

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

LEGISLATIVE SESSION

COVID-19 HATE CRIMES ACT— Resumed

The PRESIDING OFFICER. 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.

The PRESIDING OFFICER. The minority leader.

AMENDMENT NOS. 1456, 1425, AND 1458 TO
AMENDMENT NO. 1445

Mr. MCCONNELL. Madam President, I ask unanimous consent that the order be executed with respect to the reporting of the three amendments under the consent agreement.

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

The clerk will report the amendments by number.

The senior assistant legislative clerk read as follows:

The Senator from Texas [Mr. CRUZ] proposes an amendment numbered 1456 to amendment No. 1445.

The amendment is, as follows:

[Purpose: To prohibit Federal funding for any institution of higher education that discriminates against Asian Americans in recruitment, applicant review, or admissions]

At the end, add the following:

SEC. 6. PROHIBITION OF FEDERAL FUNDS FOR INSTITUTIONS OF HIGHER EDU- CATION THAT DISCRIMINATE AGAINST ASIAN AMERICANS.

Notwithstanding any other provision of law, no institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)) may receive any Federal funding if the institution has a policy in place or engages in a practice that discriminates against Asian Americans in recruitment, applicant review, or admissions.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. LEE, proposes an amendment numbered 1425 to amendment No. 1445.

The amendment is, as follows:

[Purpose: To require a report on State restrictions on religious exercise during the COVID-19 pandemic]

Strike section 3 and insert the following:

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

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

or possession of the United States during the COVID-19 pandemic.

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

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

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

The senior assistant legislative clerk read as follows:

The Senator from Tennessee [Mrs. BLACKBURN] proposes an amendment numbered 1458 to amendment No. 1445.

(Purpose: To improve the bill.)

(The amendment is printed in the RECORD of April 21, 2021, under “Text of Amendments.”)

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

EARTH DAY

Mr. DURBIN. Madam President, today is Earth Day, our planet’s largest annual civic event. More than 1 billion people in 192 nations are expected to participate in activities to draw attention to the urgency of the climate crisis and environmental degradation. From the South Side of Chicago to South America and South Asia, ordinary citizens—schoolchildren, scientists, environmental activists, business and government leaders, and others—are calling for help for our ailing planet.

This year, the most important Earth Day gathering is just 16 blocks from where we meet. At the White House today, President Biden is hosting a 2-day virtual summit of leaders from 40 Nations—leaders from the highest emitting countries, China, India, Russia, as well as leaders from countries that suffer the worst consequences, such as Bangladesh and Kenya. The leaders are coming together, after a year of staggering pandemic hardship and climate-related crises, to renew their commitment to save our planet from irreversible climate catastrophe.

With this Earth Day Leaders Summit, President Biden is sending the world a clear message: The United States is back and is ready to be a leader again in combating climate change. The White House Leaders Summit is meant to encourage countries to make strong commitments under the Paris Agreement to prevent the global average temperature from rising more than 1.5 degree Celsius above preindustrial levels. This sounds technical and dry and wonky, but here is what it means. At 1½ degrees Celsius of warming, much of the world will likely see sea level rise that swallows coast-

lines, leaves millions of homes underwater, and produces recordbreaking droughts, floods, and other climate catastrophes. Hundreds of millions of people will be pushed into poverty because of this, and climate-related famine and conflicts would trigger a global refugee crisis worse than anything we have ever seen. That is the future if we do nothing. That is something we must avoid, and the United States needs to show leadership.

President Biden does that today with this meeting. One of his first official acts as President, on his first full day in office, was starting the process of recommitting the United States to join every nation in the world in the Paris Agreement. If you will remember, the previous President decided that America would step away from that.

At the White House Leaders Summit, the President will announce a new goal: to reduce U.S. greenhouse gas emissions by at least 50 percent by the year 2030. The Biden administration’s leadership stands in sharp contrast to what we have seen over the last 4 years. We saw a President withdraw from the Paris Agreement, ridicule science at every opportunity, deny the existence of a growing climate threat, and even censor the remarks of government scientists that might suggest otherwise.

Fortunately, the disengagement by the previous administration didn’t prevent the American people, scientists, real business leaders and entrepreneurs, and cities and States from ignoring President Trump and moving ahead.

There is no substitute, though, for leadership at the top. The American Jobs Plan, which President Biden plans to pass, and I hope there is support, is a plan to secure America’s global economic leadership, strengthen America’s working families, and build the infrastructure of the future we can count on. The American Jobs Plan, of course, will rebuild America’s crumbling rail lines, roads, bridges, ports, and water systems; strengthen America’s power grid; and invest in 5G broadband internet for every community in America. The previous President promised it but didn’t deliver. This President wants to deliver, with our help.

I have heard those on the floor who then criticize that part of the American Jobs Plan, which goes further. President Biden also wants to invest in green energy, wind, solar, and other renewable energy projects. To hear that described by some of his Republican critics, it is just pure socialism. Socialism? It is a realistic response to the 21st challenge of climate change. The American Jobs Plan includes billions of dollars to retrain any workers who are dislocated if they work in the fossil fuel industry and to find better, well-paying jobs with a future in clean energy and other fields. Just this week, the president of the United Mine Workers of America—a sixth generation

West Virginia coal miner—announced that his union was going to support President Biden's American Jobs Plan in exchange for training his coal miners in how they can be effective and also have good jobs in a cleaner energy future. That union understands clean energy. Most Americans do. I hope Senators on both sides of the aisle will.

American business gets it. I have introduced two bills that would bring efficiency and innovation of the marketplace and the financial clout of the Federal Government to reduce greenhouse gas emissions and create a more sustainable economy that works for the people and the planet. My bills are called the America's Clean Future Fund Act and the Climate Change Resiliency Fund for America Act.

We talked about investing in American infrastructure so we can tackle climate change and create renewable energy jobs and the industries of the future. But I want to make it clear that our highest priority is to create those jobs right here in America. I hope my colleagues will work with us and won't filibuster the President's efforts to move our economy forward in a dramatic way.

We can't afford denial, defeatism. We can't afford people who say it is too late to do anything about climate disaster. We owe it to our children, grandchildren, and future generations to do everything in our power to save this planet from what is obviously coming our way.

Safe, effective vaccines have brought us so far in fighting this pandemic. We have developed in a short period of time under this President not only the vaccines but also their delivery and administration to the people of our country at a rate no one ever expected. The research that led to this was good scientific research. Two of the leading vaccines were developed using something called messenger RNA—mRNA—and it worked. The basic science that led to the discovery of mRNA was largely funded by American taxpayers—government programs—and applied by the private industry with great success. And now, because of our investment in science and belief in science, people's lives are being saved in the United States and around the world. Imagine solutions we can find if we harness the power of public partnerships together with science and citizen engagement to address climate change.

The first Earth Day was 51 years ago. It was proposed by a Senator from Wisconsin named Gaylord Nelson. It brought 20 million Americans together at the time, put preservation of our planet on the national agenda, and ushered in a decade of remarkable environmental progress. That decade saw the creation of some of our most important protections of clean air, land, and water.

Ten years later, Gaylord Nelson looked back on that first Earth Day and the decade that followed. His words bear repeating today. And this is what

he said: "So long as the human species inhabits the Earth, proper management of its resources will be the most fundamental issue we face. Our very survival will depend upon whether or not we are able to preserve, protect, and defend our environment. We are not free to decide about whether or not our environment matters. It does matter. Apart from politics, it is fundamental to survival. We disregard the needs of our ecosystem at our mortal peril." That was the lesson of Earth Day, and it should never be forgotten.

S. 937

Madam President, this morning, we are going to take up the COVID-19 Hate Crimes Act that Senator HIRONO and Senator DUCKWORTH bring before us.

