

or persons in the service of these states, which may come to their knowledge" (legislation of July 30, 1778, reprinted in *Journals of the Continental Congress, 1774-1789*, ed. Worthington C. Ford et al. (Washington, DC, 1904-37), 11:732);

Whereas whistleblowers risk their careers, jobs, and reputations by reporting waste, fraud, and abuse to the proper authorities;

Whereas, in providing the proper authorities with lawful disclosures, whistleblowers save the taxpayers of the United States billions of dollars each year and serve the public interest by ensuring that the United States remains an ethical and safe place; and

Whereas it is the public policy of the United States to encourage, in accordance with Federal law (including the Constitution of the United States, rules, and regulations) and consistent with the protection of classified information (including sources and methods of detection of classified information), honest and good faith reporting of misconduct, fraud, misdemeanors, and other crimes to the appropriate authority at the earliest time possible: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 30, 2022, as "National Whistleblower Appreciation Day"; and

(2) ensures that the Federal Government implements the intent of the Founding Fathers, as reflected in the legislation passed on July 30, 1778 (relating to whistleblowers), by encouraging each executive agency to recognize National Whistleblower Appreciation Day by—

(A) informing employees, contractors working on behalf of the taxpayers of the United States, and members of the public about the legal right of a United States citizen to "blow the whistle" to the appropriate authority by honest and good faith reporting of misconduct, fraud, misdemeanors, or other crimes; and

(B) acknowledging the contributions of whistleblowers to combating waste, fraud, abuse, and violations of laws and regulations of the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5183. Mr. DAINES submitted an amendment intended to be proposed by him to the bill H.R. 4346, making appropriations for Legislative Branch for the fiscal year ending September 30, 2022, and for other purposes; which was ordered to lie on the table.

SA 5184. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3373, to improve the Iraq and Afghanistan Service Grant and the Children of Fallen Heroes Grant; which was ordered to lie on the table.

SA 5185. Mrs. BLACKBURN submitted an amendment intended to be proposed by her to the bill S. 3373, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 5183. Mr. DAINES submitted an amendment intended to be proposed by him to the bill H.R. 4346, making appropriations for Legislative Branch for the fiscal year ending September 30, 2022, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ ENFORCEMENT OF INTELLECTUAL PROPERTY PROVISIONS OF ECONOMIC AND TRADE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF CHINA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Agreement includes significant mandates for the People's Republic of China related to its domestic intellectual property regime, including with respect to copyrights, trademarks, trade secrets, and patents;

(2) the changes included in the Agreement, if implemented effectively, should improve the domestic intellectual property framework of the People's Republic of China, which has historically proven to harm the innovation and creative communities in the United States;

(3) despite commitments made by the Government of the People's Republic of China under the Agreement, ongoing market access barriers, uneven enforcement, measures requiring forced technology transfer, and serious deficiencies in the rule of law continue to make the business environment in the People's Republic of China highly challenging for rights holders in the United States;

(4) as reflected in the 2021 report by the United States Trade Representative required under section 182(h) of the Trade Act of 1974 (19 U.S.C. 2242(h)) (commonly referred to as the "Special 301 Report"), the People's Republic of China has consistently been listed in that annual report since 1989 as a trading partner of the United States that "fails to provide adequate and effective IP protection and enforcement for U.S. inventors, creators, brands, manufacturers, and service providers, which, in turn, harm American workers"; and

(5) Congress encourages the United States Trade Representative, the Attorney General, the Secretary of State, the Secretary of Homeland Security, the Secretary of Commerce, and the Director of the United States Patent and Trademark Office—

(A) to use all available tools to ensure that the People's Republic of China fully implements its commitments under the Agreement; and

(B) to actively consider additional means to require the People's Republic of China to address unfair market access barriers, forced technology transfer requirements, and broader intellectual property theft concerns, including through future trade agreements and working with partners in multilateral organizations, such as the Group of 7 (G7), the Group of 20 (G20), and the World Trade Organization.

(b) ENFORCEMENT OF AGREEMENT.—The President, acting through the United States Trade Representative, shall coordinate with the heads of such Federal agencies as the President considers appropriate to enforce the actions related to intellectual property laid out in the Agreement including—

(1) the civil, administrative, and criminal procedures and deterrent-level civil and criminal penalties provided in the Agreement; and

(2) by using the full enforcement authority of the President, including any enforcement authority in connection with the identification and reporting process under section 182 of the Trade Act of 1974 (19 U.S.C. 2242).

(c) REPORT ON STATUS OF IMPLEMENTATION OF CERTAIN OBLIGATIONS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the United States Trade Representative shall submit to the appropriate committees of Congress a report on the status of the implementation by the People's Republic of China of its obligations under Chapter 1 of the Agreement.

(2) INFORMATION IN REPORT.—Each report required by paragraph (1) shall contain information sufficient to enable the appropriate committees of Congress to assess the extent of the compliance by the People's Republic of China with the Agreement, including appropriate quantitative metrics.

