such expertise, in order to ensure that members of the team remain appropriately qualified to carry out the functions of the team under this section.

''(B) REQUIREMENT.—The training and expertise required under subparagraph (A) shall include training and expertise on special victims' crimes, including child sexual abuse.

''(e) SHARING OF INFORMATION.—

''(1) ACCESS TO INFORMATION.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), relevant children's advocacy center personnel who are assigned to work on a covered investigation under this section shall be granted access to the case information necessary to perform their role conducting forensic interviews and providing mental health treatment, medical care, and victim advocacy for Federal Bureau of Investigation cases.

''(B) INCLUDED INFORMATION.—The case information described in subparagraph (A) to which relevant children's advocacy center personnel shall be granted access includes—

''(i) case outcome of forensic interviews;

''(ii) medical evaluation outcomes;

''(iii) mental health treatment referrals and treatment completion;

''(iv) safety planning and child protection issues;

''(v) victim service needs and referrals addressed by the victim advocate;

''(vi) case disposition;

''(vii) case outcomes; and

''(viii) any other information required for a children's advocacy centers as a part of the standards of practice of the children's advocacy center; and

''(C) EXEMPT INFORMATION.—The case information described in subparagraph (A) does not include—

''(i) classified information;

''(ii) the identity of confidential informants; or

''(iii) other investigative information not included as a part of the standards of practice of the children's advocacy center.

''(2) SHARING INFORMATION WITH FBI.—Children's advocacy centers shall provide the Federal Bureau of Investigation with forensic interview recordings and documentation, medical reports, and other case information on Federal Bureau of Investigation-related cases.

''(3) SECURITY CLEARANCES.—

''(A) IN GENERAL.—The Federal Bureau of Investigation may provide security clearances to relevant children's advocacy center personnel for purposes of case review by multidisciplinary teams, if it is determined that those personnel are eligible and possess a need-to-know specific classified information to perform or assist in a lawful and authorized government function.

''(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out subparagraph (A).

''(f) USE OF TEAMS.—Multidisciplinary teams used under this section shall be made available to victims reporting child sexual abuse or child trafficking in covered investigations, regardless of the age of the victim making the report.

''(g) CASE REVIEW BY MULTIDISCIPLINARY TEAM.—Throughout a covered investigation, a multidisciplinary team supporting an investigation under this section shall, at regularly scheduled times, convene to—

''(1) share information about case progress;

''(2) address any investigative or prosecutorial barriers; and

''(3) ensure that victims receive support and needed treatment.

''(h) AVAILABILITY OF ADVOCATES.—The Director shall make advocates available to each victim who reports child sexual abuse or child trafficking in connection with an investigation by the Federal Bureau of Investigation.

''(i) RULES OF CONSTRUCTION.—

''(1) INVESTIGATIVE AUTHORITY.—Nothing in this section shall be construed to augment any existing investigative authority of the Federal Bureau of Investigation or to expand the jurisdiction of any Federal law enforcement agency.

''(2) PROTECTING INVESTIGATIONS.—Nothing in this section shall be construed to limit the legal obligations of the Director under any other provision of law, including section 552a of title 5 (commonly known as the 'Privacy Act of 1974'), or require the sharing of classified information with unauthorized persons.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 33 of title 28, United States Code, is amended by inserting after the item relating to section 540C the following:

''540D. Multidisciplinary teams.''.

**SEC. 3. IMPROVING INVESTIGATION AND PROSECUTION OF CHILD ABUSE CASES.**

The Victims of Child Abuse Act of 1990 (34 U.S.C. 20301 et seq.) is amended—

(1) in section 211 (34 U.S.C. 20301)—

(A) in paragraph (1)—

(i) by striking ''3,300,000'' and inserting ''3,400,000''; and

(ii) by striking '', and drug abuse is associated with a significant portion of these'';

(B) by redesignating paragraphs (3) through (8) as paragraphs (4) through (9), respectively;

(C) by inserting afer paragraph (2) the following:

''(3) a key to a child victim healing from abuse is access to supportive and healthy families and communities;''; and

(D) in paragraph (9)(B), as so redesignated, by inserting '', and operations of centers'' before the period at the end;

(2) in section 212 (34 U.S.C. 20302)—

(A) in paragraph (5), by inserting ''coordinated team'' before ''response''; and

(B) in paragraph (8), by inserting ''organizational capacity'' before ''support'';