In the wake of the COVID-19 pandemic, we have, unfortunately, witnessed an appalling rise in hate incidents targeting the Asian American and Pacific Islander community. The numbers are shocking. Between March 2020 and February 2021, the Stop AAPI Hate Initiative documented nearly 3,800 hate incidents in the United States, and a recent analysis by the Center for the Study of Hate and Extremism found that while hate crimes in 16 of America's largest cities decreased overall by 7 percent in the year 2020, those targeting Asian Americans increased by nearly 150 percent.

Our friends and neighbors in the AAPI community are facing an urgent, imminent threat. It is time to do something about it. That is why I am proud to support the COVID-19 Hate Crimes Act. This will provide State and local law enforcement with guidance and tools to track and address hate crimes and hate incidents.

I am grateful for the bipartisan support, which Senator COLLINS and others have brought to this bill to strengthen it. These efforts include Senator BLUMENTHAL's and Senator MORAN's NO HATE Act, critical legislation that will improve hate crime reporting and expand assistance and resources for victims of hate crimes.

There is so much more we can do and should do to address the broader issue of domestic terrorism, identified by the Director of the FBI as one of the gravest threats to security in our country. That is why I introduced the Domestic Terrorism Prevention Act earlier this year, and I will continue with my efforts to send that legislation to the President's desk.

But today, we have an opportunity to come together—Democrats and Republicans, Americans—and support our friends, our siblings, and our fellow Americans in the AAPI community. Millions of Americans count on us to do that. Let's show them that we can.

I yield the floor.

The PRESIDING OFFICER (Mr. MURPHY). The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I am honored to follow our distinguished Judiciary Committee chairman and whip, Senator DURBIN, who has fought

so hard for the principles and values that are embodied in the Jabara-Heyer NO HATE Act, which is part of the legislation. It is, indeed, bipartisan, and, hopefully, we will pass it today.

The fact is that this August marks two excruciatingly sad anniversaries. It will be 4 years since Heather Heyer was killed when a White nationalist drove his car into a crowd of peaceful protesters, and it will be 5 years since Khalid Jabara was shot and killed on his own front porch by his neighbor, an avowed and virulent racist.

The temptation is to get lost in the numbers and statistics about hate crimes. Make no mistake, these statistics are horrifying, especially the surge in hate crimes directed against Asian Americans and Pacific Islanders.

The FBI reported just over 7,300 hate crimes in 2019. The Department of Justice's Bureau of Justice Statistics estimates that there was an average of 198,000 hate crime victimizations in 2017. Hate crimes are vastly underreported. One of the objectives of the Jabara-Heyer NO HATE Act is to spur greater reporting so we know the horrifying dimensions and magnitude of this problem and we can better fashion solutions to fight them.

But what is most important to remember about each of these 198,000 incidents is that they involve real people, real communities, lives torn apart, communities torn asunder. In the most heartbreaking cases, they involve real lives that are lost forever, real families who will never see their loved ones again.

The NO HATE Act that the Senate is considering today is named for two of those people: Heather Heyer and Khalid Jabara. For just a few moments, I would like to spend this time on the Senate floor honoring them and their families. We are here because of them.

Heather Heyer was counterprotesting the Unite the Right rally in Charlottesville, VA, on August 12, 2019, when she was murdered by a White supremacist who purposefully ran his car into a crowd of protesters, also injuring 19 other people.

Heather is remembered as a young woman with a big heart. She devoted her life to the fight for justice and equality. The foundation named in her honor notes that "Heather was a young woman deeply involved in taking a stand against injustice when she didn't have to do so," who "spoke passionately" about what she believed in. She was just 32 years old when she was murdered.

Khalid Jabara was shot on the steps of his own home, his family's home in Tulsa, OK, by a neighbor who had been harassing the Jabara family for months. That family had come to America to flee civil war and religious persecution in Lebanon, only to be terrorized here by their racist, murderous next door neighbor.

Khalid is remembered for his sense of humor and unfailing devotion to his family.

He cared for our entire family, our friends, and people he didn't even know. He created every Jabara family joke and filled their lives with love and laughter.

Jabara was 37 years old when he was murdered.

Today's vote honors the memory of those two individuals and the thousands of other individuals who have been victims of similar hate crimes—un-American, abhorrent, unacceptable. Today, we make a statement that we will not accept those kinds of hate crimes in America.

I am grateful to the entire Jabara family and to Susan Bro, Heather's mother, for their unfailing devotion to ending hate and their courageous advocacy in support of the NO HATE Act. I also want to thank my partner in this legislation, Senator MORAN of Kansas. We would not be here today without his support and bipartisan cooperation on this bill.

There will always be hateful people who want to lash out violently at the world. They will lash out at Muslims, at Jews, at African Americans, at Asian Americans, at Pacific Islanders. But America is above it. America is better than they are. And we owe Heather Heyer, Khalid Jabara, and every other victim of hate crimes—from the Orlando nightclub massacre to the shooting in El Paso—the kind of action we are taking today.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

BIPARTISANSHIP

Mr. THUNE. Mr. President, today we are wrapping up consideration of the COVID-19 Hate Crimes Act. Next week the majority leader has indicated the Senate will take up the Drinking Water and Wastewater Infrastructure Act of 2021. These are both bipartisan pieces of legislation.

The COVID-19 Hate Crimes Act was an initially partisan bill that has now been improved by input from Republicans and I expect will receive strong bipartisan support on final passage.

The Drinking Water and Wastewater Infrastructure Act has been 100 percent bipartisan from the very beginning. Senators DUCKWORTH and CAPITO developed this legislation, along with Democratic Senators CARPER and CARDIN and Republican Senators LUMMIS and CRAMER. The legislation went through regular committee consideration and was reported out of the Environment and Public Works Committee to the full Senate with a unanimous vote. It is a model of how we should work here in the Senate.

Mr. President, after a very partisan start to this Congress, with Democrats and the President steamrolling through a massive, partisan COVID bill packed with non-COVID-related priorities, it is encouraging to see the Senate working the way it should: Senators from both parties talking, negotiating, coming together to work out legislation that both parties can support.

It is particularly encouraging to see the Drinking Water and Wastewater bill—a bipartisan effort from start to finish and a too-rare example of legislation that went through the committee process, which should be our goal for most bills in the Senate. I hope this trend will continue.

Democrats want the Senate to take up infrastructure legislation in the near future—a goal that Republicans support. What we don't support is Democrats' threat to shove through another massive, partisan bill—this time on infrastructure—using reconciliation rules to ensure Republicans don't have a voice in the legislation.

The Senate was designed to promote moderation and consensus. It was intended to be a check on the more partisan—or as the Founders would put it, factious—House of Representatives. The Senate fulfills its constitutional role best when it engages in serious, bipartisan consideration and negotiation and ensures that Members of both parties are heard. This is the framework we should adopt for infrastructure.

I am encouraged by President Biden's decision to meet with Republicans to discuss infrastructure legislation. Republicans have now met with the President at least twice, and more meetings are expected. I anticipate meeting with the President and other Senators soon to discuss broadband infrastructure priorities. I hope we can reach bipartisan agreement on priorities in this area, including closing the digital divide by increasing broadband access in rural America and removing obstacles to digital infrastructure deployment. I know it can be done.

When I served as chairman of the Commerce Committee, for example, we passed bipartisan legislation that reduced the redtape associated with building broadband networks. I introduced bipartisan legislation to accelerate 5G infrastructure deployment. There was a lot of bipartisan agreement to be found on infrastructure in general.

Congress has a history of bipartisan collaboration on infrastructure legislation. Our last major infrastructure bill, the FAST Act, went through regular order and several committees, including the one I led at the time, and was supported by both Democrats and Republicans, and it was a remarkably successful bill.

Not long thereafter, our committee spearheaded enactment of the largest reauthorization of the FAA since the early 1980s, including critical programs to improve airport infrastructure.

