

“(5) the claim is substantiated as prescribed in regulations prescribed by the Secretary of Defense under subsection (d).

“(C) PAYMENT OF CLAIMS.—(1) If the Secretary of Defense determines, pursuant to regulations prescribed by the Secretary under subsection (d), that a claim under this section in excess of \$100,000 is meritorious, and the claim is otherwise payable under this section, the Secretary may pay the claimant \$100,000 and report any meritorious amount in excess of \$100,000 to the Secretary of the Treasury for payment under section 1304 of title 31.

“(2) Except as provided in paragraph (1), no claim may be paid under this section unless the amount tendered is accepted by the claimant in full satisfaction.

“(d) REGULATIONS.—(1) The Secretary of Defense shall prescribe regulations to implement this section.

“(2) Regulations prescribed by the Secretary under paragraph (1) shall include the following:

“(A) Policies and procedures to ensure the timely, efficient, and effective processing and administration of claims under this section, including—

“(i) the filing, receipt, investigation, and evaluation of a claim;

“(ii) the negotiation, settlement, and payment of a claim; and

“(iii) such other matters relating to the processing and administration of a claim, including an administrative appeals process, as the Secretary considers appropriate.

“(B) A process through which any claimant who pursues an administrative appeal of a claim will be provided with an opportunity to participate in a live hearing regarding such appeal, which may be attended by the claimant in-person or remotely through electronic means.

“(C) Uniform standards consistent with generally accepted standards used in a majority of States in adjudicating claims under chapter 171 of title 28 (commonly known as the ‘Federal Tort Claims Act’) to be applied to the evaluation, settlement, and payment of claims under this section without regard to the place of occurrence of the sex-related offense giving rise to the claim or the military department of the covered individual, and without regard to foreign law in the case of claims arising in foreign countries, including uniform standards to be applied to determinations with respect to—

“(i) whether an act or omission by a covered individual was negligent or wrongful, considering the specific facts and circumstances;

“(ii) whether the personal injury or death of the claimant was caused by a negligent or wrongful act or omission of a covered individual;

“(iii) requirements relating to proof of duty, breach of duty, and causation resulting in compensable injury or loss, subject to such exclusions as may be established by the Secretary of Defense; and

“(iv) calculation of damages, except that any standard establishing a maximum limit on noneconomic damages may not limit such damages to less than \$800,000.

“(D) A requirement that any maximum limit on noneconomic damages shall be not less than \$800,000.

“(E) Such other matters as the Secretary considers appropriate.

“(3) In order to implement expeditiously the provisions of this section, the Secretary may prescribe the regulations under this subsection—

“(A) by prescribing an interim final rule; and

“(B) not later than one year after prescribing such interim final rule and considering public comments with respect to such

interim final rule, by prescribing a final rule.

“(e) LIMITATIONS ON ATTORNEY FEES.—(1) No attorney shall charge, demand, receive, or collect for services rendered, fees in excess of 20 percent of any claim paid pursuant to this section.

“(2) Any attorney who charges, demands, receives, or collects for services rendered in connection with a claim under this section any amount in excess of the amount allowed under paragraph (1), if recovery be had, shall be fined not more than \$2,000, imprisoned not more than one year, or both.

“(3) The United States shall not be liable for any attorney fees of a claimant under this section.

“(f) ANNUAL REPORT.—Not less frequently than annually until 2026, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report—

“(1) indicating the number of claims processed under this section;

“(2) indicating the resolution of each such claim; and

“(3) describing any other information that may enhance the effectiveness of the claims process under this section.

“(g) DEFINITIONS.—In this section:

“(1) The term ‘covered individual’ means a member of the armed forces or an employee of the Department of Defense.

“(2) The term ‘sex-related offense’ has the meaning given that term in section 1044e(h) of this title.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 163 of such title is amended by inserting after the item relating to section 2733a the following new item:

“2733b. Claims arising from sex-related offenses.”

(b) INTERIM BRIEFING ON DEVELOPMENT OF REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the development of regulations under section 2733b(d) of title 10, United States Code, as added by subsection (a)(1).

(c) CONFORMING AMENDMENTS.—

(1) Section 2735 of such title is amended by inserting “2733b,” after “2733a.”

(2) Section 1304(a)(3)(D) of title 31, United States Code, is amended by inserting “2733b,” after “2733a.”

(d) EFFECTIVE DATE AND TRANSITION PROVISION.—

(1) EFFECTIVE DATE.—The amendments made by this section shall apply to any claim filed under section 2733b of such title, as added by subsection (a)(1), on or after January 1, 2022.

