

listened closely, and because I was, by then, a second-year law student, I recognized some of the legal vernacular that he was using, and I quickly discerned, based on some of his appellate briefs that I recently had read, he was preparing for what he hoped and expected and genuinely believed would be his next argument before the U.S. Supreme Court. And I thought: Way to go. There to the bitter end, he is ready for what is next. He is ready to stand for vindicating the interests of his client and for doing his job and doing it well.

At no moment during any of this, notwithstanding his service in education, in government, and the practice of law, and his extended church service as a lay minister in my faith, did I ever feel that we were neglected as a family. To be sure, he was gone a fair amount of time. He was a busy man, but when he was home, he was 100 percent home. He was all in. He loved—or at least if he didn't love it, he at least had us convinced that he loved being at home and loved working with his kids, studying with them, and helping them with their homework.

When someone serves you that well, that faithfully, and that consistently over that many years, it has an effect and a very positive one. To this day, I still, from time to time, hear his words echoing in my head reminding me to do things as best as I possibly can do them; reminding me, as a lawyer, when you are in court, when you have won your case and you know you have won it, he said sit down and don't say another word; reminding me that when you have got a choice between a ten-cent word and a three-dollar word, choose the ten-cent word every time if it will do the job; reminding me to be kind to others and that you will never regret doing so. He reminded me to give others the benefit of the doubt. Those are things that stick with all of us.

So I know I speak certainly for myself and for my siblings—Diana, Tom, Wendy, Stephanie, Melissa, Christie, and my mom Janet—that we miss him. The State of Utah and the Western United States and the United States of America is a better place because of the fact that he was here. I will never forget, on the morning of March 11, 1996—again, exactly 25 years ago today—I saw the Sun rising over the Wasatch Mountains to our east in Provo, UT. It was at that moment when I realized that it would likely be the last time the Sun would rise with my father on the Earth. The Sun has risen and set on that same mountain range many, many thousands of times since then, but we remain better off for the fact that he was here.

If he were here, I would tell him: I miss you, Dad. I love you, and I thank you.

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.

#### 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.

#### AMERICAN RESCUE PLAN ACT OF 2021

Mr. LEAHY. Madam President, last week the Congress passed and tomorrow the President will sign into law the American Rescue Plan Act of 2021, which includes \$10 billion to respond to COVID-19 internationally. While this is a tiny fraction of the \$1.9 trillion in the Rescue Plan, it is critically necessary. As long as the virus continues to spread and mutate into more transmissible and deadlier variants in other countries, it will remain a threat to Americans.

Within that amount, \$580 million is included to support the U.N. Global Humanitarian Response Plan for COVID-19 through U.S. voluntary contributions to international organizations, including the World Health Organization, the World Food Programme, UNICEF, the U.N. High Commissioner for Refugees, and other international organizations.

UNICEF offers critical operations and technical assistance to ministries of health and education around the world as countries continue to adapt their health and education activities to meet COVID-19 protocols. UNICEF also focuses on strengthening risk communication and community engagement to ensure that women, children, and their families know how to prevent COVID-19; providing supplies to communities and educational and health facilities to support the prevention and treatment of COVID-19, including WASH supplies and personal protective equipment; and ensuring that children and women have continued access to basic healthcare, education, child protection, and gender-based violence services, including ensuring access to immunizations, prenatal and postnatal care, and HIV care in an environment safe from infection by the virus.

It is obvious that UNICEF has a critical role to play in the international COVID-19 response. The same can be said of the World Food Programme, UNHCR, and WHO. I am pleased that Congress was able to provide additional funding for these and other international organizations to support their lifesaving work.

Mr. BROWN. Madam President, I rise to talk about the passage of the historic American Rescue Plan. This monumental legislation will help us get this pandemic under control and help families and small businesses weather the economic crisis. It includes critical funding for vaccine production, testing, and additional PPE. It includes the resources we need to help kids get back to school safely, enhanced unemployment to help workers who are suffering during this pandemic, food assistance for low-income families, and stimulus checks to help make ends meet with hours cut and expenses rising. It also makes long-overdue enhancements to EITC and CTC that will help lift millions of children out of poverty. And it provides resources to keep families in their homes during this pandemic.

First, it provides critical assistance for renters and people experiencing or at risk of homelessness. Before the pandemic, an estimated 568,000 people, many with underlying health conditions, were already experiencing homelessness. One out of four renters was paying more than half of their income in rent, leaving too many making impossible choices between essential expenses or even at risk of eviction. COVID-19 has both revealed and exacerbated these housing problems. One out of five renters reports being behind on rent, and renters were an estimated \$57 billion dollars behind on rent as of January.

