

is becoming increasingly secure—the transfer of responsibility for sexual assault and crimes of that nature to an independent prosecutorial approach—it is something I think that we can anticipate going forward.

And with that, I would object. The PRESIDING OFFICER. Objection is heard.

Mrs. GILLIBRAND. Madam President, there are several reasons why I disagree strongly with the chairman.

First of all, this is not a complex reform. In fact, only one thing changes: After the military police conclude their investigation, instead of the case file being handed over to the commander's JAG, the case file is handed over to the prosecutor, who might eventually have gotten that case anyway. The prosecutor reviews the case file and decides whether or not to prosecute.

If he decides not to prosecute, he will send it back to the commander. Only 3 percent of commanders have this job; 97 percent of commanders' jobs will not be affected by this change. And then they will get to do what they typically do, which is to review the case; perhaps, ask for nonjudicial punishment for related crimes; perhaps, do a special court-martial. That sits with the commander.

The second reason why I disagree with the chairman is that if you remove only one crime from the commander, you will essentially create an entirely different system just for survivors of sexual assault, who are more often to be women who report those crimes. Even though males suffer more from sexual assault, they just don't report them, and that, therefore, will become a special court for women servicemembers. And experts have said that it will further marginalize them, it will further diminish them, it will further alienate them. It will be a special court for women, or a "pink court."

Third, this reform has already taken place in the countries of our allies. The UK did it over 10 years ago for defendants' rights. Israel did it over 40 years ago. Canada, Netherlands, Australia, Germany—all have taken serious crimes out of the chain of command.

And in each of those instances, they have said it has not reduced good order discipline, and it has not had any impact on command and control.

And so the truth is that this is a change whose impact will be to give survivors of sexual assault and any survivor of a serious crime the confidence that the military justice system is unbiased and highly trained.

The other reason why this change is so necessary to be a bright line at all serious crimes is defendants' rights. And I can tell you that we now have data developed in 2017 from Protect Our Defenders, a report that says that it is up to 2.5 times more likely for Black and Brown servicemembers to be punished than White servicemembers. That is a shocking statistic—a shocking statistic.

So I believe that if you create a bright line at serious crimes, you will not only improve the system for survivors of sexual assault but for all litigants—plaintiffs and defendants—and you will protect the civil liberties and civil rights of Black and Brown servicemembers from a defendant's rights perspective.

The committee has had 8 years to debate, discuss, have hearings, and pass legislation. We have passed nearly 250 bills on this topic. They have lost their sole jurisdiction over this issue. They have failed to improve sexual assaults in the military, and it is now time for an up-or-down vote, which has 66 cosponsors in this body. It is now time for an up-or-down vote on our bill. It should no longer be the purview of the NDAA and the Armed Services Committee because they have been unwilling to have a vote on this for over 5 years and unwilling to take a serious look at how to fix these injustices within our military.

Our military servicemembers deserve a military justice system worthy of the sacrifices they make every day.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Nevada.

UNEQUIVOCALLY CONDEMNING  
THE RECENT RISE IN  
ANTISEMITIC VIOLENCE AND  
HARASSMENT TARGETING JEW-  
ISH AMERICANS, AND STANDING  
IN SOLIDARITY WITH THOSE AF-  
FECTED BY ANTISEMITISM

Ms. ROSEN. Madam President, I rise today as cochair of the Senate Bipartisan Task Force for Combating Anti-Semitism, which just relaunched this week with over half the Senate as Members. I am speaking out because Jewish-Americans and Jews across the globe are in danger.

They are in danger because we are experiencing a worldwide surge in anti-Semitic hate crimes and violence. In communities across America, Jews have been threatened, they have been verbally accosted, and brutally assaulted.

Anti-Semitism has long been the canary in the coal mine of hatred. History teaches us that when anti-Semitism takes hold, democracy itself is imperiled. This issue has reared its ugly head in recent years, particularly in the past month.

According to the ADL, anti-Semitic incidents in May were double what they were during the same period last year. Over the past few weeks, we have seen horrendous attacks on Jewish communities. In New York, fireworks were hurled at a crowd of Jewish-

Americans. In Los Angeles, Jewish diners were attacked.

One response I saw to a recent desecration of a synagogue in Arizona has stuck with me. The response said "the amount of Jewish hate isn't shocking. The silence is."

Those who committed these egregious acts wanted to send a message. They wanted to say that Jews have no place here. And it is critical that we send a clear and forceful message back. We must ensure that our elected leaders, Democrats and Republicans, are resolute in affirming that there is zero tolerance for anti-Semitism.

We must honor the words of George Washington, who wrote to the Jewish community of Rhode Island in 1790, that America "gives to bigotry no sanction, to persecution no assistance," which is why I urge the Senate to immediately take up my bipartisan resolution condemning the recent anti-Semitic incidents, unconditionally and unequivocally.

I am calling on leaders to take specific steps—specific steps—to address and prevent them, including having the President nominate and the Senate confirm a qualified Ambassador to monitor and combat anti-Semitism, fully implementing my bipartisan Never Again Education Act to advance Holocaust education, having agencies improve their collection of anti-Semitic hate crime data, and sufficiently funding the Nonprofit Security Grant program to protect houses of worship and community centers from violence.

I want to thank Senator LANKFORD and his staff for their work in helping to pass this resolution, which currently has 74 cosponsors.

Madam President, as if in legislative session, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration and the Senate now proceed to S. Res. 252.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows: A resolution (S. Res. 252) unequivocally condemning the recent rise in antisemitic violence and harassment targeting Jewish Americans, and standing in solidarity with those affected by antisemitism, and for other purposes.

