

from North Dakota (Mr. CRAMER), the Senator from Louisiana (Mr. KENNEDY), the Senator from Oklahoma (Mr. LANKFORD), the Senator from South Carolina (Mr. SCOTT), and the Senator from North Carolina (Mr. TILLIS).

The result was announced—yeas 66, nays 23, as follows:

[Rollcall Vote No. 267 Ex.]

**YEAS—66**

Baldwin	Gillibrand	Murray
Bennet	Graham	Ossoff
Blackburn	Grassley	Padilla
Blumenthal	Hagerty	Peters
Booker	Hassan	Portman
Boozman	Heinrich	Reed
Brown	Hickenlooper	Rosen
Burr	Hirono	Rounds
Cantwell	Hoeben	Sasse
Capito	Kaine	Schatz
Cardin	Kelly	Schumer
Carper	King	Shaheen
Casey	Klobuchar	Sinema
Cassidy	Lujan	Stabenow
Collins	Manchin	Tester
Coons	Markey	Toomey
Cornyn	McConnell	Van Hollen
Cortez Masto	Menendez	Warren
Duckworth	Merkley	Whitehouse
Durbin	Moran	Wicker
Feinstein	Murkowski	Wyden
Fischer	Murphy	Young

**NAYS—23**

Barrasso	Hyde-Smith	Romney
Braun	Inhofe	Rubio
Cotton	Johnson	Scott (FL)
Crapo	Lee	Shelby
Cruz	Lummis	Sullivan
Daines	Marshall	Thune
Ernst	Paul	Tuberville
Hawley	Risch	

**NOT VOTING—11**

Blunt	Leahy	Tillis
Cramer	Sanders	Warner
Kennedy	Scott (SC)	Warnock
Lankford	Smith	

The nomination was confirmed.

The PRESIDING OFFICER (Mr. VAN HOLLEN). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

**LEGISLATIVE SESSION**

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

**SERGEANT FIRST CLASS HEATH ROBINSON HONORING OUR PROMISE TO ADDRESS COMPREHENSIVE TOXICS ACT OF 2022**

Mr. SCHUMER. Mr. President, it is my understanding the Senate has received a message from the House of Representatives to accompany S. 3373.

The PRESIDING OFFICER. The Senator is correct.

Mr. SCHUMER. I ask the Chair to lay before the Senate the message to accompany S. 3373.

The PRESIDING OFFICER. The Chair lays before the Senate the message from the House.

The senior assistant legislative clerk read as follows:

Resolved, That the bill from the Senate (S. 3373) entitled "An Act to improve the Iraq and Afghanistan Service Grant and the Children of Fallen Heroes Grant," do pass with an amendment.

**MOTION TO CONCUR**

Mr. SCHUMER. I move to concur in the House amendment to S. 3373.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] moves to concur in the House amendment to S. 3373.

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

**MOTION TO CONCUR WITH AMENDMENT NO. 5148**

Mr. SCHUMER. I move to concur in the House amendment to S. 3373 with an amendment.

The PRESIDING OFFICER. The clerk will report the motion with an amendment.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] moves to concur in the House amendment to S. 3373 with an amendment numbered 5148.

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 unanimous consent that further reading of the amendment be dispensed with.

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

Mr. SCHUMER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

**AMENDMENT NO. 5149 TO AMENDMENT NO. 5148**

Mr. SCHUMER. I have an amendment 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 5149 to amendment No. 5148.

The amendment is as follows:

(Purpose: To modify the effective date)

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

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

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

**MOTION TO REFER WITH AMENDMENT NO. 5150**

Mr. SCHUMER. I move to refer S. 3373 to the Committee on Veterans' Affairs with instructions to report back forthwith with an amendment.

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 bill to the Committee on Veterans' Affairs with instructions to report back forthwith with an amendment numbered 5150.

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 3 days after the date of enactment of this Act.

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

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

Mr. SCHUMER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

**AMENDMENT NO. 5151 TO INSTRUCTIONS**

Mr. SCHUMER. I have an amendment to the instructions 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 5151 to the instructions of the motion to refer.

The amendment is as follows:

(Purpose: To modify the effective date)

On page 1, line 3, strike "3" and insert "4".

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

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

Mr. SCHUMER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

**AMENDMENT NO. 5152 TO AMENDMENT NO. 5151**

Mr. SCHUMER. I have a second-degree amendment 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 5152 to amendment No. 5151.

