

monitoring projects in environmental justice communities, and for other purposes.

S. 2489

At the request of Mr. COTTON, the name of the Senator from Iowa (Ms. ERNST) was added as a cosponsor of S. 2489, a bill to require the maintenance of the country of origin markings for imported goods produced in the West Bank or Gaza, and for other purposes.

S.J. RES. 10

At the request of Mr. KAINE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S.J. Res. 10, a joint resolution to repeal the authorizations for use of military force against Iraq, and for other purposes.

S. RES. 275

At the request of Mr. KAINE, the names of the Senator from New York (Mrs. GILLIBRAND), the Senator from Colorado (Mr. BENNET) and the Senator from Hawaii (Mr. SCHATZ) were added as cosponsors of S. Res. 275, a resolution acknowledging and apologizing for the mistreatment of, and discrimination against, lesbian, gay, bisexual, and transgender individuals who served the United States in the Armed Forces, the Foreign Service, and the Federal civil service.

S. RES. 303

At the request of Mr. RUBIO, the name of the Senator from Tennessee (Mr. HAGERTY) was added as a cosponsor of S. Res. 303, a resolution supporting the people of Cuba in their demands for freedom and the fulfillment of basic needs and condemning the Communist regime in Cuba.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Mr. BLUMENTHAL, Ms. KLOBUCHAR, Mr. WYDEN, Mr. VAN HOLLEN, Mr. CARPER, Ms. HIRONO, Mr. DURBIN, Mr. WHITEHOUSE, Ms. BALDWIN, Mr. MARKEY, Mr. WARNER, Mr. OSSOFF, and Mr. BENNET):

S. 2532. A bill to provide protections for employees of, former employees of, and applicants for employment with Federal agencies, contractors, and grantees whose right to petition or furnish information to Congress is interfered with or denied; to the Committee on Homeland Security and Governmental Affairs.

Mrs. FEINSTEIN: Mr. President, today I am reintroducing legislation to strengthen protections for federal whistleblowers who share valuable information with Congress.

In the last four years, we have seen a major erosion of accountability in Government. From the firing of multiple inspectors general to the willful misinterpretation of whistleblower protection laws, it has become more difficult than ever to keep the Executive branch honest.

Despite these chilling developments, many whistleblowers still come for-

ward to ensure Congress could hold the powerful accountable. For example, in the 116th Congress, Lt. Colonel Alexander Vindman, a senior official at the National Security Council, shared credible information with Congress that the President of the United States tried to entice the Ukrainian President to launch a sham investigation into then-candidate Biden. Vindman's actions directly led to Donald Trump's first impeachment trial, a watershed moment for our democracy.

Whistleblowers like Vindman should be protected from retaliation. Unfortunately, while current law specifies that the right to report to Congress must not to be interfered with or denied, it fails to provide a remedy in the event this happens. As a result, whistleblowers have no meaningful protection from retaliation.

My bill would solve this problem by expanding administrative remedies to all taxpayer-funded employees, including intelligence employees, whose right to report to Congress has been interfered with or denied. It also gives Federal employees the right to file a lawsuit after exhausting administrative remedies, for which they can seek a wide range of relief, including lost wages and reinstatement to their former positions.

Whistleblowers are critical to the proper functioning of government. They enable Congress to conduct oversight, root out waste, fraud, and abuse, and hold accountable those who violate the public trust. It is incumbent on us, as members of Congress, to ensure whistleblowers can report to us without fearing retribution.

I urge my colleagues to support this bill. I also ask unanimous consent that a copy of the bill be included in the RECORD.

S. 2532

*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 "Congressional Whistleblower Protection Act of 2021".

#### SEC. 2. PROTECTIONS FOR COVERED INDIVIDUALS.

Section 7211 of title 5, United States Code, is amended—

(1) by striking "The right of employees" and inserting the following:

"(a) IN GENERAL.—The right of covered individuals"; and

(2) by adding at the end the following:

"(b) REMEDIES.—

"(1) ADMINISTRATIVE REMEDIES.—

"(A) IN GENERAL.—A covered individual with respect to a Federal agency (other than a covered individual described in subparagraph (B), (C), or (D)) who is aggrieved by a violation of subsection (a) may seek corrective action under sections 1214 and 1221 in the same manner as an individual who is aggrieved by a prohibited personnel practice described in section 2302(b)(8).

"(B) FBI EMPLOYEES.—A covered individual with respect to the Federal Bureau of Investigation who is aggrieved by a violation of subsection (a) may seek corrective action under section 2303.

