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Senate

The Senate met at 10 a.m. and was called to order by the Honorable ALEX PADILLA, a Senator from the State of California.

PRAYER

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

Let us pray.

Eternal God, who upholds us with Your might, keep our Senators sure-footed as they travel through these challenging times.

Lord, lead them safely over the treacherous heights they must sometimes move. Open their eyes that they may see glimpses of truth from Your Divine precepts that will illuminate their paths.

Lord, remind them that victory comes from You, the God of our salvation. Continue to use them as guardians of freedom.

Lord, we thank You for the life and legacy of former Vice President of the United States Walter Mondale.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 20, 2021.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable ALEX PADILLA, a Senator from the State of California, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. PADILLA thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

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

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

LEGISLATIVE SESSION

COVID-19 HATE CRIMES ACT— Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 937, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (S. 937) to facilitate the expedited review of COVID-19 hate crimes, and for other purposes.

Pending:

Schumer (for Hirono/Collins) Amendment No. 1445, of a perfecting nature.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

REMEMBERING WALTER FREDERICK MONDALE

Mr. SCHUMER. Mr. President, last night, the country lost a giant of Democratic politics, a kind and revered public servant, a Vice President who reimagined the position and expanded Americans' views of who could hold America's highest offices. Walter Mondale, known to friends and foes alike as "Fritz," died at the age of 93.

As President Carter's right-hand man, Fritz revolutionized the role of the Vice Presidency. There is an old yarn about two brothers: One went off to sea, and the other became Vice President. Neither was heard from again. That is not true of Walter Mondale.

Walter Mondale was an uncooperative subject for those Vice Presidential comedians. Not only was he often the last person in the room with the President when the tough decisions were made, but he became an unofficial ambassador for the administration. His relationship with Prime Minister Begin of Israel helped paved the way for a peace treaty between Israel and Egypt at Camp David in 1978.

In his ultimately unsuccessful run for the Presidency, Walter Mondale's pick of my fellow New Yorker, the late Geraldine Ferraro, as Vice President was an early crack in the glass ceiling that our current Vice President, KAMALA HARRIS, would eventually shatter.

Vice President Mondale will be remembered as a lion of progressive politics; an ardent defender of civil rights, aid to schoolchildren, childcare, healthcare, and consumer protections. Mondale once said:

My whole life I worked on the idea that government can be an instrument for social progress. We need that progress. Fairness requires it.

Indeed, as Mondale said, we need government to make social progress.

As we say goodbye to one of our country's most decent public servants, let us follow in his example.

MARIJUANA

Mr. President, now on a much different subject, today is what you might call a very unofficial American holiday, 4/20. It is as appropriate a time as any to take a hard look at our laws that have overcriminalized the use of marijuana and put it on a par with heroin, LSD, and other narcotics that bear little or no resemblance in their effects

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



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either on individuals or on society, more broadly.

The war on drugs has too often been a war on people, particularly people of color. For decades, young men and women—disproportionately, young men and women of color—have been arrested and jailed for even carrying a small amount of marijuana, a charge that often came with exorbitant penalties and a serious criminal record from which they might never recover, being rejected from job after job because this minor, minor deviation from the law was listed as a serious criminal record.

It makes no sense. It is time for change. I believe the time has come to end the Federal prohibition on marijuana in this country, and I am working with Senators BOOKER and WYDEN on legislation to do just that. My thinking on this issue has evolved.

A number of States—including, very recently, my home State of New York—have legalized the recreational use of marijuana for adults, and those experiments, by and large, have been a success. The doom-and-gloom predictions, when States like Colorado or Oregon went forward and decriminalized and legalized marijuana, never occurred.

In State after State, through ballot initiatives and constitutional amendments, the American people are sending a clear message that they want this policy changed. Senators BOOKER, WYDEN, and I are going to continue to work on our legislation, and in the near future, we hope to have a draft of a comprehensive reform effort, not only to end the Federal prohibition on marijuana but to ensure restorative justice, protect public health, and implement responsible taxes and regulations. This was the approach taken by legislators in New York. I believe it is the right approach, and it serves as a model for how we should deal with the issue in Congress.

Hopefully, the next time this unofficial holiday, 4/20, rolls around, our country will have made progress in addressing the massive overcriminalization of marijuana in a meaningful and comprehensive way.

VOTING RIGHTS

Mr. President, now on voting rights, today in the Judiciary Committee, Senators will hear testimony from a number of public officials and experts about the surge in voter suppression laws since the 2020 election, including former Georgia gubernatorial candidate Stacey Abrams.

These voter suppression laws—more than 250 proposed laws in more than 40 States—constitute a grave and immediate threat to the very core of our democracy. In ways both large and small, they seek to restrict the franchise, often targeting minority communities, younger voters, and dense urban districts.

Our Republican colleagues have tried in vain to defend these laws as meaningful and appropriate protections

against voter fraud. In many cases, those attempts have been just laughable.