I am pleased that the Senate-approved bill includes new resources to assist people experiencing or at risk of homelessness through emergency housing vouchers and homelessness assistance and supportive services administered by the Department of Housing and Urban Development, as well as emergency assistance for rural housing for residents of properties financed by the U.S. Department of Agriculture's Rural Housing Service.

In addition, the American Rescue Plan provides \$21.6 billion in emergency rental assistance through States, localities, and territories, including \$2.5 billion reserved for high-need grantees.

This funding supplements the \$25 billion in emergency rental assistance funding provided by Congress in December, Section 501 of the Consolidated Appropriations Act, 2021, Public Law 116-260, Section 501, but includes additional flexibilities to ensure grantees can better stabilize renters. The Biden administration should again extend the Federal eviction moratorium that expires on March 31, 2021, so that grantees have time to distribute assistance to renters in need to prevent evictions and displacement.

With the emergency rental assistance provided in this bill, renters will be able to receive up to 18 months of financial assistance, including future rent and utility payments, including pad rents in manufactured housing communities, and unpaid rent or utility bills that have accumulated. Renters can also receive assistance for

other housing-related expenses necessary to promote housing stability, such as but not limited to security deposits; relocation and rental fees for displaced households; late fees related to a former or current rental unit; and internet service provided to the rental unit. Section 3201 does not preclude grantees from continuing payment processes provided in section 501. These processes are the provisions that govern payments of rent and utility assistance either to property owners and utilities or directly to tenants and the application for assistance by landlords and owners under subsection (f). Additionally, funds can be used to provide housing stability services, such as but not limited to case management; tenant-landlord mediation; legal services related to eviction and housing stability; housing counseling; fair housing counseling; and specialized services for people with disabilities, people with chronic health conditions, seniors, or survivors of domestic violence or human trafficking. Similar to section 501, section 3201 permits grantees to use a certain percentage of their funds on administrative costs to support eligible program activities, including the provision of financial assistance and housing stability services. After deducting the amount grantees may use on program administration, grantees may also use up to 10 percent of their funds on providing housing stability services. As in section 501, funds are provided to States to assist renters throughout the State, including in rural communities, as well as cities and counties that receive a direct allocation.

Given how badly these resources are needed, the Department of Treasury and grantees must do all they can to implement this rental assistance program quickly and successfully and not create any artificial barriers to assistance. With some benefits provided by the CARES Act, documentation requirements to prove eligibility have erected artificial barriers that have cut people off from the benefits Congress intended them to receive. Indeed, diverse stakeholders, including tenant advocates, landlords, and State and local government agencies, have raised concerns that such requirements that have been applied in existing emergency rental assistance programs have prevented renters from completing applications and are overly burdensome for program staff. It is critical that any renters who are struggling to pay their rent during the pandemic are not barred from accessing this assistance due to cumbersome documentation requirements or other barriers. An applicant's simple attestation should be the only documentation required to meet program eligibility requirements. Additionally, grantees may continue the income assessment procedures pursuant to section 501 to determine eligibility.

The COVID-19 pandemic has had broad impacts on individuals, families,

businesses, availability of government services and supports, and throughout our economy. It has changed where and how many people work. It has made it more difficult not just to keep a job but also to find a new job, to get enough hours, and to find childcare or someone to care for a sick loved one. All of these challenges brought on by the pandemic have made it more difficult for families to make ends meet. These effects are likely to exist for months and years to come. Given these factors, Treasury and grantees should broadly read the requirement regarding the connection between a renter's hardship and the coronavirus pandemic when determining the eligibility of the renter. As the language states, the hardship must have occurred "during or due, directly or indirectly, to the coronavirus pandemic." The economic effects of the pandemic will be felt long after the virus is contained. Certain industries and communities have been particularly hard-hit from the pandemic and will likely take years to recover. Treasury should issue guidance that makes this point clear to ensure renters are not cut off from needed assistance as they try to recover from economic downturns caused by the pandemic.

Section 3201 also provides that after October 1, 2022, certain grantees may expend funds on "other affordable rental housing and eviction prevention activities" that benefit any very low-income renter household. Such activities can include but are not limited to affordable housing development, preservation, or acquisition, and other forms of rental assistance and eviction prevention activities targeted to very low-income renters.

To ensure continuity in monitoring funds provided by section 3201 and section 501 and ease of grantee implementation, Treasury should maintain the same reporting requirements that were included in section 501.