The amendment is as follows:

(Purpose: To modify the effective date)

On page 1, line 3, strike "4" and insert "5".

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

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

Mr. SCHUMER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant executive clerk proceeded to call the roll.

Mr. SULLIVAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. CORTEZ MASTO). Without objection, it is so ordered.

**TRIBUTE TO BETSY LAWER**

Mr. SULLIVAN. Madam President, it is Thursday, and we are back at it with

our Alaskan of the Week series. We have been doing this for, geez, 6 years now, I think.

For the new pages, this is usually kind of the signal of the end of the week but also some really cool stories about Alaska. We know it is your favorite.

We think some of the reporters in town like it because it signals kind of the end of the week for them. But I want to talk about, first, what is kind of going on in Alaska. Right now, the sun is high in the sky through much of the day. Some places up north are getting 24 hours of sunlight; midnight sun, we call it.

In Anchorage, we are getting about 18 hours, but that starts to decline real quick. But even when the sun sets, it is more of a twilight look than real night. So you have got to come up and visit; you will love it. It has been pretty rainy in parts of the State. We needed that rain.

But it can't dampen the magnificent grandeur of Alaska. So, again, if you are watching on TV, you want to come up, have the vacation of a lifetime, do it. The fish are running. We are having a banner year for sockeye salmon. The rivers all across the State are choked with them.

Last weekend, actually, I partook at a particular unique Alaskan tradition with my wife and a couple buddies of mine. We went dipnetting—dipnetting. That is on the Kenai River. That is actually when there is so much fish you actually put a pole with a net at the end, and you just put it in the water—boom. You just start to catch them.

And you know, people go, Well, can you tell if there is a fish in your net? I am like, Oh, yeah, you can tell.

So my wife and I and our friends, we caught 36 beautiful sockeye salmon yesterday—or last weekend, about 5 hours of fishing. It was great. We just loved it.

So fishing, hunting, feeding our families from our land and waters is a big part of our life in Alaska. These traditions bind us. They keep us together as a State, as a community, as families.

Our longstanding businesses are also part of the fabric of our State, particularly the ones that have grown up with our State. When the State's done well, they have done well. When the State struggled, they struggled; but they have hung in there. And we want to celebrate these businesses and the families that have run them.

And the great Alaskan we are honoring today as our Alaskan of the week is Betsy Lawer. And she is part of an amazing family in an amazing business in Alaska—First National Bank of Alaska, which this year is celebrating its 100th anniversary.

So it started in 1922. This amazing financial institution has been part of the landscape of Alaska—good times, difficult times—for 100 years. Betsy has been at the helm, a strong, sturdy force helping to guide this incredible business and, by extension, other busi-

nesses and communities throughout the State, part of her family tradition—the Cuddy family—for 100 years.

So let's talk about Betsy and the family. She is the president of the First National Bank of Alaska and also part of a really impressive family that has run this bank for decades in Alaska.

So here is the beginning: Literally with a vault full of gold nuggets and untanned animal pelts, that was their original deposits. In 1922, First National was founded then in what was part of the rough-and-tumble tent city of Anchorage. Anchorage was referred to as a tent city.

In 1930, the patriarch of the Cuddy family, Warren Cuddy, began buying stock in the bank. By 1941, he purchased controlling interest, and Warren became the bank's president. Then, one of his sons, at that time, joined the bank's board—this is Dan Cuddy, the legendary Dan Cuddy, Betsy's dad. His service was remarkable. First, I would like to talk briefly about Dan Cuddy's service as an Alaskan veteran in World War II.

He served as a captain in the 1255th Engineer Combat Battalion, which was attached to General George Patton's Third Army. Dan fought in the Battle of the Bulge in Luxembourg and was one of the troops who assisted in the discovery and then closing of the Buchenwald concentration camp. This is an American hero.

And, by the way, throughout his entire career, I was so honored to meet with Dan Cuddy before he passed away in 2015. Throughout his incredible career, one thing he talked a lot about was the unspeakable atrocities that he saw in World War II, so it would never happen again.

So Dan Cuddy comes back from World War II—warrior patriot, war hero. He becomes a lawyer, and in 1951, he becomes the bank president. And the Cuddy family's involvement, again, throughout our State is legendary.

The bank thrived after that under Dan's leadership. It grew with the State. It helped Alaskans rebuild after the huge 1964 earthquake.