Last Congress, the Environment and Public Works Committee here in the Senate developed bipartisan infrastructure legislation.

There is no reason that we shouldn't reach bipartisan agreement on another substantial piece of infrastructure legislation. Senator CAPITO and other Republicans will be releasing a Republican proposal today that will reflect a lot of the bipartisan infrastructure pri-

orities. I hope that after she releases this proposal, Democrats and Republicans will be able to sit down and engage in serious negotiation on our two plans.

Our Founders established a democratic republic instead of a pure democracy because they wanted to balance majority rule with protection for minority rights. They knew that majorities could be tyrants, so they wove protection for minority rights into our system of government. The Senate was one of those protections. That is why we should be preserving rules like the filibuster, which ensures that the minority party and the many Americans it represents have a voice in legislation.

It is always important that the minority party's voice be heard and the Senate engage in bipartisan negotiation and discussion, but it should be especially obvious that in a 50-50 Senate, any major legislation should be bipartisan. If one thing is for sure, it is that a 50-50 Senate is not a mandate for one side to force through its agenda unchecked.

It is absurd for Senate Democrats or House Democrats to pretend they have a mandate for a partisan revolution. Yet much of the legislation that they have been pushing since taking office appears to have been drafted by Members of the extreme left wing of their party.

In his inauguration address, President Biden appeared to recognize the bipartisan character of his mandate and his obligation to work with Members of both parties and promote unity in the country. Unfortunately, to date, his administration has not delivered on that promise of bipartisan leadership. As I said, I am encouraged that it appears he may be changing that when it comes to infrastructure. I hope the Senate and House Democrats will follow his lead.

The ball is in Democrats' court. We can pass a substantial, bipartisan infrastructure bill, or Democrats can continue down the extremely partisan path that they have been pursuing. For the sake of our country, Mr. President, I hope they will choose bipartisanship.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

S. 937

Mr. MORAN. Mr. President, I thank my colleagues who worked diligently to enhance the legislation that we are considering on the floor here this morning. I commend them for the work they put into this effort.

I have an amendment that has been included in a vote we are going to take here momentarily, a NO HATE amendment, and I would like to speak for just a few minutes about this topic. I will limit my remarks to speaking in support of the amendment's language, which simply seeks to collect better data on hate crimes under existing statutes.

We know that crimes committed against specific groups increased in recent years. Anti-Semitic attacks hit a record high in 2019. There are gaps in our knowledge of how prevalent these crimes truly are.

The language included in this amendment, based upon the NO HATE Act introduced by Senator BLUMENTHAL, has bipartisan support in this Chamber and for its companion in the House. It would establish incentives for State and local law enforcement to submit credible and complete hate crime reports, create grants for State-run crime hotlines, require the Department of Justice to collect and analyze data on hate crimes, and allow judges to require community service or educational programs for individuals convicted under existing statutes.

I would also take a moment to express my gratitude to Senator RICK SCOTT for working to help improve the text, and that improvement, in fact, is also found in this agreement.

Kansans have personally been touched by incidents during my time in the Senate.

In 2014, a neo-Nazi killed three at the Jewish Community Center of Greater Kansas City and a Jewish retirement home, both in Overland Park. In late 2016, the FBI thwarted a bomb plot against an apartment complex housing Somali immigrants in Garden City, and the following year, a man shot two Indian immigrants, killing one, at a restaurant in Olathe, KS, after shouting, "Get out of my country."

These were high-profile, well-publicized incidents of hate. It is important that the incidents that do not gain broad attention are nevertheless recorded properly so that the Department of Justice can properly analyze the data.

A bipartisan group of attorneys general for 35 States and territories, including Kansas Attorney General Derek Schmidt, have endorsed the NO HATE Act. It is also backed by Major Cities Chiefs Associations and the National District Attorneys Association.

No statutes are expanded by this amendment, nor are there any mandates. Instead, it will allow for State and local entities to voluntarily seek grants to better provide data on specific crimes in their jurisdictions and to give judges flexibility in sentencing violent offenders.

I condemn the recent attacks on Asian Americans, and assaults on minorities are an assault of our Nation's creed of "e pluribus unum"—out of many, one. That is what our country is—out of many, one.

The crimes Senator BLUMENTHAL and I seek more information on tear at the fabric of our Nation. But out of many crimes, it is time we speak as one to condemn the perpetrators and their ideology, to support the communities that live in fear despite that all of us—all of us—are made in God's own image.

Committed to unifying principles, our diversity is our country's strength.

We continue to strive to make a more perfect union. This amendment is but a small step in that direction.

I urge my colleagues to support the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. Kaine. Mr. President, I rise because it is a historic day. It is a historic day because the House is scheduled to pass H.R. 51, the Washington, D.C. Admission Act. My original intent was to speak about that, but before I do, I want to honor my colleagues who have worked very hard on the hate crimes legislation that we will tackle later today.

I want to thank Senators HIRONO and DUCKWORTH and Senator COLLINS for working with them. I want to thank Senators BLUMENTHAL and MORAN and all the Senators who have worked to get us at the threshold where we will do something bipartisan that will send comfort to people around the country who are worried about being targeted because of who they are.

In honor of my colleagues who have worked hard, I just want to tell you a story about Heather Heyer, the Virginian for whom the NO HATE Act is partially named, who was killed when she was 32 in 2017 by a White supremacist in Charlottesville.

I didn't know Heather—I know her mother Susan pretty well—but I went to Heather's funeral. Let me tell you this amazing story about Heather Heyer.

Heather was a waitress, and she saw an ad in the newspaper to apply to be a paralegal at a local law firm specializing in bankruptcy. A Charlottesville attorney, an African-American man, had a bankruptcy firm. He needed a paralegal, put an ad in the paper, and got a lot of applications. He got this application from Heather Heyer. The other applicants had paralegal degrees. Heather Heyer was a waitress who didn't have a paralegal degree, but something about the letter made him think, well, I at least have to talk to this person.

He interviewed those with the paralegal degrees, and then he interviewed Heather Heyer and was very struck with her personality but said: Look, I am interviewing for people to be a paralegal. You don't have background in this area. You are a waitress. Why do you think you can do this job?

Heather said: Because I am a waitress, I listen to people all day long, and I want to tell you about some of my customers—the elderly widower who comes in every Tuesday for lunch, and I know his order, and I know how to converse with him to lighten his mood.

She went on to describe some of the people in the restaurant she had served for years. Then she looked at this attorney and said: You are a bankruptcy lawyer. The people who come to you are hurting. They need to be listened to. They are worried about losing everything. I think you couldn't do bet-

ter than to hire somebody who has made a specialist out of listening to other people.

He said: Well, you may not have a degree, but you have answered that in a wonderful way, and I am going to hire you.

He hired Heather. Heather ended up, as he described at her funeral service, kind of becoming like the office den mother, manager, et cetera, who was so good dealing with clients who were so very worried when they came to see him.

One night after she had been working with him for a while, they worked late and they left the office. As they left the office, Heather's relatively new boyfriend was waiting outside. Heather introduced him to her boss.

The next day, the attorney noticed that Heather wasn't her normal, talkative self, that she wasn't in a very good mood.

At the end of the day, he said to her: Heather, is something wrong?

She said: Yes. I broke up with my boyfriend last night.

He said: Well, I just met him last night outside the office. He seemed like a wonderful guy.

She said: Well, I thought he was a wonderful guy, but when he saw that I was working for a Black man, he started to criticize me for that, and I had no choice but to break up with him.

She is Heather Heyer. She is the woman whom we are honoring in passing the NO HATE amendment as part of the hate crimes bill today, and I appreciate my colleagues for including her in the NO HATE amendment that will be part of this bill.