The committee encourages the administration to create and maintain a central public repository of information on State and local rental assistance programs, which at a minimum identifies the program's administering agency and contact information, so that renters and landlords can more easily identify available assistance.

Finally, to the extent there is any confusion with regard to the taxability of assistance, Treasury, in consultation with the Internal Revenue Service, should provide guidance to clarify this for grantees and program participants.

The American Rescue Plan also provides vital home ownership assistance to families across the country. This much-needed assistance would not have been possible without the dedication and diligence of our colleague, Senator JACK REED, who is the author of the Homeowner Assistance Fund we have enacted. For nearly a year, he has been leading the charge to keep families in their homes and avoid another foreclosure crisis, and I am grateful to him for his leadership on this issue.

There is no question that homeowners are struggling as a result of this pandemic. In January, more than 3.3 million homeowners were more than 30 days behind on their payments or in foreclosure. More than 2 million households are more than 3 months behind, putting them at risk of foreclosure. Many of these households are in forbearance, but others are not. And the number of homeowners behind on mortgage payments doesn't account for other costs, such as utility and insurance bills, that are building up not just for homeowners with a mortgage but also for the more than one-third of homeowners who own their home outright.

Black, Latino, and Asian households are more likely to report that they have fallen behind on their mortgages. As with so much else in this health and economic crisis, the burden is falling the heaviest on the communities of color and low-income communities.

We cannot repeat the mistakes of the past. We cannot allow this pandemic to become a housing crisis that exacerbates economic inequality and widens the racial home ownership gap. This time, we must give communities the tools to help homeowners weather this crisis and remain in their homes.

Many homeowners who are in forbearance have loans backed by a Federal agency or Fannie Mae or Freddie Mac. Throughout this pandemic, these agencies have extended forbearance and post-forbearance options to help borrowers resume making regular payments at some point or get an affordable loan modification. Many borrowers in forbearance today will also be able to get back on track with these existing options. But these options won't help all homeowners. Many homeowners do not have the benefit of the loan workout options that come with a federally backed or Fannie Mae or Freddie Mac-backed loan, have accumulated other utility or housing costs, or have a manufactured home loan that is not a mortgage. And still other homeowners have a federally backed loan but, given the severe disruption to our economy, just need more help than is available through their mortgage program. These homeowners will need direct assistance, and they will need it quickly.

That is exactly what the Homeowner Assistance Fund will do. The American Rescue Plan Act's Homeowner Assistance Fund creates a nearly \$10 billion fund at the Department of the Treasury to provide resources to States, Tribal governments, and Tribally designated housing entities to help homeowners staying in their homes. Treasury will allocate funds among the States and other eligible recipients, taking into account the number of individuals in a State who have been unemployed in recent months, as well as the number of homeowners who have fallen at least a month behind on their mortgage, regardless of whether they are in forbearance, or who are in foreclosure. States and eligible recipients

will use the funds Congress has provided in this bill for direct relief to eligible homeowners and to set up, staff, and administer the programs providing that relief.

As Congress has established in the bill, direct relief through the Homeowner Assistance Fund can include help with missed mortgage payments, financial help to make a mortgage modification viable, assistance with broadband and utility costs; and other relief that homeowners need to get back on track financially. At least 60 percent of a State or other eligible entity's funds must go to households at or below 100 percent of area median income or households below 100 percent of the national median income, whichever is higher, to ensure that help reaches those homeowners who need it most. Including homeowners with incomes of up to 100 percent of the national median income when that is higher than the area median income will ensure that funds adequately reach homeowners in Tribal areas and rural areas, where localized incomes may be lower. Remaining assistance funds are targeted to socially disadvantaged individuals, including homeowners of color, who too often are left behind in our economy and who data indicate are at disproportionate risk of foreclosure.

While Congress has authorized the program, the intent is for Treasury to play a vital role in making this program a reality by administering the Homeowner Assistance Fund prudently and flexibly to keep the greatest number of families in their homes. In the days ahead, Treasury must provide States and other eligible entities with the certainty they need to accept and distribute these funds efficiently. Treasury must set clear expectations for the types of eligible programs States can administer and the guidelines States must follow to administer these programs equitably and in accordance with the law. That includes ensuring States and other eligible entities understand up front that they can use a portion of the funds provided through the Homeowner Assistance Fund to establish and administer their programs, so that States can immediately get the systems and staffing in place to put funds into the hands of the people who need them. And if there is any uncertainty among States or individuals who might apply for assistance, Treasury should immediately clarify that any assistance received through the Homeowner Assistance Fund is not income for a homeowner.