By the way, do you want to read about a huge earthquake? It was 9.2 on the Richter scale, one of the biggest earthquakes ever recorded. It destroyed cities, tsunamis. It lasted almost 5 minutes. Think about that, sitting through an earthquake for 5 minutes.

And the bank the whole time kept supporting communities, and it continues to do that. It was among the first in the Nation to distribute check image statements to its customers in the 1990s. The only bank in America to welcome dog mushers through drive-throughs. Yes, think about that image.

And it is probably certainly the only bank in America that has a branch that is bilingual both in English and Yupik. That is the branch in Bethel, 1 of 19 branches across America.

First National Bank of Alaska—100 years of service—has received so many

accolades and awards, including being named one of the top banks in America, and it was recognized in 2013 as one of America's most trustworthy companies by Forbes magazine.

You can see the Cuddy family integrity in this institution. But the most important thing about First National Bank of Alaska's mission statement is that it is what drives the bank: Success depends on taking care of the community, employees, and customers. If the community isn't strong, businesses won't be strong, the bank won't be strong.

So, Betsy, one of Dan and Betti's six children, was raised on those tenets that I just talked about. She saw how they worked firsthand.

On Saturdays, she would join her father Dan while he went on his outings visiting customers. Sometimes those visits happened in Anchorage, where she would politely listen to business being discussed and then grab a late breakfast at Peggy's, a mainstay in Anchorage. Sometimes they would jump into a prop plane and head out to rural Alaska, where she learned so much about that part of our great State.

Betsy said she loved those visits and she learned, in the ways that children do, that helping people realize their hopes and their dreams is what her father did, what their business did, and why it was so important to so many Alaskan communities.

Jump forward to September 10, 1969. Betsy was a college student at Duke, spending her summers, as she always did, working at the bank as a secretary at the bank.

Just down the street from First National in downtown Anchorage, the Prudhoe Bay oil lease sale was underway. This is the giant oilfield in Alaska—oil and gasfield. The first big lease sale by the State. It was a huge event for our Nation, huge event for Alaska.

Back then, the country needed Alaska oil and gas, just like today our country needs Alaska oil and gas.

On that day in September 1969, Betsy remembers looking out the window of the bank. She said the streets were completely empty, like the "Twilight Zone." Everybody was huddled in front of their radios, listening to the lease sale that would change Alaska and, in many ways, America forever.

First National Bank of Alaska—the Cuddy family's bank where she was working, her dad was president then—was assisting Bank of America on the lease sale.

After the sale, get this image, Betsy got a ride back to the east coast on a jet with bank executives headed to New York to directly deposit the \$900 million check that was made out to the State of Alaska—that is about 7 billion in today's money—that got our State up and moving. She was on that plane depositing that money. Imagine the excitement that she felt then.

The first thing Betsy did after that when she got back to Duke was to

change majors from interior design to economics, which was probably a good move for a future bank president.

Two years later—she didn't even wait for her graduation ceremony—she came back to Alaska and immediately got to work. Now, because management programs back then were mostly for men, Betsy started from the bottom up—teller, clerk, secretary—which she said later in life gave her an advantage when she began processing loans for the bank because she knew exactly how it all worked and the people at every level in that bank. She knew the bones of the bank and the banking industry.

Throughout the years, as the bank has grown, our Alaskan of the Week, Betsy, has grown with it. She became president of the bank in 2013, CEO in 2018, and she is also the board president.

She is a mother, a wife, an active member of the community. She is a great community banker, and I will tell you this. During the pandemic, there was no financial institution that was more dedicated to getting the PPP loans out to small businesses in Alaska than First National Bank of Alaska and Betsy Lawer. They did an incredible job.

Betsy helps people in our State realize their hopes and dreams, and for Betsy, it all comes down to having a deep understanding and caring for the community—the many communities that they serve. “You can't automate those relationships,” she said.

So I want to thank Betsy, the Cuddy family, congratulate the First National Bank of Alaska—100 years of service to our great State, what an amazing record. And I want to congratulate Betsy on perhaps one of her most prestigious awards ever: being Alaskan of the Week.

#### CHIPS ACT OF 2022

Madam President, we have been discussing on the Senate floor the USICA bill, the America Competes bill, the bill that is supposed to focus on our ability to outcompete the Chinese communist economy, and I can think of very little legislation more important than this.

