

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. WYDEN. Mr. 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 PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 8:05 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 848. An act to amend the Higher Education Act of 1965 in order to improve the service obligation verification process for TEACH Grant recipients, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. LEAHY).

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCHUMER (for himself and Mr. MCCONNELL):

S. Res. 405. A resolution to authorize representation by the Senate Legal Counsel in the case of *Shawn Musgrave v. Mark Warner* and the U.S. Senate Select Committee on Intelligence; considered and agreed to.

By Mr. SCHUMER (for himself and Mr. MCCONNELL):

S. Res. 406. A resolution to authorize representation by the Senate Legal Counsel in the case of *Shawn Musgrave v. J. Thomas Manger, et al.*; considered and agreed to.

ADDITIONAL COSPONSORS

S. 1544

At the request of Mr. GRASSLEY, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 1544, a bill to amend title XIX of the Social Security Act to streamline enrollment under the Medicaid program of certain providers across State lines, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 405—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN THE CASE OF SHAWN MUSGRAVE V. MARK WARNER AND THE U.S. SENATE SELECT COMMITTEE ON INTELLIGENCE

Mr. SCHUMER (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 405

Whereas, the U.S. Senate Select Committee on Intelligence and Senator Mark

Warner, Chairman of the Committee, have been named as defendants in the case of *Shawn Musgrave v. Mark Warner* and the U.S. Senate Select Committee on Intelligence, Civil Action No. 1:21-cv-02198, pending in the United States District Court for the District of Columbia;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Committees and Members of the Senate in civil actions relating to their official responsibilities; Now therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent the Select Committee on Intelligence and Senator Warner in the case of *Shawn Musgrave v. Mark Warner* and the U.S. Senate Select Committee on Intelligence.

SENATE RESOLUTION 406—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN THE CASE OF SHAWN MUSGRAVE V. J. THOMAS MANGER, ET AL

Mr. SCHUMER (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 406

Whereas, in the case of *Shawn Musgrave v. J. Thomas Manger, et al.*, Civil Action No. 1:21-cv-02199, pending in the United States District Court for the District of Columbia, plaintiff has named Secretary of the Senate Sonceria Ann Berry and the Office of the Secretary of the Senate as defendants;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend officers of the Senate in civil actions relating to their official responsibilities; Now therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Secretary of the Senate Sonceria Ann Berry and the Office of the Secretary of the Senate in the case of *Shawn Musgrave v. J. Thomas Manger, et al.*

AMENDMENTS SUBMITTED AND PROPOSED

SA 3841. Mr. CASEY (for himself and Ms. WARREN) submitted an amendment intended to be proposed by him to the bill S. 2792, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3841. Mr. CASEY (for himself and Ms. WARREN) submitted an amendment intended to be proposed by him to the bill S. 2792, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . LOCALITY PAY EQUITY.

(a) LIMITING THE NUMBER OF LOCAL WAGE AREAS DEFINED WITHIN A GENERAL SCHEDULE PAY LOCALITY.—

(1) LOCAL WAGE AREA LIMITATION.—Section 5343(a) of title 5, United States Code, is amended—

(A) in paragraph (1)(B)(i), by striking “(but such” and all that follows through “are employed”;

(B) in paragraph (4), by striking “and” after the semicolon;

(C) in paragraph (5), by striking the period after “Islands” and inserting “; and”; and

(D) by adding at the end the following:

“(6) the Office of Personnel Management shall define not more than 1 local wage area within a pay locality, except that this paragraph shall not apply to the pay locality designated as ‘Rest of United States’.”

(2) GENERAL SCHEDULE PAY LOCALITY DEFINED.—Section 5342(a) of title 5, United States Code, is amended—

(A) in paragraph (2)(C), by striking “and” after the semicolon;

(B) in paragraph (3), by striking the period after “employee” and inserting “; and”; and

(C) by adding at the end the following:

“(4) ‘pay locality’ has the meaning given that term under section 5302.”

(b) REGULATIONS.—The Director of the Office of Personnel Management shall prescribe any regulations necessary to carry out the purpose of this section, including regulations to ensure that the enactment of this section shall not have the effect of reducing any rate of basic pay payable to any individual who is serving as a prevailing rate employee (as defined under section 5342(a)(2) of title 5, United States Code).

(c) APPLICABILITY.—The amendments made by this section shall apply on and after the first day of the first full pay period beginning at least 180 days after the date of enactment of this Act.

DESIGNATING THE SEPTEMBER 11TH NATIONAL MEMORIAL TRAIL ROUTE

Mr. WYDEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2278, which is at the desk.

