

(ii) not fewer than 1 member shall be a representative from a trade association for the small business investment program under title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.).

(C) 8 members appointed by the Administrator as follows:

(i) 2 members shall be selected from among the individuals in the list submitted by the Chair of the Committee on Small Business and Entrepreneurship of the Senate under paragraph (2).

(ii) 2 members shall be selected from among the individuals in the list submitted by the Ranking Member of the Committee on Small Business and Entrepreneurship of the Senate under paragraph (2).

(iii) 2 members shall be selected from among the individuals in the list submitted by the Chair of the Committee on Small Business of the House of Representatives under paragraph (2).

(iv) 2 members shall be selected from among the individuals in the list submitted by the Ranking Member of the Committee on Small Business of the House of Representatives under paragraph (2).

(2) RECOMMENDATIONS.—Not later than 30 days after the date of enactment of this Act, each of the covered Members shall provide to the Administrator a list of 3 candidates for membership on the Advisory Committee, who shall be individuals who hold a high-ranking position or senior leadership role, and have no conflict of interest in the small business investment program under title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.), in—

(A) a relevant industry trade association;

(B) the investment industry with expertise in pensions, endowments, and other non-banking institutions;

(C) academia with expertise in the investment industry; or

(D) a nonprofit institution, including one that serves any of the entities described in subclauses (I) through (VII) of paragraph (1)(B)(i).

(3) PRIVATE SECTOR MEMBERS.—Not fewer than 2 and not more than 4 of the members of the Advisory Committee shall be investors in the private sector who—

(A) invest in small business concerns; and

(B) as of the date of appointment, do not participate in the small business investment program under title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.).

(4) CHAIRPERSON.—The Chairperson of the Advisory Committee shall be the member of the Advisory Committee appointed under paragraph (1)(A).

(5) PERIOD OF APPOINTMENT.—Members of the Advisory Committee shall be appointed for the life of the Advisory Committee.

(6) VACANCIES.—Any vacancy in the Advisory Committee shall be filled in the same manner as the original appointment.

(d) DEADLINE FOR APPOINTMENT.—Not later than 60 days after the date on which the covered Members provide the lists to the Administrator under subsection (c)(2), the Administrator shall—

(1) appoint the members of the Advisory Committee; and

(2) submit to Congress a list of the members so appointed.

(e) DUTIES.—The Advisory Committee shall provide advice and recommendations to the Administrator—

(1) concerning policy and program development and other matters of significance concerning activities under the Small Business Act (15 U.S.C. 631 et seq.) and the Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.), including diversifying management teams or companies;

(2) concerning incentives for small business investment companies to—

(A) invest and locate in underlicensed States and underfinanced States; and

(B) invest in small business concerns, including those owned and controlled by socially or economically disadvantaged individuals, small business concerns owned and controlled by veterans, and small business concerns owned and controlled by women;

(3) concerning metrics of success, and benchmarks for success, with respect to the goals described in this section; and

(4) concerning the impact of the small business investment program under title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.) on the private investment market, including whether investments under the program compete with the private sector.

(f) REPORT.—Not later than 18 months after the date on which the Administrator establishes the Advisory Committee under subsection (b), the Advisory Committee shall submit to the Administrator, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report that includes the recommendations of the Advisory Committee described in subsection (e).

(g) TERMINATION.—The Advisory Committee shall terminate on the date on which the Advisory Committee submits the report required under subsection (f).

Mr. SCHUMER. I further ask that the bill, as amended, be considered read a third time.

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

The bill, as amended, 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, as amended.

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

The bill (S. 2521), as amended, was passed.

Mr. SCHUMER. Finally, I ask that the committee-reported title amendment be agreed to and that the motion 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 committee-reported amendment to the title was agreed to as follows:

(Purpose: To amend the title)

Amend the title so as to read: "A bill to require the Administrator of the Small Business Administration to establish an SBIC Advisory Committee, and for other purposes."

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

## MORNING BUSINESS

### HISPANIC HERITAGE MONTH

Mr. DURBIN. Mr. President, every year since 1988, we have honored the

achievements of the Latino community in the United States through Hispanic Heritage Month. My friend and mentor, Senator Paul Simon, was part of the effort to establish this important time to honor the contributions of Hispanic and Latino communities throughout American history, filled with stories of inspiration and courage. Today, I continue Paul's work by taking the time to honor this rich history and celebrate the leaders paving the way for a brighter future of this Nation.

