



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 117<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 168

WASHINGTON, THURSDAY, APRIL 28, 2022

No. 70

## Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. LEAHY).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, to You all hearts are open, all desires known, and from You, no secrets are hid. Strengthen all who put their trust in You.

Empower our lawmakers to glorify You by following your precepts. May they please You both in their desires and deeds. Lord, grant that the words they speak and the thoughts they think will be acceptable to You as You pour upon them the abundance of Your mercies.

Prosper Your providence through their efforts, according to Your holy will.

And, Lord, we continue to intercede for Ukraine.

We pray in Your mighty Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

The Senator from Nevada.

Ms. ROSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. THUNE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. ROSEN). Without objection, it is so ordered.

### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

### LEGISLATIVE SESSION

#### AMERICA CREATING OPPORTUNITIES FOR MANUFACTURING, PRE-EMINENCE IN TECHNOLOGY, AND ECONOMIC STRENGTH ACT OF 2022—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 4521, which the clerk will report.

The bill clerk read as follows:

House message to accompany H.R. 4521, a bill to provide for a coordinated Federal research initiative to ensure continued United States leadership in engineering biology.

The PRESIDING OFFICER. The Senator from South Dakota.

#### ENERGY

Mr. THUNE. Madam President, from the beginning, the Biden administration has displayed a hostility to fossil fuels.

President Biden set the tone on day 1 of his administration when he canceled the Keystone XL Pipeline, an environmentally responsible pipeline project that was already underway and that was to be paired with \$1.7 billion in private investment in renewable energy to fully offset its operating emissions. He almost immediately froze new oil and gas leases on Federal lands and is only now making new onshore leases available for sale after being ordered to do so by a Federal judge. His first budget contained a series of tax hikes on conventional energy production, and his budget this year, released in the midst

of an energy crisis, calls for hiking taxes on fossil fuel companies to the tune of tens of billions of dollars. And the list goes on.

Perhaps even more troubling, however, is the more insidious campaign the President has been conducting against conventional energy production, using the long arm of financial regulation and government pressure to directly or indirectly discourage investment in fossil fuels and other industries disliked by his political base.

The Securities and Exchange Commission recently issued a completely unworkable proposed rule requiring publicly traded companies to disclose information not only about their own greenhouse gas emissions but about those of their suppliers and even their customers—clearly attempting to make companies diminish or outright cut ties with traditional energy. Never mind whether this expanded environmental, social, and corporate governance—or ESG, as it is called—desired by the far left can be accurately or consistently measured, much less proved to have a positive impact on the economy or for the climate.

But the administration doesn't stop there. The Commodity Futures Trading Commission established a so-called Climate Risk Unit that potentially seems designed to pressure industries into making certain investment choices. The Federal Reserve, which has zero business inserting itself into debates over climate policy, is suggesting that it should provide "supervisory guidance" to large banks on so-called climate-related risks. Similarly, the Office of the Comptroller of the Currency recently issued draft principles for banks on "climate-related financial risk."

President Biden's climate envoy, former Secretary of State John Kerry, has actively—actively—pressured banks not to invest in fossil fuels. And disturbingly, the original draft of the National Credit Union Administration's Draft Strategic Plan for 2022 to

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S2199

2026, though it has since been revised, went beyond discouraging investment in conventional energy production and actually suggested that investing too heavily in agriculture—agriculture—could be problematic for climate-related reasons. Now, I am not sure where the National Credit Union Administration thinks our food is going to come from if banks and credit unions don't provide capital to their farms and ranch clients.

All of these measures, as I said, are designed to directly or indirectly discourage investment in conventional energy production and other industries that the far left believes interfere with its unrealistic environmental agenda. And that is a problem. While I am a longtime supporter of clean energy and come from a State that in 2020 derived 83 percent of its energy generation from renewables, the fact of the matter is that our country is nowhere close to being able to eliminate our reliance on fossil fuels. Clean energy technology has simply not advanced to the point where we can replace all conventional energy production with renewables.

And cutting off investment in clean, responsible oil and gas production will do nothing but drive up energy prices for American consumers and increase our reliance on energy from unstable or unfriendly countries, which, I might add, often extract energy in far less environmentally friendly ways than do U.S. producers.

Americans are already struggling with high energy prices, thanks, in part, to the Biden administration's hostility to domestic oil and gas production, and I don't think too many Americans are eager to see energy prices rise even further. In the worst-case scenario, limiting investment in U.S. conventional energy production could not only drive up prices but contribute to fuel shortages here at home, as we may end up seeing with countries that are overly reliant on Russian energy. And I am pretty sure there aren't many Americans who are eager to wait in line at gas stations for a rationed amount of gas.

And it is not just high energy prices that Americans could have to worry about. If Democrats take their climate hysteria as far as discouraging lending to certain sectors of the agricultural economy, like livestock, which now seems possible, Americans could also see food prices rise sharply. I think it is safe to say that it is the last thing American families need in an economy that is already beset by 8.5 percent inflation, not to mention the fact that agriculture should actually be regarded as a good investment when it comes to climate change considerations. American agriculture should be leveraged as part of environmental and conservation policies, and our farmers have a vested interest in our land and water.

Add in the biofuels industry, and our agriculture sector can responsibly provide food, fuel, and fiber for the Nation. In fact, the Department of Energy has

found that ethanol derived by increasingly higher crop yields has a more than 40 percent lower lifecycle carbon footprint than gasoline.

Beyond all this, Mr. President, is the fact that the President's attempt to dictate investment by privately owned banks and credit unions and companies is a misuse of the financial regulatory system. The President's use of the financial regulatory system to pressure companies on energy investment has all too familiar echoes of the Obama administration's Operation Choke Point initiative, which used the Federal Deposit Insurance Corporation and the Department of Justice to target companies whose activities the Obama administration didn't like.

The question also becomes, Where does this end? The government is already pressuring companies on firearms and energy investment, and now there are dangerous signs that agriculture could be targeted on perceived climate-related grounds.

Well, what is next? Is the Biden administration going to pressure banks not to lend to companies who don't espouse the Biden administration's extreme abortion agenda or who donate to causes the Biden administration doesn't support? Is it going to pressure banks not to lend to States with laws the administration doesn't like?

These are legitimate questions. As we have seen more than once, the Biden administration doesn't have a lot of tolerance for those who disagree with its far-left policy goals. Concerns like these are one reason why I led 10 of my fellow Republicans earlier this month in sending a letter to the President expressing our alarm with his administration's use of the financial regulatory system to attempt to choke off lending to conventional energy production and potentially target American agriculture. And I will continue to work with my colleagues to ensure that the Biden administration and its regulators are not making improper use of executive power to discourage investment in essential production and to pick winners and losers among American industries.

Americans should not have to suffer because Democrats' climate agenda is out of control.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BOOKER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RECOGNITION OF THE MINORITY LEADER

The Republican leader is recognized.

INFLATION

Mr. MCCONNELL. Mr. President, runaway inflation is crushing working American families on Democrats' watch. The share of Americans who say the economy is our most important

problem hasn't been this high since the last time Democrats controlled the White House.

Just this morning, we got a devastating quarterly GDP report. The economy actually shrank 1.4 percent over the last 3 months. No longer are Democrats just presiding over a disappointing recovery. Now they have thrown the recovery into reverse, and we are actually going backward. We haven't seen inflation this bad in more than 40 years—month after month of skyrocketing prices.

It is exactly what everyone knew would happen if Democrats dumped \$2 trillion in printed money on an economy that was already ready for a comeback. But Democrats rammed through the far-left spending. So working Americans are paying dearly.

This week, the same Washington Democrats who drove this inflation have finally figured out their response. They want to raise taxes on the American people. The Democratic leader said this Tuesday:

If you want to get rid of inflation, the only way to do it is to undo a lot of the Trump tax cuts and raise rates. No Republican is ever going to do that. So the only way to get rid of inflation is through reconciliation.

Said the Democratic leader. Now, remember, Senator SCHUMER is the same person who said in March 2021:

I do not think the dangers of inflation, at least in the near term, are very real.

Now the same person who predicted that inflation would not happen is saying we have to fight inflation by dramatically raising taxes on the American people.

The answer for Democrats hurting families once is for Democrats to hurt families twice. This is literally the Democratic economic agenda for your family: high prices and less money.

Republicans' 2017 tax cuts just about doubled the standard deduction for households. We created a brandnew zero percent tax bracket for the first \$24,000 that a married couple brings in. Repealing that law would cut that in half and raise your taxes. That is what repealing the 2017 tax bill actually means.

Republican tax cuts also double the child tax credit from \$1,000 to \$2,000, a tremendous help for working families. Repealing the 2017 tax law would slash those credits in half, but that is what Democrats say they want to do because of the inflation that they created.

This is Senate Democrats' position: Because their bad decisions have hurt Americans once, the solution is to hurt Americans twice. First, they hurt you with inflation, and now, they want to hurt you with tax hikes.

We will see what our citizens have to say about that later this year.

IMMIGRATION

Mr. President, now, on another matter, yesterday Secretary Mayorkas testified: "We will not lose operational control of the border." But, of course, the truth is they already have. The Secretary's own Customs and Border

Protection personnel are struggling to keep up with the massive, massive numbers. Only halfway through the fiscal year, they have already encountered a million people trying to enter our country illegally, and that doesn't count all the people they actually never caught.

But now President Biden wants to rip away the one remaining bandaid preserving any semblance of law and order. He is canceling the pandemic authorities that let CBP immediately turn people around and actually send them back home.

This week, the administration put out a laughable excuse for a new border security plan. In this new memo, Secretary Mayorkas says he aims to have a total capacity to hold 18,000 illegal immigrants in custody at one time. But here is the problem: That is the number of illegal immigrants that some CBP officials fear we could soon be seeing every single day. Let me say that again. The administration hopes they will soon be able to hold 18,000 people total in custody, while the experts warn we could soon have 18,000 coming in every single day.

