

(1) recognizes the accomplishments and example of César Estrada Chávez, a great hero of the United States;

(2) pledges to promote the legacy of César Estrada Chávez; and

(3) encourages the people of the United States to commemorate the legacy of César Estrada Chávez and to always remember his great rallying cry, “¡Sí, se puede!”, which is Spanish for “Yes, we can!”.

**SENATE RESOLUTION 156—COM-
MENDING THE OFFICERS AND
PERSONNEL OF FEDERAL,
STATE, AND LOCAL AGENCIES
DEPLOYED BY AIR, GROUND,
AND MARINE, AND AS TACTICAL
BORDER SECURITY, FOR THEIR
WORK DURING THE CRISIS AT
THE SOUTHERN BORDER**

Mr. SCOTT of Florida (for himself, Mr. LANKFORD, Mr. CRUZ, Mr. JOHNSON, and Mr. HAWLEY) submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. RES. 156

Whereas U.S. Customs and Border Protection (referred to in this preamble as “CBP”) is charged with protecting the borders of the United States and facilitating travel and trade;

Whereas President Biden promised a humane approach to immigration but the Biden Administration was woefully unprepared for a surge of migrants from Central America, including a record number of vulnerable, unaccompanied children unlawfully crossing the unsecured United States-Mexico border (referred to in this preamble as the “Southern border”);

Whereas the Southern border is experiencing a humanitarian crisis with unprecedented numbers of vulnerable individuals attempting to unlawfully enter the United States;

Whereas, on March 13, 2021, the Department of Homeland Security directed the Federal Emergency Management Agency to support a government-wide response effort to address the surge of unlawful crossings at the Southern border;

Whereas, in February 2021, 100,441 individuals were apprehended at the Southern border, which is a 28 percent increase from January 2021;

Whereas a total of 458,088 individuals were encountered at the Southern border in fiscal year 2020, which is only 61,130 encounters more than the number recorded in the first half of the current fiscal year;

Whereas, in all of fiscal year 2020, 33,239 unaccompanied minors were encountered at the Southern border, which is only 3,510 encounters more than the number recorded in the first half of the current fiscal year;

Whereas CBP has conducted more than 3,000 daily apprehensions, while still maintaining a posture to secure the border of the Nation and facilitate international trade and travel;

Whereas the immigration policies of President Biden are—

(1) luring hundreds of thousands of migrants to unlawfully cross the Southern border;

(2) leading to an alarming increase in human trafficking and drug smuggling by cartels and transnational criminal organizations; and

(3) putting unaccompanied minors at risk of human trafficking, violence, sexual abuse, and separation from the families of the unaccompanied minors;

Whereas numerous acts of selfless heroism by CBP agents occur on a daily basis, as the agents face dangerous conditions but continue to risk their lives during a global health pandemic to rescue migrants attempting to unlawfully enter the United States along the Southern border;

Whereas the selfless heroism by CBP agents has been on full display as the crisis at the Southern border grows and thousands of aliens attempt to unlawfully enter the United States each day, including recently reported rescues—

(1) in February 2021, of a migrant woman from Mexico abandoned by human smugglers and left to die in a freezing winter storm as they attempted to unlawfully enter Texas;

(2) in March 2021, of a migrant man and a 2-year-old child swept away by a swift current in a canal as they attempted to unlawfully enter Arizona;

(3) in March 2021, of a migrant man who was abandoned by human smugglers unlawfully entering California, remained missing for 8 days, and had to be carried out of the mountainous terrain on the shoulders of a CBP agent; and

(4) in March 2021, of a migrant man in severe distress in a remote desert location who was abandoned by human smugglers attempting to unlawfully enter New Mexico and who required serious medical attention;

Whereas faced with inadequate Federal resources to manage the surge of illegal border crossings, States along the Southern border have installed their own border protection patrols, such as Arizona Border Strike Force and Operation Lone Star in Texas; and

Whereas resources from Federal, State, and local agencies will need to be diverted from other areas to handle the surge of migrants unlawfully entering the United States: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that there is an ongoing and growing crisis on our Southern border; and

(2) commends the men and women of the U.S. Customs and Border Protection, including Border Patrol personnel, Office of Field Operations personnel, Air and Marine Operations personnel, Office of Trade personnel, the Federal Emergency Management Agency, and all support personnel and allies of such agencies from State and local governments for the work of such men and women during the crisis at the Southern border.

**AMENDMENTS SUBMITTED AND
PROPOSED**

SA 1414. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 937, to facilitate the expedited review of COVID-19 hate crimes, and for other purposes; which was ordered to lie on the table.

SA 1415. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 937, supra; which was ordered to lie on the table.

SA 1416. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 937, supra; which was ordered to lie on the table.

SA 1417. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 937, supra; which was ordered to lie on the table.

SA 1418. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 937, supra; which was ordered to lie on the table.

SA 1419. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 937, supra; which was ordered to lie on the table.

SA 1420. Mr. CORNYN submitted an amendment intended to be proposed by him

to the bill S. 937, supra; which was ordered to lie on the table.

SA 1421. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 937, supra; which was ordered to lie on the table.