(2) TRANSITION.—Any claim filed in calendar year 2021 shall be deemed to be filed within the time period specified in section 2733b(b)(2) of such title, as so added, if it is filed within three years after it accrues.

#### APPOINTMENT

The PRESIDING OFFICER. The Chair, pursuant to Public Law 116-260, on behalf of the Majority Leader of the Senate, appoints the following individual as a member of the Smithsonian American Women’s History Museum Advisory Council: Crystal Peoples Stokes of New York.

#### ORDERS FOR TUESDAY, SEPTEMBER 28, 2021

Mr. SCHUMER. Finally, Mr. President, I ask unanimous consent that

when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, September 28; that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the leaders be reserved for their use later in the day, and morning business be closed; that upon conclusion of morning business, the Senate proceed to executive session to resume consideration of the Donfried nomination, with the time until 11:30 a.m. equally divided prior to a vote on the nomination; further, that following the disposition of the Donfried nomination, the Senate resume consideration of the Medina nomination and immediately recess until 2:15 p.m. to allow for the weekly caucus meetings; finally, that if any nominations are confirmed on Tuesday, the motions to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate’s action.

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

Mr. SCHUMER. For the information of Senators, the first rollcall on the confirmation of the Donfried nomination will be at 11:30 a.m.

#### ORDER FOR ADJOURNMENT

Mr. SCHUMER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senator SULLIVAN.

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

The Senator from Alaska.

#### EXTENDING GOVERNMENT FUNDING AND DELIVERING EMERGENCY ASSISTANCE ACT

Mr. SULLIVAN. Mr. President, I want to talk about transparency, and I want to talk about the need for transparency here in the U.S. Senate more than ever.

The House and the Senate are moving with breakneck speed to pass one of the biggest, most reckless spending social bills in U.S. history, over \$3½ trillion—a spending spree that will be the largest in a generation—which will include the largest tax hike that we have seen in peacetime and something that the majority leader himself has called the largest transformation in a generation.

Make no mistake. This is trying to transform America—cradle to grave socialism. Don’t take my word for it. Here is the way the New York Times described this \$3½ trillion reckless spending bill from the House coming to the Senate. It is legislation that would touch virtually every American’s life from conception to age and infirmity, from cradle to grave. That is the New York Times. In other words, the Federal Government will be involved in all facets of every single American life, from birth to death—one of the biggest

tax-and-spend programs certainly since President Johnson's Great Society or President Roosevelt's New Deal.

With that involvement of our government will come higher taxes, taxes on smaller businesses, taxes on the middle class, and, yes, we believe our Senate colleagues are planning a tax cut for those who live in the big cities, known as the "Blue State Bailout." The chairman of the Budget Committee, who is crafting this bill, Senator SANDERS, who has called himself "a proud socialist," is going to have tax cuts for millionaires and billionaires in this legislation.

So one would think that a bill of this magnitude, this size, this transformational an impact on every single American, would be a bill that the U.S. Senate, the so-called most deliberative body in the world, would actually hold one hearing on—just one—and would actually hold a markup or two in the different committees. Right now, our Democratic colleagues, with no explanation, are not planning on one hearing or one markup in any committee—none. As, I think, anybody who knows anything about this body knows, that is unprecedented.

The House rushed, no doubt. They have already marked up this legislation, way too fast, but, at least, they allowed for amendments. At least, they debated it.

When Republicans controlled the Congress in 2017, with regard to the 2017 Tax Cuts and Jobs Act, which went through reconciliation, we held numerous hearings in Senate committees. We had markups. We debated amendments. But for this bill—3½ trillion—right now, our colleagues are not going to do any of that.

Of course, the media has given them a free pass. Nothing. The most deliberative body in the world, the transformational bill of a generation, the Green New Deal and all the other socialist ideas, and we are not going to have one hearing, not going to have one markup in one committee.

What is going on? Well, I would love it if the majority leader or any other Senate Democrat would come down to the Senate floor and explain to the American people why. Why aren't we doing that? No transparency?

So I have a theory, because we are not going to hear from the majority leader or any of my other colleagues. I would love to hear them.

Come on down. Explain why we are not having one hearing on the biggest bill in a generation—3½ trillion.

Here is my theory. There are several reasons why they don't want the public to see a hearing or a markup relating to this bill.

First and foremost, they don't want to have to defend what is in it. They don't want the public, who is seeing skyrocketing prices at the pump, at the grocery store, seeing all the increases in prices across our country, to see the specifics of a bill that are clearly going to supercharge more inflation.