This is an issue that since I arrived in the Senate in 2015, I started talking about the importance of a broad-based strategy as it relates to China and outcompeting China and recognizing that they don't play fair, that they steal, that they subsidize, that they coerce, and yet they are a huge entity in the global economy so we need a strategy to deal with them.

And this bill that we are now debating on the Senate floor, the U.S. Innovation and Competition Act of 2021, USICA is something that I, with a number of other Senators, have worked hard on for literally over the last year and a half, and I want to thank a number of Senators who have put their heart and soul into this legislation, commend them: Senators YOUNG, SCHUMER, WICKER, CANTWELL, WARNER, CORNYN.

This is important legislation. As I mentioned, I have supported it and its Senate iterations when we passed it out of the Senate, out of committee in the Commerce Committee, but I have concerns. I have concerns, and I am going to mention a few of them briefly and then one concern that permeates so much of what has been happening here in the U.S. Senate over the last year and a half that is really important to me and my constituents. And I am asking my Senate colleagues—my Democratic Senate colleagues—to help me on something that I don't think a lot of them maybe even know that they are doing, but let me get to the concerns.

First, on the chips provision—this isn't a concern. This is what Senator WARNER, Senator CORNYN, and many others have focused on—really important to shore up semiconductor manufacturing in America.

Now, look, my State, unfortunately, is not one that is competing right now hard for a big fabrication plant. I understand that. We have other assets like energy I am going to talk about here in a minute, but wherever this government support for the chips industry is going to go in America, I think it is really important because this industry is like energy. It is so important to America, and we can't let China outcompete us in that area.

But let me talk about a couple concerns. First, on energy, one of the biggest areas that we can compete against China that they are scared about competing with us is our incredible natural resources, “all of the above” resources, all of our energy.

If you read the intel and you see what China's leadership is worried about, one thing they are worried about is American energy dominance.

So I have worked hard on this legislation for a year and a half to make sure that when we are looking at research—advanced research that this legislation is going to fund—it needs to include all energy.

It has been a struggle, I will admit. Some of my Democratic colleagues, certainly the Biden administration, have this thing where they don't like certain areas of energy—oil and gas in particular. They have targeted it. They want to put it out of business. It makes no sense. It is probably the biggest strategic blunder of the Biden administration across so many areas—targeting and unilaterally disarming American energy, when it is one of our greatest comparative advantages.

Unfortunately, some of the language coming back over from the House continues this trend, and I am very concerned that we would have a bill that could give Federal bureaucrats the opportunity to continue to target American energy, as opposed to help bolster it in our competition with China.

So that is one concern. It wasn't in the Senate bill. I made sure of that. But now after some of the far-left Members in the House got to put lan-

guage in that came back over here, it is a concern, and it should concern every single American, every single Senator.

We need all of our strengths to compete with China, and to not use the strength of American energy—“all of the above” energy—is nuts. Hopefully, this administration is waking up to that, but it hasn't been a great record at all in terms of that.

There is another provision, something that built on a provision that I tried to get that I did get in the original USICA bill that Senator PORTMAN has now put forward with Democrats and Republicans, a provision to make sure that all of these Federal dollars that are going to be in this bill do not go to Chinese researchers working in our facilities—in research facilities, in university facilities—and then take them back to China.

At a recent hearing, FBI Director Wray said this is one of the biggest threats our country faces, the counter-intelligence perspective with regard to the Chinese Communist Party. He said:

They are targeting our innovation, our trade secrets, our intellectual property on a scale that's unprecedented in history.

So if we are going to spend all these Federal dollars on American research at American research institutions and American universities, we need strong guardrails to make sure it doesn't fall into Chinese hands.

Senator PORTMAN has done a great job on this. It is a commonsense amendment. Apparently, some have had concerns that this amendment would be “racist.” That is ridiculous. We need to prevent China from stealing our intellectual property. Period. It is not racist; it is common sense. I hope we can make sure that amendment gets in.

But I want to go into a little detail on the final issue that I have with this bill. And to be honest, it is kind of shocking that a bill focused on competing with China—once again, from the Democratic side of the Senate or the House, I don't know where it comes from—has provisions that actually target in a negative way Alaska Natives. OK?

This is an issue that, to be honest, I am kind of flabbergasted. It comes up everywhere. It is discrimination. It is racial discrimination—good old-fashioned racial discrimination—that I thought we tried to get rid of in this country a long time ago, and it keeps popping up.

