

questions asked pretty simple questions about the scope of the leak and the hack and whether or not anyone with advanced knowledge of the first ProPublica piece had reached out to the Treasury or to the IRS.

On June 16, I sent a letter to Attorney General Garland and FBI Director Wray, with other Judiciary Committee Republicans, seeking a briefing and a confirmation that the FBI or the Department of Justice is investigating. Now, as usual, I have not received a single response to any of my written inquiries.

There appears to be a massive flaw somewhere in our system of tax administration. Our job, through constitutional oversight, is to determine exactly what this situation is, how it happened, and how we can fix it.

Unfortunately, it appears that some are using the apparent illegal disclosure of taxpayer information and the violation of taxpayer rights to advance a partisan agenda. That probably doesn't surprise a lot of people, that politics would be involved in this.

It is important to note that the ProPublica pieces aren't talking about tax evasion but, generally, tax avoidance, which is a legal minimization of taxes owed.

On June 24, ProPublica published a story about Roth IRAs, using the information of a wealthy tech investor. The purpose of this story was to show that this investor "and other ultrawealthy investors have used them to amass vast untaxed fortunes."

The next day, on June 5, ProPublica published a story highlighting a senior Democratic Senator's legislation intended to crackdown on large Roth IRA accounts, the same type of accounts criticized in the previous day's articles.

And you are talking about abuse of Roth IRAs? It is in the law.

A different ProPublica story seemed intended to wield private taxpayer information to affect the outcome of an election.

Now, listen to this. On June 16, ProPublica published a story containing taxpayer information of a candidate in the Democratic primary to be the next district attorney of Manhattan. It seems to me like somebody is using political things to hurt people in their own political party.

Given how concerned many of my colleagues have been about potential election interference, I am really very shocked that this story completely missed their attention.

If a candidate's confidential, legally protected information is somehow disclosed less than a week before an election, especially when we don't know the ultimate source of the confidential information or how it was even obtained, shouldn't that raise a red flag to a lot of people in this town or does it only matter depending upon who the candidate is?

Finally, I want to address ProPublica's role in this situation.

Although they may be very well-intentioned, in my opinion, they are facilitating an abuse of power by publishing stolen confidential information of individual citizens who are, by all appearances, complying with their legal obligations. They think they are informing the public of information they need to know. They are really telling the public that their tax return information is not private. That could have serious consequences for the proper administration of our tax laws that are based on the proposition that people are going to give honest, correct information because they know it is going to be public and because they owe taxes and they are honest people.

Plainly, this isn't about tax cheats who broke the law; it is about certain people not paying what ProPublica thinks they should pay regardless if they are paying every dollar that the law requires that they pay. So it is really about promoting changes to tax law that ProPublica and certain Members of this body would support. The identity of specific taxpayers that we know have had their information violated is not an excuse.

The notion that taxpayers' information—every taxpayer's information—should be protected is not a view only held by this Senator. I have quoted the Treasury Secretary; I have quoted the Attorney General—all holding that same view.

The use of this information to advance partisan objectives and, apparently, to influence an election should concern all of us. We need to get to the bottom of what happened. We need to know what taxpayer information is at risk, how many taxpayers have been compromised, and then determine what we can do going forward.

So I implore Secretary Yellen and Attorney General Garland to respond to my questions and my letters so that we can get on with our very important work.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

NATIONAL LOBSTER DAY

Mr. KING. Mr. President, I am beginning my comments with my mask on for a very specific reason. If you can tell what is populating the mask, they are America's favorite crustacean: the North American lobster.

I ask unanimous consent that the Senate proceed to the consideration of S. Res. 335, submitted earlier today.

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

The senior assistant bill clerk read as follows:

A resolution (S. Res. 335) designating September 25, 2021, as "National Lobster Day".

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

Mr. KING. I ask unanimous consent that the resolution be agreed to, 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 resolution (S. Res. 335) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

Mr. KING. Mr. President, I appreciate the adoption of this resolution.

The American lobster, the North American lobster, is a staple, an iconic product of the State of Maine. It supports our coastal economy; it produces well over \$1 billion a year of economic activity; and it supports thousands of families along the coast of Maine.

Some people occasionally refer to the lobster industry, but in reality it is a series of small, sole proprietorship businesses. Almost all lobsters are caught on boats owned by individual owners, with, perhaps, what we call a sternman on board, but it is a series of, as I say, small, independently owned businesses, and that is one of the things that is so special about this industry.

So it is a treat for me to be able to move this resolution, to have it agreed upon unanimously by the U.S. Senate. September 25, 2021, will officially be National Lobster Day.

I yield the floor.

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

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

AMENDMENT NO. 2354

Mr. VAN HOLLEN. Madam President, I want to start by thanking some of our colleagues—Senators ROUNDS, ERNST, and KELLY—for cosponsoring the provisions of this amendment, and thank the chairman and ranking member of the Environment and Public Works Committee, Senators CARPER and CAPITO, for their support as well.