So perhaps that is why the second main point in this Mayorkas memo is this: "moving with deliberate speed to mitigate potential overcrowding at Border Patrol stations." So if you translate that from Washington speak into plain English, it means they want to speed up catch-and-release a whole lot faster. They don't have a plan to secure the border. They have a plan to keep the turnstiles greased up and spinning as fast as possible—a total abdication and the opposite of what the American people expect.

#### NATIONAL DEFENSE

Mr. President, now, on one final matter, the free world has rallied behind Ukraine, including by supplying lethal aid that Ukrainians need to actually fight and win this war. But it is not enough for Americans and our allies to help arm Ukraine; we need to modernize and grow our own defenses at the same time. After just 2 months, our aid to Ukraine has drawn down a quarter—a quarter—of our entire stockpile of Stinger anti-air missiles and a third of our Javelin antitank missiles. Our eastern flank allies' stockpiles of similar weapons have also shrunk as well.

So this is a wake-up call and not just about our ability to support the current fight; Ukraine's expenditure rate of critical munitions should cause us to question whether our own wartime requirements for weapons systems and munitions are sufficient.

This would be less of a problem if we had a robust defense industrial base to quickly refill our armories. But defense manufacturers have admitted that the production lines for some critical components have actually dried up, and it could be years before they could replace the weapons that we have already sent to Ukraine.

We live in a dangerous world. Whether it is the prospect of escalation by

Russia against NATO today or the threat of aggression by China, Iran, North Korea, or some other adversary tomorrow, America must be prepared to project power all over the globe.

We cannot assume our adversaries will give us time to prepare for battle or to restock in the middle of one. For the sake of deterring the next conflict or winning it if deterrence fails, we must invest in our military readiness.

For 2 years in a row, the administration has submitted budgets that do not adequately resource our military. They have failed to even keep pace with President Biden's inflation, meaning a net cut in funding. And with prices soaring, it won't just take longer to build new Stingers and Javelins; it will cost more for them as well.

Congress has already given the administration significant tools and authorities to help America's defense industry address the urgent and growing demand for critical munitions and weapons systems. This is precisely—precisely—the situation the Defense Production Act was designed to address. But instead of invoking the DPA as intended, this administration has entertained far-left schemes to use it for unrelated liberal goals like environmental policy.

But I am glad to hear President Biden will be traveling to Alabama next week to visit a facility that manufactures Javelins. While he is there, I hope he will reconsider what his administration is doing to ramp up production of other critical munitions and weapons systems.

I hope he will recognize what is needed to enhance America's security and that of our NATO eastern flank allies and Asian partners threatened by China. The President should use the powerful tools he already has—he already has—to fix this shortfall before it is too late.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

#### BUSINESS BEFORE THE SENATE

Mr. SCHUMER. Mr. President, it has been a good week in the Senate because two important things happened. First, we finally confirmed every single U.S. attorney that had been blocked by Republicans, making the country safer. And today, the Senate is taking the next big step toward enacting major legislation to create jobs, bring back American manufacturing, strengthen supply chains, and unleash another generation of American innovation.

Later today, we will vote to enter into a conference committee with the House on the competition and innova-

tion legislation, and we will work with the House to finalize this jobs competitiveness bill. We will also vote next Tuesday and Wednesday on 28 motions to instruct—8 from Democrats, 20 from Republicans.

There is still a lot of work to do before we send this competitive jobs bill to the President's desk. Not everyone is going to get what they want, but even so, this bill is going to be just what the doctor ordered to boost our economy, bring back manufacturing jobs, and lower costs for American families.

Let me say it again. Today, the Senate is moving forward on legislation that is awash with good news for American jobs, American families, American innovation. It is great news for American families who want to see lower costs on daily essentials. It is great news for workers who want to see good-paying manufacturing jobs brought back from overseas. It is great news for our businesses, especially our chip manufacturers that need help strengthening supply chains. And it is great news for our innovators, scientists, workers at universities, and creators who will help us create new technologies and generate the next wave of good-paying jobs in this century.

Now, we Democrats have bent over backward to get this bill done. We allowed a very long list of motions to instruct. In fact, it is the most votes on motions to instruct of any bill in decades. And it is a sign of both the immense good will we have shown to our Republican colleagues and the fact that many Members on both sides of the aisle have a stake in seeing the bill finalized.

Frankly, it shouldn't have taken us so long to get to this point of forming a conference on the USICA legislation, but, once again, it is good news that the bill is moving forward.

I thank my colleagues from both sides of the aisle who worked in good faith to help us reach this point. I give a particular shout-out to Chairman CANTWELL, as well as Senator YOUNG, my cosponsor on this legislation.

#### CONFIRMATIONS AND NOMINATIONS

Mr. President, as I also mentioned, we got more good news yesterday after the Senate confirmed every single U.S. attorney who had been blocked by a handful of Republican obstructionists.

It was about time that Republicans finally relented on their dangerous and indefensible blockade on Federal prosecutors. I don't think it has ever happened before. These U.S. attorneys are vital to keeping Americans safe. They are not political positions; they are entirely dedicated to preserving public safety and protecting our communities.

It was totally reckless for a very small band of Republicans, who claim to care about public safety, to have halted these Federal prosecutors for so long just to score political points.

Still, after months of unnecessary delay, Americans in Georgia and Michigan and Ohio and Nevada and

Minnesota and New Hampshire and other States can breathe a sigh of relief that the Republican blockade on Federal prosecutors has broken.

Now, there are many other very important and uncontroversial nominees who are still being blocked by a handful of Senate Republicans. Many of them deal with national security. Many of them would help our country find ways to lower costs. Republicans should drop their holds on these uncontroversial nominees at once or else we are going to have to keep Members here in the Chamber for late night and weekend sessions to get them through.

Finally, I want to say it was egregious for Republicans to similarly prevent the nomination of Lisa Cook to go through this week. Make no mistake, we are going to get her confirmed through the Senate as soon as we can.

Lisa Cook is a historic and highly qualified nominee. She will be the first Black woman ever to sit on the Federal Reserve Board of Governors. Her family, literally, fought segregation growing up in rural Georgia. And despite personally facing immense discrimination, she is now professor of economics at Michigan State, a former adviser to President Obama's Council of Economic Advisers, and is on the Chicago Fed Board's academic advisory board.

A historic Federal Reserve nominee who accomplished as much as Lisa Cook deserves far, far better treatment than what Republicans have shown. But, nevertheless, the Senate will vote on her confirmation as soon as we can.

#### FEDERAL FUNDING

Mr. President, on Ukraine and COVID, this morning, President Biden has sent Congress his request for \$33 billion in emergency funding to support the Ukrainian people. This is a big but critically necessary package. I will make sure the Senate prioritizes this important funding package so we can get help to the Ukrainian people fast—ASAP.

It was also good to see the President call for legislation to get tough on Russian oligarchs. This must be done. I will ask the Senate to arm the Federal Government with the tools necessary to put further pressure on Russian oligarchs and Putin's cronies. I will expect we will include authorities that expand existing forfeiture laws to achieve that end.

We need to go after these crooked oligarchs who have gotten rich off Putin's regime. The war in Ukraine is on their hands, and the Federal Government should be fully empowered to make sure their moment of reckoning comes.

Two months into the war, Putin's hopes for a quick takeover of Ukraine have all but extinguished, thanks to the bravery of the Ukrainian people and in addition to the aid that the United States has provided in the forms of Javelins, Stingers, armed carriers, tanks, and so many other critical weapons.

This is a fight against democracy—this is a fight of democracy against authoritarianism.

So every penny we approve for Ukraine is money well spent. And the fight is far from over. We can't stop now. We must make sure that the Ukrainian people will continue to have the help they need for as long as they need it.

The Senate must also work in a bipartisan way to pass another round of time-sensitive COVID funding. On both Ukraine funding and COVID funding, Republican obstruction will not serve the American people.

The administration has made clear it needs more COVID money right now in order to secure the next round of vaccine doses, testing, and the new life-saving therapeutics, which are so good that if you get a positive test and you take the therapeutic, the likelihood of getting any kind of COVID, particularly the more severe kind, is virtually—is minimal. These are amazing drugs. But what is happening? Since we don't have the money to purchase them, other countries are going to the companies—American companies, American innovation that has made them. And God forbid there is another variant. We may not have them—all because of delay and political games on the other side stopping the COVID legislation.

The administration has made clear they need this money right now, and, as I said, if we wait, other nations are going to beat us to the punch, and America might be left waiting for months before more supplies are made. This is a risk. It may be a few months away but very real. It is a risk that the American people simply can't afford.

Of course, there is a very simple way we can prevent another closure of schools and churches and businesses. Republicans should work with Democrats to pass another COVID funding bill ASAP. No political games. No poison pills. No dithering about.

In short, we must get both Ukrainian emergency relief and COVID funding relief done quickly.

#### OIL COMPANIES

Mr. President, finally, on gas prices and the FTC, earlier this morning, I joined with Senator CANTWELL, Speaker PELOSI, and Chairman PALLONE to detail some of the ways Democrats are helping Americans ease the pain they are feeling at the pump. We are focused like a laser on developing and passing legislation to lower costs and improve Americans' daily lives.

Nowhere else are Americans feeling the hurt as viscerally and as repeatedly as they are when they fill up their tank at the gas station. We are thus working on legislation to fight bad actors who may be using COVID and Ukraine to jack up prices on consumers to pad their profits, and I intend to put that legislation on the floor.

