

which the employee would have been entitled had the employee not been detailed;

(8) provide that discretion with respect to the assignment of an employee under the rotational cyber workforce program shall remain with the employing agency of the employee;

(9) require that an employee detailed to a rotational cyber workforce position under the rotational cyber workforce program in an agency that is not the employing agency of the employee shall have all the rights that would be available to the employee if the employee were detailed under a provision of law other than this Act from the employing agency to the agency in which the rotational cyber workforce position is located;

(10) provide that participation by an employee in the rotational cyber workforce program shall not constitute a change in the conditions of the employment of the employee; and

(11) provide that an employee participating in the rotational cyber workforce program shall receive performance evaluations relating to service in the rotational cyber workforce program in a participating agency that are—

(A) prepared by an appropriate officer, supervisor, or management official of the employing agency, acting in coordination with the supervisor at the agency in which the employee is performing service in the rotational cyber workforce position;

(B) based on objectives identified in the operation plan with respect to the employee; and

(C) based in whole or in part on the contribution of the employee to the agency in which the employee performed such service, as communicated from that agency to the employing agency of the employee.

(c) PROGRAM REQUIREMENTS FOR ROTATIONAL SERVICE.—

(1) IN GENERAL.—An employee serving in a cyber workforce position in an agency may, with the approval of the head of the agency, submit an application for detail to a rotational cyber workforce position that appears on the list developed under section 3(b).

(2) OPM APPROVAL FOR CERTAIN POSITIONS.—An employee serving in a position in the excepted service may only be selected for a rotational cyber workforce position that is in the competitive service with the prior approval of the Office of Personnel Management, in accordance with section 300.301 of title 5, Code of Federal Regulations, or any successor thereto.

(3) SELECTION AND TERM.—

(A) SELECTION.—The head of an agency shall select an employee for a rotational cyber workforce position under the rotational cyber workforce program in a manner that is consistent with the merit system principles under section 2301(b) of title 5, United States Code.

(B) TERM.—Except as provided in subparagraph (C), and notwithstanding section 3341(b) of title 5, United States Code, a detail to a rotational cyber workforce position shall be for a period of not less than 180 days and not more than 1 year.

(C) EXTENSION.—The Chief Human Capital Officer of the agency to which an employee is detailed under the rotational cyber workforce program may extend the period of a detail described in subparagraph (B) for a period of 60 days unless the Chief Human Capital Officer of the employing agency of the employee objects to that extension.

(4) WRITTEN SERVICE AGREEMENTS.—

(A) IN GENERAL.—The detail of an employee to a rotational cyber workforce position shall be contingent upon the employee entering into a written service agreement with the employing agency under which the employee is required to complete a period of

employment with the employing agency following the conclusion of the detail that is equal in length to the period of the detail.

(B) OTHER AGREEMENTS AND OBLIGATIONS.—A written service agreement under subparagraph (A) shall not supersede or modify the terms or conditions of any other service agreement entered into by the employee under any other authority or relieve the obligations between the employee and the employing agency under such a service agreement. Nothing in this subparagraph prevents an employing agency from terminating a service agreement entered into under any other authority under the terms of such agreement or as required by law or regulation.

#### SEC. 5. REPORTING BY GAO.

Not later than the end of the third fiscal year after the fiscal year in which the operation plan under section 4(a) is issued, the Comptroller General of the United States shall submit to Congress a report assessing the operation and effectiveness of the rotational cyber workforce program, which shall address, at a minimum—

(1) the extent to which agencies have participated in the rotational cyber workforce program, including whether the head of each such participating agency has—

(A) identified positions within the agency that are rotational cyber workforce positions;

(B) had employees from other participating agencies serve in positions described in subparagraph (A); and

(C) had employees of the agency request to serve in rotational cyber workforce positions under the rotational cyber workforce program in participating agencies, including a description of how many such requests were approved; and

(2) the experiences of employees serving in rotational cyber workforce positions under the rotational cyber workforce program, including an assessment of—

(A) the period of service;

(B) the positions (including grade level and occupational series or work level) held by employees before completing service in a rotational cyber workforce position under the rotational cyber workforce program;

(C) the extent to which each employee who completed service in a rotational cyber workforce position under the rotational cyber workforce program achieved a higher skill level, or attained a skill level in a different area, with respect to information technology, cybersecurity, or other cyber-related functions; and

(D) the extent to which service in rotational cyber workforce positions has affected intra-agency and interagency integration and coordination of cyber practices, functions, and personnel management.

#### SEC. 6. SUNSET.

Effective 5 years after the date of enactment of this Act, this Act is repealed.