SA 1422. Mr. COTTON submitted an amendment intended to be proposed by him to the bill S. 937, supra; which was ordered to lie on the table.

SA 1423. Mr. COTTON submitted an amendment intended to be proposed by him to the bill S. 937, supra; which was ordered to lie on the table.

SA 1424. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 937, supra; which was ordered to lie on the table.

SA 1425. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 937, supra; which was ordered to lie on the table.

SA 1426. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 937, supra; which was ordered to lie on the table.

SA 1427. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 937, supra; which was ordered to lie on the table.

SA 1428. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 937, supra; which was ordered to lie on the table.

SA 1429. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 937, supra; which was ordered to lie on the table.

SA 1430. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 937, supra; which was ordered to lie on the table.

SA 1431. Ms. ERNST (for herself and Mrs. CAPITO) submitted an amendment intended to be proposed by her to the bill S. 937, supra; which was ordered to lie on the table.

SA 1432. Mr. MORAN (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 937, supra; which was ordered to lie on the table.

SA 1433. Mr. TUBERVILLE submitted an amendment intended to be proposed by him to the bill S. 937, supra; which was ordered to lie on the table.

SA 1434. Mr. TUBERVILLE submitted an amendment intended to be proposed by him to the bill S. 937, supra; which was ordered to lie on the table.

SA 1435. Mr. TUBERVILLE submitted an amendment intended to be proposed by him to the bill S. 937, supra; which was ordered to lie on the table.

SA 1436. Mr. TUBERVILLE submitted an amendment intended to be proposed by him to the bill S. 937, supra; which was ordered to lie on the table.

SA 1437. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 937, supra; which was ordered to lie on the table.

SA 1438. Mr. MARSHALL submitted an amendment intended to be proposed by him to the bill S. 937, supra; which was ordered to lie on the table.

SA 1439. Mr. MARSHALL submitted an amendment intended to be proposed by him to the bill S. 937, supra; which was ordered to lie on the table.

SA 1440. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 937, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1414. Mr. CRUZ submitted an amendment intended to be proposed by

him to the bill S. 937, to facilitate the expedited review of COVID-19 hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. TASK FORCE ON DISCRIMINATION IN HIGHER EDUCATION OF ASIAN AMERICANS.

The Attorney General, in coordination with the Secretary of Education, shall establish a task force to investigate, and provide proposals for remedies to, discrimination by institutions of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)) against Asian Americans in recruitment, applicant review, and admissions.

SA 1415. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 937, to facilitate the expedited review of COVID-19 hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. RESTRICTION ON THE RELEASE OF INDIVIDUALS WHO UNLAWFULLY ENTER THE UNITED STATES.

(a) FINDINGS.—Congress finds the following:

(1) There was a 71 percent increase in the number of illegal immigrant encounters by U.S. Customs and Border Protection agents between February and March 2021.

(2) In March 2021, more than 172,000 illegal immigrants were intercepted by U.S. Customs and Border Protection agents, including 53,000 illegal immigrants who entered the United States as part of a family group.

(3) Although Federal law requires the Department of Homeland Security to detain, pending the completion of removal proceedings, any alien who is not “clearly and beyond a doubt entitled to be admitted”, as of April 2021, the Department of Homeland Security is releasing many such individuals into communities in Texas and other border States, which has caused a significant strain on such communities and on State and local governments that lack the resources and infrastructure to care for so many individuals.

(b) RESTRICTION.—The Department of Homeland Security may not release any individual who unlawfully entered the United States into any State, county, or city in the United States unless the governor of such State and the governing body of such county and city expressly consent to such release.

(c) CAUSE OF ACTION.—A violation of subsection (b) shall give rise to a cause of action against the Federal Government by a State, county, or city into which jurisdiction such individual was released.

SA 1416. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 937, to facilitate the expedited review of COVID-19 hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 4. PROHIBITION OF FEDERAL FUNDS FOR INSTITUTIONS OF HIGHER EDUCATION THAT DISCRIMINATE AGAINST ASIAN AMERICANS.

Notwithstanding any other provision of law, no institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)) may receive any Federal funding if the institution

has a policy in place or engages in a practice that discriminates against Asian Americans in recruitment, applicant review, or admissions.

SA 1417. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 937, to facilitate the expedited review of COVID-19 hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. LIMITATION ON RELEASE OF ALIENS DETAINED FOR UNLAWFULLY ENTERING THE UNITED STATES.

(a) IN GENERAL.—The Department of Homeland Security may not release from custody any alien who is detained for unlawfully entering the United States unless such alien tests negative for COVID-19 during the 24-hour period immediately preceding the alien’s release.

(b) SAVINGS PROVISION.—Nothing in this Act may be construed to authorize the release any person from the custody of the Department of Homeland Security who is not otherwise authorized by law to be released.

SA 1418. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 937, to facilitate the expedited review of COVID-19 hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, line 3, strike “or disability” and insert “disability, or status as a law enforcement officer or member of the armed forces”.

SA 1419. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 937, to facilitate the expedited review of COVID-19 hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 4. DEATH PENALTY ELIGIBILITY.

