

shut down my State—and I think there is strong evidence that they are violating ethics laws and violating the law. So I have asked for a detailed investigation by the Department of the Interior Inspector General into whether or not these individuals have violated Federal ethics laws in their quest to hurt working families in my State.

Let me conclude with this. I am a supporter of responsible resource development in America of all of the above: energy, wind, solar, oil—in every part of our great country, in Alaska, of course, in New Mexico—all across our great land. And I am a supporter of the great men and women who do this in Alaska and New Mexico and Texas and North Dakota.

What is happening in my State right now, this is just wrong, and I am going to fight. And any other Senator who would be going through what my State is going through, with your constituents being harmed, you would be down on the floor fighting, too.

The vast majority of the U.S. Senators here—Democrats and Republicans—I think deep down in their hearts know that this is just wrong. You don't come in with a new administration and say, Hey, let me target one State and beat the heck out of their working families. It is just wrong.

And I am hopeful that my colleagues here—and I am asking them because we need the help. I have great people I represent—proud, tough people, but I can't fight the whole damn Federal Government when they are focused on shutting you down. So I am hopeful that my colleagues—all of my colleagues; I will share the list of the 20—that you can help me get the Biden administration and some misguided hypocritical U.S. Senators to enact a cease-fire in their war on working families and Native communities in the great State of Alaska.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2022

Mr. SCHUMER. Madam President, I ask that the Chair lay before the Senate the message to accompany S. 1605.

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

The senior assistant legislative clerk read as follows:

*Resolved*, That the bill from the Senate (S. 1605) entitled “An Act to designate the National Pulse Memorial located at 1912 South Orange Avenue in Orlando, Florida, and for other purposes.”, do pass with an amendment.

#### MOTION TO CONCUR

Mr. SCHUMER. I move to concur in the House amendment.

#### CLOTURE MOTION

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 motion to concur in the House amendment to S. 1605, a bill to designate the National Pulse Memorial located at 1912 South Orange Avenue in Orlando, Florida, and for other purpose.

Charles E. Schumer, Tina Smith, Martin Heinrich, Patty Murray, Tammy Duckworth, Tim Kaine, Gary C. Peters, Angus S. King, Jr., Richard J. Durbin, Jack Reed, Brian Schatz, Margaret Wood Hassan, Jacky Rosen, Chris Van Hollen, Jeanne Shaheen, Christopher Murphy, Debbie Stabenow.

#### MOTION TO CONCUR WITH AMENDMENT NO. 4880

Mr. SCHUMER. Madam President, I move to concur in the House amendment with an amendment No. 4880, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] moves to concur in the House amendment with a further amendment numbered 4880.

Mr. SCHUMER. I ask that further reading be dispensed with.

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

The amendment is as follows:

(Purpose: To add an effective date)

At the end add the following:

#### SEC. \_\_\_\_ EFFECTIVE DATE.

This Act shall take effect on the date that is 1 day after the date of enactment of this Act.

Mr. SCHUMER. Madam President, I ask for the yeas and nays on the motion to concur with an amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 4881 TO AMENDMENT NO. 4880

Mr. SCHUMER. I have an amendment No. 4881 to amendment No. 4880, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 4881 to amendment No. 4880.

Mr. SCHUMER. I ask unanimous consent that the reading of the names be dispensed with.

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

The amendment is as follows:

(Purpose: To modify the effective date).

On page 1, line 3, strike “1 day” and insert “2 days”.

#### MOTION TO REFER WITH AMENDMENT NO. 4882

Mr. SCHUMER. I move to refer the House message to the Armed Services Committee with instructions to report back forthwith with an amendment No. 4882.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] moves to refer the House message to the Armed Services Committee with instructions to report back forthwith with an amendment numbered 4882.

Mr. SCHUMER. I ask that further reading be waived.

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

The amendment is as follows:

(Purpose: To add an effective date)

At the end add the following:

#### SEC. \_\_\_\_ EFFECTIVE DATE.

This Act shall take effect on the date that is 1 day after the date of enactment of this Act.

Mr. SCHUMER. I ask for the yeas and nays on my motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 4883

Mr. SCHUMER. I have an amendment to the instructions, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 4883 to the instructions of the motion to refer.

Mr. SCHUMER. I ask that further reading be waived.

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

The amendment is as follows:

(Purpose: To modify the effective date)

On page 1, line 3, strike “5 days” and insert “4 days”.

Mr. SCHUMER. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 4884 TO AMENDMENT NO. 4883

Mr. SCHUMER. I have an amendment No. 4884 to amendment No. 4883, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 4884 to amendment No. 4883.

Mr. SCHUMER. I ask that further reading of the amendment be waived.

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

The amendment is as follows:

(Purpose: To modify the effective date)

On page 1, line 3, strike “4 days” and insert “3 days”.

Mr. SCHUMER. I ask unanimous consent that the mandatory quorum calls for the cloture motions filed today, December, 8, be waived.

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

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: All nominations placed on the Secretary's desk in the Coast Guard; that the nominations be confirmed en bloc; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to any of the nominations; and the President be immediately notified of the Senate's actions.