WASHINGTON, D.C. ADMISSION ACT

Mr. President, our colleagues in the House today are acting on H.R. 51, and there is an equivalent bill, S. 51, the Washington, D.C. Admission Act. As somebody who represents a State just a few miles from DC, I didn't want to let this historic day pass without saying a word about it.

The bill would, as everyone knows, make Washington, DC, the Nation's 51st State. I am proud to serve as an original cosponsor of the Senate version, led by my colleague Senator CARPER. The bill was introduced earlier this year after many previous efforts with a record number of cosponsors, and I am proud to say that statehood for DC is enjoying the largest support in years.

The right to vote is the cornerstone of our American democratic society. Through free and fair elections, ordinary citizens choose the leaders and direction of our country; yet some 712,000 residents of the Nation's Capital do not enjoy the right fully.

For too long, Virginia's neighbors in DC have been denied their civil rights and have been subject to taxation without full representation in Congress, which is a founding principle of our Nation.

Virginians love history. So, on May 29, 1765, Patrick Henry gave his famous

speech before the Virginia House of Burgesses, encouraging the passage of the five resolutions, commonly referred to as the Virginia Resolves, to address the Stamp Act. The act that was passed the following day included four of his resolves.

Everybody remembers that the Stamp Act of 1765 levied an unfair tax on American Colonies on paper goods, newspapers, almanacs, pamphlets, and legal documents. The Crown was worried about the content of those documents, so it levied the tax.

In his first resolve, Henry declared that Virginians should be entitled to “all of the liberties, privileges, franchises, and immunities” that other British subjects enjoyed. He wanted for Virginians the same rights enjoyed by people living in Britain, thousands of miles away.

I can’t help but notice the parallel. We stand in the District of Columbia, the seat of our Nation’s Federal Government. Not thousands of miles away but just across the Potomac River or just over the border in Maryland, hundreds of thousands of American citizens don’t enjoy the same “liberties, privileges, franchises, and immunities” as those in Virginia, Maryland, or other States.

In his third resolve, Patrick Henry stated:

The taxation of the people by themselves, or by persons chosen by themselves to represent them, who can only know what taxes the people can bear, or the easiest method of raising them, and must themselves be affected by every tax laid on the people, is the only security against a burdensome taxation, and the distinguishing characteristic of British freedom, without which the ancient constitution cannot exist.

To date, DC pays more in Federal taxes per capita than any State. Its residents pay more in Federal taxes per capita than any State and more total Federal taxes than 22 States. Yet, for more than 200 years, the people of Washington, DC, have been denied what Patrick Henry urged on the Virginia House of Burgesses as a reason for American independence. DC not only pays more per capital Federal taxes than any State, it is also subject to a higher degree of congressional regulation of its internal affairs than any other State. So it is both taxed and overregulated without representation.

DC meets the two criteria that have always been the test of admission of a new State into the Union: sufficient population and a demonstrated desire by the population for statehood.

Congress used to establish minimal required populations for statehood. The Northwest Ordinance of 1787, for example, incorporated territories into the United States in the upper Midwest and allowed that they could become States once their populations exceeded 60,000. While there is no such statutory minimum today, all would acknowledge that DC, because it has a larger population than both Wyoming and Vermont and is close to the populations of the two Dakotas, is sufficiently sizable to be a State.

DC has also demonstrated its desire to be a State over and over again by popular referendum. Most recently, in 2016, a statehood referendum was supported by 86 percent of DC residents.

So DC meets the traditional test for statehood. Its people are both taxed and regulated by a Congress that does not include representatives who can advocate on their behalf.

Finally, I support adding a 51st star to the American flag because it will show that we are still a thriving nation. We haven’t added a State in nearly 70 years. This is the longest period in American history without adding a State. Adding DC as a State will show the world that America is still a confident and growing nation with our best days ahead of us, not a fixed, inward, and static nation with our best days behind us.

With that, I stand here today to call on my colleagues in the Senate to give full and fair consideration to H.R. 51, which will pass today, and S. 51 and provide the more than 700,000 residents of our Nation’s Capital the full and equal citizenship that Patrick Henry demanded in 1775 and that the rest of the country enjoys today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent that I be permitted to speak for 5 minutes, as well as Senator HIRONO and Senator COTTON for 5 minutes each, prior to the order for 11:30 a.m.

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

S. 937

Ms. COLLINS. Mr. President, I rise to speak in support of Senate amendment No. 1445 that Senator HIRONO and I have introduced.

I want to begin by thanking my colleague from Hawaii for working with me on this amendment and acknowledging her leadership. I also want to thank Senators GRASSLEY, BLUMENTHAL, MORAN, and WARNOCK for their contributions as well.

Crimes motivated by bias against race, national origin, or other characteristics simply cannot be tolerated. Our amendment both denounces these acts and marshals additional resources toward addressing and stopping these despicable crimes.

The amendment that the Senator from Hawaii and I are offering today will improve the underlying bill in a number of key ways, while it will affirm our steadfast commitment to stand with the Asian-American, Pacific Islander community against all forms of violence and harassment.

First, our amendment strongly condemns the hate crimes targeting the AAPI community. In the past year, Stop AAPI Hate reported nearly 3,800 cases of anti-Asian discrimination. The Center for the Study of Hate and Extremism found that the reporting of anti-Asian hate crimes increased by 145 percent in 16 major cities even though

hate crimes declined in those cities overall.

Racially motivated discrimination and violence should never be tolerated.

I want to thank Senator GRASSLEY and Senator WARNOCK for their contributions to this section of our amendment.

Second, the Hirono-Collins amendment directs the Attorney General to assign a point person at the Department of Justice to expedite the review of these hate crimes and requires the Attorney General to issue guidance to State, local, and Tribal law enforcement partners about how to address them. Our amendment would also improve data collection and expand public awareness about hate crimes and ways to support victims. With better information, we can help prevent these crimes before they occur and assist law enforcement in bringing the perpetrators to justice.

Third, our amendment incorporates the Jabara-Heyer NO HATE Act, authored by Senators BLUMENTHAL and MORAN. This bipartisan bill, which I have cosponsored, provides State and local governments and law enforcement agencies with additional tools and resources to understand, identify, and report hate crimes. It provides grants to State and local governments for training and for using the FBI’s national hate crimes database to create reporting hotlines and to support community engagement around prevention and services for victims. This is important because far too many hate crimes go unreported, and without data, it is difficult to investigate and prosecute them.

Again, let me thank the Senator from Hawaii for her leadership on this amendment. I enjoyed working with her to strengthen and improve the bill, and I urge my colleagues to support it. In doing so, we can send an unmistakably strong signal that crimes targeting Asian Americans and Pacific Islanders in our country will not be tolerated.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. COTTON. Mr. President, our Nation is in the midst of a historic crime wave that is affecting Americans of every background and walk of life. This surge in violence includes a shocking rise in hate crimes against our fellow citizens of Asian descent. Last year, the total number of hate crimes in America’s largest cities dropped by 7 percent, but they surged by nearly 150 percent against Asian Americans.

Often, these hate crimes target the elderly and the frail—people who can’t fight back against their vicious assailants.

Just last month, a 65-year-old Asian-American woman was knocked to the ground and repeatedly kicked in broad daylight on the streets of New York City while her attacker shouted anti-Asian slurs. We later learned that her attacker was a convicted murderer who was out on parole, thanks to criminal

leniency policies. Instead of being in prison, locked up, where he belonged, he was brutalizing an innocent victim in broad daylight—yet more proof that being weak on crime doesn't reduce crime; it only invites more crime.

A civilized society can't ignore such attacks on our innocent citizens. We have to protect them. We have to protect every citizen and get tough on violent hate crimes.

Unfortunately, in response to this terrible rise in anti-Asian hate crimes, the Democrats initially introduced an extremely partisan bill intended to score political points. This flawed piece of legislation that the Senator from Hawaii originally sponsored contained provisions tailor-made to muzzle free speech.