Section 3592(c) is amended by inserting after paragraph (16) the following:

“(17) COVID-19 HATE CRIMES.—The defendant committed a COVID-19 hate crime, as defined in section 2 of the COVID-19 Hate Crimes Act.”.

SA 1420. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 937, to facilitate the expedited review of COVID-19 hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 4. INCREASE STATUTORY PENALTIES FOR COVID-19 HATE CRIMES.

Section 249(a) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking “paragraph (3)” and inserting “paragraph (4)”;

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(3) by inserting after paragraph (2) the following:

“(3) OFFENSES INVOLVING COVID-19 HATE CRIMES.—

“(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B) or paragraph (4), willfully causes bodily injury to any person or, through the use of fire, a

firearm, a dangerous weapon, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of—

“(i) the actual or perceived religion, national origin, gender, sexual orientation, gender identity, or disability of any person; and

“(ii) the actual or perceived relationship to the spread of COVID-19 of any person because of the characteristic described in clause (i),

shall be fined under this title and imprisoned for not less than 10 years or for life, or, if death results, shall be sentenced to not less than 30 years and not more than life, or may be punished by death.

“(B) CIRCUMSTANCES DESCRIBED.—For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

“(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

“(I) across a State line or national border; or

“(II) using a channel, facility, or instrumentality of interstate or foreign commerce;

“(ii) the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A);

“(iii) in connection with the conduct described in subparagraph (A), the defendant employs a firearm, dangerous weapon, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

“(iv) the conduct described in subparagraph (A)—

“(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

“(II) otherwise affects interstate or foreign commerce.”; and

(4) in paragraph (4), as so redesignated—

(A) by striking “(1) or in paragraph (2)(A)” and inserting “(1), in paragraph (2)(A)”;

(B) by inserting “, or in paragraph (3)(A) (without regard to whether that conduct occurred in a circumstance described in paragraph (3)(B))” after “paragraph (2)(B))”

SA 1421. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 937, to facilitate the expedited review of COVID-19 hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 4. ENHANCED PENALTIES FOR COVID-19 HATE CRIMES.

(a) DEATH PENALTY ELIGIBILITY.—Section 3592(c) is amended by inserting after paragraph (16) the following:

“(17) COVID-19 HATE CRIMES.—The defendant committed a COVID-19 hate crime, as defined in section 2 of the COVID-19 Hate Crimes Act.”.

(b) INCREASE STATUTORY PENALTIES FOR COVID-19 HATE CRIMES.—Section 249(a) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking “paragraph (3)” and inserting “paragraph (4)”;

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(3) by inserting after paragraph (2) the following:

“(3) OFFENSES INVOLVING COVID-19 HATE CRIMES.—

“(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B) or paragraph (4), willfully causes bodily injury to any person or, through the use of fire, a firearm, a dangerous weapon, or an explosive

or incendiary device, attempts to cause bodily injury to any person, because of—

“(i) the actual or perceived religion, national origin, gender, sexual orientation, gender identity, or disability of any person; and

“(ii) the actual or perceived relationship to the spread of COVID-19 of any person because of the characteristic described in clause (i),

shall be fined under this title and imprisoned for not less than 10 years or for life, or, if death results, shall be sentenced to not less than 30 years and not more than life, or may be punished by death.

“(B) CIRCUMSTANCES DESCRIBED.—For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

“(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

“(I) across a State line or national border; or

“(II) using a channel, facility, or instrumentality of interstate or foreign commerce;

“(ii) the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A);

“(iii) in connection with the conduct described in subparagraph (A), the defendant employs a firearm, dangerous weapon, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

“(iv) the conduct described in subparagraph (A)—

“(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

“(II) otherwise affects interstate or foreign commerce.”; and

(4) in paragraph (4), as so redesignated—

(A) by striking “(1) or in paragraph (2)(A)”

and inserting “(1), in paragraph (2)(A)”;

(B) by inserting “, or in paragraph (3)(A) (without regard to whether that conduct occurred in a circumstance described in paragraph (3)(B))” after “paragraph (2)(B))”

SA 1422. Mr. COTTON submitted an amendment intended to be proposed by him to the bill S. 937, to facilitate the expedited review of COVID-19 hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

In section 3, strike subsection (b).

SA 1423. Mr. COTTON submitted an amendment intended to be proposed by him to the bill S. 937, to facilitate the expedited review of COVID-19 hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 4. REVIEW OF ANTI-ASIAN DISCRIMINATION IN INSTITUTIONS OF HIGHER EDUCATION.

(a) DEFINITIONS.—In this section:

(1) APPLICABLE PERIOD.—The term “applicable period” means the 5-year period beginning on the date on which the officer or employee is designated under subsection (b).

(2) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

(b) DESIGNATION.—Not later than 1 day after the date of enactment of this Act, the Attorney General shall designate an officer or employee of the Department of Justice whose sole responsibility during the applica-

ble period shall be to review and investigate allegations of anti-Asian discrimination in the admissions policies of institutions of higher education in the United States.