I am tired of it, and, remarkably, it popped up in the bill that competes against China. So I am sure a lot of you are saying: Well, jeez, how did that happen? I want to explain because I really want my colleagues, many of whom I am convinced have no idea what is going on, to understand what is happening. And it happens again and again, and to be honest, it shouldn't.

I hope some people in our media finally write about this. I think it is shameful.

But I am going to explain it here right now. Here is the issue. In Alaska, we have a very big indigenous population—wonderful people, incredible people, amazing people. It is almost 20 percent of the population of my State. They bring culture, heritage, values. By the way, they have been there for tens of thousands of years. This is really important to me and to Senator MURKOWSKI. Congress—Congress, not the Native people, the Congress of the United States—over the course of many years, essentially, has classified—we in the U.S. Senate have classified—Alaska Natives into two broad categories. There are Tribal members, which is this circle here, and there are members of Alaska Native Corporations. They are in this circle here.

Now, a lot of the indigenous people of Alaska are both Tribal members and an ANC members. Some are not both. Some are just Tribal members. Some are ANC members.

But we are talking about tens of thousands of indigenous people. So whenever we work on legislation that benefits the Alaska Native people—but American Indians, writ large—what we always try to do is say: Remember, Congress did this. The Native people didn't do this. So let's make sure that we cover everybody. Let's make sure everybody is included. You wouldn't want to discriminate against one of these groups. They are all indigenous people.

So that is what me, Senator MURKOWSKI, Ted Stevens—every Senator, every great Congressman, our great Congressman Don Young, whom we just lost—we have been doing that for decades.

All of a sudden this has become controversial to some Members, to some groups. This group, the ANC members, these are indigenous people of Alaska designated as ANC members, not by themselves but by the Congress, OK?

So here is what happened. Here is the beginning. It is sad, and I am going to talk about it. It shouldn't happen, and I really want my Democratic colleagues to help me stop this because if you put another minority group in and talked about what is happening to the Native people of Alaska, people would be shocked. The New York Times and the Washington Post would write front pages stories about official discrimination by the U.S. Senate against a minority population. But for whatever reason, it seems to be OK to do it against Alaska Natives. But it is not OK.

Here is what happened. In the CARES Act we had this historic funding, \$8 billion for the Native people of America. We wrote a definition. I was very involved with it. Everybody cleared on it—Indian Affairs, majority, minority. That included all indigenous people of Alaska—OK, just like we include all indigenous people of Nevada and New Mexico. We wanted to cover with \$8 billion in the CARES Act the very vulnerable populations, all the Native people.

Unfortunately—unfortunately—as opposed to being viewed as \$8 billion, the biggest historic investment in Indian communities in history, there was a dispute, and certain groups said: Hey, we got this \$8 billion, but we don't want this group to get anything. We don't want this group, ANC members, to get any of that \$8 billion.

Remarkably, the majority leader in a tweet attacked the Assistant Secretary of the Interior, an Alaska Native woman of impeccable integrity, saying somehow that these members getting any of that money was corrupt. Of course, that was ridiculous. One of the Senate Democrats here, Senator Udall, launched an investigation of this incredible Assistant Secretary of the Interior, an Alaska Native woman, on this charge. It was refuted. It was ridiculous. It was sad.

By the way, Senator Udall apologized to her. Our Ambassador to New Zealand right now apologized to this incredible Alaska Native woman, saying: Do you know what? That was probably really bad. I am sorry.

It was bad.

So what happened is that you had a group saying: Let's exclude this group of tens of thousands of Alaska Natives from getting any CARES money.

Well, look, we wrote the language. We knew that the language was inclusive of everybody. So that, unfortunately, went all the way to the U.S. Supreme Court. The Trump administration and, to its credit, the Biden administration said: No, the language of the CARES Act included all Alaska Natives. Why would we discriminate one against the other?

So we won that. That was the way it was written. I had a lot to do with writing it. So I know. But that is just fair. OK, so that is what happened.

So then my Democratic colleagues write the American Recovery Act. The \$2 trillion relief package, with \$20 billion for American Tribes. But do you know what came out of that package? Express language written by my Democratic colleagues saying that of the \$20 billion, every Native group in America gets some of that money, but this group—tens of thousands of ANC members in Alaska—we are going to make sure they don't get any of that.

That happened, right here on the Senate floor. I have no idea why.

