the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 637, a bill to amend the Fair Labor Standards Act of 1938 to apply child labor laws to independent contractors, increase penalties for child labor law violations, and for other purposes.

S. 639

At the request of Mr. CARDIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 639, a bill to amend the Internal Revenue Code of 1986 to improve the historic rehabilitation tax credit, and for other purposes.

S. 646

At the request of Mr. COONS, the name of the Senator from Georgia (Mr. OSSOFF) was added as a cosponsor of S. 646, a bill to amend the Energy Policy Act of 2005 to establish a Hydrogen Technologies for Heavy Industry Demonstration Program, and for other purposes.

S. 648

At the request of Mr. COONS, the name of the Senator from Georgia (Mr. OSSOFF) was added as a cosponsor of S. 648, a bill to require the Secretary of Transportation, in consultation with the Secretary of Energy, to establish a grant program to demonstrate the performance and reliability of heavy-duty fuel cell vehicles that use hydrogen as a fuel source, and for other purposes.

S. 707

At the request of Ms. COLLINS, the name of the Senator from New Mexico (Mr. LUJÁN) was added as a cosponsor of S. 707, a bill to amend the Animal Welfare Act to allow for the retirement of certain animals used in Federal research, and for other purposes.

S. 727

At the request of Mr. SANDERS, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 727, a bill to limit the price charged by manufacturers for insulin.

S. 800

At the request of Mr. BLUMENTHAL, the name of the Senator from Arizona (Ms. SINEMA) was added as a cosponsor of S. 800, a bill to amend the Internal Revenue Code of 1986 to impose a higher rate of tax on bonuses and profits from sales of stock received by executives employed by failing banks that were closed and for which the Federal Deposit Insurance Corporation has been appointed as conservator or receiver.

S. 813

At the request of Mr. LUJÁN, the names of the Senator from Kansas (Mr. MARSHALL) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 813, a bill to direct the Secretary of Agriculture to amend regulations to allow for certain packers to have an interest in market agencies, and for other purposes.

S. 814

At the request of Mr. DURBIN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 814, a bill to allow the Secretary of Homeland Security to designate Romania as a program country under the visa waiver program.

S. RES. 107

At the request of Mrs. HYDE-SMITH, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. Res. 107, a resolution recognizing the expiration of the Equal Rights Amendment proposed by Congress in March 1972, and observing that Congress has no authority to modify a resolution proposing a constitutional amendment after the amendment has been submitted to the States or after the amendment has expired.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS:

S. 830. A bill to amend the Internal Revenue Code of 1986 to increase the limitation on the amount individuals filing jointly can deduct for certain State and local taxes; to the Committee on Finance.

Ms. COLLINS. Madam President, as Tax Day approaches, Americans families have begun calculating their taxes and filling out returns. They face a Tax Code that is frustratingly complex and at times unfair. The bill that I am introducing today would remedy a major discrepancy. The SALT Deduction Fairness Act would ensure that limits on State and local tax deductions, also known as SALT deductions, do not unfairly penalize married filers.

Currently, the amount of State and local taxes that both single and married filers may deduct from their annual income taxes is capped at $10,000. Married people who file their taxes separately are limited to $5,000 each. In other words, people would be better off not getting married at all when it comes to the SALT deduction. My legislation eliminates the marriage penalty by treating married couples fairly by doubling their deduction to $20,000 when they file jointly or $10,000 each for married individuals who file separate returns.

The SALT deduction has been in the Tax Code since 1913 when the income tax was established. It is intended to protect taxpayers from double taxation. When the Senate considered the Tax Cuts and Jobs Act, I worked to keep the SALT deduction in the Federal Tax Code because of the increased tax burden its elimination would have imposed on Mainers. They already pay taxes on their homes and seasonal properties, annual excise taxes on their vehicles, sales taxes, and State income taxes. The Senate adopted my amendment, preserving the deduction for State and local taxes up to $10,000.

Maine has one of the Nation's highest State income tax rates, making this deduction especially important to families in my State. Last year, an analysis by WalletHub found that Maine had the third highest overall tax burden behind only New York and Hawaii. Yet, according to the U.S. Census Bureau, Maine's median household income ranks only 32nd in the Nation and is approximately $5,000 below the U.S. median household income. Many Mainers are also subject to high local property taxes. The SALT deduction helps to offset the burden these taxes place on Maine families, providing critical relief for those who itemize their deductions.

More broadly, our Tax Code must be fair to the more than 60 million married couples living in our Nation. A couple should not face a tax penalty for being married. One way to do that is to not penalize the deductions they can take for State and local taxes. The SALT Deduction Fairness Act remedies this.

I urge my colleagues to support this commonsense bill to fix this marriage penalty.

---

By Mr. REED (for himself and Mr. GRASSLEY):

S. 837. A bill to enhance civil penalties under the Federal securities laws, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Madam President, today I am introducing the Stronger Enforcement of Civil Penalties Act along with Senator Grassley. This bill will help securities regulators better protect investors and demand greater accountability from market players. Even in the midst of an unprecedented public health and economic emergency, we continue to see calculated wrongdoing by some on Wall Street, and without the consequence of meaningful penalties to serve as an effective deterrent, I worry this disturbing culture of misconduct will persist.

The amount of penalties the Securities and Exchange Commission, SEC, can fine an institution or individual is restricted by statute. During hearings I held in 2011 as chairman of the Banking Committee's Securities, Insurance, and Investment Subcommittee, I learned how this limitation significantly interferes with the SEC's ability to execute its enforcement duties. At that time, a Federal judge had criticized the SEC for not obtaining a larger settlement against Citigroup, a major actor in the financial crisis that settled with the Agency in an amount that was far below the cost the bank had inflicted on investors. The SEC indicated that a statutory prohibition against levying a larger penalty led to the low settlement amount. Indeed, in the immediate aftermath of the financial crisis, then-SEC Chairman Mary Schapiro explained that ''the Commission's statutory authority to obtain civil monetary penalties with appropriate deterrent effect is limited in many circumstances.'' Unfortunately, the SEC's statutory authority remains unchanged and the Agency's deterrent effect remains limited—even though securities fraud has not abated.