For example, the bill would have directed the Department of Justice to tell Americans how they were supposed to talk about this virus. I voted against proceeding to this bill, in part because of this crazy, radical idea to impose a speech code on how Americans can talk about this virus. Some say: How could you vote against it? Very simple. I will never support a speech code imposed on the American people on how they can exercise their First Amendment rights to talk about this pandemic.

This whole idea is deeply concerning, especially because some in the media and some of our Democratic friends believe that even pointing out that the virus came from China is somehow inciting violence. That is as foolish as it is dangerous. Calling this virus—which, yes, came from Wuhan, China—the Wuhan virus is not racist, and it doesn't incite violence. You may recall, after all, that last year, journalists from such esteemed outlets as CNN, Reuters, the Washington Post, and the New York Times all used the terms “Chinese virus,” “Chinese coronavirus,” and “Wuhan coronavirus.” Were they inciting violence? Were they racist? No, of course not. They were following the centuries-old practice of referring to diseases by their geographic names.

It wasn't anti-Spanish to call the influenza outbreak of 1918 the “Spanish flu” even though it didn't even start in Spain. It was not anti-Egyptian to use the term “West Nile virus.” What about the variants of this virus from Brazil? from South Africa? from Great Britain? We use those terms. Is that somehow going to have to be banned from polite society's lexicon as well?

Second, I also want to point out that the Democrats' original bill, supposedly about the violence against Asian Americans, never actually used the term “Asian American”—not once. Instead, it had some new, manufactured, mysterious term called “COVID-19 hate crimes,” which could have set a precedent for the even wider suppression of free speech against citizens who have no animus toward Asians and who haven't committed any crimes—citizens, for instance, who are concerned

about the spread of the coronavirus due to the surge of illegal immigration at our border.

According to the mainstream media, if you so much as ask a question about the unvaccinated and untested persons who are entering our country at the border every day, you are somehow bigoted or nativist or xenophobe. In the original version of the bill, the language “COVID-19 hate crimes” could have resulted in individuals opposed to illegal immigration being reported for merely expressing an opinion.

Yet I am happy to report that this process, which had a bitter, partisan beginning, will soon have a rather uplifting and unifying end. Thanks to the diligent work of one of the hardest working Senators in the U.S. Senate, the Senator from Maine, these offensive provisions of the Democrats' original bill have been removed. The Senator from Maine has helped turn what was a bitter, partisan piece of legislation into something that now Members of both parties can hopefully support. Thanks to her efforts, this legislation is specifically focused on the crisis at hand and will improve the reporting of anti-Asian hate crimes.

Soon, we will also vote on a series of amendments from some of my fellow Senators to improve this legislation even further. I look forward to voting for those amendments, for the substitute amendment, and for the bill, as amended.

Today, this Chamber will take a step forward in fighting the rise of anti-Asian violence. I hope that we continue to make progress so that every victim gets justice and that further attacks are deterred.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, as the author of this bill, I totally disagree with characterizing it as having had a bitter partisan beginning, but my colleague is exercising his free speech right, so there you go.

After 2 weeks of hard work and bipartisan collaboration, the U.S. Senate is poised to take real action to confront the wave of anti-Asian hate sweeping our country. Although we still have some damaging amendments to defeat, I am confident that, in a few hours, the Senate will pass the COVID-19 Hate Crimes Act, as amended, with the substitute Hirono-Collins amendment. By doing so, we will send a powerful message of solidarity to the AAPI community that the Senate will not be a bystander as anti-Asian violence surges in our country.

Over the past years, hate crimes targeting the AAPI have risen 150 percent, as noted. More than 3,800 incidents have been reported across all 50 States and the District of Columbia. These statistics paint a disturbing picture of what is happening in our country, but they only quantify part of the problem. Why? Because hate crimes and other incidents are notoriously underrepresented.

These attacks have not ceased in the 2 weeks since the Senate began debating this bill. Last Sunday, an 80-year-old woman and her 79-year-old husband, both of Korean descent, were taking an evening walk in a local park near their home in Southern California. Suddenly, without warning, an assailant approached the couple and punched them in their faces. That same assailant is also suspected of threatening Sakura Kokumai, a Japanese-American Olympic karate athlete, who, incidentally, was born in Hawaii.

These unprovoked, random attacks and incidents are happening in supermarkets, on our streets, in takeout restaurants—basically, wherever we are. These disturbing and horrifying attacks are in many ways a predictable and foreseeable consequence of the use of racist and inflammatory language like “Chinese virus” or “Kung flu” to describe the pandemic.

I have been heartened by the steps President Biden has taken to denounce this language and confront this epidemic of hate. Under his leadership, the executive branch is doing its part, and in a few short hours, Congress will do ours by passing the COVID-19 Hate Crimes Act.

This is not a controversial bill. It focuses Federal leadership to investigate and report hate crimes and other incidents, and it provides resources for our communities to come together to take a stand against intolerance and hate.

Over the past 2 weeks, I have worked with Senators in both parties to make changes that broaden support for this bill while retaining its original purpose. In particular, I want to acknowledge and thank Senator COLLINS for her good-faith efforts to amend this bill and build support for it in the Republican caucus.

I also want to thank Senator DUCKWORTH for her leadership on this issue; Senators BLUMENTHAL and MORAN, whose NO HATE Act is now included in our legislation; and Senators WARNOCK and GRASSLEY, who contributed important findings to this bill.

This moment would not have been possible without the determined efforts of Leader SCHUMER and Chairman DURBIN and the excellent work of my friend and colleague in the House, Congresswoman GRACE MENG.

I am grateful that the Senate will soon be taking action to confront anti-Asian hate in our country, but ours is not the only community suffering right now. Earlier this week, a jury in Minneapolis delivered justice and accountability for the murder of George Floyd, but make no mistake: One conviction cannot and will not erase the enduring legacy of systemic racism and disparate policing in our country. It is my sincere hope that we can channel and sustain the bipartisan work done on this important piece of legislation into debating and passing the George Floyd Justice in Policing Act, and I understand that bipartisan talks are underway. We are in this together. We are in this together.

Senator COLLINS, I really appreciate your work on this bill. We would not be here without your support.

I yield the floor.

VOTE ON AMENDMENT NO. 1456

The PRESIDING OFFICER. Under the previous order, there will now be 4 minutes of debate equally divided prior to a vote in relation to amendment No. 1456.

Who yields time?

The Senator from Texas.

Mr. CRUZ. Mr. President, I rise in support of amendment No. 1456, which I have introduced, along with Senator KENNEDY from Louisiana.

ADDITIONAL COSPONSOR

Mr. President, I ask unanimous consent that Senator HAGERTY also be added as a cosponsor to the amendment.

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

Mr. CRUZ. Mr. President, this amendment is straightforward. It targets the ongoing discrimination that is being directed against Asian Americans by colleges and universities across the country, including preeminent institutions such as Yale and Harvard, which are denying admission to qualified Asian-American applicants in favor of underrepresented minority groups. The U.S. Department of Justice was suing Yale for its discrimination against Asian Americans until the Biden administration dismissed that lawsuit.

My amendment, simply put, would prohibit institutions of higher education from receiving any Federal funding if they have a policy or if they engage in discrimination against Asian Americans during the recruitment review of applications or admissions.

I urge the adoption of the amendment.

I yield the remainder of my time to Senator KENNEDY.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. KENNEDY. Mr. President, in 2021, the year of our Lord 2021, we have major universities in this country that are discriminating in admissions against Asian Americans. Now, I know they think they know how to discriminate in the right way, but discrimination is discrimination.

At one of these universities in 2013, Harvard admitted that if it admitted Asian Americans purely on the basis of academic achievement, it would have doubled the number of Asian Americans. Now, this is wrong; it is contemptible; it is odious. This amendment doesn't go nearly far enough. It is a baby step, but at least it is a step.