Let me just pose a counterfactual. Imagine you had Congress say there are two groups of minorities. Let's say not two groups but Asian American minorities in New York, group A, group B—Congress categorized them, not themselves—or African Americans, group A, group B; or Hispanic Americans, group A, group B, in the State of New York—just in the State of New York. And a Republican Congress said we are going to do a giant relief package for that minority group across the country. But, group B in New York, we are going to expressly exclude you from getting any money.

What would you call that?

I would call that good old-fashioned racial discrimination.

If that happened, if a Republican Congress did that, to say a group of African Americans or Hispanic Americans or Asian Americans, the New York Times and the Washington Post would be going crazy—rightfully so, by the way.

This happened. This happened.

OK, I don't know why. I would love it if one of my Senate colleagues came down and said: Hey, Dan, here is why we went to great lengths to exclude tens of thousands of Alaska Native indigenous people from getting relief. Here is why we did that to you.

I would love for somebody to tell me that.

They haven't.

I think it is wrong. I think most people who know about it probably would be like: Jeez, I didn't know we had \$20 billion for Tribes, but we specifically excluded this group. Was it because we were mad about the Supreme Court case?

I don't know. But here is the thing. Back to the USICA bill, there is a lot of money going to universities.

Mr. CARDIN. Madam President, I am wondering if my colleague would yield for 1 minute.

Mr. SULLIVAN. I am finishing up. So I am not going to yield. It is important to me, to my colleague from Maryland.

There is a lot of money going to universities.

This is really important to me, and I have been wanting to give this speech for a long time.

There is a lot of money going to institutions for research to compete against China. There are specific provisions that say: Hey, there is going to be money that goes to Native American groups. That is great. They have a lot to bring to this battle with China.

But that provision that came over from the House—guess what it did. It said: Not to this group. Not to this group.

So do you see where I am going with this?

I have no idea why Democrats in the House and Senate want to keep targeting this group of indigenous people. Imagine if Republicans did this to a minority group in Maryland or New York.

But it is happening, and it is happening even in this bill. So that is another big concern I have of this bill, this continuation of—I have no idea. I would love it for someone to come down and say: Hey, Dan, here is why we discriminate against tens of thousands of indigenous people in your State.

But it is happening. I sure hope my colleagues listen to this. Maybe the New York Times or the Washington Post would write about it once.

But just a ceasefire—when we are trying to help Native people in America, in Alaska we want to help them all. Remember, this is how Congress set up these groups, not the people. So all I ask is let's kind of do what we did

in the CARES Act for all legislation. But I and Senator MURKOWSKI are going to scrub every piece of darn legislation that comes out of here, and we are going to start calling out people, asking: Why are you discriminating against tens of thousands of people in my State who are indigenous?

Wrong. It is inexplicable, and it is even in the darn bill to compete with China. And I sure hope my colleagues will work with me to start making sure this doesn't happen anymore.

I yield the floor.

#### SIGNING AUTHORITY

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Madam President, I ask unanimous consent that Senators CORTEZ MASTO, CARDIN, and HICKENLOOPER be authorized to sign duly enrolled bills or joint resolutions from July 21, 2022, until July 25.

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

#### ELECTORAL COUNT ACT WORKING GROUP

Mr. CARDIN. Madam President, for the past 6 months, I have been pleased to work with a bipartisan working group of about a dozen Senators for potential reforms of the Electoral Count Act and some related matters. I particularly want to thank our leaders of that bipartisan group, Senators COLLINS and MANCHIN, for organizing the group, keeping us focused on getting results, and leading to a process that has resulted in a positive outcome.

This week, we are unveiling our proposed legislation. Our legislation, the Electoral Count Reform and Presidential Transition Improvement Act of 2022 will reform and modernize the badly outdated 1887 ECA. In 1887, the Electoral Count Act was passed. It is in bad need of reform.

On July 18, 2022, the Wall Street Journal ran an editorial authored by former President Jimmy Carter and former Secretary of State Jim Baker, who had previously served as Chief of Staff for President Reagan. In this editorial they wrote:

We stand on opposite sides of the partisan divide, but we believe it is better to search for solutions together than to remain divided. This is particularly true of a vexing problem that could wreak havoc during the 2024 presidential election: the inadequacy of the Electoral Count Act of 1887.

The act is an antiquated, muddled and potentially unconstitutional law that allows uncertainty during a critical step in the peaceful transfer of power. . . . Weaknesses in the law started to become apparent after the 2000 election.