(3) in section 213 (34 U.S.C. 20303)—

(A) in subsection (a)—

(i) in the heading, by inserting ''AND MAINTENANCE'' after ''ESTABLISHMENT'';

(ii) in the matter preceding paragraph (1)—

(I) by striking '', in coordination with the Director of the Office of Victims of Crime,''; and

(II) by inserting ''and maintain'' after ''establish'';

(iii) in paragraph (3)—

(I) by striking ''and victim advocates'' and inserting ''victim advocates, multidisciplinary team leadership, and children's advocacy center staff''; and

(II) by striking ''and'' at the end;

(iv) by redesignating paragraph (4) as paragraph (5);

(v) by inserting after paragraph (3) the following:

''(4) provide technical assistance, training, coordination, and organizational capacity support for State chapters; and''; and

(vi) in paragraph (5), as so redesignated, by striking ''and oversight to'' and inserting ''organizational capacity support, and oversight of'';

(B) in subsection (b)—

(i) in paragraph (1)—

(I) in subparagraph (A), by inserting ''and maintain'' after ''establish''; and

(II) in the matter following subparagraph (B), by striking ''and technical assistance to aid communities in establishing'' and inserting ''training and technical assistance to aid communities in establishing and maintaining''; and

(ii) in paragraph (2)—

(I) in subparagraph (A)—

(aa) in clause (ii), by inserting ''Center'' after ''Advocacy''; and

(bb) in clause (iii), by striking ''of, assessment of, and intervention in'' and inserting ''and intervention in child''; and

(II) in subparagraph (B), by striking ''centers and interested communities'' and inserting ''centers, interested communities, and chapters''; and

(C) in subsection (c)—

(i) in paragraph (2)—

(I) in subparagraph (B), by striking ''evaluation, intervention, evidence gathering, and counseling'' and inserting ''investigation and intervention in child abuse''; and

(II) in subparagraph (E), by striking ''judicial handling of child abuse and neglect'' and inserting ''multidisciplinary response to child abuse'';

(ii) in paragraph (3)(A)(i), by striking ''so that communities can establish multidisciplinary programs that respond to child abuse'' and inserting ''and chapters so that communities can establish and maintain multidisciplinary programs that respond to child abuse and chapters can establish and maintain children's advocacy centers in their State'';

(iii) in paragraph (4)(B)—

(I) in clause (iii), by striking ''and'' at the end;

(II) in by redesignating clause (iv) as clause (v); and

(III) by inserting after clause (iii) the following:

''(iv) best result in supporting chapters in each State; and''; and

(iv) in paragraph (6), by inserting ''under this Act'' after ''recipients'';

(4) in section 214 (34 U.S.C. 20304)—

(A) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—The Administrator shall make grants to—

''(1) establish and maintain a network of care for child abuse victims where investigation, prosecutions, and interventions are continually occurring and coordinating activities within local children's advocacy centers and multidisciplinary teams;

''(2) develop, enhance, and coordinate multidisciplinary child abuse investigations, intervention, and prosecution activities;

''(3) promote the effective delivery of the evidence-based, trauma-informed Children's Advocacy Center Model and the multidisciplinary response to child abuse; and

''(4) develop and disseminate practice standards for care and best practices in programmatic evaluation, and support State chapter organizational capacity and local children's advocacy center organizational capacity and operations in order to meet such practice standards and best practices.'';

(B) in subsection (b), by striking '', in coordination with the Director of the Office of Victims of Crime,'';

(C) in subsection (c)(2)—

(i) in subparagraph (C), by inserting ''to the greatest extent practicable, but in no case later than 72 hours,'' after ''hours''; and

(ii) by striking subparagraphs (D) through (I) and inserting the following:

''(D) Forensic interviews of child victims by trained personnel that are used by law enforcement, health, and child protective service agencies to interview suspected abuse victims about allegations of abuse.

''(E) Provision of needed follow up services such as medical care, mental healthcare, and victims advocacy services.

''(F) A requirement that, to the extent practicable, all interviews and meetings with a child victim occur at the children's advocacy center or an agency with which there is a linkage agreement regarding the delivery of multidisciplinary child abuse investigation, prosecution, and intervention services.

''(G) Coordination of each step of the investigation process to eliminate duplicative forensic interviews with a child victim.

''(H) Designation of a director for the children's advocacy center.

''(I) Designation of a multidisciplinary team coordinator.

''(J) Assignment of a volunteer or staff advocate to each child in order to assist the child and, when appropriate, the child's family, throughout each step of intervention and judicial proceedings.