(c) REPORTS.—Not later than 180 days after the date of enactment of this Act, and once every 180 days thereafter until the end of the applicable period, the Attorney General shall submit a report to Congress on the allegations described in subsection (b) reviewed during the reporting period, which shall include—

(1) a summary of each allegation received; and

(2) information about the status of each allegation, including whether the Department of Justice filed or declined to file an action based on the allegation.

SA 1424. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 937, to facilitate the expedited review of COVID-19 hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 4. REPORT ON RELIGIOUS RESTRICTIONS DURING THE COVID-19 PANDEMIC.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall submit to Congress a report on the restrictions on religious exercise imposed by States, the District of Columbia, Puerto Rico, and any other territory or possession of the United States during the COVID-19 pandemic.

(b) CONTENTS.—The report required to be submitted under subsection (a) shall include—

(1) an analysis of whether the same restrictions applied to religious institutions also applied equally to secular organizations or businesses; and

(2) an analysis of whether each imposed restriction complies with the ruling of the Supreme Court of the United States in *Tandon v. Newsom*, No. 20A151, 539 U.S. ____ (2021).

SA 1425. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 937, to facilitate the expedited review of COVID-19 hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3 and insert the following:

SEC. 3. REPORT ON RELIGIOUS RESTRICTIONS DURING THE COVID-19 PANDEMIC.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall submit to Congress a report on the restrictions on religious exercise imposed by States, the District of Columbia, Puerto Rico, and any other territory or possession of the United States during the COVID-19 pandemic.

(b) CONTENTS.—The report required to be submitted under subsection (a) shall include—

(1) an analysis of whether the same restrictions applied to religious institutions also applied equally to secular organizations or businesses; and

(2) an analysis of whether each imposed restriction complies with the ruling of the Supreme Court of the United States in *Tandon v. Newsom*, No. 20A151, 539 U.S. ____ (2021).

SA 1426. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 937, to facilitate the expedited review of COVID-19 hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3 and insert the following:

SEC. 3. DEPARTMENT OF EDUCATION REPORT ON EFFECTS OF PANDEMIC-RELATED SCHOOL CLOSINGS ON CHILDREN.

The Secretary of Education shall submit a report to Congress on the effects of pandemic-related school closings on the educational development of children during the pandemic.

SA 1427. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 937, to facilitate the expedited review of COVID-19 hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3 and insert the following:

SEC. 3. REPORT ON THE EFFECTIVENESS OF THE WORLD HEALTH ORGANIZATION'S RESPONSE TO THE COVID-19 PANDEMIC.

The Director of the Centers for Disease Control and Prevention shall submit a report to Congress on the effectiveness of the World Health Organization's response to the COVID-19 pandemic.

SA 1428. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 937, to facilitate the expedited review of COVID-19 hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3 and insert the following:

SEC. 3. REPORT ON THE HEALTH EFFECTS OF LOCKDOWNS.

The Secretary of Health and Human Services shall submit a report to Congress on the effects that State and local lockdowns in 2020 had on the mental, emotional, and physical health of the people of the United States.

SA 1429. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 937, to facilitate the expedited review of COVID-19 hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3 and insert the following:

SEC. 3. REPORT ON HOW STATE AND LOCAL LOCKDOWNS AFFECTED SMALL BUSINESS OWNERS AND EMPLOYEES.

The Secretary of Commerce shall submit a report to Congress that details the effects the State and local lockdowns implemented in 2020 had on small business owners and employees.

SA 1430. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 937, to facilitate the expedited review of COVID-19 hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3 and insert the following:

SEC. 3. REPORT ON ENFORCEMENT OF MASK MANDATES AND SOCIAL DISTANCING RESTRICTIONS DURING PROTEST ACTIVITIES.

The Attorney General shall submit a report to Congress on whether Federal, State, or local law enforcement officers enforced COVID-19 related social distancing restrictions and mask mandates during protest activities occurring in States, the District of Columbia, Puerto Rico, and any other territory or possession of the United States in 2020.

SA 1431. Ms. ERNST (for herself and Mrs. CAPITO) submitted an amendment intended to be proposed by her to the bill S. 937, to facilitate the expedited review of COVID-19 hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . COVID-19 VIOLENCE AGAINST WOMEN ACT EXTENSION OF AUTHORITY.

(a) FINDINGS.—Congress finds the following:

(1) According to the American Journal of Emergency Medicine, during the COVID-19 pandemic, police departments across the country reported increases in domestic violence.

(2) One study, published in the journal Radiology, found that at Brigham and Women's Hospital in Boston, radiology scans and superficial wounds consistent with domestic abuse from March 11 to May 3 of last year exceeded the totals for the same period in 2018 and 2019 combined.

(3) Lockdowns associated with the COVID-19 pandemic increased the isolation of survivors of domestic violence and abusers have taken advantage of that isolation to further exert power and coercive control.

(4) Domestic violence programs and hotlines across the country have seen a substantial increase in contacts since the beginning of the COVID-19 pandemic.

(5) Especially in rural areas, survivors are often far from shelter and services, and steps taken to mitigate the spread of COVID-19 have only exacerbated that disparity.

(6) Survivors across the country have tragically experienced greater abuse and isolation due to lockdowns associated with the COVID-19 pandemic and are in desperate need of increased support.