Oil is basically an oligopoly. A few small companies dominate it. And that means supply and demand doesn't

work. That means, for instance, that the biggest 25 energy giants in America reported a breathtaking \$205 billion in profits in 2021. If there were real competition, they would fight to get the price lower to get some market share, but with very little competition, they just keep the price up, and the consumer is strangled. One executive even bragged to shareholders about the benefits of "capturing value from high prices."

What are the oil companies doing with all this cash? They are helping their CEOs and their biggest, wealthiest shareholders. The amount of buybacks is skyrocketing. Buybacks do no good. They don't help the worker. They don't help the consumer. They don't even produce more oil, for those who believe that is the way to go. They simply line the pockets of the CEOs and the biggest shareholders, and then they can go back and say: I got the stock price up—but not the way you are supposed to in capitalism by making your company sell more, be more productive, but, rather, by this horrible buyback, which has become endemic in corporate America and is very harmful to America. Yet we are seeing it in oil more than anywhere else right now.

So it is high time—we need somebody to look under the hood, see what the problem is, and give them the tools to fix it. That somebody is the FTC. It is high time for the FTC to roll up their sleeves and drill down on what is going on at the big oil companies.

Very soon, the Senate will confirm Alvaro Bedoya and return the FTC to full strength. But Congress needs to do more to beef up the FTC's ability to crack down on potential gas price manipulation and price gouging, so we will work on legislation to that end, among other proposals to lower gas prices.

Once again, as we reach the end of this week, let me say that I intend to put legislation that eases the pain of gas prices on the floor for a vote when it is ready.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from the State of Montana.

#### RURAL AMERICA

Mr. TESTER. Mr. President, I could hardly hear you, but thank you very much for that recognition.

I am about to talk about an issue that the man in the Chair, the good Senator from New Jersey, I know is passionate about. It is certainly something that I know Montanans are passionate about, and, quite frankly, it is what I do every day when I am not in this body, and that is, talk about rural America and talk about the issues that are facing working families and communities across our State, across our country, those issues being inflation and rising costs and market consolidation and depopulation and drought.

Last year about this time, I made a quick trip to the town of Great Falls, which is about 75 miles away from my

farm, to pick up some tires, and I was shocked about not only the price but the availability. Prices had gone up, and availability was—well, they were high in demand, and there wasn't a lot of inventory.

When I got back home, almost the same moment in time, I got a call from my equipment dealer—and this was the first time this has ever happened to me in my 44 years on the farm—and the equipment dealer said: We are going to have harvest in about 60 to 90 days, and if you have any repairs that you need to be done on your combine, we need to know what those are today so we can get the parts ordered. Otherwise, we can't guarantee you those parts will be here.

That was the second shock about the supply chain issues that I was dealt with.

So when I came back here to DC, I rang the alarm about the rising costs that were occurring in rural America and impacting producers in rural America caused by this pandemic. I had a manufacturer in my office a few weeks ago saying how this pandemic has made it so they can't supply America with what they were making. He said: You know, during the pandemic, we told folks to go home, and the 40- and 50-year-olds have forgotten to come back.

So, quite frankly, this pandemic has created some challenges in business, in manufacturing, and in agriculture that we need to be paying attention to.

Then we have Putin's war in Ukraine, which has made things worse, particularly in the areas of energy and, from a farm standpoint, fertilizer. It has also put a strain on our family farms across this country, which, by the way, have already spent years under the gun where things have not been that cheery.

Even before the pandemic upended supply chains and the global economy, we had the previous administration's unnecessary, needless, and, quite frankly, stupid trade wars, which disrupted critical ag markets for the family farmers across this Nation and the family farm ranchers across this Nation who depend upon trade to make ends meet. In the years since, we have seen the price of grain rise because this administration has done a much better job on trade policy than the last one, but the fact is, we have also seen increases in fertilizers, in chemicals, in housing, and in retail food.

But the reality is that rural America truly is in crisis today, and it has been a growing problem for decades under both Democratic and Republican administrations here in Washington. Ag producers have become so reliant on the Federal Government that in the year of 2020, the last year of the Trump administration, 39 percent of net farm income was provided through subsidies by the American taxpayer. That is a big problem, and it is not something that farmers and ranchers want either.

The reason for this is because of market consolidation, because of farm gate

prices being artificially low, requiring this government's support. To further contribute, whether it is buying inputs or selling our products—our grain, our cattle, our postcrops, or whatever it might be—consolidation in that marketplace, whether it is on inputs or in the market itself, has made profitability at the farm gate a huge challenge, to the point where we have been driving folks out of business for decades and decades and decades, and it is getting worse.

As most folks know here, I have a real life, and that real life is as a farmer. My wife Sharla and I took over our family operation in 1978. This operation is the same operation that my grandfather and my grandmother homesteaded in the early 1900s and that my folks took over from them and farmed through the forties, the fifties, the sixties, and a good portion of the seventies.

In many ways, the little community in which I live is much the same as when my parents lived there. There is a big difference, though: The farms now are bigger, and they are fewer.

This is an aerial shot of our place, and the arrows point to farms that, quite frankly—farmsteads where—when we came to the farm, there were families who lived there. There were people who sent their kids to the school who lived there. Now, those places—those farmsteads and those farms that go with those farmsteads are farmed by other people.

In fact, in my home county of Chouteau County, which is a big county—it is a big agricultural county—since 1987, we have lost nearly 35 percent of our farms. The numbers have gone from 752 farms down to 477 farms. This is from 1987 to 2017, a 30-year period, which is the last that we have data for.

In the State of Montana overall, operations over \$2,500 have gone from 20,000 basically to 17,000, as this chart shows—once again, the same 30-year period from 1987 to 2017.

Across this Nation, operations with more than \$2,500 in sales have dropped from nearly 1.6 million farms down to 1¼ million farms in 2017, as this chart shows.

So, look, if these charts show you nothing else, they should show you that, from a rural America standpoint and a food supply standpoint and a food security standpoint, we are not healthy. We are heading in the wrong direction.

You know, there has been a lot of talk about agriculture and its impact on mental health. So try to imagine for a second that you are a farmer or a rancher. You are working nearly every day on the land that was your grandparents or your great-grandparents, potentially your great-great-grandparents. The land is literally a history of your family and the generations before you who did basically the same work—feeding people—in the same place to make the same living, except

that, over time, the numbers, they don't work out anymore. The amount of money you have coming in when you sell your product isn't that much different than it was years before, but yet input costs have gone up.

By the way, I might add, they are not that much different than they were before because we have some serious consolidation in the marketplace, which I am going to talk about in a second, but yet inputs go up. Look, in the last 44 years that I have been on the farm, I have seen many boom-and-bust cycles in agriculture, and I can tell you, every time the price of grain or cattle has gone up, the input costs have risen more than what you are getting in the marketplace, and then when those marketplace numbers drop, the input prices never go down.

But getting back to that farmer that you imagine yourself to be like, I want you to think about what it would be like to take over the farm that your grandfather or great-grandfather or great-great-grandfather homesteaded and it has been successful for generations, and now, all of a sudden, the books don't balance. You don't have enough money to pay the bills. And it is not because you are a bad operator. It is not because you don't know what you are doing. It really is through no fault of your own that you can't make it work anymore.

And we wonder why we have a challenge with mental health in rural America.

So the question is, is why did we lose 345,000 farms in the last 30 years, many of them generational farms?

It is because folks can't make the numbers work anymore. And that main culprit is consolidation in the corporate ag world. No competition means you don't get fair prices.

So I have listed four companies up here that in the—or four industries, I should say—in the poultry business, 54 percent of the poultry processing is controlled by one company. Sixty-six percent—or by four companies, I mean. Sixty-six percent of the hog processing is controlled by four companies. Four commodity traders control 70 percent of the global market for grain, and four companies control over 80 percent of the beef processing in the United States.

Now, any one of these sectors—truthfully, any one of these sectors, those four companies could go out on a golf course and set the price that my neighbors are getting for their products and that the consumer is going to pay for their products when it is on the retail end.

And this happens while they continue to pull in record profits. And the ultimate effect of all this consolidation on rural communities is it has pushed family farming and ranchers to the brink of extinction.

And so you ask yourself: Why should I care?

Well, for one, the American taxpayer is paying a pretty penny because of

this consolidation. In recent years, we have averaged well over \$10 billion a year to help keep American farmers in the business across this country. I believe it is money well spent, but the truth is that there is not a farmer or a rancher out there that doesn't want to get their check from the marketplace; they do not want it from the Federal Government. But without it, we would see even a bigger mass exodus out of rural America. They want their markets to work. They want to make it so it benefits them and it benefits the consumer, and, quite frankly, right now it is not working because we have four companies that control 54 percent of the food supply in chickens, four companies that control 66 percent of the supply in pork, 70 percent in the grain markets, four companies, and over 80 percent when it comes to beef.

There is no competition, folks. There is no competition. And this is also bad not only for the taxpayer, but also for our food security.

What this pandemic has taught us is when you have big processors with thousands of people that work in these plants and you get an incidence of COVID, for example, it shuts the entire plant down because you literally have people in these plants that are working shoulder-to-shoulder processing meat. So COVID goes through these plants like that. So they shut them down.

Or you end up with a fire like we had at a processing plant in Kansas, which, obviously, a fire shuts the plant down.

Or we have a cyber attack that happened on one of these big four, JBS, which shuts them down.

So you say: What the heck? It is just one plant.

Well, these plants individually make up a large portion of these percentages that I talked about.

And so what happens? The marketplace goes away once again for the producers, the farmers, the ranchers; and on the other end, it limits supply and the family—the working family that goes to the grocery store sees their prices go up and they say what do we want? Well, we can't do this. I mean, we can't afford to eat because the prices are jacked up.

So it is bad for producers; it is bad for the consumers.