#### SUPPORTING THE GOALS AND IDEALS OF AMERICAN DIABETES MONTH

Ms. CANTWELL. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 479, submitted earlier today.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 479) supporting the goals and ideals of American Diabetes Month.

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

Ms. CANTWELL. I ask unanimous consent that the resolution be agreed to; 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 resolution (S. Res. 479) was agreed to.

The preamble was agreed to.

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

#### MORNING BUSINESS

#### RECOGNIZING THE 2021 KEYNOTE ADDRESS AT THE 24TH VERMONT WOMEN'S ECONOMIC OPPORTUNITY CONFERENCE

Mr. LEAHY. Madam President, I would like to take a moment to recognize Xusana Davis, who delivered the keynote address for Vermont's 24th Annual Women's Economic Opportunity Conference earlier this year. Each year, Marcelle and I host this conference to bring together Vermonters to learn how to navigate, grow, and succeed in today's workplace. While public health concerns led to an online conference this year, the dedication of the women who participated shone through. I hope the participants were as inspired by Ms. Davis's words as I was.

Xusana Davis is Vermont's first Executive Director of Racial Equity and was appointed in 2019 by Vermont Governor Phil Scott. In her position as the Director of Racial Equity, she works with Vermont agencies and communities to address systemic racial disparities, ensures the State's operations meet its equity goals and objectives, and guides policy on equity issues. She offered an insightful view of how we can all advance equity in our communities and offered her remarks with grace and eloquence.

Ms. Davis's leadership comes at a time when we continue to see great need for equity in the workplace. The pandemic has worsened preexisting disparities that have effected women, especially those who identify with historically marginalized communities. As Ms. Davis emphasizes in her speech, we must all work to promote equity as we collectively participate in our Nation's economic recovery. I would like to share her inspiring words by submitting them for inclusion in the CONGRESSIONAL RECORD in the hopes that we may all take her message to heart.

I ask unanimous consent to have them printed in the RECORD.

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

[Oct. 23, 2021]

"OPPORTUNITY IS NOT A FUNGIBLE GOOD"

(By Xusana Davis)

Thank you, Senator Leahy, for inviting me to join you today.

Hola, buenos días, everyone. As you might have heard, the Executive Director of Racial Equity is a relatively new position for Vermont state government. While it got its share of fanfare in the summer of 2019 when I was first appointed, I'd like to share with you a little bit of the work we've been doing since then. We've worked hard with our sister agencies across state government on internal and external-facing policy. Things like the Fair and Impartial Policing policy, stimulus funds to get communities through tough times at the outset of the pandemic, and how we provide health services to people by treating the whole person. We've been poking our noses into conversations all over the state to help people at the local level figure out how to grow—or at least retain—their town populations. And of course, we've been a sounding board for leaders of all kinds who want to take bold action to be and do better on matters of equity.

But you probably knew all that. What you may not have known is that all of this work is bigger than race and ethnicity. It always has been. This work is essential in all corners of the state and in every sector, because there's a collective benefit to equity, and a collective harm to inequity. But before we jump into that, let's back up a bit . . .

First, let's talk about "opportunity." Do you ever notice that we talk about "opportunity" like it's a fungible good? Like it's some sort of coupon that we can pass to the person behind us in the checkout line. We talk about "giving" opportunities. Or "seizing" them—maybe you're a bit more aggressive, and that's okay! Or we talk about "creating" opportunities, as if they can just materialize.

But out of all the verbs we choose to deploy on these opportunities, there's always the implication that there's a transfer. That there's a person who holds or creates opportunities, and that the rest of us are just trying to get a piece. That's our first mistake—thinking that an opportunity is something that must be given or surrendered to us, something that we must wrestle from someone's firm grip. And there are a few reasons for this thinking: After all, there's a lot of money to be made from commodifying "girl power." We can produce highly dramatized films about long-ignored women historical figures. Or sell a self-help book about how to be the next successful businesswoman who "can have it all." But for a lot of us, the barriers to opportunity are not something we can unlock with three easy payments of \$39.99 but wait, there's more. No, many of the barriers to opportunity are systemic. They are structural. They are bigger than any of us as individuals, but they absolutely impact all of us as individuals.

