

(Mr. COONS) and the Senator from Minnesota (Ms. SMITH) were added as cosponsors of S. Res. 461, a resolution commemorating and supporting the goals of World AIDS Day.

AMENDMENT NO. 3898

At the request of Ms. WARREN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of amendment No. 3898 intended to be proposed to H.R. 4350, 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.

AMENDMENT NO. 4174

At the request of Mr. MARKEY, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of amendment No. 4174 intended to be proposed to H.R. 4350, 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.

AMENDMENT NO. 4236

At the request of Mr. DAINES, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of amendment No. 4236 intended to be proposed to H.R. 4350, 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.

AMENDMENT NO. 4330

At the request of Mr. RUBIO, the name of the Senator from Utah (Mr. ROMNEY) was added as a cosponsor of amendment No. 4330 intended to be proposed to H.R. 4350, 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Mr. PADILLA):

S. 3297. A bill for the relief of Shirley Constantino Tan; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am reintroducing a bill for the private relief of Shirley Constantino Tan. Ms. Tan is a Filipina national living in Pacifica, CA. She is the proud mother of 20-year-old twin boys, Jashley and Joriene, who are U.S. citizens. She is married to Jay Mercado, a naturalized U.S. citizen.

Ms. Tan faces deportation to the Philippines, which would separate her

from her family and jeopardize her safety. I believe Ms. Tan merits Congress's special consideration for this extraordinary form of relief because her removal from the United States would cause serious, undue hardship for her and her family.

Ms. Tan experienced horrific violence in the Philippines before she came to the United States. When she was only 14 years old, Ms. Tan's cousin murdered Ms. Tan's mother and sister and shot Ms. Tan in the head. The cousin was eventually prosecuted, but he received a short jail sentence. Fearing for her safety, Ms. Tan fled the Philippines just before her cousin was due to be released from jail. She entered the United States legally on a visitor's visa in 1989.

Ms. Tan faces a deportation order because of negligent counsel. Ms. Tan applied for asylum in 1995. When her case went before the Board of Immigration Appeals, her attorney was supposed to file a brief in support of her case, but the attorney failed to do so. As a result, the Board of Immigration Appeals dismissed Ms. Tan's case and granted her voluntary departure from the United States.

However, Ms. Tan's negligent counsel never notified Ms. Tan that the Board of Immigration Appeals issued an order granting her voluntary departure. Because she did not know about the order, Ms. Tan did not depart the United States, so the grant of voluntary departure automatically led to a removal order. She learned about the deportation order for the first time on January 28, 2009, when Immigration and Customs Enforcement agents took her into immigration custody.

Because of her attorney's negligent actions, Ms. Tan was denied the opportunity to present her case in immigration proceedings. She later filed a complaint against her former attorney, who had similar complaints from other clients, with the State Bar of California.

On February 4, 2015, Ms. Tan's spouse, Mr. Mercado, a U.S. citizen, filed an approved spousal petition on her behalf. On August 20, 2015, U.S. Citizenship and Immigration Services denied her application due to the fact that she still had a final order of removal. Ms. Tan must go back to the immigration court and ask for the court to terminate her case and then reapply for her green card. Ms. Tan still faces the threat of deportation while she seeks to close her case before an immigration court.

In addition to the hardship that would come to Ms. Tan if she is deported, her deportation would be a major loss to her community and would cause serious hardship for her two children, Jashley and Joriene, who are U.S. citizens.

Ms. Tan used to run an in-home daycare, and she is now a homemaker caring for her husband and two sons. Ms. Tan and her family are heavily involved in their community in Pacifica

and own their own home. The family attends and volunteers at Good Shepherd Catholic Church. They also volunteer with the Mother Theresa of Calcutta's Daughters of Charity. Ms. Tan has the support of dozens of members of her community who have shared with me the family's spirit of commitment to their community.

Joriene is a junior at Stanford University and is premed, majoring in human biology. In addition to his studies, Joriene is involved in Stanford's Filipino American Student Union. Jashley is a junior at Chapman University, majoring in business administration.

If Ms. Tan were forced to leave the United States, her family has stated that they would go with her to the Philippines or try to find a third country where the entire family could relocate together. This would mean that Jashley and Joriene would have to leave behind their education and the only home they have known.

I do not believe it is in our Nation's best interest to force this family, with two U.S. citizen children, to make the choice between being separated or relocating to a country where they may face safety concerns or other serious hardships.

Enactment of the legislation I am introducing on behalf of Ms. Tan will enable this entire family to continue their lives in California and make positive contributions to their community.

Mr. President, I ask my colleagues to support this private bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3297

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

SECTION 1. PERMANENT RESIDENT STATUS FOR SHIRLEY CONSTANTINO TAN.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Shirley Constantino Tan shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Shirley Constantino Tan enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within two years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant

visa or permanent residence to Shirley Constantino Tan, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year—

(1) the total number of immigrant visas that are made available to natives of the country of birth of Shirley Constantino Tan under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)); or

(2) if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Shirley Constantino Tan under section 202(e) of such Act (8 U.S.C. 1152(e)).

(e) **PAYGO.**—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4863. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 3867 proposed by Mr. REED to the bill H.R. 4350, 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.

SA 4864. Ms. CANTWELL (for herself and Mr. WICKER) submitted an amendment intended to be proposed to amendment SA 3867 proposed by Mr. REED to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4865. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 3867 proposed by Mr. REED to the bill H.R. 4350, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4863. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 3867 proposed by Mr. REED to the bill H.R. 4350, 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 end of subtitle G title V, add the following:

SEC. 596. PROHIBITION ON DISCHARGING OR WITHHOLDING PAY OR BENEFITS FROM NATIONAL GUARD MEMBERS BASED ON COVID-19 VACCINATION STATUS.