And the fact is, is these packers are doing pretty darn well. The last quarter of 2020, Tyson Foods increased their year-to-year profit over \$469 million to \$1.13 billion. That is a 140-percent increase in profit.

Now, I am going to tell you something. I don't think there is anything wrong with making a profit. In fact, I think if you are going to have a business that is successful, you have to make a profit. But the fact of the matter is, if we are making a profit—these kinds of profits—and it is killing our folks in family farm agriculture, I don't think that is quite right. And I don't think that is good for rural America, and I don't think it is good for the consumers that live in this country.

So bottom line is, we have got to put some guardrails on the system if we are going to make this marketplace work because it is not working today.

So we have got some legislative solutions. Congress has the opportunity to do something, and I have worked very closely with a number of my colleagues, including the man that is sitting in the chair today, on bipartisan legislation that can put guardrails on consolidation and puts some sunlight on this industry.

I particularly want to thank Senators GRASSLEY, FISCHER, WYDEN, and ROUNDS, as well as Senator BOOKER, for their good work.

In the case of GRASSLEY, FISCHER, WYDEN, and ROUNDS, we have put forth the bipartisan Cattle Price Discovery and Transparency Act. That is a long name for a bill that is going to increase transparency in the marketplace and set regional mandatory minimum thresholds for negotiated cattle purchases. This is going to ensure that the ranchers get a fair price, but it won't ensure it alone. We have to do more.

We have to also pass the Meat Packing Special Investigator Act, which will put teeth back in the Packers and Stockyards Act, which was passed back in 1921 because of consolidation in the packing industry, and we are more consolidated today than we were in 1921.

So this will give the Department of Ag a team of investigators within the USDA, with subpoena power, dedicated to preventing and addressing anticompetition practices in the meat and poultry industry and enforcing our Nation's antitrust laws that are currently on the books.

And I am asking my colleagues, when these bills hit the floor—and I believe they will hit the floor, hopefully this work period—to pass these bills, get them to the House so we can get them to the President's desk as quickly as possible.

If you take these two bills, the meat packing special investigator bill and the bipartisan cattle price discovery bill—by the way, they are both bipartisan—and you combine that with the dollars that the administration has put out to loan to small meat packers, to expand and start up meat packers, we will infuse more competition into this marketplace and that will be good for producers and it will be good for consumers and we will not continue to see this decline in rural America.

Look, a well-fed citizenry is essential if a democracy is going to survive. With the consolidation that we have seen over the last many decades, we see the potential for food to become a serious problem in this country, and potentially even weaponized.

Rural America is going to dry up if we don't fix this problem. It is going to continue to see this diagram where we could see fewer folks on the land and we see bigger corporations manipulating for their prices, because, quite frankly, they have already found out—"they" being the big packers—that

they can have it their way because they have had it their way for a long, long time. And because they have had it their way for a long, long time, consumers are paying higher prices because there is no competition, without any regard to what people can afford. It is all about the profit margins, which—I will show you that one again too.

It is all about record profits. It is not about making sure that we have food security. It is about how we can maximize our money at the expense of families.

And by the way, the same is true on the agriculture side of the equation. We will maximize our profits, and we don't care if these generational ranchers go broke. We don't care. Somebody else will buy it. We will still get the cattle. It will be some big hedge fund in New York City. It is OK.

So we need to do something because our citizenry needs to have access to food that they can afford. These two bills are going to help capitalism work for farmers and it is going to help capitalism work for consumers because, I am telling you, when capitalism works, everybody does better.

I said this problem has been around for over 100 years since the Packers and Stockyards Act was passed in 1921. So there will be some in this body who say: Look, we don't need to do this. This is government intervention. It is not necessary. Things will be just fine.

I can guarantee you one thing for sure: If you look at where we have been and predict where we are going, if we do nothing, there will be very, very, very few people living in rural America. Family farm agriculture will be dead in this country. And if we lose family farm agriculture, this country will change for the worse in a major way for all the reasons I have already put out.

So I am going to tell you what. Folks serve in this body because they want to do right by the next generation. They want to make sure our kids and our grandkids have the same opportunity that we had. They want to make sure this country remains the greatest country on Earth. I implore the Members of this body: When these bills come to the floor, and they will come to the floor because I think they are going to come out of Agriculture probably in the next week to 10 days—no pressure, Chairman STABENOW, but that is what I hope happens—and we can get these bills to the floor, I hope that you put your shoes—put your feet in the shoes of those people that are involved in agriculture, and I hope you put your feet in the shoes of the consumer, because if we do these bills, we will be putting the country back on the right track for food security for the long term.

The PRESIDING OFFICER (Ms. WARREN). The Senator from Washington.

Ms. CANTWELL. Madam President, I ask unanimous consent that I be allowed to complete my remarks prior to the vote.

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

Ms. CANTWELL. If the Senator—first of all, I want to associate myself with the comments of the Senator from Montana, and I wanted to ask a question because I—look, I hear from my cattlemen about this all the time.

I think the issue is, they think they are going to get a price, they think they are going to grow beef, they think that they are going to have some certainty in this marketplace, only to find, at the last minute when the beef is about to be delivered to the packing house, the packing house comes up with a scheme or scenario to drop their price after our growers have made these investments. Is that right?

Mr. TESTER. Yeah. So, look, you have a situation where you have got four companies who control 82 percent of the meat in this country. There is no secret. When you don't have any competition—and that is not competition—that you are not going to get a fair price.

And, by the way, these ranchers all have fixed costs. It is not like they can just cut their costs. They have fixed costs.

And right now, because of the drought west of the Mississippi, hay prices are at an alltime high. So all this stuff exacerbates the problem.

What we need is more competition. We will get more competition. And when we get more competition, it will be fair for everybody, both the producer and the consumer.

Ms. CANTWELL. Well, I thank the Senator from Montana for articulating this issue.

Too much market control, not enough transparency, and our growers basically get stuck with having invested costs never to recuperate them because somebody used that market power to basically lower those costs. And, you know, we have seen this a lot. We have seen them import a ton of Canadian beef right at this very moment, right when they are about to deliver U.S. product into the meat packing plants: Oh, we just dropped the price because we got so much supply because they just let a lot of supply in from Canada.

So this—the gentleman from Montana is talking something that is existing in other aspects of our economy too. So I am very glad that we are trying to better police these markets and do a good job. And I know you and the Senator from Mississippi have focused on this issue, and we very much appreciate you doing that.

Well, Madam President, we are about to go to conference on the United States Innovation and Competition Act and the House America COMPETES Act. Boy, this is a long time coming. I want to thank Leader SCHUMER and my colleague Senator WICKER, also Senators YOUNG and CORNYN and other Members who worked hard to help us reach an agreement so that we can have this process today.

Obviously, I hope my colleagues will vote yes to compound this motion and go to conference and allow for these various motions to instruct.

It has been 324 days since the Senate passed this bill on June 8, 2021, and it has been 488 days since we authorized the CHIPS Program. I am here to implore my colleagues to get this done today and to say that we need to move faster.

We just heard yesterday from Commerce Secretary Gina Raimondo, who said even in Ukraine, weapon replacement is being hindered by a lack of chips. We know that we are facing other problems. I am talking about Beijing with further lockdowns. What does that mean? It means fewer people producing products. It means more serious supply chain issues. So if you are serious about America's competition, Americans being allowed to build more and invest more in the United States, onshoring of our manufacturing supply chains, our competitiveness, then you want to vote yes and go to conference.

We have had so many letters in the last month—the American Society of Engineering Education, tech companies that believe in the competition and the opportunity that we have seen—writing us and saying to please get this legislation done. We have seen used car prices shoot up 40 percent because semiconductor shortages have basically created havoc in the automotive market.

And it is clear that our European and Asian counterparts aren't waiting. They are moving ahead trying to deal with this supply chain shortage because as the Secretary also told us yesterday, the shortage is well defined. We know that it is going to last well into the future; that is, there is demand.

So the question for the world economy is, Are you going to try to meet that demand? And the answer is, there are a lot of people who are going to try to meet that demand.

The question is, Are we going to try to meet that demand? The longer we wait, the longer we take to meet that demand, the more the investment is attracted to go somewhere else.

Now, the United States of America believes in having the leading edge in semiconductor production, and we are excited that the next generation of chips can do so many things for the smart appliances; smart tools; clean energy economy; obviously, the communications economy; the next generation of all sorts of technology as it relates to our telecom sector. But we need to get this bill done. We need to resolve the differences between the House and the Senate. And we need to have bipartisan support to show that the U.S. Senate can function legislatively on an issue that is not a mandatory or annual bill but a process by which an issue, presented to us as a nation—supply chain, competitiveness, manufacturing issues—that we can get the job done.

We in the United States pride ourselves on being a nation of inventors.

We are a leader in global technology. We know that we can solve our problems by solutions that we, together—business and labor and government and R&D investment—can bring the best ideas to fruition and help us as a nation.

But we have to show that we, Democrats and Republicans, House and Senate, can master the next step in the innovation process. That is what these underlying bills do. It basically allows us to dust off our R&D skills and say: Let's do more translational science.

So we have had lots of letters from people supporting tech hubs—investments of universities working with business in a centralized location to solve engineering problems and move ahead. We have the Manufacturing Extension Partnership Program. And many of our small and medium-sized businesses that need access to technology and supply chain data to better compete in a global economy and provide security want this legislation.

So the risks of inaction are too great to ignore. The U.S. Innovation and Competition Act is clearly part of our supply chain solutions. I urge my colleagues to not only help us by invoking cloture and going to conference but help us resolve these issues in a timely fashion so we can send a price signal about the investments that we want to make in the United States of America to make our Nation and our manufacturers more competitive.

With that, I yield the floor.