Treasury must also establish reporting to ensure that funds are reaching the households who need them most. Both to comply with the law and to ensure funds are being used equitably, Treasury must establish periodic public reporting by State of key metrics, including the amount of funds disbursed, the acceptance rate of applicants, reasons applicants are denied, the number of individuals assisted, the number of households assisted by in-

come range, the types of assistance provided, the average amount of assistance per household, and household outcomes. These data should also be assessed by race, ethnicity, gender, and other factors to determine compliance with all laws, including the Fair Housing Act. While Fair Housing Act enforcement remains the jurisdiction of the Department of Housing and Urban Development and the Department of Justice, this program and all housing programs must be developed and administered to comply with this foundational civil rights law.

States and other eligible recipients will also be vital partners in getting relief out quickly. Too many homeowners have been struggling for nearly a year. We need to get them relief now. Following the 2008 economic crisis, State housing finance agencies in select States were great partners in providing direct relief to homeowners through the Hardest Hit Fund. In my home State of Ohio, the Ohio Housing Finance Agency helped tens of thousands of people with mortgage payment assistance, modifications with assistance, and more. We need all States to be prepared to get these funds out quickly and without unnecessary barriers. Treasury can help facilitate this with clear guidance and templates that allow States to put out funds without delay.

I will continue to fight for the assistance people experiencing homelessness, renters, and homeowners need to stay in their homes. I also look forward to working to successfully deploy the historic resources provided in this bill.

#### CONFIRMATION OF MERRICK BRIAN GARLAND

Mr. VAN HOLLEN. Madam President, I rise today to voice my support for the President's nominee for Attorney General, Judge Merrick Garland, who is not only a fellow Marylander, but somebody I have known personally for many years. And I know that President Biden has picked a nominee with impeccable credentials and unimpeachable character. His experience stretches from the halls of the Justice Department to the chambers of the U.S. Court of Appeals for the District of Columbia Circuit, and he embodies the decency, the impartiality, and the commitment to justice that our Nation deserves as the Attorney General of the United States. I am confident that Judge Garland will serve admirably and faithfully as the next Attorney General.

The Nation already knows Merrick Garland because of his Supreme Court nomination and as the former Judge of the U.S. Court of Appeals for the District of Columbia Circuit, where he earned a reputation as one of our Nation's finest and fairest jurists. But his tenure on the D.C. Circuit was just the most recent achievement in a life dedicated to serving the rule of law. After excelling at law school, Judge Garland

clerked for the Second Circuit Court of Appeals and then for the Supreme Court. He then rose through the ranks of a prominent law firm before jumping back into public service feet-first as a Federal prosecutor in the U.S. Attorney's Office during the administration of President George Herbert Walker Bush and then later served as the Principal Associate Deputy Attorney General at the Department of Justice.

As a senior DOJ official, Judge Garland was tasked with overseeing the case of the Oklahoma City bombing, one of the deadliest domestic terrorist attacks in American history. It left 168 Americans dead and hundreds more injured. Merrick Garland brought a steady hand to an operation that involved massive amounts of evidence, pressure from the public, and a large team with diverse skills and backgrounds. With fidelity to the law and meticulous attention to detail and unrelenting focus, Merrick Garland helped bring the bomber, Timothy McVeigh, to justice. He has called this case the most important thing he has done in his life.

Mr. Chairman, ranking member, and committee members, we are going to need his experience as we once again confront the rise of domestic terrorism, particularly in the wake of the horrific events of January 6. And the next Attorney General must not only take on the rise of White supremacists and radical militia groups, but also ensure that justice is rendered equally and fairly by promoting and ensuring racial equity, rooting out discrimination in our criminal justice system, addressing police reform, and ensuring that we don't see a concerted effort to limit people's citizens' right to vote in the United States of America. As Justice Garland has himself stated, ensuring the rule of law and making real the promise of equal justice under the law are "the great principles upon which the Department of Justice was founded and for which it must always stand." Judge Garland has spent his career doing both, and I have no doubt he will honor that tradition as Attorney General.

During Judge Garland's confirmation hearing his commitment to public service and ensuring equal justice were on display. He shared that he felt an obligation to payback our country for protecting and welcoming his grandparents who fled to the United States to escape anti-Semitism and persecution. He stated that serving as an Attorney General that combats injustice and discrimination would be "the highest, best use of my own set of skills."

While his professional experiences have prepared him for this job, it is his character that makes him right for this moment. Should he be confirmed, Judge Garland will be charged with restoring credibility and independence to the Department of Justice, making it clear that the Department is not the political instrument of the White House. I know Merrick Garland is up to