''(K) Coordination with State chapters to assist and provide oversight, and organizational capacity that supports local children's advocacy centers, multidisciplinary teams, and communities working to implement a multidisciplinary response to child abuse in the provision of evidence-informed initiatives, including mental health counseling, forensic interviewing, multidisciplinary team coordination, and victim advocacy.

''(L) Such other criteria as the Administrator shall establish by regulation.''; and

(D) by striking subsection (f) and inserting the following:

''(f) GRANTS TO STATE CHAPTERS FOR ASSISTANCE TO LOCAL CHILDREN'S ADVOCACY CENTERS.—In awarding grants under this section, the Administrator shall ensure that a portion of the grants is distributed to State chapters to enable State chapters to provide oversight, training, and technical assistance to local centers on evidence-informed initiatives including mental health, counseling, forensic interviewing, multidisciplinary team coordination, and victim advocacy.'';

(5) in section 214A (34 U.S.C. 20305)—

(A) in subsection (a)—

(i) in paragraph (1), by striking ''attorneys and other allied'' and inserting ''prosecutors and other attorneys and allied''; and

(ii) in paragraph (2)(B), by inserting ''Center'' after ''Advocacy''; and

(B) in subsection (b)(1), by striking subparagraph (A) and inserting the following:

''(A) a significant connection to prosecutors who handle child abuse cases in State courts, such as a membership organization or support service providers; and''; and

(6) by striking 214B (34 U.S.C. 20306) and inserting the following:

**''SEC. 214B. AUTHORIZATION OF APPROPRIATIONS.**

''There are authorized to be appropriated to carry out sections 213, 214, and 214A, $40,000,000 for each of fiscal years 2022 through 2028.''.

## AUTHORITY FOR COMMITTEES TO MEET

Mr. SCHUMER. Mr. President, I have nine 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 in executive session during the session of the Senate on Tuesday, December 13, 2022.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Tuesday, December 13, 2022, at 10 a.m., to conduct a hearing.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Tuesday, December 13, 2022, at 10 a.m., to conduct a hearing on nominations.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Tuesday, December 13, 2022, at 2:30 p.m., to conduct a closed briefing.

SUBCOMMITTEE ON COMMUNICATIONS, MEDIA, AND BROADBAND

The Subcommittee on Communications, Media, and Broadband of the Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Tuesday, December 13, 2022, at 10 a.m., to conduct a hearing.

SUBCOMMITTEE ON FOOD AND NUTRITION, SPECIALTY CROPS, ORGANICS, AND RESEARCH

The Subcommittee on Food and Nutrition, Specialty Crops, Organics, and Research of the Committee on Agriculture, Nutrition, and Forestry is authorized to meet during the session of the Senate on Tuesday, December 13, 2022, at 10 a.m., to conduct a hearing.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

The Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Tuesday, December 13, 2022, at 9:30 a.m., to conduct a hearing.

SUBCOMMITTEE ON OCEANS, FISHERIES, CLIMATE CHANGE AND MANUFACTURING

The Subcommittee on Oceans, Fisheries, Climate Change and Manufacturing of the Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Tuesday, December 13, 2022, at 2 p.m., to conduct a hearing.

SUBCOMMITTEE ON SECURITIES, INSURANCE, AND INVESTMENT

The Subcommittee on Securities, Insurance, and Investment of the Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Tuesday, December 13, 2022, at 2:30 p.m., to conduct a hearing.

## JAMES M. INHOFE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2023

Mr. SCHUMER. Madam President, I ask that the Chair lay before the Senate the message to accompany H.R. 7776.

The PRESIDING OFFICER. The Chair lays before the Senate the following message:

The legislative clerk read as follows:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 7776) entitled ''An Act to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes'', with an amendment.

MOTION TO CONCUR

Mr. SCHUMER. Madam President, I move to concur in the House amendment to the Senate amendment, and I ask for the yeas and nays on the motion to concur.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

MOTION TO CONCUR WITH AMENDMENT NO. 6513

Mr. SCHUMER. Madam President, I move to concur in the House amendment, with an amendment No. 6513, which is at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The Senator from New York [Mr. SCHUMER] moves to concur in the House amendment to the Senate amendment to H.R. 7776, with an amendment numbered 6513.

Mr. SCHUMER. I ask that further reading be dispensed with.

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. SCHUMER. I ask for the yeas and nays on the motion to concur with amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

AMENDMENT NO. 6515 TO AMENDMENT NO. 6513

Mr. SCHUMER. Madam President, I have an amendment to amendment No. 6513, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 6515 to amendment No. 6513.