(7) An extension of the Violence Against Women Reauthorization Act of 2013 (Public Law 113-4; 127 Stat. 54) that lasts through the COVID-19 pandemic ensures that survivors can have their needs met, and ensures that their abusers are subjected to justice.

(b) AUTHORITY.—Any program, authority, or provision, including any pilot program, authorized under the Violence Against Women Reauthorization Act of 2013 (Public Law 113-4; 127 Stat. 54) shall continue in effect through the date that is 6 months after the date on which the public health emergency for COVID-19, as declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d), expires.

SA 1432. Mr. MORAN (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 937, to facilitate the expedited review of COVID-19 hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . JABARA HEYER NO HATE ACT.

(a) SHORT TITLE.—This section may be cited as the “Khalid Jabara and Heather Heyer National Opposition to Hate, Assault, and Threats to Equality Act of 2021” or the “Jabara-Heyer NO HATE Act”.

(b) FINDINGS.—Congress finds the following:

(1) The incidence of violence known as hate crimes, or crimes motivated by bias, poses a serious national problem.

(2) According to data obtained by the Federal Bureau of Investigation, the incidence of such violence increased in 2019, the most recent year for which data is available.

(3) In 1990, Congress enacted the Hate Crime Statistics Act (Public Law 101-275; 28 U.S.C. 534 note) to provide the Federal Government, law enforcement agencies, and the public with data regarding the incidence of hate crime. The Hate Crime Statistics Act and the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act (division E of Public Law 111-84; 123 Stat. 2835) have enabled Federal authorities to understand and, where appropriate, investigate and prosecute hate crimes.

(4) A more complete understanding of the national problem posed by hate crime is in the public interest and supports the Federal interest in eradicating bias-motivated violence referenced in section 249(b)(1)(C) of title 18, United States Code.

(5) However, a complete understanding of the national problem posed by hate crimes is hindered by incomplete data from Federal, State, and local jurisdictions through the Uniform Crime Reports program authorized under section 534 of title 28, United States Code, and administered by the Federal Bureau of Investigation.

(6) Multiple factors contribute to the provision of inaccurate and incomplete data regarding the incidence of hate crime through the Uniform Crime Reports program. A significant contributing factor is the quality and quantity of training that State and local law enforcement agencies receive on the identification and reporting of suspected bias-motivated crimes.

(7) The problem of crimes motivated by bias is sufficiently serious, widespread, and interstate in nature as to warrant Federal financial assistance to States and local jurisdictions.

(8) Federal financial assistance with regard to certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes.

(c) DEFINITIONS.—In this section:

(1) HATE CRIME.—The term “hate crime” means an act described in section 245, 247, or 249 of title 18, United States Code, or in section 901 of the Civil Rights Act of 1968 (42 U.S.C. 3631).

(2) PRIORITY AGENCY.—The term “priority agency” means—

(A) a law enforcement agency of a unit of local government that serves a population of not less than 100,000, as computed by the Federal Bureau of Investigation; or

(B) a law enforcement agency of a unit of local government that—

(i) serves a population of not less than 50,000 and less than 100,000, as computed by the Federal Bureau of Investigation; and

(ii) has reported no hate crimes through the Uniform Crime Reports program in each of the 3 most recent calendar years for which such data is available.

(3) STATE.—The term “State” has the meaning given the term in section 901 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10251).

(4) UNIFORM CRIME REPORTS.—The term “Uniform Crime Reports” means the reports authorized under section 534 of title 28, United States Code, and administered by the Federal Bureau of Investigation that compile nationwide criminal statistics for use—

(A) in law enforcement administration, operation, and management; and

(B) to assess the nature and type of crime in the United States.

(5) UNIT OF LOCAL GOVERNMENT.—The term “unit of local government” has the meaning given the term in section 901 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10251).

(d) REPORTING OF HATE CRIMES.—

(1) IMPLEMENTATION GRANTS.—

(A) IN GENERAL.—The Attorney General may make grants to States and units of local government to assist the State or unit of local government in implementing the National Incident-Based Reporting System, including to train employees in identifying and classifying hate crimes in the National Incident-Based Reporting System.

(B) PRIORITY.—In making grants under subparagraph (A), the Attorney General shall give priority to States and units of local government with larger populations.

(2) REPORTING.—

(A) COMPLIANCE.—

(i) IN GENERAL.—Except as provided in clause (ii), in each fiscal year beginning after the date that is 3 years after the date on which a State or unit of local government first receives a grant under paragraph (1), the State or unit of local government shall provide to the Attorney General, through the Uniform Crime Reporting system, information pertaining to hate crimes committed in that jurisdiction during the preceding fiscal year.

(ii) EXTENSIONS; WAIVER.—The Attorney General—

(I) may provide a 120-day extension to a State or unit of local government that is making good faith efforts to comply with clause (i); and

(II) shall waive the requirements of clause (i) if compliance with that subparagraph by a State or unit of local government would be unconstitutional under the constitution of the State or of the State in which the unit of local government is located, respectively.