Just to take one example from earlier this week, the Republican-led Montana State Legislature passed a law that ends election-day voter registration and would no longer allow student IDs to be used as a sole ballot form of identification. Just think about that for a moment. What problems are the Republicans in Montana trying to solve there? Has there been a rash of 40-year-olds showing up with student IDs to commit voter fraud? No, there certainly hasn't been. We all know what is going on here. Younger voters have been shown to be more Democratic. So Montana Republicans have made it harder for them to vote. It is despicable—just despicable—and these laws are moving through State legislatures all across the country, including the most recent one in Georgia, which, among other crucial reforms, makes it a crime—a crime—to provide food and water to voters waiting in line at the poles, even though in minority areas the lines are often much longer because there are fewer polling places.

I know my Democratic colleagues on the Judiciary Committee are going to shine a spotlight on all of these efforts, and I applaud Chairman DURBIN for holding this very important hearing today. Voting rights are a topic that deserves continued national attention. It is a top priority for this Democratic Senate majority.

PUERTO RICO

Finally, Mr. President, you couldn't find a better study in contrasts than the Trump administration and the Biden administration. On so many issues, the executive branch is finally returning to competence, undoing the damage wrought by 4 years of Trump's Presidency.

One important example came last night. Beginning in 2017, the Trump administration maliciously held back billions of dollars in congressionally approved disaster aid to Puerto Rico, which was devastated by Hurricane Maria, resulting in the deaths of thousands of Americans. This was vicious on the part of Donald Trump—nasty, so typical of the pettiness and inhumanity of his administration.

Well, the Biden administration has finally ended this appalling delay and will release the much needed disaster relief funds that Puerto Rico has waited for, for almost 5 years. The release of these funds means the people of Puerto Rico can finally and fully rebuild their homes, their schools, their businesses.

Puerto Rico, unfortunately, has too often been an afterthought to work here in Washington. Funds that would normally go to any State after a natural disaster like Hurricane Maria got delayed for years over the course of an entire administration.

Puerto Ricans are American citizens and should be treated exactly as such when disaster strikes. That is why, in

the American Rescue Plan, Democrats passed the largest, most comprehensive relief package for the people of Puerto Rico in a long, long time. I am proud to have worked with my House colleagues, particularly Representative NYDIA VELÁZQUEZ, to get that done.

Prior to the American Rescue Plan, the Federal Government had never supported Puerto Rico's tax credit for low-income workers. We did that for the first time ever.

Shockingly, prior to the American Rescue Plan, only families with three or more children in Puerto Rico could claim the child tax credit. That seems, to me, to be racist in its application. We fixed that and made sure that every family in Puerto Rico can claim the credit, just like every other American family.

So as long as Democrats have a majority here in the Senate, I am going to make sure that Puerto Rico is treated fairly and gets its fair share of support. When it comes to this disaster aid, I am so glad the Biden administration is rectifying the issue. I hope we never repeat such a shameful delay.

I yield the floor.

I suggest the absence of a quorum.

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

The senior assistant 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 ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The Republican leader is recognized.

BORDER SECURITY

Mr. MCCONNELL. Mr. President, the situation on our southern border is bad and getting worse. Last month saw overall migrant totals hit a nearly two-decade high. More unaccompanied minors arrived than during any prior month on record.

These kids, crowded in underequipped facilities, tended by increasingly overwhelmed personnel, have become the heart-wrenching face of this crisis. Yet the most resolve, the most strength that this administration has shown on the border has been their commitment to their talking points, their refusal to call the crisis a crisis.

This past weekend, the President of the United States himself slipped up and used that forbidden word. But—get this—he was then overruled by his own staff. Yesterday, his Press Secretary said President Biden actually didn't intend to describe the situation as a crisis. Fascinating.

But then, yesterday, at last, we saw this administration take some new action on immigration. Finally, some proactive steps. Memos were issued to Immigration and Customs Enforcement and CBP with new instruction. Were they new policies to stem the crisis? No. Stepped-up enforcement? No. A way to fix the administration's signals that have induced these new waves of

vulnerable people to try their luck? No, not this either.

Here was the big news: The government will be adopting new, more politically correct rhetoric. Under this administration, we will no longer have “illegal aliens,” not because they will secure the border; just because they now will be called “noncitizens” or “undocumented migrants” and so on.

These priorities are almost a parody of leftwing governance: not securing the border, not a better plan for the children, just woke proofreading. This is not going to get the job done.

OPIOID EPIDEMIC

Mr. President, on a related matter, of course, the flow of actual people is not our only border security problem. Americans are dying and communities are being hollowed out because foreign drug dealers and profiteers have taken our opioid crisis as a business opportunity.

Fentanyl and fentanyl analogues that pour into our country impose a staggering, tragic loss. In 2020, the CDC recorded more overdose deaths than any year on record. They attributed the spike primarily to synthetic opioids like fentanyl.

My home State of Kentucky logged a 50-percent year-on-year increase in overdose deaths. Fentanyl and its constantly changing analogues are as toxic and lethal an illegal drug as there is. We are talking about substances that can be orders of magnitude more potent than morphine.

Customs and Border Protection say fentanyl seizures jumped more than 70 percent in fiscal year 2020. They are on pace for another record year in 2021. Much of this poison is manufactured in and exported from China.