The bipartisan bill we are introducing aims to update the SEC's outdated civil penalties statutes. This bill strives to make potential and current offenders think twice before engaging in misconduct by raising the maximum statutory civil monetary penalties, directly linking the size of the penalties to the amount of losses suffered by victims of a violation, and substantially increasing the financial stakes for serial offenders of our Nation's securities laws.

Specifically, our bill would broaden the SEC's options to tailor penalties to the particular circumstances of a given violation. In addition to raising the per violation caps for severe, or ''third tier,'' violations to $1 million per offense for individuals and $10 million per offense for entities, the legislation would also give the SEC more options to collect greater penalties based on the ill-gotten gains of the violator or on the financial harm to investors.

Our bill also seeks to deter repeat offenders on Wall Street through two provisions. The first would authorize the SEC to triple the penalty cap applicable to recidivists who have been held either criminally or civilly liable for securities fraud within the previous 5 years. The second would allow the SEC to seek a civil penalty against those who violate existing Federal court or SEC orders, an approach that would be more efficient, effective, and flexible to the current civil contempt remedy. These updates would greatly enhance the SEC's ability to levy tough penalties against repeat offenders.

The SEC's current Director of Enforcement said several months ago that ''a centerpiece'' of the Agency's efforts to ''hold wrongdoers accountable and deter future misconduct . . . is ensuring that we are using every tool in our toolkit, including penalties that have a deterrent effect and are viewed as more than the cost of doing business.'' Our bill will strengthen the SEC's existing tools, which will further increase deterrence and substantially ratchet up the costs of committing fraud.

All of our constituents deserve a strong regulator that has the necessary tools to go after fraudsters and pursue the difficult cases arising from our increasingly complex financial markets. The Stronger Enforcement of Civil Penalties Act will enhance the SEC's ability to demand meaningful accountability from Wall Street, which in turn will increase transparency and confidence in our financial system. I urge our colleagues to support this important bipartisan legislation.

---

By Mr. THUNE (for himself and Mr. LANKFORD):

S. 839. A bill to require agencies to complete a regulatory impact analysis before issuing a significant rule, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. THUNE. Madam President, I am also introducing legislation today to help prevent economically damaging regulations from going into effect in the first place. My bill, the Regulatory Transparency Act, would require Federal Agencies to conduct a more transparent and objective analysis of the impact a proposed regulation would have on the economy, especially on small businesses. It would also require Agencies to justify the need for the regulation and consider other less burdensome ways of meeting the same goal. And, importantly, it would require Agencies to consider whether a sunset date for the regulation would be appropriate, which could help reduce the long-term buildup of irrelevant or outdated Federal regulations.

There is a lot more that I could say about the regulations the Biden administration has implemented or is trying to put in place, but I will stop here. Suffice it to say that President Biden has made use of the regulatory system to advance an agenda that will negatively affect our Nation, and I will continue to do everything I can to push back against the Biden administration's many troubling regulations and to protect our economy and the American people from the regulatory burden the administration has put in place.

Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 839

*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 ''Regulatory Transparency Act of 2023''.

**SEC. 2. DEFINITIONS.**

Section 601 of title 5, United States Code, is amended—

(1) in paragraph (6), by striking ''and'' at the end;

(2) in paragraph (7) by striking the period at the end and inserting a semicolon;

(3) in paragraph (8)—

(A) by striking ''RECORDKEEPING REQUIREMENT.—The'' and inserting ''the''; and

(B) by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(9) the term 'significant rule' means any final rule that the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget determines is likely to—

''(A) have an annual effect on the economy of $100,000,000 or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

''(B) create a significant inconsistency or otherwise interfere with an action taken or planned by another Federal agency;

''(C) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

''(D) raise novel legal or policy issues.''.

**SEC. 3. REGULATORY IMPACT ANALYSES; CONSIDERATION OF SUNSET DATES.**

(a) IN GENERAL.—Chapter 6 of title 5, United States Code, is amended by adding at the end the following:

**''§ 613. Regulatory impact analyses**

''(a) IN GENERAL.—Before issuing any proposed rule, final rule, or interim final rule that meets the economic threshold of a significant rule described in section 601(9)(A), an agency shall conduct a regulatory impact analysis to evaluate the proposed rule, final rule, or interim final rule, as applicable.

''(b) REGULATORY IMPACT ANALYSES.—An analysis under subsection (a) shall—

''(1) be based upon the best reasonably obtainable supporting information, consistent with Executive Order 12866 (5 U.S.C. 601 note; relating to regulatory planning and review) and any other relevant guidance from the Office of Management and Budget;

''(2) be transparent, replicable, and objective;

''(3) describe the need to be addressed and how the rule would address that need;

''(4) analyze the potential effects, including the benefits and costs, of the rule;

''(5) to the maximum extent practicable, consider the cumulative regulatory burden on the regulated entity under subsection (c);

''(6) consider the potential effects on different types and sizes of businesses, if applicable;

''(7) for a proposed rule that is likely to lead to a significant rule, or a final or interim final rule that is a significant rule—

''(A) describe the need to be addressed, including—

''(i) the supporting information demonstrating the need;

''(ii) the failures of private markets that warrant new agency action, if applicable; and

''(iii) whether existing law, including regulations, has created or contributed to the need;

''(B) define the baseline for the analysis;

''(C) set the timeframe of the analysis;

''(D) analyze any available regulatory alternatives, including—

''(i) if rulemaking is not specifically directed by statute, the alternative of not regulating;

''(ii) any alternatives that specify performance objectives rather than identify or require the specific manner of compliance that regulated entities must adopt;

''(iii) any alternatives that involve the deployment of innovative technology or practices; and

''(iv) any alternatives that involve different requirements for different types or sizes of businesses, if applicable;

''(E) identify the effects of the available regulatory alternatives described in subparagraph (D);

''(F) identify the effectiveness of tort law to address the identified need;

''(G) to the maximum extent practicable, quantify and monetize the benefits and costs of the selected regulatory alternative and the available alternatives under consideration;

''(H) discount future benefits and costs quantified and monetized under subparagraph (G);

''(I) to the maximum extent practicable, evaluate non-quantified and non-monetized benefits and costs of the selected regulatory alternative and the available alternatives under consideration; and

''(J) characterize any uncertainty in benefits, costs, and net benefits.