#### CLOTURE MOTION

The PRESIDING OFFICER (Mr. SCHATZ). Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant executive clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to insist on the Senate amendment to H.R. 4521, a bill to provide for a coordinated Federal research initiative to ensure continued United States leadership in engineering biology, agree to the request from the House for a conference, and authorize the Chair to appoint conferees on behalf of the Senate.

Charles E. Schumer, Michael F. Bennet, Tammy Baldwin, Richard J. Durbin, Patty Murray, Margaret Wood Hassan, Gary C. Peters, Mazie Hirono, Tina Smith, Alex Padilla, Debbie Stabenow, Kirsten E. Gillibrand, Mark R. Warner, Tim Kaine, Tammy Duckworth, Brian Schatz, Jon Tester.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to insist on the Senate amendment to H.R. 4521, a bill to provide for a coordinated Federal research initiative to ensure continued United States leadership in engineering biology, agree to the request from the House for a conference, and authorize the Chair to appoint conferees on behalf of the Senate, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. MURPHY) and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Missouri (Mr. BLUNT).

The yeas and nays resulted—yeas 68, nays 29, as follows:

[Rollcall Vote No. 141 Leg.]

YEAS—68

Baldwin	Hassan	Risch
Bennet	Heinrich	Romney
Blumenthal	Hickenlooper	Rosen
Booker	Hirono	Rounds
Brown	Kaine	Sasse
Cantwell	Kelly	Schatz
Capito	King	Schumer
Cardin	Klobuchar	Shaheen
Carper	Leahy	Sinema
Casey	Lujan	Smith
Cassidy	Manchin	Stabenow
Collins	Markey	Sullivan
Coons	McConnell	Sullivan
Cornyn	Menendez	Tester
Cortez Masto	Merkley	Tillis
Crapo	Moran	Toomey
Daines	Murkowski	Van Hollen
Duckworth	Murray	Warner
Durbin	Ossoff	Warnock
Feinstein	Padilla	Warren
Gillibrand	Peters	Whitehouse
Graham	Portman	Wicker
Grassley	Reed	Young

NAYS—29

Barrasso	Hagerty	Marshall
Blackburn	Hawley	Paul
Boozman	Hoeven	Rubio
Braun	Hyde-Smith	Sanders
Burr	Inhofe	Scott (FL)
Cotton	Johnson	Scott (SC)
Cramer	Kennedy	Shelby
Cruz	Lankford	Thune
Ernst	Lee	Tuberville
Fischer	Lummis	

NOT VOTING—3

Blunt	Murphy	Wyden
-------	--------	-------

The PRESIDING OFFICER (Mr. KING). On this vote, the yeas are 68, the nays are 29.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The PRESIDING OFFICER. The Senator from Wyoming.

BORDER SECURITY

Mr. BARRASSO. Mr. President, I come to the floor today to talk about the Biden border crisis. Right now, our Nation is facing a dangerous national security crisis at the border, and it is all because of the policies and the actions of President Joe Biden.

Now, there are a lot of crises that we are facing. There is the border crisis; the crisis of high gas prices; there is a crisis of inflation, which is at a 40-year high; and there is the crisis of the issue of international affairs with Vladimir Putin on NATO's doorstep having invaded Ukraine.

When you take a look at all of these, the two that I hear about most at home in Wyoming are that of inflation and that of illegal immigration. The thing that is really bringing this to the fore today and why I am coming to the floor to talk about Biden's border crisis

is the announcement that on May 23, distressingly, the crisis is going to get a lot worse.

On May 23, the experts tell us, including people from this own administration, that the number of people illegally coming to this country could double or even triple overnight. Since Joe Biden took office, there have been millions and millions of illegal crossings from our southern border into the United States. The Border Patrol estimates that more than 700,000 illegal immigrants got away from them since Joe Biden has taken office. This includes 62,000 people just last month. It works out to about 2,000 illegal immigrants vanishing into the United States every single day. These are the ones who got away. These aren't the tens and tens of thousands who are coming through the process and being registered and released into the United States. Once they get in, most likely, they will never leave.

Under Joe Biden, we are breaking record after record, and these are the wrong kind of records to break. Last year, the number of illegal immigrants who came to the United States was the highest ever recorded. At the same time, America's immigration enforcement is the least amount ever. And to that point, the Biden administration seems to think everything is going just fine.

Yesterday, the Secretary of Homeland Security testified before Congress. I was on a conference call with him the day before, where he met with a number of the Members of the Republican leadership. What the Secretary said yesterday is this. He said:

We have effectively managed an unprecedented number of non-citizens seeking to enter the United States.

"Effectively managed?"

To me, this is an early candidate for the fact checkers' "lie of the year." They haven't effectively managed anything. The only thing they have effectively managed to do is erase the border completely.

The men and women on our Border Patrol are working around the clock. They are heroes, although they have been vilified by the President of the United States. This crisis is happening because Joe Biden's policies have tied the hands of the border agents. They are being both abused and disrespected by this President and this administration.

On Joe Biden's first day in office, he stopped all construction of the border wall. He ended the successful "Remain in Mexico" policy. In fact, just last week, his lawyers were pleading a case before the Supreme Court to eliminate a policy that protects the national security of our Nation.

Joe Biden is now ending title 42. People at home say: What exactly is this title 42? Well, it is a section of our laws that deal with public health. At the start of the pandemic, the Centers for Disease Control closed our border to people from coronavirus-impacted

areas. So this title 42 decision by the administration likely, at that point, saved thousands of American lives; it protected our public health; it helped our Border Patrol bring down illegal immigration.

Last July, Joe Biden tried to end title 42. He said coronavirus was over; it was behind him. He was patting himself on the back for the great job he had done. And then the Delta variant hit the country like a sledgehammer. Joe Biden and the administration were caught by surprise. People looking for testing were running into long lines, empty shelves. He and the administration were caught completely off guard as has this administration on so many things—on the border; on the failure in Afghanistan; on inflation, which they said was going to be temporary and transitory, month after month after month.

The administration showed they have no core competence to run this Nation. By September of last year, the Biden administration was forced to admit that one in every five illegal immigrants coming to this country was bringing disease with them. That is tens of thousands of illegal immigrants bringing disease into a country each month.

But now Joe Biden wants to end title 42 forever and do it on May 23. If it ends, we are told and believe that this will cause a tidal wave of illegal immigration like this Nation has never seen before. Right now, Homeland Security is preparing for up to 18,000 illegal immigrants each and every day after title 42 ends. That is half a million people a month. That is a population equal to the entire population of the State of Wyoming. Mr. President, I assume the State of Maine—I don't know the exact population—but if you bring in half a million people a day, it doesn't take too many days to add up to the population of the State of Maine.

So what are Democrats saying about this? Well, Barack Obama's Secretary of Homeland Security Jeh Johnson, whom we met with regularly when he was in that position—he once said 1,000 a day would overwhelm the system. Joe Biden seems pretty happy with 18,000 a day. Right now, we are at 6,000 a day.

We have a system that is overwhelmed and it is going to get a lot, lot worse. Joe Biden could triple the number of illegal immigrants overnight to 18,000 a day come May 23.

Earlier this month, former Secretary Jeh Johnson, whom I alluded to earlier—this is what he said. He said the current crisis trends are unsustainable. He said it overwhelms communities in Texas and Arizona; it overwhelms the Border Patrol. This is Barack Obama's Secretary of Homeland Security saying that. I believe Secretary Jeh Johnson is right.

Recently, the head of the Del Rio, TX, Border Patrol union—and my colleague from Texas is on the floor here, the senior Senator—this head of the



Del Rio, TX, Border Patrol union spoke here on Capitol Hill. He said there are some days in Del Rio when officers are so busy with transportation and processing of these illegal immigrants that no one is patrolling the border, the southern border of the United States.

And I am certain that the senior Senator, the distinguished Senator from Texas—Senator CORNYN, who is on the floor—will address this issue after I get finished speaking because he sees this every weekend, as he is home in Texas and talks to people from Texas every day, the crisis that is hitting his home State and is hitting this entire Nation.

So this Del Rio sector covers an area of 240 miles of border. And the head of Del Rio, TX, Border Patrol told us no one is patrolling that section of the border because the personnel are too busy filling out paperwork and moving illegal immigrants from location to location.

In Yuma, AZ, up to 90 percent of Border Patrol agents are busy with transportation and caretaking duties. Ninety percent of their agents cannot spend their time guarding the border. As a result, large portions of the southern border in Arizona are wide open, which is why I believe the junior Senator from Arizona is so vehemently opposing the President of his own party for a reckless move by a President, who seems to disregard the importance of even having a border to our Nation.

Media reports show that 60,000 people right now are waiting at our southern border. They are counting down the days until title 42 is over. Some of them will bring in drugs, some will be human traffickers, some of them may even be on the Terror Watch List. If you are a foreign terrorist on the Terror Watch List, this is a dream come true if you are trying to get to America.

On May 23, we will face a humanitarian crisis, a public health crisis, and a national security crisis all in one greater—much greater than the one we are facing today and is already terrifying Americans in every State because with an open border, every State is a border State, every city is a sanctuary city, and people are subjected to the drugs and the crime that is coming with it and the deaths that are coming as well.

Now, many Democrats are asking and telling Joe Biden: Keep title 42 in place. Yet these same Democrats, they voted in lockstep with CHUCK SCHUMER and Joe Biden the last 15 months. They understand today that Joe Biden's policy is unwise and very unpopular. But these are the same Democrats who came to the floor and voted to stop building the border wall; the same Democrats who in this very Chamber voted to give stimulus checks—send out checks to illegal immigrants when they voted last year. Not one of those Democrats joined us in supporting title 42 last summer.

Democrats can run for reelection, but they cannot run from their records.

They voted for the Biden border agenda, and every Democrat shares the blame for this crisis.