(B) FAILURE TO COMPLY.—If a State or unit of local government that receives a grant under paragraph (1) fails to substantially comply with subparagraph (A) of this paragraph, the State or unit of local government shall repay the grant in full, plus reasonable interest and penalty charges allowable by law or established by the Attorney General.

(e) GRANTS FOR STATE-RUN HATE CRIME HOTLINES.—

(1) GRANTS AUTHORIZED.—

(A) IN GENERAL.—The Attorney General shall make grants to States to create State-run hate crime reporting hotlines.

(B) GRANT PERIOD.—A grant made under subparagraph (A) shall be for a period of not more than 5 years.

(2) HOTLINE REQUIREMENTS.—A State shall ensure, with respect to a hotline funded by a grant under paragraph (1), that—

(A) the hotline directs individuals to—

(i) law enforcement if appropriate; and

(ii) local support services;

(B) any personally identifiable information that an individual provides to an agency of the State through the hotline is not directly or indirectly disclosed, without the consent of the individual, to—

(i) any other agency of that State;

(ii) any other State;

(iii) the Federal Government; or

(iv) any other person or entity;

(C) the staff members who operate the hotline are trained to be knowledgeable about—

(i) applicable Federal, State, and local hate crime laws; and

(ii) local law enforcement resources and applicable local support services; and

(D) the hotline is accessible to—

(i) individuals with limited English proficiency, where appropriate; and

(ii) individuals with disabilities.

(3) BEST PRACTICES.—The Attorney General shall issue guidance to States on best practices for implementing the requirements of paragraph (2).

(f) INFORMATION COLLECTION BY STATES AND UNITS OF LOCAL GOVERNMENT.—

(1) DEFINITIONS.—In this subsection:

(A) APPLICABLE AGENCY.—The term “applicable agency”, with respect to an eligible entity that is—

- (i) a State, means—
 - (I) a law enforcement agency of the State; and
 - (II) a law enforcement agency of a unit of local government within the State that—
 - (aa) is a priority agency; and
 - (bb) receives a subgrant from the State under this section; and
- (ii) a unit of local government, means a law enforcement agency of the unit of local government that is a priority agency.

(B) COVERED AGENCY.—The term “covered agency” means—

- (i) a State law enforcement agency; and
 - (ii) a priority agency.
- (C) ELIGIBLE ENTITY.—The term “eligible entity” means—
- (i) a State; or
 - (ii) a unit of local government that has a priority agency.

(2) GRANTS.—

(A) IN GENERAL.—The Attorney General may make grants to eligible entities to assist covered agencies within the jurisdiction of the eligible entity in conducting law enforcement activities or crime reduction programs to prevent, address, or otherwise respond to hate crime, particularly as those activities or programs relate to reporting hate crimes through the Uniform Crime Reports program, including—

- (i) adopting a policy on identifying, investigating, and reporting hate crimes;
- (ii) developing a standardized system of collecting, analyzing, and reporting the incidence of hate crime;
- (iii) establishing a unit specialized in identifying, investigating, and reporting hate crimes;
- (iv) engaging in community relations functions related to hate crime prevention and education such as—

(I) establishing a liaison with formal community-based organizations or leaders; and

(II) conducting public meetings or educational forums on the impact of hate crimes, services available to hate crime victims, and the relevant Federal, State, and local laws pertaining to hate crimes; and

(v) providing hate crime trainings for agency personnel.

(B) SUBGRANTS.—A State that receives a grant under subparagraph (A) may award a subgrant to a priority agency of a unit of local government within the State for the purposes under that subparagraph.

(3) INFORMATION REQUIRED OF STATES AND UNITS OF LOCAL GOVERNMENT.—

(A) IN GENERAL.—For each fiscal year in which an eligible entity receives a grant under paragraph (2), the eligible entity shall—

- (i) collect information from each applicable agency summarizing the law enforcement activities or crime reduction programs conducted by the agency to prevent, address, or otherwise respond to hate crime, particularly as those activities or programs relate to reporting hate crimes through the Uniform Crime Reports program; and
- (ii) submit to the Attorney General a report containing the information collected under clause (i).

(B) SEMI-ANNUAL LAW ENFORCEMENT AGENCY REPORT.—

(i) IN GENERAL.—In collecting the information required under subparagraph (A)(i), an eligible entity shall require each applicable agency to submit a semiannual report to the eligible entity that includes a summary of the law enforcement activities or crime reduction programs conducted by the agency during the reporting period to prevent, address, or otherwise respond to hate crime, particularly as those activities or programs

relate to reporting hate crimes through the Uniform Crime Reports program.

(ii) CONTENTS.—In a report submitted under clause (i), a law enforcement agency shall, at a minimum, disclose—

(I) whether the agency has adopted a policy on identifying, investigating, and reporting hate crimes;

(II) whether the agency has developed a standardized system of collecting, analyzing, and reporting the incidence of hate crime;

(III) whether the agency has established a unit specialized in identifying, investigating, and reporting hate crimes;

(IV) whether the agency engages in community relations functions related to hate crime, such as—

(aa) establishing a liaison with formal community-based organizations or leaders; and

(bb) conducting public meetings or educational forums on the impact of hate crime, services available to hate crime victims, and the relevant Federal, State, and local laws pertaining to hate crime; and

(V) the number of hate crime trainings for agency personnel, including the duration of the trainings, conducted by the agency during the reporting period.