''(c) CUMULATIVE REGULATORY BURDEN.—In considering the cumulative regulatory burden under subsection (b)(5), an agency shall—

''(1) identify and assess the benefits and costs of other regulations require compliance by the same regulated entities to attempt to achieve similar regulatory objectives;

''(2) evaluate whether the rule is inconsistent with, incompatible with, or duplicative of other regulations; and

''(3) consider whether the estimated benefits and costs of the rule increase or decrease as a result of other regulations issued by the agency, including regulations that are not yet fully implemented, compared to the benefits and costs of that rule in the absence of such regulations.

''(d) LESS BURDENSOME ALTERNATIVES.—If, after conducting an analysis under subsection (a) for a proposed rule that is likely to lead to a significant rule, or a final rule or interim final that is a significant rule, the agency selects a regulatory approach that is not the least burdensome compared to an available regulatory alternative, the agency shall include—

''(1) in the summary section of the preamble a statement that the selected approach is more burdensome than an available regulatory alternative; and

''(2) a justification, with supporting information, for the selected approach.

''(e) REGULATORY DETERMINATION.—

''(1) IN GENERAL.—Except as expressly provided otherwise by law, an agency may issue a proposed rule, final rule, or interim final rule only upon a reasoned determination that the benefits of the rule justify the costs of the rule.

''(2) REQUIREMENTS.—

''(A) ALTERNATIVE.—Whenever an agency is expressly required by law to issue a rule, the agency shall select a regulatory alternative that has benefits that exceed costs and complies with law.

''(B) COMPLIANCE.—If it is not possible to comply with the law by selecting a regulatory alternative that has benefits that exceed costs, an agency shall select the regulatory alternative that has the least costs and complies with law.

**''§ 614. Consideration of sunset dates**

''(a) SUNSET.—Not later than July 1, 2023, an agency shall, for each proposed rule or interim final rule of the agency that meets the economic threshold of a significant rule described in section 601(9)(A), include an explicit consideration of a sunset date for the rule.

''(b) ELEMENTS.—The consideration described in subsection (a) for a proposed rule or interim final rule described in that subsection shall include an assessment of whether the rule—

''(1) could become outmoded or outdated in light of changed circumstances, including the availability of new technologies; or

''(2) could become excessively burdensome after a period of time due to, among other things—

''(A) disproportionate costs on small businesses;

''(B) the net effect on employment, including jobs added or lost in the private sector; and

''(C) costs that exceed benefits.

''(c) PUBLICATION.—A summary of the consideration described in subsection (a) for a proposed rule or interim final rule described in that subsection shall be published in the Federal Register along with the proposed or interim final rule, as applicable.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 6 of title 5, United States Code, is amended by adding at the end the following:

''613. Regulatory impact analyses.

''614. Consideration of sunset dates.''.

**SEC. 4. JUDICIAL REVIEW.**

Section 611(a) of title 5, United States Code, is amended, in paragraphs (1) and (2), by striking ''and 610'' and inserting ''610, and 613''.

By Mr. BOOKER (for himself and Mr. DURBIN):

S. 850. A bill to incentivize States and localities to improve access to justice, and for other purposes; to the Committee on the Judiciary.

---

By Mr. BOOKER (for himself and Mr. DURBIN):

S. 851. A bill to include a Federal defender as a nonvoting member of the United States Sentencing Commission; to the Committee on the Judiciary.

Mr. BOOKER. Madam President, this Saturday, March 18, will mark the 60th anniversary of the unanimous and landmark Supreme Court decision in Gideon v. Wainwright, which held that every American has the constitutional right in criminal cases, regardless of their wealth and where they were born—they have a right, fundamentally, to the public defense system that we know today.

Before Gideon was decided, people accused of crimes were left to fend for themselves, having to navigate arraignments, plea bargains, jury decisions, trials, cross-examination of witnesses—every part of the criminal prosecution, they had to do it themselves while facing government prosecutors who had the legal upper hand.

Clarence Earl Gideon was a 51-year-old with an eighth grade education who ran away from home in middle school. History describes him as a ''drifter'' who spent time in and out of prison for nonviolent crimes, but history would also come to know him as someone who fundamentally transformed our legal system so that any person without resources accused of a crime has a due process right to a fair trial. You can't have a fair trial without counsel.

In 1961, Gideon was arrested for stealing $5 in change and beer, allegedly doing so from the Bay Harbor Poolroom in Panama City, FL. As James Baldwin would write the same year as Gideon's arrest, ''Anyone who has ever struggled with poverty knows how extremely expensive it is to be poor.''

Gideon, who had spent much of his life in poverty, was too poor to hire an attorney and asked the trial court to appoint one for him. The court denied his request, saying that only indigent defenders facing the death penalty are entitled to a lawyer.

Gideon assumed the burden of defending himself at trial, becoming his own lawyer. He made an opening statement to the jury and cross-examined the prosecution's witnesses. He presented witnesses in his own defense. He declined to testify himself and made arguments emphasizing his innocence.

Despite his valiant efforts, the jury found Gideon guilty of this $5 theft, and he was sentenced to 5 years' imprisonment. But Gideon felt he had been fundamentally deprived of his due process rights.

Determined to prove his innocence, Gideon penciled a five-page, handwritten petition asking the nine Justices of the Supreme Court to consider his case. Against all odds, the Supreme Court granted Gideon's petition.

Gideon would tell the Supreme Court:

> It makes no difference how old I am or what color I am or which church I belong to, if any. The question is I did not get a fair trial. The question is very simple. I requested the court to appoint me [an] attorney and the court refused.