"(C) INTELLIGENCE COMMUNITY EMPLOYEES.—A covered individual with respect to a

covered intelligence community element (as defined in section 1104(a) of the National Security Act of 1947 (50 U.S.C. 3234(a))) who is aggrieved by a violation of subsection (a) may seek corrective action under section 1104 of the National Security Act of 1947 (50 U.S.C. 3234) or subsection (b)(7) or (j) of section 3001 of that Act (50 U.S.C. 3341).

"(D) CONTRACTOR EMPLOYEES.—A covered individual with respect to a Federal agency who is an employee of, former employee of, or applicant for employment with, a contractor, subcontractor, grantee, subgrantee, or personal services contractor (as those terms are used in section 2409 of title 10 and section 4712 of title 41) of the agency and who is aggrieved by a violation of subsection (a) of this section may seek corrective action under section 2409 of title 10 or section 4712 of title 41.

"(E) BURDEN OF PROOF.—The burdens of proof under subsection (e) of section 1221 shall apply to an allegation of a violation of subsection (a) of this section made under subparagraph (A), (B), (C), or (D) of this paragraph in the same manner as those burdens of proof apply to an allegation of a prohibited personnel practice under such section 1221.

"(F) CLASS OF INDIVIDUALS ENTITLED TO SEEK CORRECTIVE ACTION.—The right to seek corrective action under subparagraph (A), (B), (C), or (D) shall apply to a covered individual who is an employee of, former employee of, or applicant for employment with, a Federal agency described in the applicable subparagraph or a contractor, subcontractor, grantee, subgrantee, or personal services contractor (as those terms are used in section 2409 of title 10 and section 4712 of title 41) of such a Federal agency, notwithstanding the fact that a provision of law referenced in the applicable subparagraph does not authorize one or more of those types of covered individuals to seek corrective action.

"(2) PRIVATE RIGHT OF ACTION.—

"(A) IN GENERAL.—If a final decision providing relief for a violation of subsection (a) alleged under subparagraph (A), (B), (C), or (D) of paragraph (1) of this subsection is not issued within 210 days of the date on which the covered individual seeks corrective action under the applicable subparagraph and there is no showing that the delay is due to the bad faith of the covered individual, the covered individual may bring an action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over the action without regard to the amount in controversy, for lost wages and benefits, reinstatement, costs and attorney fees, compensatory damages, equitable or injunctive relief, or any other relief that the court considers appropriate.

"(B) JURY TRIAL.—An action brought under subparagraph (A) shall, upon the request of the covered individual, be tried by the court with a jury.

"(C) BURDEN OF PROOF.—The burdens of proof under subsection (e) of section 1221 shall apply to an allegation of a violation of subsection (a) of this section in an action brought under this paragraph in the same manner as those burdens of proof apply to an allegation of a prohibited personnel practice under such section 1221.

"(c) DEFINITIONS.—For purposes of this section—

"(1) the term 'covered individual', with respect to a Federal agency, means an employee of, former employee of, or applicant for employment with—

"(A) the agency; or

"(B) a contractor, subcontractor, grantee, subgrantee, or personal services contractor (as those terms are used in section

2409 of title 10 and section 4712 of title 41) of the agency; and

“(2) the term ‘Federal agency’ means an agency, office, or other establishment in the executive, legislative, or judicial branch of the Federal Government.”

By Mrs. FEINSTEIN (for herself and Mr. PADILLA):

S. 2537. A bill to amend the Internal Revenue Code of 1986 to provide a credit for previously-owned qualified plug-in electric drive motor vehicles; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the “Affordable EVs for Working Families Act of 2021.”

This bill is an important measure that will ensure more widespread, equitable adoption of electric vehicles by creating a tax credit for buyers of pre-owned electric vehicles, similar to the tax credit that exists for purchasers of new electric vehicles.

Starting now, and over the next several decades, the United States must take swift, decisive action to reduce our carbon emissions—especially from the transportation sector, which makes up one-third of all U.S. carbon emissions.

I am proud to say that California has led the way in the adoption of low- and zero-emission vehicles for several decades by incentivizing the development and purchase of electric and hybrid electric vehicles, and setting high fuel economy standards that 13 States have opted to follow.

According to research released just last month by the Pew Research Center, California has by far the highest share of electric vehicles of any State in the Nation—on average, 12 electric vehicles registered per 1,000 people.

As a result, California now has the largest pre-owned electric vehicle market in the nation. Sales for pre-owned electric vehicles in California have grown significantly in recent years.

However, a study released just last month by Energy Innovation found that for lower-income households, the up-front costs of purchasing an electric vehicle presents an especially large hurdle, despite the long-term cost savings that they offer, such as on gas and maintenance.