That's what I meant when I said racial equity is bigger than race. You see, when we think of women's economic opportunity, many people incorrectly assume that these opportunities are only for the benefit of women. They are not. Women are 51 % of the U.S. population—we're not a "special interest." We are the interest. Something that impacts the numerical majority is inevitably something that impacts the whole. Think about it: Childcare. Reproductive justice. You think these are only women's issues? Well, have you ever been a child? Or cared about a child? Then childcare and child development should matter to you. I'm reminded of the late Supreme Court Justice Antonin Scalia, who for years was, well, rather indignant about parental leave and childcare issues. He didn't get it and he didn't want to get it . . . until his daughter had children and struggled to balance her parental duties with her professional life. Then suddenly Grandpa Scalia was dropping off children here and there, and babysitting, and

you know what? He changed his stance. He suddenly realized that the burden did not simply fall on his adult daughter—and that even if it did, it shouldn't have. And that's the point: there are ripple effects to the ways in which we treat people in society. And when we talk about women's economic opportunity like it's a hobby or a solo mission, like it's something that can be bartered or restricted to only during nap time, then we're ignoring the network of people surrounding us who will be impacted by those choices and resources.

This is true in the racial equity space, too. In workshops and trainings, I often ask people to consider the benefits and rights they enjoy today that were fought and won by people of color. For example, Ernesto Miranda. Do you know him? You do . . . You just may not know you do. Ernesto Miranda is a Latino man who is the reason that you get read your Miranda rights if you get arrested. Sylvia Mendez. Ring a bell? You know her—sure you do! She was on a postal stamp! *Mendez v. Westminster*. 1946. That's the court case that gave us *Brown v. Board*. And *Brown v. Board* is the case that gave every child—including your child—the right to a free and fair basic education. Truth is, in the United States, every gain accomplished by members of dominant groups always benefits members of dominant groups, and only sometimes benefits members of historically marginalized or oppressed groups. But every gain accomplished by historically oppressed groups always benefits members of dominant groups. Affirmative action. Do you know what is the number one beneficiary group of affirmative action policies in education and employment in the U.S.? That's right, White women.

So when we think about equity and reducing structural, systemic barriers, there is always a collective benefit to equity. And that's why Senator Leahy has been doing this conference since 1996—you think he likes making people wake up early on a Saturday? No! Well, maybe . . . But really, it's because he knows what's been right in front of us all along—that when we stop disempowering people, we all move forward. We all win. And you know why? Because life isn't zero-sum. And your winning does not equate my losing.

And we know this now, but people didn't always recognize this truth. Let's think back to the women's suffrage movement. Susan B. Anthony was pretty racist. That's why people like Sojourner Truth and, later, bell hooks had to ask the question "Ain't I A Woman?" This is reflective of a bigger concept—a concept you've likely heard of—called Intersectionality. Intersectionality is what makes us dynamic and multi-faceted. It's what multiplies our strength as a movement and as a community. Because I'm not just a woman. I'm also a person of color. I'm also a Millennial. I'm right-handed. These are only some of my many identities, and not even the more important ones. And when we allow ourselves to represent all of our selves, without letting it come between us, that's when we will have used intersectionality for good.

Of course, intersectionality sometimes has its thorns. Two days ago was Latina Women's Equal Pay Day in the U.S. I'll explain what that means: You see, we already know that in the U.S., women statistically make less money for the same work than men do. And separately, we also know that people of color statistically make less money for the same work than White people do. So statistically speaking, my intersecting identities as a woman and as a person of color make me more likely to earn less than my male counterparts of all ethnicities, and less than my women-identified peers who are White.

So what is Women's Equal Pay Day? Well, it's the symbolic date that represents how much more a woman has to work in order to match the earnings of a man in a given calendar year. In 2021, Women's Equal Pay Day was March 24th. So that means if a woman and a man started working on Jan 1, 2020, then it would take the woman until March 24 of this year to catch up to the earning of a man by Dec 31 of 2020. But that's not the full story: for most women of color, Equal Pay Day comes much later. For example, Equal Pay Day for Asian American and Pacific Islander women was March 9th. But for Black American women, it was August 3rd. For Indigenous women in the U.S., Equal Pay Day was Sept 8th of this year. And for Latina women—that's the bucket where you'll find me—it was Oct 21st. So in other words, statistically speaking, I would have needed to work all of calendar year 2020, plus an additional 9 months and 3 weeks to earn the same that a White man earned in calendar year 2020. And remember intersectionality? Well, it goes beyond just race. There are different Equal Pay Days for mothers and for members of the LGBTQIA+ community. And I need to make an important point, one that my best friend frequently raises: the goal is not to look at what White men are doing and saying "Yeah, we want the right to do that . . ." That's not the standard. It's not about making the same money for the same work if that work is only fueling oppression and ecological harm.