In the Court's unanimous decision, they held that ''reason and reflection require us to recognize that in our adversary system of criminal justice, any person haled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him.''

Gideon's case was sent back to the lower court, where he had a lawyer to defend him. It took the jury only 1 hour to come to a verdict and acquit him.

From that time on, the public defense system as we know it today came into existence. Folks who couldn't afford a lawyer 60 years ago are now guaranteed basic legal protection. Public defenders play a sacrosanct role in our society. Every one of America's public defenders embarks on the noble work that is the cornerstone of our legal system, ensuring that every citizen has a right to a fair trial, that every citizen has access to justice within the justice system.

Yet the promise of Gideon, the promise of this decision, still remains unfulfilled. The public defense is under such strain that in many places, it barely functions.

Justice Black declared that ''lawyers in criminal courts are necessities, not luxuries.'' But too often across our country, adequate legal representation is a luxury only afforded to those who are wealthy enough to hire a lawyer.

Despite their important and essential work to the cause of justice, public defenders carry crushing caseloads that strain their ability to meet their legal and ethical obligations to provide effective representation. According to a 2019 Brennan Center report, only 27 percent of county-based and 21 percent of State-based public defender offices have enough attorneys to adequately handle their caseloads. There are counties and States in America where public defenders are responsible for more than 200 cases at one time.

The quality of public defenders also varies from State to State, town to town, case to case. Compared to prosecutors and other attorneys, public defenders are woefully underresourced and underpaid. That is why today, with my friend and colleague from Illinois, Senator DURBIN, I am introducing the Providing a Quality Defense Act to provide funding to local governments to hire more public defenders so that those accused of crimes can receive adequate representation.

The bill will provide funding to increase salaries for public defenders so that they can have pay parity with the prosecutors they face. It will require

the Department of Justice to conduct evidence-based studies and make recommendations for appropriate caseloads for public defenders and for adequate compensation.

Public defenders don't just represent their clients with zealous advocacy; they get to know their clients and see the impact of convictions on their families and loved ones. This experience is invaluable and helps to inform sentencing should there be a conviction. However, unlike the majority of State sentencing commissions, the U.S. Sentencing Commission, an independent Agency tasked with establishing sentencing policies and practices for the Federal court, lacks a representative from a public defender background who would provide an essential perspective on the criminal justice system.

Today, again, along with Senator DURBIN, I am reintroducing the Sentencing Commission Improvements Act to add a member to the U.S. Sentencing Commission with a public defender background who will bring a new and valuable perspective to the Commission.

I urge my colleagues to support both of these bills, which will bring us one step closer to a justice system that is fairer, more humane, and more just. Such a criminal justice system is part of the legacy of a so-called drifter, a 51-year-old who spoke truth to power, who challenged a system that seemed impossible to beat, who challenged the very idea of what it means to have a just justice system. If the moral arc of the universe bends towards justice, then Clarence Earl Gideon is one of the arc benders.

Mr. DURBIN. Madam President, behind the scenes of our Nation's courtrooms and jails, we will find some of our most dedicated public servants. They are America's public defense lawyers. They work long hours for low pay, and even less attention and acclaim, to protect the most American ideal: equal justice under the law. It is thanks to their service that every single citizen in this country is guaranteed the right to legal counsel.

Well, this Saturday, we have a chance to honor them. It is National Public Defender Day. This year, National Public Defender Day also marks a major milestone in legal history. It is the 60th anniversary of the Supreme Court's decision in the landmark case Gideon v. Wainwright.

As hard as it is to imagine, there were days before the Gideon decision when the constitutional right to legal counsel was not protected. That means, in some States, if you were charged with a crime but couldn't afford a lawyer, you were on your own.

That is exactly what happened to a man named Clarence Gideon in the summer of 1961. At the time, he was down on his luck, struggling with the disease of addiction on the streets of Panama City, FL.

Early one morning in June, he was arrested for a burglary. The evidence against him: A witness claimed that they saw him steal from a local pool hall. The police arrested him based on that accusation alone.

When Mr. Gideon appeared in court, he told the judge he couldn't afford a lawyer, and he asked for an appointed attorney. The judge denied his request. He told Mr. Gideon the court could only appoint counsel to defendants facing the death penalty. In other words, Mr. Gideon was denied his Sixth Amendment right to counsel, which has been enshrined in our Constitution since the enactment of the Bill of Rights, because he wasn't accused of a very serious crime.

Well, Mr. Gideon didn't need a law degree to know something was wrong here. So he picked up a pen and a sheet of paper and wrote a letter to the U.S. Supreme Court, and with that letter, he changed history.

The Supreme Court agreed to hear his case and finally appointed him an attorney—and not just an average attorney—future Supreme Court Justice Abe Fortas.

Fast-forward to March of 1963. The Court issued its decision. All nine Justices ruled unanimously in favor of Mr. Gideon. In the majority opinion, Justice Hugo Black said, ''Lawyers in criminal courts are necessities, not luxuries,'' and he concluded that the ''noble ideal . . . [of] . . . fair trials before impartial tribunals in which every defendant stands equal before the law . . . cannot be realized if the poor man charged with crime has to face his accusers without a lawyer to assist him.''

In the six decades since Gideon, generations of public defenders have stepped up to ensure that no one is denied their right to legal counsel, and for our most vulnerable neighbors in particular, public defenders are an indispensable protection. They have protected the rights of low-income and indigent Americans. They have helped defendants access resources and services to get their lives back on track, and they have worked day in and day out to secure sentences that are humane and proportional.

Moreover, public defenders provide a service to all of us by strengthening the integrity of our system of justice. Think about this: The United States has one of the highest rates of incarceration in the world. So when defendants are denied adequate legal representation, they could end up behind bars for crimes they did not commit or receive excessive or even inhumane sentences for those that they did commit. That is a subversion of justice that wastes resources, violates fundamental values, and, worst of all, treats humans as if they are disposable objects. So all of us owe a debt of gratitude to the public defenders fighting against these injustices.