I also want to acknowledge the good work of our House colleague, Congressman STEVE LYNCH, on championing this issue.

So what is this amendment about? It is a commonsense amendment to ensure that as we work on a bipartisan basis to modernize our infrastructure for the 21st century, we also work together to ensure that new infrastructure projects that flow from this bill and others are financed securely.

Most Federal projects are financed securely by law. Most require some

kind of surety bond. That has been the case for almost 100 years in this country. But because of an odd and old loophole, public-private infrastructure partnerships, or P3 projects, often do not maintain the same level of protection that has been required for public infrastructure projects over time. That can spell disaster for subcontractors, for workers, for taxpayers, and for the success of projects that are not so secure.

We know that contractor defaults can cause costly delays, waste taxpayer money, and leave residents and local stakeholders and project workers in the lurch. In fact, one developer defaulted on a P3 project in Indiana and left subcontractors without pay and left taxpayers on the hook for over \$300 million in additional project costs.

This amendment simply requires that P3 projects using TIFIA financing—that is Transportation Infrastructure Finance and Innovation Act financing—be secured with a surety bond. That way, in the event a contractor defaults, the protections by that bond ensure the completion of those projects. They protect taxpayers, and they ensure that workers and subcontractors and suppliers are paid for their work.

Not surprisingly, this effort is supported by a broad coalition of organizations, including the American Subcontractors Association, the National Association of Minority Contractors, and a wide range of other contractors, because it will ensure that they are paid for the work they do, and it will also protect taxpayers who otherwise are left in the lurch if a contractor goes belly up and we do not have the protection of this kind of surety bond. That is why this amendment has broad bipartisan support, and I urge its adoption.

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

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

AMENDMENT NO. 2354

Mr. CARPER. Madam President, I rise in support of the amendment offered by my old friend, the Senator from Maryland—my neighbor, Senator VAN HOLLEN—and also my young friend, Senator ERNST, and maybe one or two others that I am not aware of.

The amendment offered by our colleagues requires public-private partnership projects that receive loans from USDOT to obtain something called surety bonds. Surety bonds are a proven tool for ensuring that a loan recipient has appropriate payment and performance protections in place.

By requiring these bonds, this amendment would protect workers, would protect suppliers, and guarantee that any subcontractors, suppliers, and

workers would receive the payment they deserve for their work on the project, even if the borrower were to default.

The legislation is based on bipartisan, bicameral legislation that is supported by a dozen organizations, including associations that represent the interests of minority-owned and woman-owned small businesses.

I urge my colleagues to support it.

I yield to my colleague, the ranking member of the EPW Committee. I just want to say how pleased I am with the progress we have made today. A lot of amendments were offered and considered. We had the opportunity to vote on them, accept some, some not accepted. But the spirit was good. There is a good spirit in here. And I think if most people around the country who think we never can work together and get anything done had a chance to see the way this place worked today, they would feel better about this democracy.

The PRESIDING OFFICER. The Senator from West Virginia.

Mrs. CAPITO. Madam President, I want to thank the sponsors of the Van Hollen-Rounds amendment, and I am in full support of this bipartisan amendment. As the chairman explained that public-private partnerships under TIFIA would be backed by the surety bond, which would mean that, in the event of a contractor default, the projects could still be completed, subcontractors and workers paid, and taxpayer investments protected. It sounds like a good commonsense amendment, and I am fully in support.

I would also like to say that the progress we had today is more than encouraging. We are all, I think, very excited about the prospects of what the improvements that this bill will make to our transportation and energy sectors and just the guts of our country in terms of the physical infrastructure.

With that, I yield the floor.

VOTE ON AMENDMENT NO. 2354

The PRESIDING OFFICER. There is no further debate.

The question is on agreeing to amendment No. 2354.

Mr. CARDIN. 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 Virginia (Mr. Kaine) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) and the Senator from Oklahoma (Mr. INHOFE).

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 297 Leg.]

YEAS—97

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

NOT VOTING—3

Graham	Inhofe	Kaine
--------	--------	-------

The PRESIDING OFFICER. On this vote, the yeas are 97, the nays are 0.

Under the previous order requiring 60 votes for adoption of this amendment, the amendment is agreed to.

The amendment (No. 2354) was agreed to.

The PRESIDING OFFICER. The majority leader.

ORDER OF BUSINESS

Mr. SCHUMER. Madam President, I ask unanimous consent that the vote on the Johnson amendment No. 2245, scheduled for 11 a.m. tomorrow, occur at 12:15 p.m. tomorrow, August 4.

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

LEGISLATIVE SESSION

Mr. SCHUMER. Madam President, 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. Madam President, I move to proceed to executive session to consider Calendar No. 250.

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 Eunice C. Lee, of New York, to be United States Circuit Judge for the Second Circuit.

Mr. SCHUMER. I might parenthetically add, a great nominee from New York.

CLOTURE MOTION

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