They don't want to have to defend a bill that will have the largest tax increase in American history. They don't want to have to defend a bill or show the American people tax rates on small businesses that will be bigger than anything in the European Union or in communist China, or hundreds of billions to bail out health insurers or \$200 million for the Speaker's pet project in the Presidio Park in San Francisco or \$5 billion for an environmental justice tax credit for universities, whatever the heck that is. Or how about \$100 billion for amnesty for 10 million illegal immigrants, making them eligible for Federal benefits? They don't want to have to defend that. They don't want to have to debate that. These are just a few core elements of the bill as we know it. As I mentioned, there are also the tax cuts for millionaires and billionaires in big cities.

And they don't want to have to talk about the debt ceiling that my colleagues are trying to raise so they can continue their trillion dollars of reckless spending. The majority leader just mentioned that. He doesn't mention what is in the bill, won't have hearings about what is in the bill, won't have markups for the American people to see.

And on the debt ceiling, you know, just last month, 45 of my Senate Republican colleagues and I signed a letter, putting our colleagues on the other side of the aisle on notice that we will not vote to increase the debt limit if they continued down this reckless path. And the reason is simple: My Democratic colleagues are content to go it alone and pass their irresponsible \$3½ trillion socialist spending spree with no hearings, no markup, no nothing, with just Democratic input, which is all we have.

Again, when we were going through our budget reconciliation process, we took amendments, we debated them, and we voted on them. They are not doing that.

If they are doing this solely by themselves, with no transparency, then our Democratic friends should be solely responsible for raising the debt ceiling to accommodate it. They control all branches of the government. The majority leader clearly knows they could fix that right now. They are creating their own crisis, and they can solve it.

So, once again, this \$3½ trillion bill is being rushed. What is another reason? I think they are getting a little nervous that if you had a markup, say, in the Budget Committee, you would see that the author of the bill, the chairman of the Budget Committee, is promoting a socialist agenda that he is proud of because he is actually an avowed socialist.

Now, I am not trying to insult anyone. This is what he calls himself.

So I think my Democratic colleagues get a little nervous that a bill authored by a socialist in the Senate would have to be defended. But, again, no hearings, no markup, and I know a lot of my

Democratic colleagues are uncomfortable with this. They are uncomfortable with the bill. They are uncomfortable with the lack of transparency, but they are not calling for transparency. They are saying: Let's just move this as quickly as possible so nobody in America can see it.

So far, they are being successful, but I think we need to put this into context. Here is a piece from the Wall Street Journal from last week, where it talked about putting this rush job on the reckless spending bill from the majority leader and the Speaker of the House in historic context. It said:

FDR's New Deal programs were passed incrementally over two Presidential terms with overwhelming Democratic majorities. Democrats created the Great Society over two years, with supermajorities under President Johnson. ObamaCare was hashed out over nine months before Democrats enacted it into law with 56 votes in the Senate. The 2017 GOP tax reform bill—

as I just mentioned—

was debated for months, and its principles for years before Congress voted and marked it up.

Now with merely 50 Democrats in the Senate—

fifty-fifty here—

and a five-Member House majority, Democrats are planning to rush through the biggest tax and spending increase in half a century—

With not one hearing in the U.S. Senate, without one markup in any committee.

There is no mandate for this, but for most of my colleagues, the quicker the better to move on. Don't look, America. Don't look that the author of this bill is actually a socialist, because it is socialism.

Now, this rush job is not good for the American people. So here is a better idea, and it comes from a Senate Democrat, my colleague Senator MANCHIN. A couple of weeks ago, he very wisely called for a "strategic pause."

In an op-ed in the Wall Street Journal he said that there is another reason for a strategic pause.

Now I am quoting Senator MANCHIN:

We must allow for a complete reporting and analysis of the implications a multitricillion-dollar bill will have for this generation and the next. Such a strategic pause will allow every member of Congress to use the transparent committee process to debate: What should we fund, and what can we simply not afford?

That is Senator MANCHIN. His op-ed also said that amid the inflation that we are seeing, debt and the inevitability of future crises, Congress needs to take a strategic pause on this \$3½ trillion reckless spending spree.

So one of my Democratic colleagues is wisely calling for what we all know we need here, which is the precedent of this body, the most deliberative body in the world—a pause, hearings, markups so the American people can see what is actually in this.

It sounds like that is not going to happen, and I would love it if any of my Democratic colleagues would come

to the floor and tell the American people why.

We can and should have debates about our respective visions for our great country.

No one should be afraid of looking closely at this \$3½ trillion monstrosity. Let's have a debate about it. Let's debate the massive increases in taxes, the vast expansion of entitlements, the cradle-to-grave socialism that certain Democrats are proposing for every individual American's life.