But we also need to show that gratitude by providing public defenders with the resources they need to advocate for their clients. While the legal profession may be lucrative for attorneys working in big, corporate boardrooms, the reality is very different for lawyers who dedicate themselves to public service. One recent study indicates that—when accounting for the cost of overhead—public defenders can earn as little as $5.16 an hour.

With meager salaries for long hours of work, it is really no wonder that we are currently facing a shortage of public defense lawyers. And that shortage is having a detrimental impact across the country. Criminal cases are going unresolved, defendants in need of medical and mental services are not being treated, and justice is being delayed—and therefore—denied. This is a problem that effects every part of the country. And right now, States like New Mexico and Oregon have a third of the number of public defenders they need to clear their criminal caseload.

Today, Senator BOOKER and I will be introducing two bills to underscore the value of public defenders and provide them with greater funding and resources. One of these bills is a piece of legislation we first introduced in 2021: the Sentencing Commission Improvements Act. We wrote this bill for a simple reason. Public defenders not only provide an invaluable service to our country, they also offer an invaluable perspective.

These legal professionals spend countless hours with vulnerable defendants, as well as their families. They see firsthand how the disease of addiction can lead people down the wrong path and understand how to best support them, so they can get on the road to recovery.

Public defenders help console children who are coming to terms with the fact that they may not hug a parent for years because they are behind bars. And they are there to hold a parent's hand when they find out their son or daughter has received a lengthy sentence. Public defenders understand the sobering—and sometimes grim—reality of our justice system better than anyone. So to build a system that actually prepares incarcerated people to reenter society and become productive citizens, we need to give public defenders a seat at the decision-making table. The Sentencing Commission Improvements Act will achieve that by adding an ex officio member to the U.S. Sentencing Commission who is a public defender. It is exactly the perspective the Commission needs to develop fairer sentencing guidelines.

Our other bill is the Quality Defense Act. It will create a grant program to help fund data collection, hiring, increased compensation, and loan assistance programs for public defenders. This bill also directs the Justice Department to study and develop best practices and recommendations on appropriate public defender caseloads and levels of compensation. These measures will provide public defenders with resources that reflect the importance of their service and encourage attorneys to pursue careers as public defenders.

I believe our justice system is stronger when it incorporates the insights of experts who have worked across the legal spectrum. That is why, as chair of the Senate Judiciary Committee, I have worked to confirm Federal judges who have served as public defenders. These perspectives have long been excluded from the Federal bench, which is a disservice to the American public. Thankfully, we are finally changing course. Last year, this Senate confirmed the first former public defender to ever serve on the Supreme Court: Justice Ketanji Brown Jackson.

And in the past 2 years, we have confirmed more circuit judges with experience as public defenders than all prior Presidents combined. One of them is Judge Candace Jackson-Akiwumi, who serves on the Seventh Circuit in my home State of Illinois. Back in 2017, Judge Jackson-Akiwumi reflected on her time as a public defender—and how it tested her as a legal professional.

She wrote that, as a public defender, ''I am a counselor, helping clients to navigate difficult choices. . . . I am a teacher, introducing clients and their families to the federal court system . . .

''[and] I am a lay social worker: many of our clients have disadvantaged backgrounds, extensive mental health histories, substance abuse issues, and other everyday challenges.''

When you work as a public defender, the job demands a lot more than a simple attorney-client relationship. It is a job that demands resourcefulness, thoughtfulness, and quick, strategic thinking. These are the same qualities we need in the judges who serve on our Nation's Federal courts. And they are the same qualities people look for when they enter the courtroom as a plaintiff or defendant.

So as we honor National Public Defender Day this weekend, I want to thank all of our courageous and dedicated public defense attorneys across America. We are grateful for your commitment to defending equal justice under law.

---

By Mr. DURBIN (for himself, Mr. GRASSLEY, Ms. KLOBUCHAR, and Mr. BLUMENTHAL):

S. 858. A bill to permit the televising of Supreme Court proceedings; to the Committee on the Judiciary.

Mr. DURBIN. Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 858

*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 ''Cameras in the Courtroom Act''.

**SEC. 2. AMENDMENT TO TITLE 28.**

(a) IN GENERAL.—Chapter 45 of title 28, United States Code, is amended by inserting at the end the following:

**''§ 678. Televising Supreme Court proceedings**

''The Supreme Court shall permit television coverage of all open sessions of the Court unless the Court decides, by a vote of the majority of justices, that allowing such coverage in a particular case would constitute a violation of the due process rights of 1 or more of the parties before the Court.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 45 of title 28, United States Code, is amended by inserting at the end the following:

''678. Televising Supreme Court proceedings.''.

---

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

S. 862. A bill to address health workforce shortages through additional funding for the National Health Service Corps, and to establish a National Health Service Corps Emergency Service demonstration project; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 862

*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 ''Restoring America's Health Care Workforce and Readiness Act''.

**SEC. 2. ADDITIONAL FUNDING FOR THE NATIONAL HEALTH SERVICE CORPS.**

(a) ADDITIONAL FUNDING.—Section 10503(b)(2) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2(b)(2)) is amended—

(1) in subparagraph (G), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (H), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(I) $625,000,000 for fiscal year 2024;

''(J) $675,000,000 for fiscal year 2025; and

''(K) $825,000,000 for fiscal year 2026.''.

(b) NATIONAL HEALTH SERVICE CORPS EMERGENCY SERVICE DEMONSTRATION PROJECT.—Part B of title XXVIII of the Public Health Service Act is amended by inserting after section 2812 (42 U.S.C. 300hh–11) the following:

**''SEC. 2812A. NATIONAL HEALTH SERVICE CORPS EMERGENCY SERVICE DEMONSTRATION PROJECT.**

''(a) IN GENERAL.—For each of fiscal years 【2024】 through 【2026】, from the amounts made available under section 10503(b)(2) of the Patient Protection and Affordable Care Act, to the extent permitted by, and consistent with, the requirements of applicable State law, the Secretary shall allocate up to $50,000,000 to establishing, as a demonstration project, a National Health Service Corps Emergency Service (referred to in this section as the 'emergency service') under which a qualified individual currently or previously participating in the National Health Service Corps agrees to engage in service through the National Disaster Medical System established under section 2812, as described in this section.