What happens if the border doesn't stay at the border? No, it makes each one of us less safe. Border Patrol tells us they have caught, so far, 42 terrorists trying to cross the border since Joe Biden took office. How many got away? We are hearing the numbers getting away is 60,000 a month—getaways. How many of those are terrorists who are now living in our midst?

Federal narcotics agents say that the vast majority of illegal drugs in this country came here over our southern border. That is how they are getting in. Drug overdoses have never been higher than they are right now. One hundred thousand Americans died of drug overdoses last year. People are dying every day in every State because of drugs being brought in across the southern border by the lax border policies of Joe Biden and the Democrats.

If title 42 ends, it is going to mean more drugs, more crime, more death in all of our States. Even the Washington Post newspaper—their editorial board, that is not known for being conservative or lining up with conservatives—this is what they recently said:

A migrant surge is coming at the border—and Biden is not ready.

All of America knows that. They know Biden is not ready. He is not ready to be President, not ready to run the economy, not ready to help with the military, not ready on any level, and at the border, the Washington Post points out he is not ready.

The article went on and said:

The predictable effect of lifting Title 42 is a new influx of migrants . . . which would compound an existing surge at the . . . border . . . for weeks or much longer.

The Washington Post points out and predicts:

Absent progress on [addressing the root causes], the Biden administration . . . will surely face more chaos at the border.

This is an administration of chaos. The Washington Post—that was my addition. They ended by saying “more chaos at the border.” I am adding “an administration of chaos.”

Look, the Post is exactly right. This crisis is 100 percent preventable. It is a crisis of Joe Biden's choosing and Joe Biden's making. It is a crisis that is entirely the result of Democrats' reckless open border policies. We need to go back to policies that work.

I ask the President to keep title 42 in place. Listen to the Democrats who are talking to you in addition to us, Mr. President, who say keep title 42 in place.

And enforce the laws on the books, close the loopholes that encourage illegal immigration, finish the wall, bring back the “Remain in Mexico” policy; we know it works.

The American people in every State are pleading with Joe Biden. Only about one in three Americans support the President's policy at the border, two-thirds don't. Overwhelming num-

bers oppose what this President is doing to this country in terms of how he is affecting the economy, inflation, energy prices, and the border. This is a President with record low numbers on all of those areas, and it is all of his own doing and his own making. Mr. President, do not make this, your own border crisis, even worse.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, let me start by expressing my gratitude to the Senator from Wyoming, Senator BARRASSO, for laying out the nature of the border crisis that we are experiencing and have experienced at the highest levels in 20 years, during the year and a half—or year and a quarter, I guess, of the Biden administration.

But I want to come to the floor and talk about an aspect of the border crisis that has not been sufficiently discussed or noticed, and that is the connection between the flood of illegal drugs coming across the border—not just with the 100,000 drug overdose deaths we experienced in America last year, but also with crime and gangs and guns in every community across the United States, from Maine to Texas, from Virginia to California.

A Gallup poll published earlier this month found that 80 percent of Americans are worried about crime and violence. It seems like there is a new headline every day about acts of violence in cities across our country.

Two weeks ago, for example, a gunman set off smoke grenades and opened fire on a crowded New York City subway car. Chicago just experienced its most violent weekend this year, with 8 people murdered and 42 others shot.

Earlier this month, a gang shootout in Sacramento killed 6 and wounded 12. The American people aren't just noticing this trend; they are demanding solutions. Rising crime rates have caused many leaders to change their tune on this idea, this crazy idea called “defund the police.”

New York City, Oakland, and Baltimore are among the cities to reverse their previous cuts in police funding. And that is for a very simple reason. It is because defunding the police is dangerous.

There is no question that law enforcement plays an important role in stopping crime, but we have to remember that this crime surge is tied to far more than just police departments. I am reminded of a quote by H. L. Mencken:

For every complex problem, there's a solution that is simple, neat, and wrong.

So when looking at the factors that fuel this upsurge of violence and crime in our cities across the country, we can't ignore a big contributor of that, which is the crisis occurring along our southern border. Some of the numbers are familiar to all of us. For example, Customs and Border Protection encountered more than 200,000 migrants along the southern border last month

alone, the highest number in more than two decades.

The total number of migrant encounters over the last 12 months exceeds 2.2 million. You might be tempted to ask what in the world is going on; why are things changing? I want to make one thing clear, though. I am in no way suggesting that all of these individuals coming across the border are dangerous criminals. Many of them are economic migrants looking for a better life. Something we all understand.

But there are definitely people coming across the border who are dangerous criminals, primarily associated with the drug cartels, who threaten public safety in every city in America every day.

We need to acknowledge that a human flood of people, even people potentially associated with legitimate asylum claims, but that flood of humanity, just the—having to deal with that many people, opened gateways for truly dangerous criminals and the drugs that are smuggled across the border undetected.

I will give you an example of how that happens. Last fall, more than 15,000 migrants, primarily Haitians who had been living in South America, arrived at the small border town of Del Rio, TX, a town of a population of 35,000 people.

So all of a sudden, 15,000 migrants show up in a town of 35,000 people. It is not by accident. To state the obvious, the Del Rio Border Patrol Sector did not have the capacity to process and care for that many migrants at a given time. But that was part of the plan of the drug cartels and the criminal organizations associated with them. But in response, the administration moved Border Patrol agents from other checkpoints to the Del Rio sector to try to help. But, of course, that is exactly what the cartels hoped for.

Taking people off the frontlines in other sectors to handle the surge of migrants in Del Rio opened up avenues for the drug cartels to smuggle their poison into the United States.

Administration officials later told Congressional staff that this massive surge of migrants was, they acknowledge, part of a coordinated effort by the cartels. They directed the Haitian migrants to show up at a single location in a small town on the border to make sure that other paths into the United States would be cleared for their illicit contraband of drugs.

Talk to any Border Patrol agent and they will tell you that this happens all the time. The cartels are very sophisticated. They know how to game the system. They watch, they wait, they coordinate, and at the right moment, they bring their poison into our country.

In many cases, they are moving drugs—everything from marijuana to methamphetamine to heroin. But in recent years, Customs and Border Protection has seen an alarming increase in synthetic opioids, fentanyl coming across the border.

As we all have learned, fentanyl is a uniquely dangerous drug because it is so potent, a lethal dose can fit on the tip of a sharpened pencil.

In the first 3 months of this year, Customs and Border Protection seized nearly 1,200 kilograms. Now, a kilogram is 2.2 pounds, so that is 2,640 pounds of fentanyl were seized at the border, enough to wipe out the entire U.S. population.

Cartels and criminal organizations aren't just trying to smuggle their product into the United States, they have to have a way to distribute those drugs across our country. And that is where the criminal gangs come into the picture.

Last Tuesday, agents from the Rio Grande Valley Border Patrol Sector arrested an MS-13 member. MS-13 is one of the most violent gangs on the planet. The following day, agents arrested an 18th Street gang member, and, over the weekend, agents arrested four additional gang members. This all happened in one Border Patrol sector in less than a week's time.

What we need to remember when we look at all this data is that these are just the ones we know about. We have absolutely no idea how many drugs and criminals have slipped through the cracks. Now, the Border Patrol has a name for this, they call it "the getaways," but the truth is we don't really know how many people have gotten away, undetected, to smuggle drugs or dangerous criminals into the United States.

By one estimate, 385,000 getaways came across the border in 2021. And there is a reason they didn't turn themselves in to the Border Patrol; they are not seeking asylum. They are not saying: I have been persecuted in my home country, and, thus, eligible for asylum potentially in the United States.

These people, these getaways, are the ones that don't want to be detected by law enforcement because they are up to no good.

I think this chart shows the network of gangs and criminal organizations operating within the United States.

You know, most of the time we all think, well, the drugs come across the border, and we forget what happens next. But as you can see, cartels—this is a DEA, a Drug Enforcement Administration, chart—as you can see, the cartels in transnational criminal organizations have a presence in most major cities across the United States.

Many of these are members of dangerous gangs who want to make money, so they sell drugs in their local community, and they fight for territory, for market share. They commit other property crimes, other crimes of violence, carjacking, larceny, armed robbery, in order to fuel their need for money.

So once cartel members and their gang associates get drugs across the border, where do they go? Well, they go to Chicago. They go to Detroit. They

go to Atlanta. They go to New York. They go to San Diego. They go to virtually every community in our country where they are then distributed to people to feed addictions, which result in overdoses and death. It is not just a border problem. This affects every single community in our country.

Last year, the special agent of Chicago's DEA office spoke about what happens when these drugs and criminals reach your backyard. He said cartels use every means possible to get drugs from Mexico into the United States and then to local markets. In Chicago, that means predominantly to the gangs that control the drug markets in Chicago.

But it is not just Chicago. It is literally every community in America. These are the same gangs that fuel the overdose epidemic, the same ones that perpetuate crime and gun violence. These are the same gangs that engage in deadly fights over control for territory and market share. And the cruel reality is, this is happening on a daily basis in every community in our country, which is contributing to the spike in violent crime and the public's reasonable concerns that they have expressed about it, including boneheaded ideas like defunding the police.

A Drug Enforcement Agency report from 2017 acknowledged that drug trafficking profits "increase the staying power of both street gangs and drug trafficking organizations." The more money they make, the more drugs that are manufactured and brought into the country and spread throughout our communities.

No community in America is safe. A rural, an urban, a suburban community, none of them have been spared the pain and suffering of the drug overdose epidemic, drugs which predominantly come across our southern border by these criminal cartels.

I mentioned it before, but it is worth noting that last year we hit a grim milestone in America. For the first time on record, more than a hundred thousand Americans lost their lives to drug overdoses in a 12-month period.