Mr. SCHUMER. I ask that further reading be dispensed with.

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

The amendment is as follows:

(Purpose: To add an effective date)

At the end add the following:

**SEC. EFFECTIVE DATE.**

This Act shall take effect on the date that is 1 day after the date of enactment of this Act.

MOTION TO REFER WITH AMENDMENT NO. 6516

Mr. SCHUMER. Madam President, I move to refer the House message to the Armed Services Committee with instructions to report back forthwith with an amendment numbered 6516.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] moves to refer the bill to the Armed Services Committee with instructions to report back forthwith with an amendment numbered 6516.

Mr. SCHUMER. I ask that further reading be waived.

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

The amendment is as follows:

(Purpose: To add an effective date)

At the end add the following:

**SEC. EFFECTIVE DATE.**

This Act shall take effect on the date that is 2 days after the date of enactment of this Act.

Mr. SCHUMER. I ask for the yeas and nays on my motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

AMENDMENT NO. 6517

Mr. SCHUMER. Madam President, I have an amendment to the instructions, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 6517 to the instructions of the motion to refer.

Mr. SCHUMER. I ask that further reading be waived.

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

The amendment is as follows:

(Purpose: To modify the effective date)

On page 1, line 3, strike ''2'' and insert ''3''.

Mr. SCHUMER. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

AMENDMENT NO. 6518 TO AMENDMENT NO. 6517

Mr. SCHUMER. Madam President, I have an amendment to amendment No. 6517, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 6518 to amendment No. 6517.

Mr. SCHUMER. I ask that further reading of the amendment be waived.

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

The amendment is as follows:

(Purpose: To modify the effective date)

On page 1, strike ''3'' and insert ''4''.

## UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Republican leader, the Senate proceed to executive session to consider Calendar No. 1053, Francisco O. Mora, to be Permanent Representative of the United States of America to the Organization of American States; that there be 10 minutes for debate equally divided in the usual

form on the nomination; that upon the use or yielding back of time, the Senate vote without intervening action or debate on the nomination; that if the nomination is confirmed, the motion to reconsider be considered made and laid upon the table, and the President be immediately notified of the Senate's actions, and the Senate then resume legislative session.

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

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations en bloc: Calendar Nos. 977, 1106, 1113, 1119, 1257, 1261, 1262, 1263, 1266, 1267, 1268, 1269, 1270, and 1272; 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 the President be immediately notified of the Senate's actions and 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 en bloc nominations of Michael Battle, of Georgia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Republic of Tanzania; William H. Duncan, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of El Salvador; Heide B. Fulton, of West Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Oriental Republic of Uruguay; Robert J. Faucher, of Arizona, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Suriname; Rachna Sachdeva Korhonen, of New Jersey, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mali; Kenneth Merten, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Bulgaria; Julie D. Fisher, of Tennessee, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cyprus; Christopher T. Robinson, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Latvia; Manuel P. Micaller, Jr., of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Tajikistan; Kristina A. Kvien, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Armenia; Henry V. Jardine, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mauritius, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Seychelles; Bijan Sabet, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Czech Republic; George P. Kent, of Massachusetts, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Estonia; and Carol Spahn, of Maryland, to be Director of the Peace Corps?

The nominations were confirmed en bloc.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to executive session and the Senate Committee on Environment and Public Works be discharged from further consideration of PN2402 and PN2249; that the Senate proceed to their en bloc consideration and vote without intervening action or debate; that, if confirmed, the motions to reconsider be considered made and laid upon the table with no intervening action or debate and the President be immediately notified of the Senate's action and the Senate resume legislative session.

There being no objection, the committee was discharged, and the Senate proceeded to consider the nominations en bloc.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the en bloc nominations of Stephen A. Owens, of Arizona, to be Chairperson of the Chemical Safety and Hazard Investigation Board for a term of five years; and Catherine J.K. Sandoval, of California, to be a Member of Chemical Safety and Hazard Investigation Board for a term of five years?

The nominations were confirmed en bloc.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

## DATA MAPPING TO SAVE MOMS' LIVES ACT

Mr. SCHUMER. Madam President, I ask the Chair lay before the Senate the message to accompany S. 198.

The Presiding Officer laid before the Senate the following message from the House of Representatives.

