

The PRESIDING OFFICER. If there is no further debate, the bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 5545) was passed.

Mr. SCHUMER. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

GHOST ARMY CONGRESSIONAL GOLD MEDAL ACT

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged from further consideration and the Senate now proceed to S. 1404.

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

The senior assistant legislative clerk read as follows:

A bill (S. 1404) to award a Congressional Gold Medal to the 23d Headquarters Special Troops and the 3133d Signal Service Company in recognition of their unique and distinguished service as a "Ghost Army" that conducted deception operations in Europe during World War II.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

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

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

The amendment (No. 4894) in the nature of a substitute, was agreed to, as follows:

(Purpose: In the matter of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ghost Army Congressional Gold Medal Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the 23d Headquarters Special Troops (comprised of the 23d Headquarters and Headquarters Company, Special Troops, the 603d Engineer Camouflage Battalion, the 406th Combat Engineer Company, the 3132d Signal Service Company, and the Signal Company, Special, 23d Headquarters, Special Troops) and the 3133d Signal Service Company were units of the United States Army that served in Europe during World War II;

(2) the 23d Headquarters Special Troops was actively engaged in battlefield operations from June of 1944 through March of 1945;

(3) the 3133d Signal Service Company was engaged in operations in Italy in 1945;

(4) the deceptive activities of these units were integral to several Allied victories across Europe and reduced casualties;

(5) in evaluating the performance of these units after World War II, an Army analysis found that "Rarely, if ever, has there been a group of such a few men which had so great

an influence on the outcome of a major military campaign.";

(6) many Ghost Army soldiers were citizen-soldiers recruited from art schools, advertising agencies, communications companies, and other creative and technical professions;

(7) the first 4 members of the 23d Headquarters Special Troops landed on D-Day and 2 became casualties while creating false beach landing sites;

(8) a detachment of Army radio operators under the command of Lieutenant Fred Fox joined the invasion fleet for a planned deception, Operation Troutfly, which was cancelled;

(9) Lieutenant Fox's men and their radios were instead attached to the 82d Airborne, which had lost 95 percent of its radio equipment, providing critical communications as the 82d Airborne fought its way inland;

(10) the secret deception operations of the 23d Headquarters Special Troops commenced in France on June 14, 1944, when Task Force Mason, a 16-man detachment of the 23d led by First Lieutenant Bernard Mason, arrived in Normandy;

(11) Lieutenant Mason and his men set up dummy artillery to draw enemy fire and protect the 980th Field Artillery Battalion (VIII Corps) as part of the Normandy Campaign;

(12) the rest of the soldiers of the 23d Headquarters Special Troops arrived in France in July and August of 1944;

(13) full-scale deception efforts began with Operation Elephant from July 1 to 4, 1944, in which the 23d Headquarters Special Troops covered the movement of the 2d Armored Division when it left a reserve position to go into the line between the First United States and Second British Armies;

(14) Operation Elephant was the first of the 21 full-scale tactical deceptions completed by the 23d Headquarters Special Troops;

(15) often operating on or near the front lines, the 23d Headquarters Special Troops used inflatable tanks, artillery, airplanes and other vehicles, advanced engineered soundtracks, and skillfully crafted radio trickery to create the illusion of sizable American forces where there were none and to draw the enemy away from Allied troops;

(16) the 3132d and the 3133d Signal Service Companies, activated in Pine Camp (now Fort Drum), New York, at the Army Experimental Station in March and June of 1944, respectively, were the only "sonic deception" ground combat units of the United States in World War II;

(17) soldiers of the 23d Headquarters Special Troops impersonated other, larger Army units by sewing counterfeit patches onto their uniforms, painting false markings on their vehicles, and creating phony headquarters staffed by fake generals, all in an effort to feed false information to Axis spies;

(18) during the Battle of the Bulge, the 23d Headquarters Special Troops created counterfeit radio traffic in an effort to deceive the enemy of the movement of elements of General George S. Patton's Third Army as it shifted to break through to the 101st Airborne Division and elements of 10th Armored Division in the besieged Belgian town of Bastogne;

(19) in its final mission, Operation Viersen, in March 1945, the 23d Headquarters Special Troops conducted a tactical deception operation intended to draw German units down the Rhine River and away from the Ninth Army, allowing the Ninth Army to cross the Rhine into Germany;

(20) during Operation Viersen, the 23d Headquarters Special Troops, with the assistance of other units, impersonated 2 complete divisions of American forces by using fabricated radio networks, soundtracks of construction work and artillery fire, and hundreds of inflatable and real vehicles;

(21) according to a military intelligence officer of the 79th Infantry, "There is no doubt that Operation Viersen materially assisted in deceiving the enemy with regard to the real dispositions and intentions of this Army.";

(22) 3 soldiers of the 23d Headquarters Special Troops gave their lives and dozens were injured in carrying out their mission;

(23) in April 1945, the 3133d Signal Service Company conducted Operation Craftsman in support of Operation Second Wind, the successful Allied effort to break through the German defensive position to the north of Florence, Italy, known as the Gothic Line;

(24) along with an attached platoon of British engineers, who were inflatable decoy specialists, the 3133d Signal Service Company used sonic deception to misrepresent troop locations along this defensive line;

(25) the activities of the 23d Headquarters Special Troops and the 3133d Signal Service Company remained highly classified for more than 40 years after the war and received minimal recognition;

(26) the extraordinary accomplishments of this unit are deserving of belated official recognition; and

(27) the United States is eternally grateful to the soldiers of the 23d Headquarters Special Troops and the 3133d Signal Service Company for their proficient use of innovative tactics during World War II, which saved lives and made significant contributions to the defeat of the Axis powers.