''(b) PARTICIPANTS.—

''(1) NHSC ALUMNI.—

''(A) QUALIFIED INDIVIDUALS.—An individual may be eligible to participate in the emergency service under this section if such individual participated in the Scholarship Program under section 338A or the Loan Repayment Program under section 338B, and satisfied the obligated service requirements under such program, in accordance with the individual's contract.

''(B) PRIORITY AND INCREASED FUNDING AMOUNTS.—

''(i) PRIORITY.—In selecting eligible individuals to participate in the program under this paragraph, the Secretary shall give priority—

''(I) first, to qualified individuals who continue to practice at the site where the individual fulfilled his or her obligated service under the Scholarship Program or Loan Repayment Program through the time of the application to the program under this section; and

''(II) secondly, to qualified individuals who continue to practice in any site approved for obligated service under the Scholarship Program or Loan Repayment Program other than the site at which the individual served.

''(ii) INCREASED FUNDING AMOUNTS.—The Secretary may grant increased award amounts to certain participants in the program under this section based on the site where a participant fulfilled his or her obligated service under the Scholarship Program or Loan Repayment Program.

''(C) PRIVATE PRACTICE.—An individual participating in the emergency service under this section may practice a health profession in any private capacity when not obligated to fulfill the requirements described in subsection (c).

''(2) CURRENT NHSC MEMBERS.—

''(A) IN GENERAL.—An individual who is participating in the Scholarship Program under section 338A or the Loan Repayment Program under section 338B may apply to participate in the program under this section while fulfilling the individual's obligated services under such program.

''(B) CLARIFICATIONS.—Notwithstanding any other provision of law or any contract with respect to service requirements under the Scholarship Program or Loan Repayment Program, an individual fulfilling service requirements described in subsection (c) shall not be considered in breach of such contract under such Scholarship Program or Loan Repayment Program, provided that the individual give advance and reasonable notification to the site at which the individual is fulfilling his or her obligated service requirements under such contract, and the site approves the individual's deployment through the National Disaster Medical System.

''(C) NO CREDIT TOWARD OBLIGATED SERVICE.—No period of service under the National Disaster Medical System described in subsection (c)(1) shall be counted toward satisfying a period of obligated service under the Scholarship Program or Loan Repayment Program.

''(c) PARTICIPANTS AS MEMBERS OF THE NATIONAL DISASTER MEDICAL SYSTEM.—

''(1) SERVICE REQUIREMENTS.—An individual participating in the program under this section shall participate in the activities of the National Disaster Medical System under section 2812 in the same manner and to the same extent as other participants in such system.

''(2) RIGHTS AND REQUIREMENTS.—An individual participating in the program under this section shall be considered participants in the National Disaster Medical System and shall be subject to the rights and requirements of subsections (c) and (d) of section 2812.

''(d) EMERGENCY SERVICE PLAN.—In carrying out this section, the Secretary, in consultation with the Administrator of the

Health Resources and Services Administration and the Assistant Secretary for Preparedness and Response, shall establish an action plan for the service commitments, deployment protocols, coordination efforts, training requirements, liability, workforce development, and such other considerations as the Secretary determines appropriate. Such action plan shall—

''(1) ensure adherence to the missions of both the National Health Service Corps and National Disaster Medical Service;

''(2) outline the type of providers determined by the Assistant Secretary to be priorities for participation in the program established under this section;

''(3) describe how such deployments will be determined and prioritized in a manner consistent with—

''(A) the National Health Service Corps contracts; and

''(B) the National Disaster Medical System's deployment policy of not hindering civilian responders already engaged in an emergency response;

''(4) ensure an adequate health care workforce during a public health emergency declared by the Secretary under section 319 of this Act, a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, an emergency declared by the President under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, or a national emergency declared by the President under the National Emergencies Act; and

''(5) describe how the program established under this section will be implemented in a manner consistent with, and in furtherance of, the assessments and goals for workforce and training described in the review conducted by the Secretary under section 2812(b)(2).

''(e) CONTRACTS FOR CERTAIN PARTICIPATING INDIVIDUALS.—An individual who is participating in the emergency service program under this section shall receive loan repayments in an amount up to 50 percent (as determined by the Secretary) of the highest new award made for the year under the National Health Service Corps Loan Repayment Program pursuant to a contract entered into at the same time under section 338B(g), in a manner similar to the manner in which payments are made under such section, pursuant to the terms of a contract between the Secretary and such individual. The Secretary shall establish a system of contracting for purposes of this subsection which shall be similar to the contract requirements and terms under subsections (c), (d), and (f) of section 338B. Amounts received by an individual under this subsection shall be in addition to any amounts received by an individual described in subsection (b)(2) pursuant to the Scholarship Program under section 338A or the Loan Repayment Program under section 338B, as applicable.

''(f) BREACH OF CONTRACT, TERMINATION, WAIVER, AND SUSPENSION.—

''(1) RECOVERY OF AMOUNTS IN THE EVENT OF A BREACH.—If an individual breaches the written contract of the individual under subsection (e) by failing either to begin such individual's service obligation in accordance with such contract or to complete such service obligation, the United States shall be entitled to recover from the individual an amount equal to the sum of—

''(A) the total of the amounts paid by the United States under such contract on behalf of the individual for any period of such service not served;

''(B) an amount equal to the product of the number of months of service that were not completed by the individual, multiplied by $3,750; and

''(C) the interest on the amounts described in subparagraphs (A) and (B), at the maximum legal prevailing rate, as determined by the Treasurer of the United States, from the date of the breach.