The PRESIDENT pro tempore. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 2278) to designate the September 11th National Memorial Trail Route, and for other purposes.

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

Mr. WYDEN. I ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

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

The bill (H.R. 2278) was ordered to a third reading, was read the third time, and passed.

AUTHORIZING REPRESENTATION BY THE SENATE LEGAL COUNSEL IN THE CASE OF SHAWN MUSGRAVE V. MARK WARNER AND THE U.S. SENATE SELECT COMMITTEE ON INTELLIGENCE

Mr. WYDEN. Mr. President, I ask unanimous consent that the Senate

proceed to the immediate consideration of S. Res. 405, which was submitted earlier today.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 405) to authorize representation by the Senate Legal Counsel in the case of Shawn Musgrave v. Mark Warner and the U.S. Senate Select Committee on Intelligence.

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

Mr. SCHUMER. Mr. President, this resolution concerns a lawsuit filed in Federal court in the District of Columbia against the Select Committee on Intelligence and Chairman WARNER, that attempts to force the committee to release to the plaintiff the full report of the Committee's in-depth study of the CIA's terrorist detention and interrogation program. Plaintiff claims that he has a common law right, never before applied to Senate records, to review this committee document despite the report being classified and despite the committee having not chosen to release the report publicly and having submitted it to the Senate confidentially.

It is important to note that the committee has already released the lengthy executive summary and the findings and conclusions from the report, after a declassification review; so the public has been informed of the committee's work and the findings and conclusions of its study.

Plaintiff's attempt to force the Senate to release to him the full report not only contravenes the Senate's constitutional prerogative to decide which documents to keep confidential, but also interferes with the independence of the Senate in conducting its legislative and oversight duties. This resolution would authorize the Senate legal counsel to represent the Select Committee on Intelligence and Chairman WARNER in order to seek dismissal of this suit.

Mr. WYDEN. I further ask that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 405) was agreed to.

The preamble was agreed to.

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

AUTHORIZING REPRESENTATION BY THE SENATE LEGAL COUNSEL IN THE CASE OF SHAWN MUSGRAVE V. J. THOMAS MANGER, ET AL.

Mr. WYDEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consider-

ation of S. Res. 406, which was submitted earlier today.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 406) to authorize representation by the Senate Legal Counsel in the case of Shawn Musgrave v. J. Thomas Manger, et al.

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

Mr. SCHUMER. Mr. President, this resolution concerns a lawsuit filed in Federal court in the District of Columbia against the Secretary of the Senate and her office and that seeks to force the Secretary to provide the plaintiff with a copy of the Senate security manual. That manual, which is for internal Senate use and is not publicly available, sets forth the procedures for handling classified national security information within the Senate. Plaintiff claims that he has a common law right, never before applied to Senate records, to review this Senate document despite the security manual being restricted to internal Senate distribution given the sensitivity of the procedures for protecting classified information maintained by the Senate.

Plaintiff's suit seeking to compel the production of this Senate document encroaches upon the Senate's constitutional prerogative to decide which documents to keep confidential and interferes with the independence of the Senate in establishing its own internal rules and guidelines for handling information necessary to carrying out its legislative and oversight responsibilities. This resolution would authorize the Senate legal counsel to represent the Secretary and her office in this case in order to seek dismissal of this suit.

Mr. WYDEN. I further ask that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 406) was agreed to.

The preamble was agreed to.

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

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, and upon the recommendation of the Majority Leader, pursuant to 22 U.S.C. 2761, as amended, appoints the following Senator as Chairman of the Senate Delegation to the British-American Interparliamentary Group Conference during the 117th Congress: The Honorable PATRICK J. LEAHY of Vermont.

ORDER OF BUSINESS

Mr. WYDEN. Mr. President, it is my understanding that the House is going to send the Senate a 30-day extension of the Surface Transportation Authorization Act. The Republicans cannot clear it tonight; therefore, we will come back tomorrow and try to pass it then.

ORDERS FOR SATURDAY, OCTOBER 2, 2021

Mr. WYDEN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 1:30 p.m., Saturday, October 2; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that upon the conclusion of morning business, the Senate proceed to executive session and resume consideration of the Adams-Allen nomination.

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

ADJOURNMENT UNTIL 1:30 P.M. TOMORROW

Mr. WYDEN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 8:09 p.m., adjourned until Saturday, October 2, 2021, at 1:30 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 1, 2021:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. JACQUELINE D. VAN OVOST

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. COLIN J. KILRAIN

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. JAMES D. BRANTINGHAM

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER SECTION 905 OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2020:

To be rear admiral

REAR ADM. (LH) JEFFREY S. SCHEIDT