

Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2024; Carlos Felipe Uriarte, of California, to be an Assistant Attorney General; Carlton W. Reeves, of Mississippi, to be Chair of the United States Sentencing Commission; Carlton W. Reeves, of Mississippi, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2027; Laura E. Mate, of Iowa, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2027; Claire McCusker Murray, of Maryland, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2025; Luis Felipe Restrepo, of Pennsylvania, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2025; Claria Horn Boom, of Kentucky, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2023; John Gleeson, of New York, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2023; and Candice C. Wong, of the District of Columbia, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2027 en bloc?

The nominations were confirmed en bloc.

EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate consider the following nominations en bloc: Calendar Nos. 984, 1052, 1061, 1062, 1064, 1111, 1115, 1116, 1117, and 1118; that the Senate vote on the nominations en bloc without intervening action or debate; the motions to reconsider be considered made and laid upon the table; the President be immediately notified of the Senate's action; and the Senate resume legislative session.

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

The question is, Will the Senate advise and consent to the nominations of Michael C. Gonzales, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zambia; Timmy T. Davis, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Qatar; Dean R. Thompson, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Nepal; Richard Lee Buangan, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mongolia; Marie C.

Damour, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Fiji, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kiribati, the Republic of Nauru, the Kingdom of Tonga, and Tuvalu; Robert F. Godec, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Thailand; Jonathan Henick, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Uzbekistan; Angela Price Aggeler, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of North Macedonia; Gautam A. Rana, of New Jersey, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Slovak Republic; and Daniel N. Rosenblum, of Maryland, a Career Member of the Senior Executive Service, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kazakhstan, en bloc?

The nominations were confirmed en bloc.

LEGISLATIVE SESSION

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

MORNING BUSINESS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

RESOLUTIONS SUBMITTED TODAY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate now proceed to the en bloc consideration of the following Senate resolutions, introduced earlier today: S. Res. 744, S. Res. 745, and S. Res. 746.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. SCHUMER. I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and that the motions to reconsider be considered made and laid upon the table, all en bloc.

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

The resolutions were agreed to.

The preambles were agreed to.

(The resolutions, with their preambles, are printed in today's RECORD under "Submitted Resolutions.")

AMENDING TITLE 38, UNITED STATES CODE, TO ELIMINATE THE REQUIREMENT TO SPECIFY AN EFFECTIVE PERIOD OF A TRANSFER OF POST-9/11 EDUCATIONAL ASSISTANCE TO A DEPENDENT

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate Committee on Veterans' Affairs be discharged from further consideration of S. 3606 and the Senate proceed to its immediate consideration.

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

The legislative clerk read as follows:

A bill (S. 3606) to amend title 38, United States Code, to eliminate the requirement to specify an effective period of a transfer of Post-9/11 educational assistance to a dependent, and for other purposes.

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

Mr. SCHUMER. I ask unanimous consent that the bill be considered read a third time.

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

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. SCHUMER. I know of no further debate on the bill.

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

The bill (S. 3606) was passed as follows:

S. 3006

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIMINATION OF REQUIREMENT TO SPECIFY AN EFFECTIVE PERIOD OF A TRANSFER OF POST-9/11 EDUCATIONAL ASSISTANCE TO A DEPENDENT.

Section 3319(e) of title 38, United States Code, is amended—

(1) in paragraph (1), by adding "and" after the semicolon;

(2) in paragraph (2), by striking "and" and inserting a period; and

(3) by striking paragraph (3).

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.

ENSURING THE BEST SCHOOLS FOR VETERANS ACT OF 2022

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate Committee on Veterans' Affairs be discharged from further consideration of

S. 4458 and the Senate proceed to its immediate consideration.

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

The legislative clerk read as follows:

A bill (S. 4458) to amend title 38, United States Code, to improve the process by which the Secretary of Veterans Affairs determines whether an educational institution meets requirements relating to the percentage of students who receive educational assistance furnished by the Secretary, and for other purposes.

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

Mr. SCHUMER. I ask unanimous consent that the bill be considered read a third time.

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

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. SCHUMER. I know of no further debate on the bill.

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

The bill (S. 4458) was passed as follows:

S. 4458

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Ensuring the Best Schools for Veterans Act of 2022”.

SEC. 2. DETERMINATIONS RELATING TO PERCENTAGE OF STUDENTS OF EDUCATIONAL INSTITUTION WHO RECEIVE EDUCATIONAL ASSISTANCE BY DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Subsection (d) of section 3680A of title 38, United States Code, is amended to read as follows:

“(d)(1) The Secretary shall not approve the enrollment of any eligible veteran, not already enrolled, in any course for any period during which the Secretary finds that more than 85 percent of the students enrolled in the course are having all or part of their tuition, fees, or other charges paid to or for them by the educational institution or by the Department of Veterans Affairs under this title or under chapter 1606 of title 10, except with respect to tuition, fees, or other charges that are paid under a payment plan at an educational institution that the Secretary determines has a history of offering payment plans that are completed not later than 180 days after the end of the applicable term, quarter, or semester.

“(2) The Secretary may waive the requirements of paragraph (1), in whole or in part, if the Secretary determines, pursuant to regulations which the Secretary shall prescribe, it to be in the interest of the eligible veteran and the Federal Government.