(d) DEFINITIONS.—In this section:

(1) AGREEMENT.—The term "Agreement" means the Economic and Trade Agreement Between the Government of the United States of America and the Government of China, dated January 15, 2020.

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

SA 5184. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3373, to improve the Iraq and Afghanistan Service Grant and the Children of Fallen Heroes Grant; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ OFFSET THROUGH TEMPORARY REDUCTION IN FOREIGN ASSISTANCE PROGRAMS.

During the 10-year period beginning on October 1, 2022, no Federal funds may be expended by the United States Agency for International Development other than funds that have been appropriated for Israel.

SA 5185. Mrs. BLACKBURN submitted an amendment intended to be proposed by her to the bill S. 3373, to improve the Iraq and Afghanistan Service Grant and the Children of Fallen Heroes Grant; which was ordered to lie on the table; as follows:

On page 15, between lines 14 and 15, insert the following:

SEC. 105. REQUIREMENT TO PROVIDE CARE UNDER VETERANS COMMUNITY CARE PROGRAM FOR TOXIC-EXPOSED VETERANS.

Section 1703(d)(1) is amended—

(1) in subparagraph (D), by striking "; or" and inserting a semicolon;

(2) in subparagraph (E), by striking the period at the end and inserting "; or"; and

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

"(F) the covered veteran is a toxic-exposed veteran."

AUTHORITY FOR COMMITTEES TO MEET

Mr. WARNER. Mr. President, I have seven requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority Leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, July 26, 2022, at 9:30 a.m., to conduct a closed briefing.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Tuesday, July 26, 2022, at 10 a.m., to conduct a hearing.

COMMITTEE ON HEALTH, EDUCATION, LABOR,
AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Tuesday, July 26, 2022, at 10 a.m., to conduct a hearing.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Tuesday, July 26, 2022, at 10 a.m., to conduct a hearing.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Tuesday, July 26, 2022, at 2:30 p.m., to conduct a closed briefing.

SUBCOMMITTEE ON CRIMINAL JUSTICE AND
COUNTERTERRORISM

The Subcommittee on Criminal Justice and Counterterrorism of the Committee on the Judiciary is authorized to meet during the session of the Senate on Tuesday, July 26, 2022, at 2:30 p.m., to conduct a hearing.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

The Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Tuesday, July 26, 2022, at 10 a.m., to conduct a hearing.

NOTICE OF PROPOSED RULE-
MAKING FOR THE CONGRES-
SIONAL ACCOUNTABILITY ACT

U.S. CONGRESS,
OFFICE OF CONGRESSIONAL
WORKPLACE RIGHTS,
Washington, DC, July 26, 2022.

Hon. PATRICK LEAHY,
President Pro Tempore of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Section 210(e) of the Congressional Accountability Act ("CAA"), 2 U.S.C. §1331(e), requires the Board of Directors of the Office of Congressional Workplace Rights ("the Board") to issue regulations implementing Section 210 of the CAA, relating to the rights and protections against discrimination in the provision of public services and accommodations established by sections 201 through 230, 302, 303, and 309 of the Americans with Disabilities Act of 1990 (42 U.S.C. §§12131–12150, 12182, 12183, and 12189), made applicable to the legislative branch by the CAA, 2 U.S.C. §1331(a).

Section 304(b)(1) of the CAA, 2 U.S.C. 1384(b)(1), requires that the Board issue a general notice of proposed rulemaking by transmitting "such notice to the Speaker of the House of Representatives and the President Pro Tempore of the Senate for publication in the *Congressional Record* on the first day of which both Houses are in session following such transmittal."

On behalf of the Board, I am hereby transmitting the attached notice of proposed rulemaking to the President Pro Tempore of the U.S. Senate. I request that this notice be published in the Senate section of the *Congressional Record* on the first day on which both Houses are in session following receipt of this transmittal. In compliance with Section 304(b)(2) of the CAA, a comment period of 30 days after the publication of this notice of proposed rulemaking is being provided before adoption of the rules.

Any inquiries regarding this notice should be addressed to Teresa James, Acting Execu-

tive Director of the Office of Congressional Workplace Rights, 110 Second Street, SE, Room LA-200, Washington, DC 20540-1999; telephone: 202-724-9250.

Sincerely,

BARBARA CHILDS WALLACE,
Chair of the Board of Directors,
Office of Congressional Workplace Rights.
Attachment.

NOTICE OF PROPOSED RULEMAKING
FROM THE BOARD OF DIRECTORS OF
THE OFFICE OF CONGRESSIONAL
WORKPLACE RIGHTS

**Modification of Regulations Under the Amer-
icans with Disabilities Act Relating to Pub-
lic Services and Accommodations, Notice of
Proposed Rulemaking, as Required by 2
U.S.C. §1331, Congressional Accountability
Act of 1995, as Amended.**

Background:

The purpose of this Notice of Proposed Rulemaking ("Notice") is to propose modifications to the pending legislative branch Americans with Disabilities Act ("ADA") substantive regulations under Section 210 of the Congressional Accountability Act ("CAA") (2 U.S.C. §1331 et seq.), which provides that the rights and protections against discrimination in the provision of public services and accommodation under Titles II and III of the ADA shall apply to entities covered by the CAA.