The PRESIDING OFFICER. Who yields time?

The Senator from Hawaii.

Ms. HIRONO. Mr. President, I rise in strong opposition to this amendment. Discrimination against Asian-American students or any students on the basis of race is already prohibited by Federal law.

This amendment is a transparent and cynical attack on longstanding admis-

sion policies that serve to increase diversity and provide opportunity to students of color in our institutions of higher learning. This amendment also threatens colleges and universities with the loss of all Federal funding for pursuing or using policies that our courts have upheld repeatedly.

I urge everyone to reject this amendment.

I yield back.

The PRESIDING OFFICER. The Senator from Texas.

ADDITIONAL COSPONSOR

Mr. CORNYN. Mr. President, I ask unanimous consent to be added as a cosponsor to this amendment.

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

Ms. HIRONO. Mr. President, I yield back the remainder of my time.

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

Mr. CRUZ. 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 Minnesota (Ms. KLOBUCHAR) and the Senator from Minnesota (Ms. SMITH) are necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Utah (Mr. LEE).

The result was announced—yeas 49, nays 48, as follows:

[Rollcall Vote No. 162 Leg.]

YEAS—49

Barrasso	Graham	Risch
Blackburn	Grassley	Romney
Blunt	Hagerty	Rounds
Boozman	Hawley	Rubio
Braun	Hoeven	Sasse
Burr	Hyde-Smith	Scott (FL)
Capito	Inhofe	Scott (SC)
Cassidy	Johnson	Shelby
Collins	Kennedy	Sullivan
Cornyn	Lankford	Thune
Cotton	Lummis	Tillis
Cramer	Marshall	Toomey
Crapo	McConnell	Tuberville
Cruz	Moran	Wicker
Daines	Murkowski	Young
Ernst	Paul	
Fischer	Portman	

NAYS—48

Baldwin	Heinrich	Peters
Bennet	Hickenlooper	Reed
Blumenthal	Hirono	Rosen
Booker	Kaine	Sanders
Brown	Kelly	Schatz
Cantwell	King	Schumer
Cardin	Leahy	Shaheen
Carper	Lujan	Sinema
Casey	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Feinstein	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	Wyden

NOT VOTING—3

Klobuchar	Lee	Smith
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The PRESIDING OFFICER (Mr. SCHATZ). On this vote, the yeas are 49, the nays are 48.

Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is not agreed to. The amendment (No. 1456) was rejected.

VOTE ON AMENDMENT NO. 1425

The PRESIDING OFFICER. Under the previous order, there will now be 4 minutes of debate, equally divided, prior to a vote in relation to amendment No. 1425.

The Senator from Texas.

Mr. CRUZ. Mr. President, I rise to speak in support of Senator LEE's amendment No. 1425.

Despite the protections of the First Amendment, over the course of the pandemic, many States have placed heavy-handed restrictions that have limited Americans' freedom to gather for worship, to meet in smaller groups for religious purposes, or even to sing praise and worship.

At first, many Americans accepted these restrictions. Our Nation was grappling with the new and deadly virus, and the restrictions were only supposed to be temporary. But as the weeks and months dragged on, States lifted restrictions on restaurants, on casinos, on museums, while keeping tight restrictions in place for synagogues, for churches, for temples, for mosques, and other religious gatherings.

Senator LEE's amendment requires the Department of Justice to investigate whether the government applied the same rules to religious groups that were applied to similar nonreligious organizations and businesses and whether those restrictions complied with the First Amendment.

Mr. President, I ask unanimous consent that Senator LEE's written remarks on his amendment be inserted into the RECORD.

The PRESIDING OFFICER. Without objection.

Mr. CRUZ. I urge adoption of the amendment.

The PRESIDING OFFICER. The majority whip.

Mr. DURBIN. Mr. President, if you believe the COVID-19 Hate Crimes Act is a good piece of legislation—and, obviously, over 90 Senators voted to move to proceed to this bill—then you can't vote for the Lee amendment because the first thing he does before he puts out his own idea of what we should consider instead is to strike key sections of the COVID-19 Hate Crimes Act that require the Attorney General to issue guidance to establish online reporting of hate crime incidents, collect data on hate crime incidents, and expand public education in campaigns. The Lee amendment strikes that. He doesn't want us to do that.

He wants us to assign the Attorney General the responsibility, in the next 180 days, to survey every COVID-19 restriction in every State in the Union.

I urge a vote against the Lee amendment.

VOTE ON AMENDMENT NO. 1425

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

Mr. CRUZ. 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 legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Minnesota (Ms. SMITH) are necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Utah (Mr. LEE).

The PRESIDING OFFICER. The result was announced—yeas 49, nays 48, as follows:

[Rollcall Vote No. 163 Leg.]

YEAS—49

Barrasso	Graham	Risch
Blackburn	Grassley	Romney
Blunt	Hagerty	Rounds
Boozman	Hawley	Rubio
Braun	Hoeven	Sasse
Burr	Hyde-Smith	Scott (FL)
Capito	Inhofe	Scott (SC)
Cassidy	Johnson	Shelby
Collins	Kennedy	Sullivan
Cornyn	Lankford	Thune
Cotton	Lummis	Tillis
Cramer	Marshall	Toomey
Crapo	McConnell	Tuberville
Cruz	Moran	Wicker
Daines	Murkowski	Young
Ernst	Paul	
Fischer	Portman	

NAYS—48

Baldwin	Heinrich	Peters
Bennet	Hickenlooper	Reed
Blumenthal	Hirono	Rosen
Booker	Kaine	Sanders
Brown	Kelly	Schatz
Cantwell	King	Schumer
Cardin	Leahy	Shaheen
Carper	Lujan	Sinema
Casey	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Feinstein	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	Wyden

NOT VOTING—3

Klobuchar	Lee	Smith
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The PRESIDING OFFICER (Mr. KING). On this vote, the yeas are 49, the nays are 48.

Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is not agreed to.

The amendment (No. 1425) was rejected.

[Vote on Amendment No. 1458]

The PRESIDING OFFICER. Under the previous order, there will now be 4 minutes of debate, equally divided prior to a vote in relation to amendment No. 1458.

The PRESIDING OFFICER. The Senator from Tennessee.

Mrs. BLACKBURN. Mr. President, I rise in support of amendment No. 1458, which I introduced. It will narrow the scope of the tangled web of regulatory guidance that the bill calls for and keep politics out of the process of reporting and addressing hate crimes against Asian Americans. It addresses crimes, not incidences.

I don't think it is out of line to introduce a little precision to the process

and make sure the Agency officials who will be responsible for running this program know what they are supposed to be looking for and what they are supposed to be doing with all that information.

I can guarantee my colleagues that support of this change will result in a bill that will fulfill its purpose to protect victims and potential victims of hate crimes, and it will stop their attackers.

I urge adoption of the amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I strongly urge my colleagues to oppose this amendment because it essentially shreds the bill. It removes core provisions.

It would prevent the Department of Justice from tracking hate crime incidents that don't rise to the level of criminal conduct. That provision is contrary to policy of the International Association of Chiefs of Police. It would eliminate a provision from the NO HATE Act that I have advocated that funds creation of State-run hotlines so we know more about these hate crimes.

It would eliminate a judge's ability to order that a person convicted of hate crimes undertake educational classes and provide that kind of remedy as a condition for supervised release.

In short, it eliminates some of the most important provisions of this bill.

I strongly urge opposition to this amendment.

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

Mrs. BLACKBURN. 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 assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Minnesota (Ms. SMITH) are necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Utah (Mr. LEE).

The result was announced—yeas 46, nays 51, as follows:

[Rollcall Vote No. 164 Leg.]