Transportation is the second-largest expense for all U.S. households, but presents a particular burden for lower-income households—suggesting that incentives for pre-owned buyers targeted toward lower and middle-income communities can increase adoption of electric vehicles in those communities significantly, and further accelerate overall adoption.

We cannot miss an opportunity to ensure that as we electrify our transportation sector, electric vehicles become an option for all families—not just those who can afford new ones.

My bill would do just that.

My bill would provide a \$2,500 tax credit to purchasers of preowned electric vehicles, similar to the credit already offered to purchasers of new electric vehicles. The credit only applies to

vehicles that cost \$25,000 or less, and would be phased down for buyers whose adjusted gross income exceeds \$75,000 per year for individuals and \$150,000 for joint filers.

My bill also includes critical safeguards such as a vehicle identification number reporting requirements and a 2-year previous ownership requirement to ensure that any attempted fraud is quickly caught.

I would like to thank Congressmen JIMMY GOMEZ who is introducing the House companion to this bill, and has carried this effort in the House, along with Congressman MIKE THOMPSON who included a similar provision in the House clean energy tax incentives package, the GREEN Act.

I would also like to thank the Los Angeles Department of Water and Power, California Air Resources Board, our utilities and other California localities that have led the way on this policy by offering their own rebates for pre-owned electric vehicles.

Now, with the Senate considering historic investments in electric vehicles and charging infrastructure, it is time for the federal government to follow California’s lead and ensure that buyers of pre-owned vehicles receive a tax credit similar to the one for buyers of new EVs.

I urge my colleagues to support this bill. Thank you, Mr. President. I yield the floor.

By Ms. HIRONO (for herself, Mr. WHITEHOUSE, Mrs. MURRAY, and Mr. DURBIN):

S. 2553. A bill to amend title 28, United States Code, to protect employees of the Federal judiciary from discrimination, and for other purposes; to the Committee on the Judiciary.

Ms. HIRONO. Mr. President, I rise today to introduce the Judiciary Accountability Act of 2021. I thank Representatives JOHNSON, SPEIER, NADLER, TORRES, and MACE, along with my co-sponsors, Senators WHITEHOUSE, MURRAY, and DURBIN, for working with me to finally ensure that employees of the Federal judiciary have strong statutory rights and protections against discrimination, sexual harassment, retaliation, and other forms of workplace misconduct.

More than 30,000 people work in the Federal judiciary. As with any organization of this size, the judiciary is not immune from workplace misconduct.

Over the years, however, a variety of factors have worked together to prevent instances of workplace misconduct within the judiciary from coming to light. There is a unique power imbalance between the Federal judges who sit atop this vast organization and the clerks, staffers, and other employees who rely on connections and recommendations to advance their careers. The cloak of confidentiality ensures what happens in chambers stays in chambers. And, perhaps most important, there is a lack of legal recourse available to judicial employees who are

denied even the most fundamental workplace protections. Indeed, the Federal judiciary is one of the few employers—private or public—whose employees are not protected by state or federal civil rights laws.

Despite all these reasons to keep quiet, a number of victims have bravely come forward to report serious harassment by Federal judges over the past several years. In December 2017, six former law clerks and staffers accused Ninth Circuit Judge Alex Kozinski of subjecting them to a range of inappropriate sexual conduct and comments. In September 2019, the Tenth Circuit Judicial Council issued an order finding that District Court Judge Carlos Murguía had harassed multiple employees over a period of years, including by subjecting them to sexually suggestive comments; inappropriate text messages; and excessive, non-work-related contact. In February 2020, a former law clerk to the late-Ninth Circuit Judge Stephen Reinhardt accused the judge of a months-long harassment campaign.

In the face of this egregious misconduct and Congressional pressure, the federal judiciary has taken only small, limited steps to protect its employees. It is not enough.

The Judiciary Accountability Act fills the void left by the judiciary’s inaction and extends to judicial branch employees the same anti-discrimination rights and remedies other government sector employees and private sector workers have had for decades. It also goes further. Among other things, it would create an Office of Judicial Integrity to administer a nationwide, confidential reporting system; establish a Special Counsel for Equal Employment Opportunity empowered to investigate all workplace misconduct complaints; form an Office of Employee Advocacy to assist in judicial branch employees in matters relating to workplace discrimination and harassment; protect whistleblowers by prohibiting retaliation; and establish a comprehensive workplace misconduct prevention program.

These reforms are not only necessary, they are long overdue. I therefore encourage my colleagues to support the Judiciary Accountability Act.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 328—DESIGNATING AUGUST 1, 2021, AS “GOLD STAR CHILDREN’S DAY”

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

#### S. RES. 328

Whereas the recognition of Gold Star Families in the United States dates back to World War I, when the families of fallen service members displayed a service flag in the window of their homes with a gold star;