There being no objection, the committee was discharged, and the Senate proceeded to consider the resolution.

Ms. ROSEN. I know of no further debate on the measure.

The PRESIDING OFFICER. Is there further debate?

Mr. SCHUMER. Yes, there is, Madam President.

The PRESIDING OFFICER. The majority leader.

Mr. SCHUMER. Thank you, Madam President. First, let me thank Senator ROSEN. She has been a valiant, strong and unrelenting fighter against anti-Semitism—not just today with this wonderful resolution, but every day, and we thank her for her leadership, her tremendous and needed leadership on this issue.

I want to thank Senator LANKFORD as well in joining Senator ROSEN in crafting this bipartisan resolution because, as we all know, anti-Semitism is not a partisan issue. So I very much appreciate the way that they have worked together across the aisle to bring this resolution forward.

It is essential that we come together at this moment. Over the past few years, America has once again seen the pernicious, poisonous, and dangerous rise of hate crimes. In recent weeks in particular, anti-Semitism—the oldest hatred—has dramatically spiked. It, too, just like every other hate crime, is pernicious, poisonous, and dangerous. We are all horrified by the anti-Semitic attacks in New York, around the country, and around the globe.

So I join my colleagues tonight to say unequivocally that this hatred must be called out, confronted, and stopped. And the Senator from Nevada has an excellent series of proposals to help make that happen.

Anti-Semitism must be combated wherever and whenever it rears its ugly head. It is vile, it is reprehensible, and it is counter to everything America stands for: freedom of religion, equality, and respect for the dignity of every person.

For too long—too long—we have seen it. And yet in the past, America has always been a refuge for the oppressed; a land of promise, opportunity, and tolerance for people from all corners of the world who came here in search of a better life. It was true for my family and for many others, and hopefully, it will continue to be.

But that noble purpose has too often been marred by periods of isolationism, xenophobia, and racial intolerance. We live in a time where we must actively work to rekindle the light of tolerance that has kept anti-Semitism at bay here in the United States and around the globe.

As majority leader, the first Jewish-American to hold that honor, I will work with any and all of my colleagues to face down anti-Semitism and every other form of racial or religious discrimination.

I strongly urge the Senate to stand united against anti-Semitism, and I am very grateful to pass this resolution unanimously.

I yield the floor.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the resolution.

The resolution (S. Res. 252) was agreed to.

Ms. ROSEN. Madam President, I ask unanimous consent that the preamble be agreed to and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of May 27, 2021, under "Submitted Resolutions.")

Ms. ROSEN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate consider the following nomination: Calendar No. 147.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the nomination.

The legislative clerk read the nomination of Michal Ilana Freedhoff, of Maryland, to be Assistant Administrator for Toxic Substances of the Environmental Protection Agency.

There being no objection, the Senate proceeded to consider the nomination.

Mr. SCHUMER. I ask unanimous consent that the Senate vote on the nomination without intervening action or debate, and if confirmed, the motion to reconsider be considered made and laid upon the table, all without intervening action or debate; that no further motions be in order to the nomination, that any statements related to the nomination be printed in the RECORD, and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Freedhoff nomination?

The nomination was confirmed.

#### LEGISLATIVE SESSION

##### MORNING BUSINESS

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to legislative session and be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

#### ARMS SALES NOTIFICATION

Mr. MENENDEZ. Madam President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD-423.

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

DEFENSE SECURITY  
COOPERATION AGENCY,  
Arlington, VA.

Hon. ROBERT MENENDEZ,  
Chairman, Committee on Foreign Relations,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 21-42, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Australia for defense articles and services estimated to cost \$3.5 billion. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

HEIDI H. GRANT,  
Director.

Enclosures.

TRANSMITTAL NO. 21-42

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of Australia.

(ii) Total Estimated Value:

Major Defense Equipment\* \$2.5 billion.

Other \$1.0 billion.

Total \$3.5 billion.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE):

Twenty-nine (29) AH-64E Apache Attack Helicopters.

Sixty-four (64) T700-GE 701D Engines (58 installed, 6 spares).

Twenty-nine (29) AN/ASQ-170 Modernized Target Acquisition and Designation Sight/AN/AAR-11 Modernized Pilot Night Vision Sensors (M-TADS/PNVS).

Sixteen (16) AN/APG-78 Fire Control Radars (FCR) with Radar Electronic Units.

Twenty-nine (29) AN/APR-48B Modernized Radar Frequency Interferometers (MRFI).

Seventy (70) Embedded Global Positioning Systems with Inertial Navigation Systems plus Multi-Mode Receiver (EGI+MMR) (58 installed, 12 spares).

Thirty-five (35) AAR-57 Common Missile Warning Systems (CMWS) (29 installed, 6 spares).

Seventy (70) AN/ARC-231A Very High Frequency/Ultra High Frequency (VHF/UHF) Radios (58 installed, 12 spares).

Eighty-five (85) AGM-114R Hellfire Missiles.

Twenty-nine (29) M36E8 Hellfire Captive Air Training Missiles (CATM).

Two thousand (2,000) Advanced Precision Kill Weapon System Guidance Sections (APKWS-GS).

Non-MDE: Also included are AN/APR-39 Radar Signal Detecting Sets; AN/AVR-2B Laser Detecting Sets; AN/APX-123A Identification Friend or Foe (IFF) transponders; IDM-401 Improved Data Modems; Link-16 Small Tactical Terminal KOR-24-A; Improved Countermeasure Dispensing System (ICMD); AN/ARN-149 (V)3 Automatic Direction Finders; Doppler ASN-157 Doppler