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

The nominations considered and confirmed are as follows:

## NOMINATIONS PLACED ON THE SECRETARY'S DESK

## IN THE COAST GUARD

PN1219 COAST GUARD nominations (7) beginning PATRICK J. GRACE, and ending KARL B. HELLBERG, which nominations were received by the Senate and appeared in the Congressional Record of September 30, 2021;

PN1282 COAST GUARD nominations (4) beginning ROYCE W. JAMES, and ending PETER H. IMBRIALE, which nominations were received by the Senate and appeared in the Congressional Record of October 19, 2021;

PN1283 COAST GUARD nominations (293) beginning BRITTANY S. AKERS, and ending TIFFANY M. ZEHLE, which nominations were received by the Senate and appeared in the Congressional Record of October 19, 2021;

PN1294 COAST GUARD nominations (183) beginning MARK P. AGUILAR, and ending MATTHEW W. ZINN, which nominations were received by the Senate and appeared in the Congressional Record of October 21, 2021.

## EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I ask unanimous consent the Senate consider the following nomination, Executive Calendar No. 563, Jennifer Clyburn Reed, of South Carolina, to be Federal Cochairperson of the Southeast Crescent Regional Commission.

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

The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Jennifer Clyburn Reed, of South Carolina, to be Federal Cochairperson of the Southeast Crescent Regional Commission. (New Position)

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; that the President be immediately notified of the Senate's action and the Senate resume legislative session.

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

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

The nomination was confirmed.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

## CIVILIAN RESERVIST EMERGENCY WORKFORCE ACT OF 2021

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 154, S. 2293.

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

The senior assistant legislative clerk read as follows:

A bill (S. 2293) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide certain employment rights to reservists of the Federal Emergency Management Agency, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

## SECTION 1. SHORT TITLE.

This Act may be cited as the "Civilian Reservist Emergency Workforce Act of 2021" or the "CREW Act".

## SEC. 2. PERSONNEL PERFORMING SERVICE RESPONDING TO PRESIDENTIALLY DECLARED MAJOR DISASTERS AND EMERGENCIES.

Section 306 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149) is amended by adding at the end the following:

"(d) PERSONNEL PERFORMING SERVICE RESPONDING TO DISASTERS AND EMERGENCIES.—

"(1) USERRA EMPLOYMENT AND REEMPLOYMENT RIGHTS.—The protections, rights, benefits, and obligations provided under chapter 43 of title 38, United States Code, shall apply to intermittent personnel appointed pursuant to subsection (b)(1) to perform service to the Federal Emergency Management Agency under sections 401 and 501 or to train for such service.

"(2) NOTICE OF ABSENCE FROM POSITION OF EMPLOYMENT.—Preclusion of giving notice of service by necessity of service under subsection (b)(1) to perform service to the Federal Emergency Management Agency under sections 401 and 501 or to train for such service shall be considered preclusion by 'military necessity' for purposes of section 4312(b) of title 38, United States Code, pertaining to giving notice of absence from a position of employment. A determination of such necessity shall be made by the Administrator and shall not be subject to review in any judicial or administrative proceeding."

## SEC. 3. EXTENSION OF CERTAIN EMPLOYMENT AND REEMPLOYMENT RIGHTS TO FEMA RESERVISTS.

(a) IN GENERAL.—Section 4303 of title 38, United States Code, is amended—

(1) in paragraph (13), by inserting before "and a period" the following: "a period for which a person is absent from a position of employment due to an appointment into service in the Federal Emergency Management Agency as intermittent personnel under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1))";

(2) by redesignating the second paragraph (16) (relating to uniformed services) as paragraph (17); and

(3) in paragraph (17), as so redesignated, by inserting before "and any other category" the following: "intermittent personnel who are appointed into Federal Emergency Management Agency service under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1)) or to train for such service,".

(b) MODIFICATION OF EXCEPTION FOR REQUIREMENT FOR MEMBERS OF UNIFORMED SERVICES TO PROVIDE NOTICE TO EMPLOYERS TO OBTAIN CERTAIN EMPLOYMENT AND REEMPLOYMENT RIGHTS.—Section 4312(b) of title 38, United States Code, is amended—

(1) by striking the second sentence;

(2) by inserting "(1)" before "No notice"; and

(3) by adding at the end the following new paragraph:

"(2) A determination of military necessity for purposes of paragraph (1) shall be made—

"(A) except as provided in subparagraphs (B) and (C), pursuant to regulations prescribed by the Secretary of Defense;

"(B) for persons performing service to the Federal Emergency Management Agency under section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165f) and as intermittent personnel under section 306(b)(1) of such Act (42 U.S.C. 5149(b)(1)), by the Administrator of the Federal Emergency Management Agency as described in sections 327(j)(2) and 306(d)(2) of such Act (42 U.S.C. 5165f(j)(2) and 5149(d)(2)), respectively; or

"(C) for intermittent disaster-response appointees of the National Disaster Medical System, by the Secretary of Health and Human Services as described in section 2812(d)(3)(B) of the Public Health Service Act (42 U.S.C. 300hh-11(d)(3)(B)).

"(3) A determination of military necessity under paragraph (1) shall not be subject to judicial review."

Mr. SCHUMER. I ask unanimous consent that the committee-reported substitute amendment be agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered laid and made upon the table.

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

The committee-reported amendment in the nature of a substitute was agreed to.

The bill (S. 2293), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

## NO CONGRESSIONALLY OBLIGATED RECURRING REVENUE USED AS PENSIONS TO INCARCERATED OFFICIALS NOW ACT

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 81, S. 693.

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

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

The senior assistant legislative clerk read as follows:

A bill (S. 693) to amend title 5, United States Code, to provide for the halt in pension payments for Members of Congress sentenced for certain offenses, and for other purposes.

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

Mr. SCHUMER. Madam President, I ask unanimous consent that the bill be