(4) COMPLIANCE AND REDIRECTION OF FUNDS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), beginning not later than 1 year after the date of this Act, an eligible entity receiving a grant under paragraph (2) shall comply with paragraph (3).

(B) EXTENSIONS; WAIVER.—The Attorney General—

(i) may provide a 120-day extension to an eligible entity that is making good faith efforts to collect the information required under paragraph (3); and

(ii) shall waive the requirements of paragraph (3) for a State or unit of local government if compliance with that subsection by the State or unit of local government would be unconstitutional under the constitution of the State or of the State in which the unit of local government is located, respectively.

(g) REQUIREMENTS OF THE ATTORNEY GENERAL.—

(1) INFORMATION COLLECTION AND ANALYSIS; REPORT.—In order to improve the accuracy of data regarding the incidence of hate crime provided through the Uniform Crime Reports program, and promote a more complete understanding of the national problem posed by hate crime, the Attorney General shall—

(A) collect and analyze the information provided by States and units of local government under subsection (f) for the purpose of developing policies related to the provision of accurate data obtained under the Hate Crime Statistics Act (Public Law 101-275; 28 U.S.C. 534 note) by the Federal Bureau of Investigation; and

(B) for each calendar year beginning after the date of enactment of this Act, publish and submit to Congress a report based on the information collected and analyzed under subparagraph (A).

(2) CONTENTS OF REPORT.—A report submitted under paragraph (1) shall include—

(A) a qualitative analysis of the relationship between—

(i) the number of hate crimes reported by State law enforcement agencies or priority agencies through the Uniform Crime Reports program; and

(ii) the nature and extent of law enforcement activities or crime reduction programs conducted by those agencies to prevent, address, or otherwise respond to hate crime; and

(B) a quantitative analysis of the number of State law enforcement agencies and priority agencies that have—

(i) adopted a policy on identifying, investigating, and reporting hate crimes;

(ii) developed a standardized system of collecting, analyzing, and reporting the incidence of hate crime;

(iii) established a unit specialized in identifying, investigating, and reporting hate crimes;

(iv) engaged in community relations functions related to hate crime, such as—

(I) establishing a liaison with formal community-based organizations or leaders; and

(II) conducting public meetings or educational forums on the impact of hate crime, services available to hate crime victims, and the relevant Federal, State, and local laws pertaining to hate crime; and

(v) conducted hate crime trainings for agency personnel during the reporting period, including—

(I) the total number of trainings conducted by each agency; and

(II) the duration of the trainings described in subclause (I).

(h) ALTERNATIVE SENTENCING.—Section 249 of title 18, United States Code, is amended by adding at the end the following:

“(e) SUPERVISED RELEASE.—If a court includes, as a part of a sentence of imprisonment imposed for a violation of subsection (a), a requirement that the defendant be placed on a term of supervised release after imprisonment under section 3583, the court may order, as an explicit condition of supervised release, that the defendant undertake educational classes or community service directly related to the community harmed by the defendant’s offense.”.

SA 1433. Mr. TUBERVILLE submitted an amendment intended to be proposed by him to the bill S. 937, to facilitate the expedited review of COVID-19 hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, line 16, strike “and” and insert the following:

(2) include information relating to the race, ethnicity, immigration status, and political affiliation of the alleged perpetrator of a hate crime or incident in the online reporting described in paragraph (1); and

SA 1434. Mr. TUBERVILLE submitted an amendment intended to be proposed by him to the bill S. 937, to facilitate the expedited review of COVID-19 hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, line 2, insert the following: “Any guidance issued under this subsection shall not preclude an educator, government official, or any other individual in a position of authority from describing the COVID-19 pandemic as having originated in and subsequently spread from China.”.

SA 1435. Mr. TUBERVILLE submitted an amendment intended to be proposed by him to the bill S. 937, to facilitate the expedited review of COVID-19 hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, line 14, after “incidents,” insert the following: “including establishing criminal penalties for any online reporting of a hate crime that is fraudulent, illegitimate, or retaliatory in nature.”.

SA 1436. Mr. TUBERVILLE submitted an amendment intended to be

proposed by him to the bill S. 937, to facilitate the expedited review of COVID-19 hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 4. COVID-19 HATE CRIME STUDY.

(a) **IN GENERAL.**—Not later than the earlier of 1 year after the date on enactment of this Act or 180 days after the date on which the Director of the Centers for Disease Control and Prevention determines that COVID-19 mitigation measures are no longer necessary, the Attorney General, in coordination with the Secretary of Health and Human Services, shall conduct a study on whether there is a correlation between—

- (1) the frequency of COVID-19 hate crimes; and
- (2) the existence of more restrictive COVID-19 mitigation measures.

(b) **POPULATION ADJUSTMENT.**—In conducting the study required under subsection (a), the Attorney General shall adjust data based on the population of a particular area, as appropriate.