YEAS—46

Barrasso	Fischer	Murkowski
Blackburn	Graham	Paul
Boozman	Grassley	Portman
Braun	Hagerty	Risch
Burr	Hoeven	Romney
Capito	Hyde-Smith	Rounds
Cassidy	Inhofe	Rubio
Cornyn	Johnson	Sasse
Cotton	Kennedy	Scott (FL)
Cramer	Lankford	Scott (SC)
Crapo	Lummis	Shelby
Cruz	Marshall	Sullivan
Daines	McConnell	
Ernst	Moran	

Thune	Toomey	Wicker
Tillis	Tuberville	Young

NAYS—51

Baldwin	Hassan	Padilla
Bennet	Hawley	Peters
Blumenthal	Heinrich	Reed
Blunt	Hickenlooper	Rosen
Booker	Hirono	Sanders
Brown	Kaine	Schatz
Cantwell	Kelly	Schumer
Cardin	King	Shaheen
Carper	Leahy	Sinema
Casey	Lujan	Stabenow
Collins	Manchin	Tester
Coons	Markey	Van Hollen
Cortez Masto	Menendez	Warner
Duckworth	Merkley	Warnock
Durbin	Murphy	Warren
Feinstein	Murray	Whitehouse
Gillibrand	Ossoff	Wyden

NOT VOTING—3

Klobuchar	Lee	Smith
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The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 51.

Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is not agreed to.

The amendment (No. 1458) was rejected.

[Vote on Amendment No. 1445]

The PRESIDING OFFICER. Under the previous order, amendment No. 1445 is agreed to.

The amendment (No. 1445) was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass, as amended?

Mr. GRASSLEY. Mr. President, today, I express my support for S. 937, as amended by Senators HIRONO and COLLINS.

Every single one of us is horrified to see our fellow Americans attacked because of their race or ethnicity. We are united in our opposition to this despicable violence and to seeing it investigated and prosecuted to the fullest extent of the law. I have introduced a resolution to this effect and asked for a hearing to learn more about Attorney General Garland's review of hate crimes committed against Asian Americans and Pacific Islanders.

It is good to see my Democratic friends acknowledge that bipartisanship is still the way to solve problems in the Senate. We have come together and, with a bipartisan amendment, improved this bill and made it more useful. We have gone beyond merely looking at COVID-related hate crimes to all hate crimes, and we have increased funding for reporting hate crimes.

I would be remiss if I did not say that more bipartisanship could have made the bill even better. I think a committee markup would have been useful. I think if Democrats had allowed us to bring a Republican amendment extending the Violence Against Women Act for a vote, that would have been useful. Women are suffering from terrible violence during this pandemic, and this was a missed opportunity.

Passing amendments by Senators KENNEDY, CRUZ, LEE, and BLACKBURN

would guarantee even more support for marginalized communities, by ensuring Asian Americans are not discriminated against by institutions of higher learning and that religious Americans are free to worship in peace during the pandemic.

But I hope nonetheless that this is a moment where the Senate speaks together about the importance of fighting hate crimes. We all believe that, even though we have different ideas about the best way to do it. This bill is the product of that collaboration. I will be voting for it, and I hope my colleagues will do the same.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, the Senate's passage of this legislation affirms our commitment to stand with the Asian-American and Pacific Islander community against hate crimes. I urge a "yes" vote.

I thank my colleague from Hawaii for working with me to improve the Asian-Americans Hate Crimes Act. Crimes motivated by bias against race, national origin, and other characteristics cannot be tolerated.

The Center for the Study of Hate & Extremism found that reporting of anti-Asian hate crimes increased by 145 percent in 16 major cities, even though hate crimes declined in those cities overall.

The amendment we adopted today and the bill we are about to pass denounces those acts and marshals additional resources toward stopping these despicable crimes. The bill directs the Department of Justice to expedite its review of hate crimes and to issue guidance that will both help prevent them from occurring and improve their reporting.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, in just a few moments, the Senate will take a strong stand against anti-Asian hate in our country.

Passing the COVID-19 Hate Crimes Act sends a clear and unmistakable message of solidarity to the AAPI community, and this moment would not be possible without the collective efforts of so many people, including, of course, my Republican colleagues—one person in particular who just spoke before me.

But I want to especially thank Majority Leader SCHUMER for making this bill a priority for the Senate and working closely with us to shepherd its passage.

I also want to thank my colleagues in the House, especially Congresswoman GRACE MENG for being the dogged advocate for our community during this process, as well as Members of the Congressional Asian Pacific American Caucus, led by Congresswoman JUDY CHU.

I urge all of my colleagues to vote for this legislation.

The PRESIDING OFFICER. The majority leader.

Mr. SCHUMER. I thank my colleague from Maine and my colleague from Ha-

wai, as well as my colleague from Illinois, and so many others who have led on this issue.

In a moment, the Senate will vote on final passage of the anti-Asian hate crimes bill.

This long overdue bill sends two messages to our Asian-American friends: We will not tolerate bigotry against you; and to those perpetrating anti-Asian bigotry, we will pursue you to the fullest extent of the law.

We cannot—we cannot—allow this recent tide of bigotry, intolerance, and prejudice against Asian Americans go unchecked. A bedrock value of our multicultural society is that an attack on any one group is an attack on all of us.

By passing this bill, we tell our law enforcement agencies to prioritize anti-Asian violence and wield the sword to detect, deter, and prosecute hate crimes of all varieties. We send a clear message, a unified message, that hate has no place in America. And so, by passing this bill, we recommit ourselves to the most American of creeds, "e pluribus unum," out of many one.

I urge a unanimous "yes" vote on this legislation, and 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 senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Minnesota (Ms. SMITH) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mrs. BLACKBURN), the Senator from Utah (Mr. LEE), and the Senator from Kentucky (Mr. PAUL).

The result was announced—yeas 94, nays 1, as follows:

[Rollcall Vote No. 165 Leg.]

YEAS—94

Baldwin	Gillibrand	Ossoff
Barrasso	Graham	Padilla
Bennet	Grassley	Peters
Blumenthal	Hagerty	Portman
Blunt	Hassan	Reed
Booker	Heinrich	Risch
Boozman	Hickenlooper	Romney
Braun	Hirono	Rosen
Brown	Hoeven	Rounds
Burr	Hyde-Smith	Rubio
Cantwell	Inhofe	Sanders
Capito	Johnson	Sasse
Cardin	Kaine	Schatz
Carper	Kelly	Schumer
Casey	Kennedy	Scott (FL)
Cassidy	King	Scott (SC)
Collins	Lankford	Shaheen
Coons	Leahy	Shelby
Cornyn	Lujan	Sinema
Cortez Masto	Lummis	Stabenow
Cotton	Manchin	Sullivan
Cramer	Markey	Tester
Crapo	Marshall	Thune
Cruz	McConnell	Tillis
Daines	Menendez	Toomey
Duckworth	Merkley	Tuberville
Durbin	Moran	Van Hollen
Ernst	Murkowski	Warner
Feinstein	Murphy	
Fischer	Murray	

Warnock	Whitehouse	Wyden
Warren	Wicker	Young

NAYS—1

Hawley
NOT VOTING—5

Blackburn	Lee	Smith
Klobuchar	Paul	

The PRESIDING OFFICER (Mr. VAN HOLLEN). On this vote, the yeas are 94, the nays are 1.

The 60-vote threshold having been achieved, the bill, as amended, is passed.

The bill (S. 937), as amended, was passed, as follows:

S. 937

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "COVID-19 Hate Crimes Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Following the spread of COVID-19 in 2020, there has been a dramatic increase in hate crimes and violence against Asian-Americans and Pacific Islanders.

(2) According to a recent report, there were nearly 3,800 reported cases of anti-Asian discrimination and incidents related to COVID-19 between March 19, 2020, and February 28, 2021, in all 50 States and the District of Columbia.