''(2) TERMINATION OF CONTRACT.—The Secretary may terminate a contract under subsection (e) in accordance with the termination standards that are—

''(A) applicable to contracts entered into under section 338B; and

''(B) in effect in the fiscal year in which such contract was entered.

''(3) WAIVER OR SUSPENSION OF OBLIGATION.—If an individual participating in the program under this section submits a written request to the Secretary, the Secretary may waive or suspend a service or payment obligation arising under this subsection or a contract under subsection (e), in whole or in part, in accordance with the standards set forth in section 62.12 of title 42, Code of Federal Regulations (or any successor regulations).

''(g) REPORT.—Not later than 4 years after the date of enactment of this section, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that evaluates the demonstration project established under this section, including—

''(1) the effects of such program on health care access in underserved areas and health professional shortage areas and on public health emergency response capacity;

''(2) the effects of such program on the health care provider workforce pipeline, including any impact on the fields or specialties pursued by students in approved graduate training programs in medicine, osteopathic medicine, dentistry, behavioral and mental health, or other health profession;

''(3) the impact of such program on the enrollment, participation, and completion of requirements in the underlying scholarship and loan repayment programs of the National Health Service Corps;

''(4) the effects of such program on the National Disaster Medical System's response capability, readiness, and workforce strength; and

''(5) recommendations for improving the demonstration project described in this section, and any other considerations as the Secretary determines appropriate.''.

---

By Mr. REED (for himself and Mr. GRASSLEY):

S. 865. A bill to amend the Sarbanes-Oxley Act of 2002 to promote transparency by permitting the Public Company Accounting Oversight Board to allow its disciplinary proceedings to be open to the public, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Madam President, the Public Company Accounting Oversight Board, PCAOB, Enforcement Transparency Act, which I am reintroducing today with Senator GRASSLEY, will bring needed transparency to the disciplinary proceedings the PCAOB has brought against auditors and audit firms earlier in the process.

Nearly two decades ago, in response to a series of massive financial reporting frauds, including those involving Enron and WorldCom, the Senate Banking Committee held multiple hearings, which produced consensus on various underlying causes, including weak corporate governance, a lack of accountability, and inadequate oversight of accountants charged with auditing public companies' financial statements. Later, in a 99-to-0 vote, the Senate passed the Sarbanes-Oxley Act of 2002 to address the structural weaknesses revealed by the hearings. Among its many provisions, this law called for the creation of an independent board, the PCAOB, responsible for overseeing auditors of public companies in order to protect investors who rely on independent audit reports on the financial statements of public companies.

Today, the PCAOB, under the oversight of the U.S. Securities and Exchange Commissions, SEC, oversees nearly 1,700 registered accounting firms, as well as the audit partners and staff who contribute to a firm's work on each audit. The Board's ability to begin proceedings that can determine whether there have been violations of its auditing standards or rules of professional practice is a crucial component of its oversight. However, unlike other oversight bodies, the Board's disciplinary proceedings cannot be made public without consent from the parties involved. Of course, parties subject to disciplinary proceedings have no incentive to consent to publicizing their alleged wrongdoing, and these proceedings typically remain cloaked behind a veil of secrecy. In addition, the Board cannot publicize the results of its disciplinary proceedings until after the appeals process has been completely exhausted, which can often take several years.

This lack of transparency invites abuse and undermines the congressional intent behind the PCAOB, which was to shine a bright light on auditing firms and practices, deter misconduct, and bolster the accountability of auditors of public companies to the investing public.

Our bill will restore transparency by making hearings by the PCAOB and all related notices, orders, and notices, orders and motions transparent and available to the public unless otherwise ordered by the Board. This would more closely align the PCAOB's procedures with those of the SEC for analogous matters.

Increasing transparency and accountability of audit firms subject to PCAOB disciplinary proceedings bolsters investor confidence in our financial markets and better protects companies from problematic auditors. I hope our colleagues will join Senator GRASSLEY and me in supporting this legislation to enhance transparency in the PCAOB's enforcement process.

SUBMITTED RESOLUTIONS

## SENATE RESOLUTION 114—URGING THE GOVERNMENT OF THAILAND TO PROTECT AND UPHOLD DEMOCRACY, HUMAN RIGHTS, THE RULE OF LAW, AND RIGHTS TO FREEDOM OF PEACEFUL ASSEMBLY AND FREEDOM OF EXPRESSION, AND FOR OTHER PURPOSES

Mr. MARKEY (for himself and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 114

Whereas the Kingdom of Thailand (once commonly known as the ''Kingdom of Siam'') and the United States of America first established relations in 1818, and entered into the Treaty of Amity and Commerce, signed on March 20, 1833, which formalized diplomatic relations between the 2 countries;

Whereas Thailand was the first treaty ally of the United States in the Asia-Pacific region, has a relationship with the United States that is built upon a commitment to universal values, and remains a steadfast friend of the United States;

Whereas through the Southeast Asia Collective Defense Treaty, done at Manila September 8, 1954 (commonly known as the ''Manila Pact''), the United States and Thailand expressed a joint desire to ''strengthen the fabric of peace and freedom and to uphold the principles of democracy, individual liberty and the rule of law'';

Whereas in 1962, the United States and Thailand signed the Thanat-Rusk communiqué, through which the United States pledged to provide assistance to Thailand if it faced aggression by neighboring nations;

Whereas, through the Treaty of Amity and Economic Relations Between the Kingdom of Thailand and the United States of America, done at Bangkok May 29, 1966, along with a diverse and growing trading relationship, the United States and Thailand have developed strong economic ties;

Whereas the United States recognizes Thailand as a founding member of the Association of Southeast Asian Nations (commonly known as ''ASEAN'');

Whereas on November 12, 2022 President Joseph R. Biden and the ASEAN leaders elevated United States-ASEAN relations to a Comprehensive Strategic Partnership to open new areas of cooperation vital to the future prosperity and security of the United States and ASEAN member nations;

Whereas Thailand successfully served as host for the Asia-Pacific Economic Cooperation forum in 2022—

(1) to revitalize economic recovery;