The editorial continues:

In 2021, the ambiguities of that law helped lead to the violent assault on the U.S. Capitol as efforts were being made to toss out several states' slates of electoral votes. Fortunately, those efforts failed, and the rightful winners took office. But the threat of confusion remains. Left unclosed, loopholes

in the act could allow a repeat of the same destructive path that occurred in 2021.

The Washington Post has written several editorials on this subject as well. The June 19, 2022, editorial in the Post entitled "Fix the electoral count law now, before Trump tries to exploit it again" reviewed the recent House committee hearings on the January 6 insurrection. The editorial wrote:

The House committee investigating the Jan. 6, 2021, Capitol attack heard damning testimony detailing how President Donald Trump and a coterie of partisan lawyers advanced a dangerous argument: that the vice president has the legal authority to overturn a presidential election when Congress meets to count electoral college votes. Trump official after Trump official testified that they knew it was wrong. John Eastman, a lawyer who advocated for the theory, acknowledged as much in front of Mr. Trump on January 4, according to testimony from Greg Jacob, who was Vice President Mike Pence's general counsel. But Mr. Trump and his allies nevertheless waged a relentless public campaign to pressure Mr. PENCE to betray the Nation's democracy. Belief in this antidemocratic nonsense spurred the January 6 mob, which infamously chanted, "Hang Mike Pence."

The Post editorial continued:

Americans went most of their history without having to worry seriously about arcane electoral college procedures. Even in closely fought, acrimonious presidential elections, losing candidates accepted their defeats with grace rather than seeking the vulnerabilities in the law to exploit. The country no longer has that luxury. Congress should have no higher priority than fixing the electoral college process.

The recommendations that are coming out of this bipartisan group would do just that—fix the Electoral Count Act.

I want to thank the work of the American Law Institute, which convened a bipartisan working group to consider possible ECA reforms. In particular, I want to thank cochairs Bob Bauer and Jack Goldsmith for their contributions to our efforts. I also want to thank the staff at Protect Democracy for their suggestions and work here.

Our legislation aims to ensure that Congress can accurately and correctly tally the electoral votes cast by the States, which should be consistent with each State's popular vote for President and Vice President of the United States. Our legislation clarifies some of the ambiguities in terms of the appropriate State and Federal roles in selecting the next President and Vice President of the United States as set forth in the U.S. Constitution.

In our constitutional system, election law, like many other areas of law, involves shared powers between the Federal Government on the one hand and State and local governments on the other. Article I, section 4 of the Constitution provides:

The Times, Places, and Manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof.

That clause of the Constitution continues by concluding:

But the Congress may at any time [by law] make or alter such Regulations.

We have the power here, and that is what the Electoral Count Act is about.

Article II, section 1 of the Constitution provides:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress.

The Constitution also provides:

The Congress may determine the Time of choosing of the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

The 12th Amendment to the Constitution, ratified in 1804, sets out a framework for Congress to tally and count the electoral votes from the States. Congress later passed the Electoral Count Act, the ECA, in 1887, in the aftermath of a contested Hayes-Tilden Presidential election of 1876 in which States sent competing slates of electors to Congress.

Our legislation takes several key steps to modernize the ECA and reduce the opportunity for constitutional mischief when it comes to Congress properly counting the electoral votes of the States.

First, the legislation helps to make it easier for Congress to identify a single, conclusive slate of electors from each State. The legislation requires each State's Governor as responsible for submitting the certificate of ascertainment identifying that State's electors. A State may designate another individual besides the Governor to carry out this function, such as the Secretary of State, if such an individual is named before the election day itself.

Again, the State executive official reporting their electoral votes to Congress must do such "under and in pursuance of the laws of such State providing for such ascertainment enacted prior to election day."

Our legislation, therefore, seeks to avoid circumstances in which a State attempts to change the rules after election day due to political pressure that may arise if a particular favored candidate loses the election.

Congress could not accept a slate of electors from an official not authorized to do so by State law enacted prior to election day. Our legislation provides that States following these rules will have their appointments of electors treated as conclusive by Congress subject to any subsequent State or Federal judicial relief granted prior to the date of the meeting of electors.

Our legislation states that the determination of the Federal courts shall be conclusive on questions arising under the Constitution or laws of the United States.

Second, the legislation modernizes the "failed election" language in the ECA to specify that a State could modify its period of voting on election day only as necessitated by "extraordinary