The Congressional Accountability Act of 1995 ("CAA"), PL 104-1, was enacted into law on January 23, 1995. The CAA, as amended, applies the rights and protections of 14 federal labor and employment statutes to covered employees and employing offices within the legislative branch of the federal government. Section 210 of the CAA provides that the rights and protections against discrimination in the provision of public services and accommodations established by Titles II and III (sections 201 through 230, 302, 303, and 309) of the Americans with Disabilities Act of 1990, 42 U.S.C. §§12131–12150, 12182, 12183, and 12189 ("ADA"), shall apply to legislative branch entities covered by the CAA. The above provisions of section 210 became effective on January 1, 1997, 2 U.S.C. §1331(h).

As set forth in detail below, the Board of Directors ("the Board") of the Office of Congressional Workplace Rights ("OCWR") adopted regulations implementing section 210 of the CAA in 2016. 162 Cong. Rec. H557–565, S624–632 (daily ed. February 3, 2016). These modified proposed regulations will bring OCWR's ADA regulations in line with recent changes to the Department of Justice's ("DOJ") and Department of Transportation's ("DOT") ADA regulations and with the CAA of 1995 Reform Act of 2018, Pub. L. No. 115–397. These and other proposed changes are set forth fully in this Notice. Deletions are marked with square [brackets] and added text is within angled <<[brackets]>>. Therefore, if these regulations are approved as proposed, the deletions within square brackets will be removed from the regulations and the added text within angled brackets will remain.

What is the authority under the CAA for these proposed substantive regulations?

Section 210(b) of the CAA provides that the rights and protections against discrimination in the provision of public services and accommodations established by the provisions of Titles II and III (sections 201 through 230, 302, 303, and 309) of the Americans with Disabilities Act of 1990, 42 U.S.C. §§12131–12150, 12182, 12183, and 12189, shall apply to the following entities: (1) each office of the Senate, including each office of a Senator and each committee; (2) each office of the House of Representatives, including each office of a Member of the House of Rep-

resentatives and each committee; (3) each joint committee of the Congress; (4) the Office of Congressional Accessibility Services; (5) the Capitol Police; (6) the Congressional Budget Office; (7) the Office of the Architect of the Capitol (including the Botanic Garden); (8) the Office of the Attending Physician; (9) the Office of Congressional Workplace Rights; and (10) the Library of Congress. 2 U.S.C. §1331(a).

Section 210(e) of the CAA requires that the OCWR Board, pursuant to section 304 of the CAA, issue regulations implementing that section, and that such regulations "shall be the same as substantive regulations promulgated by the Attorney General and the Secretary of Transportation to implement the statutory provisions referred to in subsection (b) [of section 210 of the CAA] except to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section." 2 U.S.C. §1331(e).

Are there ADA public access regulations already in force under the CAA?

Yes. The first ADA regulations implementing section 210 of the CAA were adopted by the Board and published on January 7, 1997, 142 Cong. Rec. H10676–10711, S10984–11019 (daily ed. September 19, 1996) and 143 Cong. Rec. S30–61 (daily ed. January 7, 1997), after providing notice, and receiving and considering comments in accordance with section 304 of the CAA. No congressional action was taken and thus the 1997 regulations were not issued. Revised regulations were adopted by the Board and published on February 3, 2016, 160 Cong. Rec. H7363–7372, S5437–S5447 (daily ed. September 9, 2014) and 162 Cong. Rec. H557–565, S624–632 (daily ed. February 3, 2016), after providing notice, and receiving and considering comments in accordance with section 304 of the CAA. No congressional action was taken and thus the regulations were not issued.

The CAA provides that, while the CAA rulemaking procedure is underway, the corresponding executive branch regulations are to be applied. Section 411 of the CAA (2 U.S.C. §1411) provides:

"Effect of failure to issue regulations.

In any proceeding under section 1405, 1406, 1407, or 1408 of this title . . . if the Board has not issued a regulation on a matter for which this chapter requires a regulation to be issued, the hearing officer, Board, or court, as the case may be, shall apply, to the extent necessary and appropriate, the most relevant substantive executive agency regulation promulgated to implement the statutory provision at issue in the proceeding."

This makes plain that ADA public access regulations are presently in force. "[T]he most relevant substantive executive agency regulation[s]" are the DOJ and DOT ADA public access regulations.

Why are these regulations being proposed at this time?

As set forth above, the CAA requires employing offices to comply with ADA public access regulations issued by the DOJ and DOT pursuant to the ADA. The CAA also requires the Board to issue its own regulations implementing the ADA public access provisions of the CAA. The statute obligates the Board's regulations to be the same as the DOJ and DOT regulations except to the extent that the Board may determine that a modification would be more effective in implementing ADA public access protections. 2 U.S.C. §1331(e)(2). These proposed regulations will clarify that covered entities must comply with the ADA public access provisions applied to public entities and public accommodations to implement Titles II and III of