Now, I remember what happened when Al Qaeda hit the United States and killed 3,000 Americans on 9/11. We declared war, and we committed ourselves to rooting out these terrorists that exported this terrorist plot to hit our homeland.

When 100,000 Americans die of drug overdoses, what do we do? Well, we throw up our hands. We say there is not much we can do about it. Supply meets demand. And there is some truth to that, but it is not the whole story.

As I said, in recent years, the number of drug overdose deaths caused by synthetic opioids, including fentanyl, has skyrocketed, and so have the seizures of fentanyl at the border, virtually all made from precursors from Asia, primarily China, shipped to Mexico, manufactured there in an industrial operation which can make a fentanyl tablet look a lot like some other medication

that you might take. Many people—too many people—have died thinking they were taking a drug for some condition, only to find out it was laced with fentanyl, resulting in their drug overdose death.

The alarming increase in the supply coming across our border foreshadows even worse overdose statistics in the months to come.

Fentanyl isn't the only dangerous drug—methamphetamine, cocaine, heroin. According to the DEA—the Drug Enforcement Administration—threat assessment, 92 percent of the heroin that comes to the United States comes from one place: Mexico. Ninety-two percent.

So when you zoom out and get a broader perspective and quit looking through a soda straw at what is happening at the border, you see it is not just an immigration issue. The drugs pouring across our border make this a public health crisis as well.

The criminals sneaking across our border who are distributing these drugs in our communities all across the country are a public security crisis, a public safety crisis. The unlicensed guns that the gangs use to protect their territory makes this a gun violence crisis as well.

Every single American should be outraged by what is happening at the border, but if you don't care about 2.2 million people showing up on our front doorstep, if you don't care about the 100,000 Americans who died of drug overdoses, do you care about the spikes in violence and crime in your neighborhood, in your local community? All of these are inextricably intertwined.

I don't care if you are a liberal Democrat or an Independent or a conservative Republican, this failure of the Federal Government to deal with our border crisis is absolutely appalling, and it hurts us all.

I have heard someone say that every city is a border town these days, and this makes that point. This state of chaos is dangerous for the migrants who turn themselves over to human smugglers who care nothing about them, only the money they can generate from smuggling them into the United States. I have seen the bleached bones of migrants left behind, injured or sick, because the coyotes, the smugglers, care nothing about them but just the money they can garner from smuggling them into the country, not to mention the girls and women who are sexually assaulted on the long trip from their home country into the United States.

It is unfair to the border communities I represent. We have 1,200 miles of common border, Mexico and Texas. My Governor, my State legislature, the people I represent are outraged that the Federal Government is not living up to its responsibilities. It is unfair to those communities, most of which are Hispanic majorities by large majorities, who are sympathetic to the desire of people for a better life, fleeing no

jobs or violence, but they are having to pay the price now, not just with the flood of people coming across the border, for which the Federal Government is completely unprepared, they also have to deal with the opioid abuse and the criminal organizations that are flooding our communities with fentanyl, heroin, and other dangerous substances.

But it is not just the border. Cities all across this country are combating violent crime at numbers that we have not seen for decades. This is directly tied to the drug business at the border because the criminal gangs are the ones who distribute those drugs in our communities.

The status quo is deeply unfair to the dedicated men and women of law enforcement, including the Border Patrol, who put their lives on the line to secure our border and protect our communities.

Last week, Texas lost a 22-year-old soldier who was doing a job that the Federal Government should have done, but he was there at the southern border as part of a State National Guard effort called Operation Lone Star.

Texas Army National Guardsman SPC Bishop Evans was attempting to rescue two migrants who appeared to be drowning as they were crossing the river from Mexico. He disappeared into the treacherous waters of the Rio Grande and, tragically, did not survive. Making matters even worse, initial reports from law enforcement indicate that the two migrants whom Specialist Evans was trying to save are suspected of drug trafficking.

There are a million and one reasons why President Biden should want to address this border crisis, and it is absolutely inconceivable to me that his administration has done nothing to make this better, and I would argue that through some of the policies promulgated by Director Mayorkas, he has actually made it worse. He has made it more attractive for more people to come and attempt this dangerous journey from their home into the United States. He has made it easier, given the business model of the cartels, to get more of those drugs across the border and into our communities, contributing to the crimewave that is shocking so many people.

As we head into the summer months, which are traditionally the busiest times for border crossings, the Biden administration needs to do something. And let me just say, I am prepared—I know a lot of us are prepared on a bipartisan basis to do what we need to do to end this crisis. If the Biden administration doesn't want to lead in the effort, at least they could allow those of us here in the Congress to come up with ideas, like my bipartisan, bicameral Border Solutions Act, to try to address this crisis that we cannot tolerate any longer.

I yield the floor.

VOTE ON COMPOUND MOTION

Mr. CRAPO. Mr. President, I yield back all time.

The PRESIDING OFFICER. Is there further debate?

If there is no further debate, the question is on agreeing to the compound motion.

Mr. CRAPO. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. MURPHY) and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from North Carolina (Mr. BURR), the Senator from South Carolina (Mr. SCOTT), and the Senator from Pennsylvania (Mr. TOOMEY).

The result was announced—yeas 67, nays 27, as follows:

[Rollcall Vote No. 142 Leg.]

YEAS—67

Baldwin	Hassan	Risch
Bennet	Heinrich	Romney
Blumenthal	Hickenlooper	Rosen
Booker	Hirono	Rounds
Brown	Kaine	Sasse
Cantwell	Kelly	Schatz
Capito	King	Schumer
Cardin	Klobuchar	Shaheen
Carper	Leahy	Sinema
Casey	Lujan	Smith
Cassidy	Manchin	Stabenow
Collins	Markey	Sullivan
Coons	McConnell	Tester
Cornyn	Menendez	Tillis
Cortez Masto	Merkley	Van Hollen
Crapo	Moran	Warner
Daines	Murkowski	Warnock
Duckworth	Murray	Warren
Durbin	Ossoff	Whitehouse
Feinstein	Padilla	Wicker
Gillibrand	Peters	Young
Graham	Portman	
Grassley	Reed	

NAYS—27

Barrasso	Hagerty	Lummis
Blackburn	Hawley	Marshall
Boozman	Hoeben	Paul
Braun	Hyde-Smith	Rubio
Cotton	Inhofe	Sanders
Cramer	Johnson	Scott (FL)
Cruz	Kennedy	Shelby
Ernst	Lankford	Thune
Fischer	Lee	Tuberville

NOT VOTING—6

Blunt	Murphy	Toomey
Burr	Scott (SC)	Wyden

The PRESIDING OFFICER (Mr. VAN HOLLEN).

On this vote, the yeas are 67, the nays are 27.

The compound motion was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. SCHUMER. Mr. President, I would note Maryland is in the House.

UNANIMOUS CONSENT AGREEMENT—H.R. 4521

Mr. SCHUMER. Mr. President, I ask unanimous consent that the motions to instruct at the desk, which may be made with respect to the message to accompany H.R. 4251, be printed in the RECORD for the information of the Senate.

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

## MOTION TO INSTRUCT CONFEREES

Mr. PAUL moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4521 be instructed to insist that the final conference report include the provisions contained in section 6107 of the Senate amendment (relating to prohibiting funds made available to any Federal agency from being used for gain-of-function research conducted in China).

## MOTION TO INSTRUCT CONFEREES

Mr. BARRASSO moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4521 be instructed to insist that the final conference report include provisions that require immediate development of a 2022–2027 Federal oil and gas leasing program on the outer Continental Shelf, which shall be finalized not later than June 30, 2022, and which shall provide for a minimum of 10 region-wide oil and gas lease sales in the Gulf of Mexico and Alaska Regions of the outer Continental Shelf, with a minimum of 2 oil and gas lease sales per calendar year, not fewer than 1 of which shall be in the Gulf of Mexico Region each calendar year.

## MOTION TO INSTRUCT CONFEREES

Mr. CRUZ moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4521 be instructed to insist that the final conference report include section 3258 of the Senate amendment, which requires a report identifying “major areas of diplomatic, energy, infrastructure, banking, financial, economic, military, and space cooperation . . . between the People’s Republic of China and the Islamic Republic of Iran”, regarding the policy of the United States to limit such cooperation through terrorism-related sanctions imposed on the Central Bank of Iran and the Islamic Revolutionary Guard Corps, as such sanctions are necessary to limit such cooperation.

## MOTION TO INSTRUCT CONFEREES

Mr. MENENDEZ moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4521 be instructed to insist upon the provisions contained in section 73003 of the Senate amendment (relating to establishment of an Inspector General of the Office of the United States Trade Representative).

## MOTION TO INSTRUCT CONFEREES

Senator RISCH moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4521 be instructed to insist that the final conference report include provisions that take actionable steps to address the risks of and counter malign or undue influence and activities in the United States and abroad by the Chinese Communist Party, the Government of the People’s Republic of China, or individuals or entities acting on their behalf.

## MOTION TO INSTRUCT CONFEREES

Mr. KELLY moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4521 be instructed to insist that the final conference report include incentives to support investments in semiconductor manufacturing and innovation in the United States, including investments in the fabrication, assembly, testing, advanced packaging, and research and development of semiconductors.

## MOTION TO INSTRUCT CONFEREES

Mr. LEE moves that the managers on the part of the Senate at the conference on the

disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4521 be instructed to insist that the final conference report not include the provisions contained in the following sections of the bill (as passed by the House of Representatives):

(1) Section 30609 (relating to building United States economic growth and technological innovation through the Green Climate Fund).

(2) Section 30607 (relating to addressing international climate change mitigation, adaptation, and security).

(3) Section 30601(b)(7)(E) (relating to the sense of Congress on implementing the Paris Agreement).