The American people deserve this. My constituents back home in Alaska certainly would welcome such a debate, but the American people deserve this.

Why are my colleagues afraid to debate and have hearings and a markup on this massive legislation? It is the American people's money, after all, that will pay for this transformational, socialist bill, and it is their lives that will be impacted and upended if this reckless, rushed bill becomes law.

So let's do this. Let's hit a strategic pause, as Senator MANCHIN asked for.

Let's pry this bill open, hold hearings, and lay out our visions for our country. Let's have a debate: More taxes or freedom? Socialism versus market capitalism. Do we want a fundamental transformation, as the majority leader and the budget chairman have asked for, or do we want common-sense legislation that helps working men and women in our country achieve their dreams?

I am hopeful that the majority leader will agree with Senator MANCHIN and do what is right for the American people: Hit a pause, hold hearings, and hold markups before he makes a mockery of the phrase "the world's most deliberative body," which he is now trying to do with this rushed and reckless spending bill.

#### GABBY PETITO AND FEMICIDE

Mr. SULLIVAN. Madam President, the tragic story of 22-year-old Gabby Petito, whose body was recently found at the Grand Teton National Park in Wyoming, has captured the attention of our Nation. It is an awful story that is still playing out. We pray for her parents and her loved ones, and we hope that they soon will receive justice.

As we watch the story unfold, we empathize with her family and her

friends, and we mourn with them, and we think about how this horrible crime hurts all of them, their neighbors, our fellow citizens, the result of such a brutal murder. We think of our daughters and think of the daughters of others, all of our Nation's daughters. And all of this reminds some of us of another terrible tragedy in America, and it is this: Native and indigenous women in America are murdered and sexually assaulted at rates as high as 10 times the national average. Think about that. Horrendous.

The Centers for Disease Control and Prevention has reported that murder is the third leading cause of death among American Indian and Alaska Native women. However, this issue rarely, if ever, receives much coverage or awareness. But awareness often results in additional resources—something that has unfortunately been lacking in our criminal justice system on this issue, the issue of missing and murdered indigenous women.

According to the FBI's National Crime Information Center, there are roughly 1,500 unsolved cases of missing and murdered indigenous women in America—1,500. Alaska has about 300 of these unsolved cases. Experts think there are many more such cases that don't make it into the Federal database.

There has been some progress. Under the previous administration, the Assistant Secretary of the Interior for Indian Affairs, Tara Sweeney, who did such a great job, began an initiative throughout the Federal Government called Operation Lady Justice, the whole point of which was to bring light to this horrible issue of missing and murdered indigenous women, to bring justice and hope and closure to their families. Operation Lady Justice, the task force, has opened up numerous offices across America, including one in Alaska. Last year, we in a bipartisan way here in the Senate passed Savanna's Act and the Not Invisible Act to address the crisis of missing, murdered, and trafficked indigenous women in our country. Progress is being made, but we need to continue to keep this issue front and center.

As we pray for the family of Gabby Petito, we also offer our thoughts and prayers to the families of these missing and murdered indigenous Americans

and commit to continue to focus on all of these issues to make our country a better place.

I yield the floor.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER (Ms. SMITH). The Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 7:04 p.m., adjourned until Tuesday, September 28, 2021, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### DEPARTMENT OF DEFENSE

DOUGLAS R. BUSH, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE ARMY, VICE BRUCE D. JETTE.  
CARRIE FRANCES RICCI, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE ARMY, VICE JAMES E. MCPHERSON, RESIGNED.

ASHISH S. VAZIRANI, OF MARYLAND, TO BE A DEPUTY UNDER SECRETARY OF DEFENSE, VICE LAURA JUNOR, RESIGNED.

##### DEPARTMENT OF THE TREASURY

SHANNON CORLESS, OF THE DISTRICT OF COLUMBIA, TO BE ASSISTANT SECRETARY FOR INTELLIGENCE AND ANALYSIS, DEPARTMENT OF THE TREASURY, VICE ISABEL MARIE KEENAN PATLUNAS.

##### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF CHAPLAINS, UNITED STATES AIR FORCE, AND APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 9039:

##### *To be major general*

BRIG. GEN. RANDALL E. KITCHENS

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

##### *To be major*

GLORIA A. EZE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

##### *To be lieutenant colonel*

TRAVIS J. BURNS

##### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

##### *To be major*

JOSEPH J. ENDREOLA

##### IN THE SPACE FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES SPACE FORCE UNDER TITLE 10, U.S.C., SECTION 624:

##### *To be lieutenant colonel*

BRIAN P. MOORE