Illinois is home to a large and vibrant Latino community. I have had the privilege of meeting Latino people from many walks of life, from Dreamers who grew up here, to newly arrived refugees fleeing tyranny. While their stories all differ, they share common themes of hope, resilience, and determination. In their stories, I see my family's story. My mother and her family escaped oppression to find freedom here in America. Many families have followed that same journey to provide a better life in Illinois and across the country. It is not easy to leave your home to travel to an unfamiliar place. But with their courage, they brought diverse cultures, sharing music, food, traditions, and history. The Latino community has made an indelible mark on Illinois through small businesses, top-performing Hispanic-serving institutions, and beautiful cultural centers and museums.

Commitment to family is a core tenant of Latino culture and extends to care for the community at large, where Latino leaders use their talents to help others. Juan and Maria Pedroza emigrated from Mexico in 1989 to Little Village with their small children. Like the story of many families across the country, they, too, came to the United States in search of the American dream, doing whatever it took to ensure a brighter future for their children. Their children—Juan Manuel Jr., Maria Socorro, Gabriela, and Pedro—went on to attend prestigious colleges and universities, including Harvard, DePauw, Cornell, and the University of Illinois at Champaign-Urbana. Pedro's courage and spirit of service led him to serve in then-Mayor Rahm Emmanuel's office—the first Deferred Action for Childhood Arrivals—DACA—recipient to serve in the mayor's office. Pedro recognized the needs of his community and answered the call to public service so others could grow and succeed. The Pedrozas' success has not come without great sacrifices, similar to those that many Latino families have had to make. But through extraordinary determination and resilience, they go above and beyond out of love of family and community.

Chicago also is home to a vibrant Puerto Rican community that has displayed great resilience in the face of serious challenges. Tragically, more than 900,000 Puerto Ricans have lost power in the aftermath of Hurricane Fiona. Some areas received more than 30 inches of rain and, sadly, this devastation is a trend. Latinos in the United

States are more likely than non-Hispanic Whites to experience heat waves, powerful hurricanes, sea level rises, and floods. It is estimated that Hispanic and Latino people are 43 percent more likely to live in an area expected to be too hot to work a full day outside due to climate change. And communities are responding. Across the United States, thousands of people have joined together to help Puerto Rico—including in Illinois—where the Puerto Rican Agenda is working to provide immediate relief to those affected by natural disasters. I support their efforts and President Biden's approval of a major disaster declaration for Puerto Rico.

Tackling environmental injustice doesn't end there. Earlier this year, activists and community leaders in southeast Chicago raised concerns with the development of a metal shredder facility. The Chicago Health Department and the Environmental Protection Agency conducted a health impact assessment, finding the metal recycling plant would have increased air pollution and negatively impacted the mental health of residents. As a result, the city blocked the development. This story is not unique to Chicago; Latino communities across the United States have mobilized to make their voices heard and protect our communities.

We also saw this tenacity during the pandemic. Millions of Hispanic and Latino people served as frontline workers—treating patients, feeding communities, and working around the clock to disinfect schools, stores, and health centers at a grave personal cost. Today, Hispanic or Latino persons are twice as likely to be hospitalized for COVID-19 and 1.8 times more likely to die from the virus, due to health disparities and continuous exposure. We must never forget the contributions they made, which have supported our Nation during one of its most difficult moments.

Countless Latino leaders have overcome systemic injustices to succeed and inspire the next generation of leaders. As we celebrate Hispanic Heritage Month, we recognize the value the Latino community brings to our country through its work and culture. Resilience and love shine through in all that the community does and will continue to make us a stronger country for years to come.

#### NOTICE OF A TIE VOTE UNDER S. RES. 27

Mr. PETERS. 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:

U.S. SENATE,  
COMMITTEE ON HOMELAND SECURITY AND  
GOVERNMENTAL AFFAIRS,  
Washington, DC, September 28, 2022.  
*To the Secretary of the Senate:*

PN 2457, the nomination of Colleen Joy Shogan, to be Archivist of the United States,

vice David S. Ferriero, having been referred to the Committee on Homeland Security and Governmental Affairs, the Committee with a quorum present, has voted on the nomination as follows—

On the question of reporting the nomination favorably with the recommendation that the nomination be confirmed 7 ayes to 7 noes.