The scope of this crisis is truly staggering. But incredibly, some on the political left want to respond to this national crisis by letting the criminal status of fentanyl analogues lapse this spring.

People want to let these drugs become legal. They actually want to let these drugs become legal. I am not making this up. Fentanyl analogues are poised to fall off the schedule of controlled substances in just a few weeks if Congress does not act, and some corners of the soft-on-crime left want us to do nothing. They are unhappy with the sentences that be can be imposed on drug dealers as a result.

These people are seriously arguing—seriously arguing that we should let these substances flow even more freely through American streets and American neighborhoods, costing who knows how many additional American lives to help some drug dealer avoid prison.

I understand that even among Democrats who say they don't want to decriminalize these poisons, there is some effort to kick the can a few months with a temporary extension so that a soft-on-crime bill could be crafted and forcibly paired with this step.

Look, these are terrible ideas, just terrible ideas. The right thing to do is

obvious. This isn't a trick question. We need to permanently schedule fentanyl analogues, take this permanent step to protect Americans, and be done with it. We should not just kick the can down the road for 2 months or 5 months or 12 months. We should not let this commonsense step be held hostage for liberal horse trading. We simply need to do the right thing.

Congress cannot hold American lives and communities hostage to try to grease the skids for drug dealers. Continuing to ban these analogues is not even a recipe for mass incarceration. The main effect is to cut down on the incoming supply of these poisons by changing the incentives for producers in China and other foreign countries.

The Department of Justice reports that, in the last 3 years, only 8 people—8 people would have qualified for the mandatory minimum sentences that some people are complaining about. More than anything else, scheduling these terrible drugs is a harm reduction and prevention tool. It works upstream. It disincentivizes their manufacture and their import into our country.

Too many of our neighbors have already been taken from us. Too many communities have already been hollowed out. There is simply no excuse for inaction.

It should not just be a Republican priority to slam the door on the opioid epidemic in every possible way. This should actually be a bipartisan no-brainer. Let's permanently schedule these analogues and keep this poison out of our land and out of our citizens' bloodstreams.

AFGHANISTAN

Mr. President, now, on one final matter, this afternoon, President Biden is sending his top national security officials to brief Members on his misguided plan to abandon the battlefield in Afghanistan.

As I said when this decision was announced, the enemies that threaten America, our allies, and the people of Afghanistan are not vanquished. Taliban retribution and repression and the terror of al-Qaida, ISIS, and the Haqqani Network will likely only grow after we have left.

I know many colleagues on both sides of the aisle share my concerns. I expect that the administration's representatives will face tough questions about the rationale behind their plan for a rushed withdrawal.

So it is appropriate to ask: Does the Taliban share the administration's commitment to a negotiated solution, to not harming Afghan women or girls or seeking vengeance on those who have worked with the United States to root out terror? Somehow I doubt it.

Does the administration have a plan for keeping terrorists off-balance in the absence of troops and leverage in the region? Will it seek to maintain the 2001 AUMF, which authorizes the ongoing counterterrorism operations that have actually kept our homeland safe for 20 years?

How does the administration plan to maintain our insight into terrorist activities or our ability to strike them without a presence on the ground, to sustain our partners who are doing the fighting? I worked hard to find common ground with this administration on foreign policy, but if the White House is serious about making America, our allies, and our interests more secure, it will need to start tacking toward a more enduring approach centered on strength, grounded in reality and not wishful thinking.

I suggest the absence of a quorum.

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

The senior assistant 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 ACTING PRESIDENT PRO TEMPORE. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. SCHUMER. Mr. President, I ask unanimous consent that notwithstanding the order of yesterday, the Senate recess from 12:30 p.m. until 2:15 p.m. and that at 2:15 p.m., the Senate proceed to executive session to resume consideration of the Gensler nomination and the Senate vote on the motion to invoke cloture on the nomination; that following the cloture vote, the Senate resume legislative session and the Senate recess until 4 p.m. to allow for the all-Senators briefing; further, that if cloture is invoked on the Gensler nomination, all postcloture time be considered expired at 5 p.m.; that immediately following the disposition of the Gensler nomination, the Senate resume consideration of the Monaco nomination and vote on confirmation as provided under the previous order; that if either nomination is confirmed, the motions to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action; finally, that following the confirmation vote on the Monaco nomination, the Senate resume legislative session.

The ACTING PRESIDENT PRO TEMPORE. Without objection, it is so ordered.

Mr. SCHUMER. Therefore, Senators should expect one rollcall vote at 2:15 p.m. and two rollcall votes at 5 p.m.

MEASURES PLACED ON THE CALENDAR—S. 1216 AND H.R. 7

Mr. SCHUMER. Mr. President, I understand there are two bills at the desk due for a second reading en bloc.

The ACTING PRESIDENT pro tempore. The leader is correct.

The clerk will read the bills by title en bloc.

The senior assistant legislative clerk read as follows:

A bill (S. 1216) to extend the temporary scheduling order for fentanyl-related substances.

A bill (H.R. 7) to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in