All of this is to say that it's not enough to lump us all into one large bucket and think we're doing enough. That's not true equity. Equity means recognizing that within our communities there are certainly different challenges, but also different skill sets for finding solutions to those challenges. Trust each other more. Trust one another's experience more.

And on the topic of trust, and speaking of solutions, let's think about how we can we turn this dialogue towards action. First things first: action by whom? Who gets to do the thing? And who gets to decide what the thing is? If your rights and liberties are restricted and determined by someone else, then your power is contingent upon them giving you permission to exercise it. Like asking men who can vote to vote on whether you can vote. As Upton Sinclair said, "It is difficult to get a man to understand something when his salary depends on his not understanding." Or holding hearings on reproductive justice without any women present—don't ever forget: "nothing about us without us."

So we're through asking for permission. For those who want to join us in advancing justice, what we need is genuine and sincere support. And support is different from permission—it is not about asking to be "given" opportunities, and it is not about having to "seize" them either. It's about the recognition that opportunity just exists—it always has. And the question is not whether or how to grant it, but rather, how to stop blocking it. This is an important point: People often see equity work as some kind of handout, as if people who have been oppressed are asking to be given something. Incorrect. What's needed is that we stop actively blocking and suppressing people's ability to move and thrive and grow and exist. That's the key.

So how do we stop blocking? Well, first we must make meaningful investments of time, effort, and finances—not token gestures. It means when we talk about mentorship, we don't just shuttle women into the same paths where they still wind up working for rich men to make those men richer. It means when your staff tell you they want you to revise workplace policies because they unjustly prejudice your women-identified

workers, you listen. And don't just listen for the sake of saying "Okay, we listened and we're still going to keep doing things the same way we've always done them because that's how we've always done them . . ." it means listening for the purpose of action. Take a broad view: if you don't provide parental leave to a male employee, you know who suffers? A new mother who might have to delay her re-entry into the workforce—perhaps permanently—because her partner can't participate in childrearing duties. That's a withholding of a women's economic opportunity. And you need to turn your thermostats up in the office. I'm serious—this has "Patriarchy" written all over it. You see, the so-called ideal office temperature is based on a formula that calculated the average of workers' resting metabolic rates, but the workers in question were all men, an average of 40 old, and an average of 154 pounds. Oh, and they were wearing suits and ties. Today's workforce doesn't look the same. There are women in the workforce—and remember, the rigid gender binary has created the expectation that women wear things like skirts and sandals in warmer months, so the clothing differences already create more exposure for us. We also have seniors working longer before retirement, so the workforce also has an aging population that may be more thermosensitive.

That's what we mean when we say inequity is "systemic"—the formulas are actually built in to our lives through infrastructure, fashion, and employment practices. So anyway, when half the office is shivering and stepping into the service stairwell every couple hours to thaw out, you need to bump up the temperature.

So as I bring my remarks to a close, I want to share with you a quote from James Joyce's *Ulysses*, in which the speaker says "We feel in England that we have treated you rather unfairly. It seems history is to blame." And I really enjoy that line because it speaks to how we distance ourselves from the oppression of others. You see, by stating that "history" is to blame, it implies [a] that there was nothing we could have done about it, and [b] that we're not responsible for fixing things. But of course, that isn't true. We are absolutely in control of how we invest, how we govern, how we vote, and how we envision "opportunity." As you engage with workshops, panels, and networking settings throughout today's event, keep these things in mind: who is at the table, who is missing, which intersecting identities are at play here, and who shapes the agenda for action. Remember what Senator Leahy said: "a stronger and more equitable economy." We can get there, but it must include all of us . . . whatever your career might be, equity is still your job. Thank you for your time.

#### BUDGETARY REVISIONS

Mr. SANDERS. Madam President, S. Con. Res. 14, the fiscal year 2022 congressional budget resolution, included a reserve fund in section 3003 to allow the chairman of the Committee on the Budget to revise budget aggregates and committee allocations for legislation that would not increase the deficit over the period of fiscal years 2022 to 2031.

The Senate will soon consider S. 1605, the National Defense Authorization Act for Fiscal Year 2022, as amended by the House, which meets the condition of not increasing the deficit over the relevant 10-year period. As such, I am filing a revision to the aggregates and committee allocations under the bud-

et resolution, which were last revised on December 9. Specifically, the Congressional Budget Office estimates that the anti-fraud provisions in the bill would increase both direct spending and revenues by \$23 million over 5 years and \$72 million over 10 years.

I ask unanimous consent that the accompanying tables, which provide details about the adjustment, be printed in the RECORD.