Resolved, That the bill from the Senate (S. 198) entitled ''An Act to require the Federal Communications Commission to incorporate data on maternal health outcomes into its broadband health maps.'', do pass with an amendment.

MOTION TO CONCUR

Mr. SCHUMER. I move to concur in the House amendment, and I ask unanimous consent that the motion be agreed to and that the motion to reconsider be considered made and laid upon the table.

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

## RESPECT FOR CHILD SURVIVORS ACT

Mr. SCHUMER. Madam President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 4926 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 4926) to amend chapter 33 of title 28, United States Code, to require appropriate use of multidisciplinary teams for investigations of child sexual exploitation or abuse, the production of child sexual abuse material, or child trafficking conducted by the Federal Bureau of Investigation.

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; 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 amendment (No. 6519) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill (S. 4926), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

## AFRICAN DIASPORA HERITAGE MONTH ACT OF 2022

Mr. SCHUMER. Madam President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 5006 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 5006) to designate the month of September as African Diaspora Heritage Month.

There being no objection, the committee was discharged, and 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 table.

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

The bill (S. 5006) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 5006

*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 ''African Diaspora Heritage Month Act of 2022''.

**SEC. 2. FINDINGS.**

Congress finds that—

(1) the African diaspora population in the United States has grown significantly in recent years, with the number of African immigrants growing at a rate of almost 246 percent from 2000 to 2019;

(2) the African diaspora community is one of the most diverse communities in the United States, inclusive of people who speak multiple languages, whose rich heritage comes from all across the African continent, and whose members practice various faiths;

(3) during the 17th, 18th, and 19th centuries, a significant number of enslaved people from Africa were brought to the United States;

(4) immigrants of African origin boast some of the highest educational achievements of any immigrant group;

(5) African diaspora households contribute billions of dollars to the economy of the United States, with an estimated $10,100,000,000 in Federal taxes, $4,700,000,000 in State and local taxes, and a spending power of more than $40,300,000,000 in 2015;

(6) Sub-Saharan African immigrants living in the United States, Europe, and elsewhere sent back $46,000,000,000 in remittances to the continent of Africa in 2021;

(7) Government agencies, including the International Development Finance Corporation, the Department of Commerce, the Department of the Treasury, and the United States Trade Representative are critical to investments and enduring mutual partnerships between the United States and African nations;

(8) in 2019, through the African Growth and Opportunity Act (19 U.S.C. 3701 et seq.), the United States imported $8,400,000,000 in goods, up 2.4 percent as compared to 2001;

(9) Prosper Africa and other similar Government initiatives are critical to building and strengthening ties between the United States and African businesses;

(10) the total two-way goods trade with Sub-Saharan Africa totaled $44,900,000,000 in 2021, a 22 percent increase from $36,800,000,000 in 2019;

(11) the African diaspora plays an invaluable role in shaping Government policy;

(12) members of the African diaspora have an invaluable understanding of cross-cultural engagement between the United States and Africa, existing relations and networks on the African continent, and can support efforts to facilitate stronger ties between the United States and Africa;

(13) the United States is committed to strengthening the government-to-government relationships between the United States and countries throughout the African continent;

(14) Congress strongly supports the United States hosting a second United States-Africa Leaders Summit in December 2022, and urges collaboration between the Government and the African diaspora community in the United States in advance, during, and after the Summit as an opportunity to strengthen ties between the United States and African nations;

(15) the African diaspora harbors a deep commitment to family and community, an enduring work ethic, and a perseverance to succeed and contribute to the society of the United States; and

(16) all members of the African diaspora in the United States deserve access to Federal resources and a voice in the Government of the United States.

**SEC. 3. AFRICAN DIASPORA HERITAGE MONTH.**

(a) IN GENERAL.—Chapter 1 of title 36, United States Code, is amended—

(1) by redesignating the second section 146 as section 147; and

(2) by adding at the end the following:

**''§ 148. African Diaspora Heritage Month**

''(a) DESIGNATION.—September is African Diaspora Heritage Month.

''(b) PROCLAMATIONS.—The President is requested to issue each year a proclamation calling on the people of the United States, and the chief executive officers of each State of the United States, the District of Columbia, and each territory and possession of the United States are requested to issue each year proclamations calling on the people of their respective jurisdictions, to observe African Diaspora Heritage Month with appropriate programs, ceremonies, and activities.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 1 of title 36, United States Code, is amended—

(1) by striking the item relating to the second section 146 and inserting the following:

''147. Choose Respect Day.
''148. African Diaspora Heritage Month.''.