SA 1437. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 937, to facilitate the expedited review of COVID-19 hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 4. PROHIBITING DISCRIMINATION IN ADMISSION TO POSTSECONDARY INSTITUTIONS.

Section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d) is amended—

(1) by inserting “(a)” before “No person”; and

(2) by adding at the end the following:

“(b) **ADMISSION TO POSTSECONDARY INSTITUTIONS.**—It shall be unlawful for an employee of a postsecondary institution referred to in section 606(2)(A) and receiving Federal financial assistance, to use, or refer an applicant to, an informal or formal quota system based on race, ethnicity, color, or national origin, during any step of the admissions process, to determine whether the applicant involved shall be admitted to the institution.”.

SA 1438. Mr. MARSHALL submitted an amendment intended to be proposed by him to the bill S. 937, to facilitate the expedited review of COVID-19 hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . REQUIREMENT TO INVESTIGATE INCIDENCE OF DISCRIMINATION AGAINST ASIAN AMERICAN HIGH SCHOOL AND COLLEGE APPLICANTS.

Not later than 1 day after the date of enactment of this Act, the Attorney General shall designate an officer or employee of the Department of Justice whose sole responsibility shall be to investigate selective high schools and institutions of higher education in the United States accused of discriminating against Asian American applicants.

SA 1439. Mr. MARSHALL submitted an amendment intended to be proposed by him to the bill S. 937, to facilitate the expedited review of COVID-19 hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . REQUIREMENT TO DISSEMINATE SECOND AMENDMENT INFORMATION TO THE ASIAN AMERICAN COMMUNITY.

Not later than 1 day after the date of enactment of this Act, the Attorney General shall designate an officer or employee of the Department of Justice whose sole responsibility shall be to disseminate information to Asian Americans in the United States regarding—

- (1) rights provided under the Second Amendment to the Constitution of the United States; and
- (2) legal protections for individuals who defend themselves against acts of violence.

SA 1440. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 937, to facilitate the expedited review of COVID-19 hate crimes, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. REPORT ON DISCRIMINATION BY RECIPIENTS OF COVID-19 RELIEF BENEFITS BASED ON ACTUAL OR PERCEIVED COVID-19 STATUS.

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

(1) all forms of hatred against all people and the rise in violence in the wake of COVID-19 be condemned; and

(2) physical and verbal attacks against Asian American and Pacific Islander persons, such as those resulting in the killing an 84-year old Thai immigrant in San Francisco, California, the setting on fire of an 89-year old Chinese woman in Brooklyn, New York, and the slashing of a 61-year old Filipino American’s face with a box cutter while in the New York Subway, are reprehensible, contrary to American values as well as the sanctity of human life, and must be stopped.

(b) **DEFINITIONS.**—In this section—

(1) the term “COVID-19 relief benefits”—

(A) means any benefit from the Federal Government relating to the COVID-19 pandemic; and

(B) includes any grant, funds, loan, loan guarantee, bankruptcy relief, mortgage, rent, or eviction relief, or other benefit received under the American Rescue Plan (Public Law 117-2), the Consolidated Appropriations Act, 2021 (Public Law 116-260), the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116-139; 134 Stat. 620), the CARES Act (Public Law 116-136; 134 Stat. 281), the Families First Coronavirus Response Act (Public Law 116-127; 134 Stat. 178), the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (Public Law 116-123; 134 Stat. 146), or an amendment made by any such Act; and

(2) the term “crime of violence” has the meaning given that term in section 16 of title 18, United States Code.

(c) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Attorney General shall submit to Congress a report that studies—

(1) crimes of violence motivated by the actual or perceived relationship of any individual to the spread of COVID-19 for any reason, including appearance, mask wearing, or vaccination status; and

(2) the extent to which businesses that received COVID-19 relief benefits discriminated against individuals who are perceived to have spread COVID-19, which shall specifically detail the extent to which businesses that received COVID-19 relief benefits, or agents thereof, denied goods, services, or

travel, or committed a crime of violence, because of the actual or perceived relationship of any individual to the spread of COVID-19 for any reason, including appearance, mask wearing, or vaccination status.

AUTHORITY FOR COMMITTEES TO MEET

Ms. STABENOW. Mr. President, I have 10 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 COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Wednesday, April 14, 2021, at 10 a.m., to conduct a hearing.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, April 14, 2021, at 10 a.m., to conduct a hearing.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, April 14, 2021, at 9:45 a.m., to conduct a hearing on nominations.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, April 14, 2021, at 10 a.m., to conduct a hearing on nominations.

COMMITTEE ON INDIAN AFFAIRS

The Committee on Indian Affairs is authorized to meet during the session of the Senate on Wednesday, April 14, 2021, at 2:30 p.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 Wednesday, April 14, 2021, at 10 a.m., to conduct a hearing on nominations.

COMMITTEE ON VETERANS’ AFFAIRS

The Committee on Veterans’ Affairs is authorized to meet during the session of the Senate on Wednesday, April 14, 2021, at 3 p.m., to conduct a hearing on a nomination.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Wednesday, April 14, 2021, at 10 a.m., to conduct an open hearing.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Wednesday, April 14, 2021, at 1 p.m., to conduct an open hearing.