“(3)(A) The Secretary shall establish a process by which an educational institution may request a review of a determination that the educational institution does not meet the requirements of paragraph (1).

“(B) An educational institution that requests a review under subparagraph (A)—

“(i) shall request the review not later than 30 days after the start of the term, quarter, or semester for which the determination described in subparagraph (A) applies; and

“(ii) may include any information that the educational institution believes the Depart-

ment should have taken into account when making the determination, including with respect to any mitigating circumstances.

“(C) The Under Secretary of Benefits shall issue an initial decision for each review requested under subparagraph (A) by not later than 30 days after the date of the request, to the extent feasible.

“(D) An educational institution may request the Secretary to review the decision by the Under Secretary under subparagraph (C). The Secretary shall review each decision so requested and, pursuant to such review, shall issue a final decision sustaining, modifying, or overturning the decision by the Under Secretary.

“(E) The Secretary shall carry out this paragraph without regard to any review process carried out by the Secretary under chapter 51 of this title.

“(4) Paragraph (1) shall not apply to any course offered by an educational institution if—

“(A) the majority of courses offered by the educational institution are approved under section 3672 or 3675 of this title; and

“(B) the total number of veterans and persons receiving assistance under this title or under chapter 1606 of title 10 who are enrolled in such institution equals 35 percent or less of the total student enrollment at such institution (computed separately for the main campus and any branch or extension of such institution).

“(5)(A) Paragraph (1) shall not apply to any course offered by an educational institution if—

“(i) the majority of courses offered by the educational institution are approved under section 3676 of this title; and

“(ii) the total number of veterans and persons receiving assistance under this title or under chapter 1606 of title 10 who are enrolled in such institution equals 35 percent or less of the total student enrollment at such institution (computed separately for the main campus and any branch or extension of such institution).

“(B) Notwithstanding subparagraph (A), on a case by case basis, the Secretary may apply paragraph (1) with respect to any course otherwise covered by such subparagraph if the Secretary has reason to believe that the enrollment of veterans and persons described in clause (ii) of such subparagraph may be in excess of 85 percent of the total student enrollment in such course.

“(6) The Secretary shall ensure that an educational institution that meets the requirements of paragraph (4) or (5) submits information to the Secretary on a biennial basis to verify meeting such requirements. During such biennial period in which an educational institution is covered by such verification, the Secretary may not require the educational institution to submit information with respect to meeting the requirements of paragraph (1).

“(7) Paragraph (1) shall not apply with respect to the enrollment of a veteran—

“(A) in a program of education for which fewer than 10 students are having all or part of their tuition, fees, or other charges paid to or for them by the educational institution or by the Department of Veterans Affairs under this title or under chapter 1606 of title 10;

“(B) in a course offered pursuant to section 3019, 3034(a)(3), 3234, or 3241(a)(2) of this title;

“(C) in a farm cooperative training course; or

“(D) in a course described in subsection (g).”

(b) APPLICATION.—The amendment made by subsection (a) shall apply with respect to a quarter, semester, or term, as applicable, commencing on or after the date of the enactment of this Act.

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.

MORNING BUSINESS

NOTICE OF A TIE VOTE UNDER S. RES. 27

Mr. DURBIN. Mr. President, I ask unanimous consent to print the following letter in the RECORD.

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

To the Secretary of the Senate:

PN2189, the nomination of Rachel Bloomekatz, of Ohio, to be United States Circuit Judge for the Sixth Circuit, having been referred to the Committee on the Judiciary, the Committee, with a quorum present, has voted on the nomination as follows—

(1) on the question of reporting the nomination favorably with the recommendation that the nomination be confirmed, 10 ayes to 10 noes; and

In accordance with section 3, paragraph (1)(A) of S. Res. 27 of the 117th Congress, I hereby give notice that the Committee has not reported the nomination because of a tie vote, and ask that this notice be printed in the RECORD pursuant to the resolution.

DICK DURBIN.

THRIFTY FLOOD PLAN

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the following letter from the Government Accountability Office, GAO, be printed in the RECORD.

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

U.S. GOVERNMENT ACCOUNTABILITY
OFFICE,
Washington, DC.

DECISION

Matter of: United States Department of Agriculture—Applicability of the Congressional Review Act to the 2021 Updates to the Thrifty Food Plan

File: B-33732

Date: July 28, 2022

DIGEST

The United States Department of Agriculture (USDA) issued a document entitled Thrifty Food Plan, 2021 (2021 TFP). The 2021 TFP updates the market baskets used to determine the value of Supplemental Nutrition Assistance Program (SNAP) benefits to purchase food from retail stores.

The Congressional Review Act (CRA) requires that before a rule can take effect, an agency must submit the rule to both the House of Representatives and the Senate as well as the Comptroller General, and provides procedures for congressional review where Congress may disapprove of rules. We conclude the 2021 TFP meets the definition of a rule under the CRA and no CRA exception applies. Therefore, the 2021 TFP is subject to the requirement that it be submitted to Congress.

DECISION

On August 16, 2021, the United States Department of Agriculture (USDA) issued a