(4) Section 30610 (relating to ensuring a whole-of-government response to climate action).

## MOTION TO INSTRUCT CONFEREES

Mrs. BLACKBURN moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4521 be instructed to insist that the final conference report include a provision that requires the Director of the Office of Management and Budget, in consultation with the Administrator of General Services, the Director of the National Institute of Standards and Technology, the Director of the Cybersecurity and Infrastructure Security Agency, the Director of National Intelligence, the Secretary of Defense, the Secretary of State, the Secretary of the Treasury, and the Chairman of the Board of Governors of the Federal Reserve System, and consistent with information security requirements designed to address any national security risks, to develop guidance for executive agencies requiring adequate security measures for any transfer, storage, or use of digital yuan on information technology.

## MOTION TO INSTRUCT CONFEREES

Mr. COTTON moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4521 be instructed to insist upon rejecting the authorization of appropriations for contributions to the Green Climate Fund under section 30609(b) of the text of the bill as engrossed by the House of Representatives and insisting upon including an authorization of appropriations of \$8,000,000,000 within section 2118 of division A of the Senate amendment (relating to funding for the Defense Advanced Research Projects Agency) for Department of Defense research, development, production, and procurement of weapon systems needed to compete with China.

## MOTION TO INSTRUCT CONFEREES

Ms. MURKOWSKI moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4521 be instructed to insist that the final conference report include the text of each of the following:

(1) S. 3245, 117th Congress, as introduced on November 18, 2021.

(2) S. 140, 117th Congress, as reported to the Senate on December 17, 2021.

(3) H.R. 1447, 117th Congress, as referred in the Senate on May 19, 2021.

## MOTION TO INSTRUCT CONFEREES

Mr. SULLIVAN moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4521 be instructed to insist that the final conference report include provisions that prohibit a renewable energy project receiving Federal financial assistance, a subsidy, or any other financing mechanism authorized

under the final conference report, such as a grant or tax credit, from purchasing materials, technology, or critical minerals mined, produced, processed, or refined in the People’s Republic of China or the Russian Federation.

## MOTION TO INSTRUCT CONFEREES

Mr. RUBIO moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4521 be instructed to insist that the final conference report include a Federal Government-based counterintelligence review to certify recipients of grants, funding, awards, or other resources provided, and intellectual property developed, as a result of the conference report, have national security protections in place to prohibit misappropriation and theft of Federal resources.

## MOTION TO INSTRUCT CONFEREES

Mr. JOHNSON moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4521 be instructed to reject any proposals to prohibit the possession, acquisition, receipt, transportation, sale, or purchase of mink raised in captivity in the United States for fur production.

## MOTION TO INSTRUCT CONFEREES

Mr. SANDERS moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4521 be instructed to insist that the final conference report include provisions that require each beneficiary of Federal financial assistance for semiconductor manufacturing to be banned from purchasing the stock of the beneficiary, from outsourcing employment opportunities of the beneficiary to any country outside of the United States, and from repealing any collective bargaining requirements of the beneficiary, and that require each such beneficiary to issue warrants and equity stakes in the enterprise of the beneficiary to the Federal Government and to remain neutral in any union organizing effort of the employees of the beneficiary.

## MOTION TO INSTRUCT CONFEREES

Mr. SCOTT of Florida moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4521 be instructed to insist that the final conference report include provisions that ensure that any taxpayer funds spent in the bill, including those provided to universities and private sector corporations, are subject to comprehensive return on investment analyses and claw back provisions, and corresponding timely reports on the use of such funds to Congress and the American public.

## MOTION TO INSTRUCT CONFEREES

Ms. HASSAN moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4521 be instructed to insist that the final conference report include provisions that expand the research and development tax credit for small businesses and preserve full and immediate expensing for research and development investments.

## MOTION TO INSTRUCT CONFEREES

Ms. ERNST moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4521 be instructed to reject the provision as agreed to by the House of Representatives that would reauthorize the Small Business Innovation Research and Small Business Technology Transfer programs under section 9 of

the Small Business Act (15 U.S.C. 638) without authorization to prevent the Russian Federation and the People's Republic of China from acquiring technology critical to national security developed through programs of the Small Business Administration and participating Federal agencies.

#### MOTION TO INSTRUCT CONFEREES

Mr. LANKFORD moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4521 be instructed to insist that the final conference report include provisions requiring that any agreement negotiated by the United States with the Islamic Republic of Iran addressing Iran's development of nuclear weapons—

(1) also includes provisions addressing the full range of Iran's destabilizing activities, including development of the means of delivery for such weapons (such as ballistic missiles), support for terrorism, and evasion of sanctions by individuals, entities, and vessels in the trade of petroleum products with the People's Republic of China;

(2) does not lift sanctions on the Islamic Revolutionary Guard Corps; and

(3) does not revoke the designation of the Islamic Revolutionary Guard Corps as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

#### MOTION TO INSTRUCT CONFEREES

Mr. SANDERS moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4521 be instructed to recede from the provision contained in section 2614(c) of the Senate amendment (relating to contract redundancy and funding for the human landing system program of the National Aeronautics and Space Administration, which would likely go to Blue Origin).

#### MOTION TO INSTRUCT CONFEREES

Mr. CASSIDY moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4521 be instructed to insist that the final conference report include provisions that require the President to directly address troubling developments in Mexico's energy sector that intentionally cause harm to United States jobs and economic interests, business and investor interests, and climate goals through the use of consultations under the USMCA (as defined in section 3 of the United States-Mexico-Canada Agreement Implementation Act (19 U.S.C. 4502)).

#### MOTION TO INSTRUCT CONFEREES

Mr. BENNET moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4521 be instructed to insist that the final conference report include provisions to strengthen the resilience, capacity, and security of critical supply chains to reduce costs for United States consumers and businesses and to avoid supply chain shocks that increase prices and jeopardize the national and economic security of the United States, including provisions that—

(1) reinvigorate United States semiconductor manufacturing and promote the research and development needed to regain and maintain the ability to manufacture, test, assemble, and package advanced semiconductor products in the United States;

(2) strengthen supply chains in critical industries and improve the availability of critical goods important to the national and economic security of the United States, including by identification and mapping of those

supply chains and sharing data and best practices;

(3) support investments that strengthen the diversity, security, resilience, and reliability of critical supply chains, which may include working with allies and partners of the United States to reduce reliance on countries of concern, consistent with international trade agreements to which the United States is a party;

(4) expand and strengthen United States manufacturing, mining, shipbuilding, transportation, and logistics capabilities, while enhancing environmental sustainability, safety, and equity; and

(5) support United States manufacturers, including small- and medium-sized enterprises, to improve their resilience to supply chains shocks, train their workforce, and adopt new technologies to make them more globally competitive.

#### MOTION TO INSTRUCT CONFEREES

Mr. WARNOCK moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4521 be instructed to insist that the final conference report include provisions that fully fund programs to build institutional research capacity at historically Black colleges or universities that are developing research institutions.

#### MOTION TO INSTRUCT CONFEREES

Mr. DAINES moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4521 be instructed to reject provisions that weaken the energy security of the United States, prohibit the development of an all-of-the-above energy portfolio, or direct funds to foreign entities for international climate objectives.

#### MOTION TO INSTRUCT CONFEREES

Mr. CASSIDY (for himself and Ms. WARREN) moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4521 be instructed to insist that the final conference report include the provisions contained in section 90306 of H.R. 4521, as agreed to by the House (relating to college transparency).

#### MOTION TO INSTRUCT CONFEREES

Mrs. CAPITO moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4521 be instructed to insist that the final conference report include provisions that—

(1) emphasize that, under current law, the President may not—

(A) declare, on the basis of climate change—

(i) a national emergency under the National Emergencies Act (50 U.S.C. 1601 et seq.);

(ii) an emergency or major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); or

(iii) a public health emergency under section 319 of the Public Health Service Act (42 U.S.C. 247d); or

(B) invoke, on the basis of climate change, the authorities of the Defense Production Act of 1950 (50 U.S.C. 4501 et seq.); and

(2) provide that nothing in H.R. 4521 grants the President the authority to make a declaration or invocation described in paragraph (1).

#### MOTION TO INSTRUCT CONFEREES

Mr. TOOMEY moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on

the Senate amendment to the bill H.R. 4521 be instructed to insist upon the provisions contained in section 73001 of the Senate amendment (relating to establishing a process for exclusion of articles from duties under section 301 of the Trade Act of 1974).

#### MOTION TO INSTRUCT CONFEREES

Mr. SCOTT of South Carolina moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4521 be instructed to insist that the final conference report include a requirement that any new legislation providing for new mandates on greenhouse gas emissions should not be enacted unless similar mandates are enacted in the People's Republic of China.

#### MOTION TO INSTRUCT CONFEREES

Mr. LUJÁN moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4521 be instructed to insist on provisions supporting the work of the Department of Energy, user facilities of the Department of Energy, and National Laboratories, including work in microelectronics and across the key technology focus areas (as defined in section 2002 of the amendment).

### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 546.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Joshua Frost, of New York, to be an Assistant Secretary of the Treasury.

#### CLOTURE MOTION

Mr. SCHUMER. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 546, Joshua Frost, of New York, to be an Assistant Secretary of the Treasury.

Charles E. Schumer, Brian Schatz, Alex Padilla, Benjamin L. Cardin, Jack Reed, Robert P. Casey, Jr., Tammy Duckworth, Angus S. King, Jr., Patrick J. Leahy, Chris Van Hollen, Catherine Cortez Masto, Gary C. Peters, Elizabeth Warren, Jacky Rosen, Ben Ray Lujan, Cory A. Booker, Christopher A. Coons.

### LEGISLATIVE SESSION

Mr. SCHUMER. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.