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

GARY C. PETERS,  
*Chairman.*

#### INFLATION REDUCTION ACT OF 2022

Ms. CORTEZ MASTO. Mr. President, I rise today to clarify a colloquy between myself and Chairman WYDEN placed in the CONGRESSIONAL RECORD on August 6, 2022. The statement in the RECORD references geothermal energy as applicable to the new "section 48D" of the Tax Code added by section 13702 of the Inflation Reduction Act. The statement should have referenced that section as "section 48E." As explained in that colloquy, geothermal will qualify for the production and investment tax credits included in sections 13701 and 13702 of the Inflation Reduction Act.

#### FOOD AND DRUG ADMINISTRATION USER FEE REAUTHORIZATION

Mrs. MURRAY. Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the transmittal and commitment letters from the Secretary of Health and Human Services to the chair and ranking member of the Committee on Health, Education, Labor, and Pensions of the Senate and the chair and ranking member of the Committee on Energy and Commerce of the House of Representatives regarding reauthorization of the Prescription Drug User Fee Act, Medical Device User Fee Amendments, Generic Drug User Fee Amendments, and Biosimilar User Fee Act.

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

THE SECRETARY OF HEALTH  
AND HUMAN SERVICES,  
Washington, DC, January 12, 2022.  
Hon. PATTY MURRAY,  
*Chair, Committee on Health, Education, Labor  
and Pensions, U.S. Senate, Washington,  
DC.*

DEAR CHAIR MURRAY: The Prescription Drug User Fee Act [PDUFA] as reauthorized by the Food and Drug Administration Reauthorization Act [FDARA P.L. 115-52], expires at the end of Fiscal Year 2022. With this letter the Administration is providing our recommendations for the reauthorization of PDUFA for the Fiscal Years 2023-2027 [PDUFA VII].

Under PDUFA, the revenues generated from fees paid by the pharmaceutical industry have been used to expedite the process for the review of new prescription drugs and to support and augment regulatory science

and drug development. The expenditure of these funds is in accordance with the statute and provides resources to meet the performance goals and procedures that were developed by the Food and Drug Administration [FDA] in consultation with representatives of regulated industry. FDA estimates that the fees negotiated in PDUFA VII will average approximately \$1.4 billion per year. PDUFA has proven to be an extremely effective program that has transformed the U.S. drug review to be the fastest in the world, while setting the global gold standard for quality, efficacy, and safety.

Throughout this process, the FDA has solicited input and worked with various stakeholders, including representatives from consumer and patient advocates, academic research, and health provider groups, and negotiated with the pharmaceutical and biotechnology industries, to develop reauthorization recommendations for PDUFA that would build upon and enhance the success of the program. In addition, we have complied with the statutory requirements to solicit public comments on our recommendations, and the summary of public comments is posted on the agency web site and enclosed with this letter.

Our recommendations build upon the successes of existing programs and performance goals with improvements and expansions to address areas of emerging regulatory science and drug development. For example, this includes, but is not limited to:

Investing critical resources in the Center for Biologics Evaluation and Research to support development, review, and approval of cell and gene therapy products;

Introducing new pilot programs to expedite patient access to novel uses for existing therapies, advance rare diseases development through efficacy endpoint development, and improve the quality and acceptability of real-world evidence;

Enhancing the drug safety system through optimizing the Sentinel Initiative capabilities and improving Risk Evaluation and Mitigation Strategy (REMS) assessments;

Introducing new enhancements related to product quality reviews, chemistry, manufacturing, and control approaches, and advancing the utilization of innovative manufacturing technologies;

Enhancing the use of digital health technologies to support drug development and review, along with leveraging modern technology to accelerate FDA's data and technology modernization;

Improving management of user fee resources through advancing FDA's Resource Capacity Planning function and continuing activities to enhance financial transparency.

The following five enclosures are provided for your consideration: The proposed PDUFA VII statutory language; a redline of current law; the Justifications of Proposed Statutory Changes for Reauthorization of PDUFA in Fiscal Years 2023 through 2027; the PDUFA Reauthorization Performance Goals and Procedures in Fiscal Years 2023 through 2027; and the summary of public comments.

Thank you for the opportunity to present our recommendations to reauthorize this vital program. We would be pleased to brief your staff on the details and want to work closely with Congress to reauthorize the program in a timely manner. The Office of Management and Budget has advised that the bill and the enclosed performance goals are in accord with the Administration's program.

Sincerely,

XAVIER BECERRA.