(a) **IN GENERAL.**—The Secretary of Defense shall not, based on whether or not a member of the National Guard has received a COVID-19 vaccine, take any of the following actions:

(1) Involuntarily discharge or discipline the member under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).

(2) Withhold pay or benefits from the member.

(3) Prohibit the member from participating in training or using equipment funded by amounts appropriated by an Act of Congress.

(b) **PAY AND BENEFITS INCLUDED.**—The pay and benefits referred to in subsection (a)(2) include the following:

(1) Basic pay and special pay under title 37, United States Code, or title 10, United States Code.

(2) Medical and dental care under chapter 55 of title 10, United States Code.

(3) Transitional health benefits under section 1145 of such title.

(4) Commissary and exchange benefits under section 1146 of such title.

SA 4864. Ms. CANTWELL (for herself and Mr. WICKER) submitted an amendment intended to be proposed to amendment SA 3867 proposed by Mr. REED to the bill H.R. 4350, 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:

Strike title XXXV and insert the following:

TITLE XXXV—MARITIME MATTERS **Subtitle A—Maritime Administration**

SEC. 3501. AUTHORIZATION OF THE MARITIME ADMINISTRATION.

There are authorized to be appropriated to the Department of Transportation for fiscal year 2022, for programs associated with maintaining the United States Merchant Marine, the following amounts:

(1) For expenses necessary to support the United States Merchant Marine Academy, \$90,532,000, of which—

(A) \$85,032,000, to remain available until September 30, 2023, shall be for Academy operations; and

(B) \$5,500,000, to remain available until expended, shall be for facilities maintenance and repair and equipment.

(2) For expenses necessary for operations, support, and training activities for the State maritime academies, \$50,780,000, of which—

(A) \$2,400,000, to remain available until September 30, 2026, shall be for the Student Incentive Program;

(B) \$6,000,000, to remain available until September 30, 2023, shall be for direct payments for State maritime academies;

(C) \$3,800,000, to remain available until expended, shall be for training ship fuel assistance;

(D) \$8,080,000, to remain available until expended, shall be for offsetting the costs of training ship sharing; and

(E) \$30,500,000, to remain available until expended, shall be for maintenance and repair, of State maritime academy training vessels.

(3) For expenses necessary to support the National Security Multi-Mission Vessel Program, \$315,600,000, which shall remain available until expended.

(4) For expenses necessary to support Maritime Administration operations and programs, \$81,853,000, of which—

(A) \$10,000,000, to remain available until expended, shall be for the Maritime Environmental and Technical Assistance program authorized under section 50307 of title 46, United States Code;

(B) \$11,000,000, to remain available until expended, shall be for the Marine Highways Program, including to make grants as authorized under section 55601 of title 46, United States Code; and

(C) \$60,853,000, to remain available until September 30, 2022, shall be for headquarters operations expenses.

(5) For expenses necessary for the disposal of vessels in the National Defense Reserve

Fleet of the Maritime Administration, \$10,000,000, which shall remain available until expended.

(6) For expenses necessary to maintain and preserve a United States-flag merchant fleet to serve the national security needs of the United States, as authorized under chapter 531 of title 46, United States Code, \$318,000,000, which shall remain available until expended.

(7) For expenses necessary for the loan guarantee program authorized under chapter 537 of title 46, United States Code, \$33,000,000, of which—

(A) \$30,000,000, to remain available until expended, shall be for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program; and

(B) \$3,000,000, to remain available until expended, may be used for administrative expenses relating to loan guarantee commitments under the program.

(8) For expenses necessary to provide for the Tanker Security Fleet, as authorized under chapter 534 of title 46, United States Code, \$60,000,000, which shall remain available until expended.

(9) For expenses necessary to provide assistance to small shipyards and for maritime training programs authorized under section 54101 of title 46, United States Code, \$40,000,000, which shall remain available until expended.

(10) For expenses necessary to implement the Port and Intermodal Improvement Program, \$750,000,000, to remain available until expended, except that no such funds may be used to provide a grant to purchase fully automated cargo handling equipment that is remotely operated or remotely monitored with or without the exercise of human intervention or control, if the Secretary determines such equipment would result in a net loss of jobs within a port of port terminal.

Subtitle B—Other Matters

SEC. 3511. EXPANDING THE MARITIME ENVIRONMENTAL AND TECHNICAL ASSISTANCE PROGRAM.

(a) **MARITIME ENVIRONMENTAL AND TECHNICAL ASSISTANCE PROGRAM.**—From the amount appropriated under section 3501(1)(A), not more than 60 percent shall be reserved for activities related to technologies that support port and vessel air emissions reductions and to support zero emissions technologies, including identification of new fuel or other power sources.

(b) **USES.**—Section 50307 of title 46, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

“(e) **USES.**—The results of activities conducted under subsection (b)(1) shall be used to inform the policy decisions of the United States related to domestic regulations and to the United States position on matters before the International Maritime Organization.”.

SEC. 3512. SUSTAINABLE PORT INFRASTRUCTURE.

(a) **SHORT TITLE.**—This section may be cited as the “Sustainable Port Infrastructure Act”.

(b) **PORT DEVELOPMENT.**—Section 50302(c) of title 46, United States Code, is amended—

(1) in paragraph (3)(A)(ii)—

(A) in subclause (II), by striking “or” after the semicolon; and

(B) by adding at the end the following:

“(IV) projects that improve the resiliency of ports to address sea-level rise, flooding, extreme weather events, including earthquakes, hurricanes and tsunami inundation, including projects for—