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

#### REVISIONS TO BUDGET REVENUE AGGREGATES

(Pursuant to Section 3003 of S. Con. Res. 14, the Concurrent Resolution on the Budget for Fiscal Year 2022)

	(\$ in billions)		
	2022	2022–2026	2026–2031
Current Revenue Aggregates .....	3,401.380	17,795.670	38,957.374
Adjustments .....	0	0.023	0.072
Revised Revenue Aggregates .....	3,401.380	17,795.693	38,957.446

#### REVISIONS TO ALLOCATION TO SENATE COMMITTEES

(Pursuant to Section 3003 of S. Con. Res. 14, the Concurrent Resolution on the Budget for Fiscal Year 2022)

	(\$ in billions)		
	2022	2022–2026	2022–2031
Armed Services:			
Budget Authority .....	204.681	1,081.825	1,709.208
Outlays .....	209.330	1,080.912	1,707.478
Adjustments:			
Budget Authority .....	0	0.023	0.072
Outlays .....	0	0.023	0.072
Revised Allocation:			
Budget Authority .....	204.681	1,081.848	1,709.280
Outlays .....	209.330	1,080.935	1,707.550

#### VOTE EXPLANATION

Ms. SINEMA. Madam President, I was necessarily absent, but had I been present I would have voted yes on rollcall vote No. 492 on the Motion to Invoke Cloture on Lucy Koh, to be U.S. Circuit Judge for the Ninth Circuit.

I was necessarily absent, but had I been present I would have voted yes on rollcall vote No. 493 on the Motion to Invoke Cloture on Jennifer Sung, to be U.S. Circuit Judge for the Ninth Circuit.

#### TRIBUTE TO LIEUTENANT SEAN McDONALD

Mr. KING. Madam President, today I wish to recognize LT Sean McDonald, U.S. Navy, for his outstanding work on behalf of the people of Maine and the Nation as a 2021 Department of Defense Legislative Fellow serving in my Washington, DC, office. Lieutenant McDonald has been integral to shaping my foreign policy and national security priorities and helped secure a number of provisions in the fiscal year 2022 National Defense Authorization Act—FY22 NDAA—that will make our country stronger and safer. Lieutenant McDonald's contributions, both to office morale and to our collective work product, are representative of his good character, competence, and strong work ethic.

Throughout his tenure in my office, Lieutenant McDonald demonstrated a

level of professionalism and hard work I have come to expect—but that I do not take for granted—from Department of Defense Legislative Fellows. Indeed, Lieutenant McDonald follows a long line of accomplished U.S. Navy and Marine Corps officers who have made impactful contributions to my office and to U.S. national security policy. Over the course of the year, Lieutenant McDonald prepared and personally advised me on wide-ranging and complex matters under consideration before the Senate Armed Services Committee. Lieutenant McDonald brought his naval expertise to bear to help secure authorization for the procurement of additional Arleigh Burke-class destroyers in the FY22 NDAA, a critical capability for the U.S. fleet and a boon to the Maine shipbuilding workforce. He also helped guide my work as chairman of the Subcommittee on Strategic Forces during my inaugural year in this position, helping craft policy on nuclear and strategic forces, missile defense, and space programs. Further, during the withdrawal of U.S. forces in Afghanistan, Lieutenant McDonald provided clear-headed and thoughtful analysis on the withdrawal and liaised with representatives from the White House, State Department, and Department of Defense to convey my positions and concerns. His candor and honest assessments provided critical insights during this challenging time, and our Nation is better because of it.

On behalf of my colleagues and the U.S. Congress, I thank Lieutenant McDonald for his dedicated service to my staff, the U.S. Navy, and the Nation. I wish him all the best and know that he will excel in his next endeavors.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO MICHAEL C. NELSEN

● Mr. LEE. Madam President, it is an honor to stand here today to recognize and celebrate the career of Police Chief Michael C. Nelsen of the Brigham City Police Department. For the last 42 years, he has diligently served and protected the people of Brigham City. His positive impact on the lives of many will be remembered as he transitions into retirement.

I wonder if, as a young pre-law student at Rick's College in Rexburg, ID, Mike Nelsen ever sat back to imagine the impact his life would have on so many others? I wonder if, as a student of criminal, justice administration at Brigham Young University, Mike Nelsen ever dreamed of leading a police department to new heights and great successes? However, I hope that at the sunset of an impressive career, Chief Nelsen realizes the significance of the mark he has left on the lives of countless others and the new heights and great successes he has achieved.

During his career as a police officer, Chief Nelsen climbed through the