(2) to restore connectivity following disruptions from the COVID–19 pandemic; and

(3) to integrate inclusivity and sustainability objectives in tandem with economic goals;

Whereas Thailand was designated a major non-NATO ally in 2003, and is one of the strongest security partners of the United States, a relationship reaffirmed by the Joint Vision Statement 2020 for the U.S.–Thai Defense Alliance;

Whereas the Government of Thailand and the Government of the United States hold numerous joint military exercises, including Cobra Gold, the largest annual multinational military exercise in the Indo-Pacific region, which is hosted by Thailand;

Whereas the Government of Thailand continues to be a partner on humanitarian and refugee assistance, including in multinational relief efforts following the 2004 Indian Ocean tsunami and 2015 Nepal earthquake;

Whereas Thailand ended its absolute monarchy and transitioned to a constitutional monarchy in 1932, and has since revised its constitution 19 times, including its 1997 Constitution, which enshrined democratically elected representatives in a bicameral national assembly and the prime minister as head of government;

Whereas on May 22, 2014, the Royal Thai Armed Forces launched a coup d'état through which it repealed the 2007 Constitution, declared martial law, and replaced the civilian government with a military junta, known as the National Council for Peace and Order (referred to in this preamble as the ''NCPO''), which was led by Army Commander-in-Chief Prayuth Chan-ocha;

Whereas on March 29, 2016, the NCPO unveiled a draft constitution and on August 7, 2016, the NCPO held a deeply flawed referendum on the new constitution, which was intended to legitimize the document;

Whereas the 2016 referendum was marred by widespread violations of rights to freedom of expression, association, and peaceful assembly;

Whereas the NCPO ignored numerous calls from the United Nations and foreign governments to respect people's rights to freely express their views on the draft constitution, and sharply curtailed freedoms in the lead-up to the constitutional referendum, prosecuting journalists and critics of the draft constitution, censoring the media, and preventing public gatherings of more than five people;

Whereas the new Constitution, which was ratified on April 6, 2017—

(1) entrenched Thai military power at the expense of civilian political control;

(2) obligated subsequent governments and members of parliament to adhere to a junta-issued ''20-year reform plan'';

(3) contains provisions weakening the 500-member lower house and reserving 250 seats in the Senate for NCPO-appointed senators and NCPO leaders, including the top leadership of the military and police; and

(4) gives outsize power to unelected junta-selected senators to choose subsequent prime ministers;

Whereas, in March 2019, Thailand held elections that—

(1) several independent monitoring groups, citing both procedural and systemic problems, declared to be not fully free and fair and heavily tilted to favor the military junta; and

(2) resulted in the NCPO's political party, headed by Prayuth Chan-ocha, forming a new government and appointing Prayuth as prime minister;

Whereas, in January 2020, the opposition political party Future Forward was dissolved and banned on order of Thailand's Constitutional Court following a flawed legal process premised on spurious charges;

Whereas the Constitutional Court also ruled that Prime Minister Prayuth Chan-ocha did not violate a constitutional provision limiting him to 8 years in office, despite having remained in power since the August 2014 coup d'état;

Whereas the Government of Thailand has not made progress in its investigation of violent attacks against some democracy activists and the forced disappearances and killings of Thai political dissidents across Asia.

Whereas in February 2023, the Government of Thailand again delayed key anti-torture legislation, which, although flawed, would help to both clarify the criminalization of torture and to prevent torture;

Whereas, since February 2020, tens of thousands of protesters across Thailand, composed primarily of students and youth, have peacefully called for democratically elected government, constitutional reform, and respect for human rights;

Whereas the Government of Thailand responded to these largely peaceful protests with repressive measures, including intimidation tactics, excessive use of force during protests, surveillance, harassment, arrests, violence, and imprisonment;

Whereas between 2020 and 2023, authorities of the Government of Thailand have filed criminal proceedings against more than 1,800 activists for participating in mass demonstrations and expressing their opinions, including more than 280 children, 41 of whom were younger than 15 years of age;

Whereas reports published in July 2022 by nongovernmental organizations found that Thai authorities used Pegasus spyware against at least 30 pro-democracy activists and individuals who called for reforms to the monarchy and against academics and human rights defenders who have publicly criticized the Government of Thailand; and

Whereas the Government of Thailand continues to consider the Draft Act on the Operation of Not-for-Profit Organizations, which, if enacted—

(1) will represent one of the most restrictive laws against nonprofit organizations in Asia; and

(2) will have an irreversible effect on civil society in Thailand and across the Southeast Asia region generally: Now, therefore, be it

*Resolved*, That the Senate—

(1) reaffirms the strong relationship between the United States and Thailand, a relationship based on shared democratic values and strategic interests;

(2) is in solidarity with the people of Thailand in their quest for a democratically elected government, political reforms, long-term peace, and respect for established international human rights standards;

(3) urges the Government of Thailand to protect and uphold democracy, human rights, the rule of law, and rights to freedom of peaceful assembly, freedom of expression, and privacy;

(4) urges the Government of Thailand to create conditions for credible and fair elections in May 2023, including by—

(A) enabling opposition parties and political leaders to carry out their activities without undue interference from state authorities;

(B) enabling media, journalists, and members of civil society to exercise freedoms of expression, peaceful assembly, and association, without repercussion and fear of prosecution; and

(C) ensuring that the tallying of votes is fair and transparent;

(5) urges the Government of Thailand to immediately and unconditionally release and drop charges against political activists and refrain from harassing, intimidating, or persecuting those engaged in peaceful protests and civic activity more broadly, with particular care for the rights and well-being of children and students;

(6) calls on the Government of Thailand to drop consideration of the Draft Act on the Operation of Not-for-Profit Organizations and reform other laws and regulations undermining free expression and access to information;

(7) urges the Government of Thailand to investigate and end spyware attacks that have targeted academics, human rights defenders, and key members of various pro-democracy groups;

(8) calls on the Government of Thailand to repeal and cease the promulgation of laws and decrees that are used to censor online