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) AWARD AUTHORIZED.—The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall make appropriate arrangements for the award, on behalf of Congress, of a gold medal of appropriate design to the 23d Headquarters Special Troops and the 3133d Signal Services Company, known collectively as the "Ghost Army", in recognition of unique and highly distinguished service during World War II.

(b) DESIGN AND STRIKING.—For the purposes of the award referred to in subsection (a), the Secretary of the Treasury (in this Act referred to as the "Secretary") shall strike the gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) SMITHSONIAN INSTITUTION.—

(1) IN GENERAL.—Following the award of the gold medal under subsection (a), the gold medal shall be given to the Smithsonian Institution, where it shall be available for display as appropriate and made available for research.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the Smithsonian Institution should make the gold medal received under paragraph (1) available for display elsewhere, particularly at other locations associated with the 23d Headquarters Special Troops and the 3133d Signal Services Company.

(d) DUPLICATE MEDALS.—The Secretary may strike and sell duplicates in bronze of the gold medal struck under this Act, at a price sufficient to cover the cost of the medals, including labor, materials, dies, use of machinery, and overhead expenses.

SEC. 4. STATUS OF MEDAL.

(a) NATIONAL MEDAL.—The medals struck under this Act are national medals for the purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purpose of section 5134 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

SEC. 5. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund

such amounts as may be necessary to pay for the costs of the medals struck under this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals authorized under section 3(d) shall be deposited into the United States Mint Public Enterprise Fund.

SEC. 6. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purposes 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 House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The bill (S. 1404), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

The title amendment (No. 4895) was agreed to, as follows:

(Purpose: To amend the title.)

Amend the title so as to read: “A bill to award a Congressional Gold Medal to the 23d Headquarters Special Troops and the 3133d Signal Service Company, popularly known as the ‘Ghost Army’, in recognition of their unique and highly distinguished service in conducting deception operations in Europe during World War II.”.

ORDERS FOR THURSDAY, DECEMBER 16, 2021

Mr. SCHUMER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Thursday, December 16; 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 Gawande nomination; further, that the Senate recess from 1 p.m. until 2 p.m.

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

Mr. SCHUMER. For the information of Senators, we expect to move to discharge the Thomas nomination for the Ninth Circuit during Thursday’s session.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SCHUMER. 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 8:15 p.m., adjourned until Thursday, December 16, 2021, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

ERROL RAJESH ARTHUR, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE JOSE M. LOPEZ, RETIRING.

LESLIE A. MEEK, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE JUDITH ANNE SMITH, RETIRING.

CARL EZEKIEL ROSS, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE FLORENCE Y. PAN, RESIGNED.

JESSICA G. L. CLARKE, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE COLLEEN MCMAHON, RETIRED.

SHERILYN PEACE GARNETT, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE MANUEL L. REAL, RETIRED.

HECTOR GONZALEZ, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK, VICE BRIAN M. COGAN, RETIRED.

KENLY KIYA KATO, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE BEVERLY REID O’CONNELL, DECEASED.

NINA MORRISON, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK, VICE DORA L. IRIZARRY, RETIRED.

EVELYN PADIN, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY, VICE FAITH S. HOCHBERG, RETIRED.

WILLIAM S. POCAN, OF WISCONSIN, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WISCONSIN, VICE WILLIAM C. GRIESBACH, RETIRED.

JENNIFER LOUISE ROCHON, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE GEORGE B. DANIELS, RETIRED.

FRED W. SLAUGHTER, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE ANDREW J. GUILFORD, RETIRED.

SUNSHINE SUZANNE SYKES, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE JAMES V. SELNA, RETIRED.

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 lieutenant general

MAJ. GEN. STEPHEN L. DAVIS

IN THE ARMY

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

To be lieutenant general

MAJ. GEN. CHARLES R. HAMILTON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

THOMAS M. MAGILL

CONFIRMATIONS

Executive nominations confirmed by the Senate December 15, 2021:

THE JUDICIARY

JENNIFER SUNG, OF OREGON, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT.

COMMODITY FUTURES TRADING COMMISSION

ROSTIN BEHNAM, OF MARYLAND, TO BE CHAIRMAN OF THE COMMODITY FUTURES TRADING COMMISSION.

ROSTIN BEHNAM, OF MARYLAND, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING JUNE 19, 2026.

THE JUDICIARY

SAMANTHA D. ELLIOTT, OF NEW HAMPSHIRE, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW HAMPSHIRE.