(3) During this time frame, race has been cited as the primary reason for discrimination, making up over 90 percent of incidents, and the United States condemns and denounces any and all anti-Asian and Pacific Islander sentiment in any form.

(4) Roughly 36 percent of these incidents took place at a business and more than 2,000,000 Asian-American businesses have contributed to the diverse fabric of American life.

(5) More than 1,900,000 Asian-American and Pacific Islander older adults, particularly those older adults who are recent immigrants or have limited English proficiency, may face even greater challenges in dealing with the COVID-19 pandemic, including discrimination, economic insecurity, and language isolation.

(6) In the midst of this alarming surge in anti-Asian hate crimes and incidents, a shooter murdered the following 8 people in the Atlanta, Georgia region, 7 of whom were women and 6 of whom were women of Asian descent:

- (A) Xiaojie Tan.
- (B) Daoyou Feng.
- (C) Delaina Ashley Yaun González.
- (D) Paul Andre Michels.
- (E) Soon Chung Park.
- (F) Hyun Jung Grant.
- (G) Suncha Kim.
- (H) Yong Ae Yue.

(7) The people of the United States will always remember the victims of these shootings and stand in solidarity with those affected by this senseless tragedy and incidents of hate that have affected the Asian and Pacific Islander communities.

SEC. 3. REVIEW OF HATE CRIMES.

(a) IN GENERAL.—Not later than 7 days after the date of enactment of this Act, the Attorney General shall designate an officer or employee of the Department of Justice whose responsibility during the applicable period shall be to facilitate the expedited review of hate crimes (as described in section 249 of title 18, United States Code) and reports of any such crime to Federal, State, local, or Tribal law enforcement agencies.

(b) **APPLICABLE PERIOD DEFINED.**—In this section, the term “applicable period” means the period beginning on the date on which the officer or employee is designated under subsection (a), and ending on the date that is 1 year after the date on which the emergency period described in subparagraph (B) of section 1135(g)(1) of the Social Security Act (42 U.S.C. 1320b-5(g)(1)) ends, except that the Attorney General may extend such period as appropriate.

SEC. 4. GUIDANCE.

(a) **GUIDANCE FOR LAW ENFORCEMENT AGENCIES.**—The Attorney General shall issue guidance for State, local, and Tribal law enforcement agencies, pursuant to this Act and other applicable law, on how to—

(1) establish online reporting of hate crimes or incidents, and to have online reporting that is equally effective for people with disabilities as for people without disabilities available in multiple languages as determined by the Attorney General;

(2) collect data disaggregated by the protected characteristics described in section 249 of title 18, United States Code; and

(3) expand public education campaigns aimed at raising awareness of hate crimes and reaching victims, that are equally effective for people with disabilities as for people without disabilities.

(b) **GUIDANCE RELATING TO COVID-19 PANDEMIC.**—The Attorney General and the Secretary of Health and Human Services, in coordination with the COVID-19 Health Equity Task Force and community-based organizations, shall issue guidance aimed at raising awareness of hate crimes during the COVID-19 pandemic.

SEC. 5. JABARA-HEYER NO HATE ACT.

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

(b) **FINDINGS.**—Congress finds the following:

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

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

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

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

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

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

identification and reporting of suspected bias-motivated crimes.

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

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

(c) **DEFINITIONS.**—In this section:

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

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

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

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

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

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

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

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

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

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

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

(d) **REPORTING OF HATE CRIMES.**—

(1) **IMPLEMENTATION GRANTS.**—

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

(B) **PRIORITY.**—In making grants under subparagraph (A), the Attorney General shall give priority to States and units of local government that develop and implement the programs and activities described in subsection (f)(2)(A).

(2) **REPORTING.**—

(A) **COMPLIANCE.**—

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

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

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

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

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

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

(1) **GRANTS AUTHORIZED.**—

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

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

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

(A) the hotline directs individuals to—

(i) law enforcement if appropriate; and

(ii) local support services;

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

(i) any other agency of that State;

(ii) any other State;

(iii) the Federal Government; or

(iv) any other person or entity;

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

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

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

(D) the hotline is accessible to—

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

(ii) individuals with disabilities.

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

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

(1) **DEFINITIONS.**—In this subsection:

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

(i) a State law enforcement agency; and

(ii) a priority agency.

(B) **ELIGIBLE ENTITY.**—The term “eligible entity” means—

(i) a State; or

(ii) a unit of local government that has a priority agency.

(2) **GRANTS.**—

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

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

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

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

(iv) engaging in community relations functions related to hate crime prevention and education such as—

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

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

(v) providing hate crime trainings for agency personnel.

(B) SUBGRANTS.—A State that receives a grant under subparagraph (A) may award a subgrant to a unit of local government within the State for the purposes under that subparagraph, except that a unit of local government may provide funding from such a subgrant to any law enforcement agency of the unit of local government.

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

(A) IN GENERAL.—For each fiscal year in which a State or unit of local government receives a grant or subgrant under paragraph (2), the State or unit of local government shall—

(i) collect information from each law enforcement agency that receives funding from the grant or subgrant summarizing the law enforcement activities or crime reduction programs conducted by the agency to prevent, address, or otherwise respond to hate crime, particularly as those activities or programs relate to reporting hate crimes through the Uniform Crime Reports program; and

(ii) submit to the Attorney General a report containing the information collected under clause (i).

(B) SEMIANNUAL LAW ENFORCEMENT AGENCY REPORT.—

(i) IN GENERAL.—In collecting the information required under subparagraph (A)(i), a State or unit of local government shall require each law enforcement agency that receives funding from a grant or subgrant awarded to the State or unit of local government under paragraph (2) to submit a semiannual report to the State or unit of local government that includes a summary of the law enforcement activities or crime reduction programs conducted by the agency during the reporting period to prevent, address, or otherwise respond to hate crime, particularly as those activities or programs relate to reporting hate crimes through the Uniform Crime Reports program.

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

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

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

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

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

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

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

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

(4) COMPLIANCE AND REDIRECTION OF FUNDS.—

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

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

(i) may provide a 120-day extension to a State or unit of local government that is making good faith efforts to collect the information required under paragraph (3); and

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

(g) REQUIREMENTS OF THE ATTORNEY GENERAL.—

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

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

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

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

(A) a qualitative analysis of the relationship between—

(i) the number of hate crimes reported by State law enforcement agencies or other law enforcement agencies that received funding from a grant or subgrant awarded under paragraph (2) through the Uniform Crime Reports program; and

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

(B) a quantitative analysis of the number of State law enforcement agencies and other law enforcement agencies that received funding from a grant or subgrant awarded under paragraph (2) that have—

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

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

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

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

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

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

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

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

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

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

“(e) SUPERVISED RELEASE.—If a court includes, as a part of a sentence of imprisonment imposed for a violation of subsection (a), a requirement that the defendant be placed on a term of supervised release after imprisonment under section 3583, the court

may order, as an explicit condition of supervised release, that the defendant undertake educational classes or community service directly related to the community harmed by the defendant's offense.”

The PRESIDING OFFICER. The majority leader.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 59.

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 nomination of Deanne Bennett Criswell, of New York, to be Administrator of the Federal Emergency Management Agency, Department of Homeland Security.

CLOTURE MOTION

Mr. SCHUMER. 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. 59, Deanne Bennett Criswell, of New York, to be Administrator of the Federal Emergency Management Agency, Department of Homeland Security.

Charles E. Schumer, Gary C. Peters, Ron Wyden, Jack Reed, Benjamin L. Cardin, Patrick J. Leahy, Michael F. Bennet, Tim Kaine, Christopher Murphy, Richard J. Durbin, Christopher A. Coons, Cory A. Booker, Martin Heinrich, Chris Van Hollen, Edward J. Markey, Sherrod Brown, Bernard Sanders, Robert P. Casey, Jr.

LEGISLATIVE SESSION

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

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 54.

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 Janet Garvin