## COMMENDING AND CONGRATULATING THE PORTLAND THORNS FOOTBALL CLUB ON WINNING THE 2022 NATIONAL WOMEN'S SOCCER LEAGUE CHAMPIONSHIP

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 869, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 869) commending and congratulating the Portland Thorns Football Club on winning the 2022 National Women's Soccer League championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. I ask unanimous consent that the resolution be agreed to, the preamble be agreed, and the motions to reconsider be considered made and laid upon table with no intervening action or debate.

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

The resolution (S. Res. 869) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

## HONORING THE LIFE AND LEGACY OF SECRETARY ASH CARTER

Mr. SCHUMER. Madam President, I ask unanimous consent the Senate proceed to the consideration of S. Res. 870, submitted earlier today.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 870) honoring the life and the legacy of Secretary Ash Carter.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. I ask unanimous consent 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. 870) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.''

## MEASURE READ THE FIRST TIME—S. 5244

Mr. SCHUMER. Madam President, I understand that 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 legislative clerk read as follows:

A bill (S. 5244) making continuing appropriations for fiscal year 2023, extending various health programs, and for other purposes.

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 is heard.

The bill will be read for the second time on the next legislative day.

## ORDERS FOR WEDNESDAY, DECEMBER 14, 2022

Mr. SCHUMER. Madam President, finally, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Wednesday, December 14, and that following the prayer and pledge, the morning hour be deemed expired, the

Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed, that upon the conclusion of morning business, the Senate proceed to consideration of Calendar No. 640, S.J. Res. 60; further, that at 12 noon, the joint resolution be considered read a third time and the Senate vote on passage of the joint resolution; that upon disposition of the joint resolution, the Senate proceed to executive session for consideration of executive Calendar No. 1053, Francisco Mora, that the Senate vote on confirmation of the Mora nomination at 5 p.m.; finally, if any nominations are confirmed during Wednesday's session, the motions to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SCHUMER. Madam President, if there is no further business to come before the Senate, I ask that it stand adjourned under the provisions of S. Res. 870.

There being no objection, as a further mark of respect to the late Ashton Baldwin Carter, former Secretary of Defense, the Senate, at 8:23 p.m., adjourned until Wednesday, December 14, 2022, at 10 a.m.

## DISCHARGED NOMINATIONS

The Senate Committee on Environment and Public Works was discharged from further consideration of the following nominations by unanimous consent and the nominations were confirmed:

CATHERINE J.K. SANDOVAL, OF CALIFORNIA, TO BE A MEMBER OF CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS.

STEPHEN A. OWENS, OF ARIZONA, TO BE CHAIRPERSON OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS.

## CONFIRMATIONS

Executive nominations confirmed by the Senate December 13, 2022:

### DEPARTMENT OF STATE

MICHAEL BATTLE, OF GEORGIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED REPUBLIC OF TANZANIA.

### DEPARTMENT OF THE TREASURY

JAY CURTIS SHAMBAUGH, OF MARYLAND, TO BE AN UNDER SECRETARY OF THE TREASURY.

### DEPARTMENT OF STATE

WILLIAM H. DUNCAN, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EL SALVADOR.

HEIDE B. FULTON, OF WEST VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ORIENTAL REPUBLIC OF URUGUAY.

ROBERT J. FAUCHER, OF ARIZONA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SURINAME.

### THE JUDICIARY

DANA M. DOUGLAS, OF LOUISIANA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT.

### DEPARTMENT OF STATE

RACHNA SACHDEVA KORHONEN, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALI.

KENNETH MERTEN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BULGARIA.

JULIE D. FISHER, OF TENNESSEE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CYPRUS.

CHRISTOPHER T. ROBINSON, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LATVIA.

MANUEL P. MICALLER, JR., OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TAJIKISTAN.

KRISTINA A. KVIEN, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ARMENIA.

HENRY V. JARDINE, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MAURITIUS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SEYCHELLES.

BIJAN SABET, OF MASSACHUSETTS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CZECH REPUBLIC.

GEORGE P. KENT, OF MASSACHUSETTS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ESTONIA.

### PEACE CORPS

CAROL SPAHN, OF MARYLAND, TO BE DIRECTOR OF THE PEACE CORPS.

### CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

CATHERINE J.K. SANDOVAL, OF CALIFORNIA, TO BE A MEMBER OF CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS.

STEPHEN A. OWENS, OF ARIZONA, TO BE CHAIRPERSON OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS.