S. 1288

At the request of Mr. SANDERS, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. 1288, a bill to amend the Higher Education Act of 1965 to ensure College for All.

S. 1315

At the request of Ms. CANTWELL, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 1315, a bill to amend title XVIII of the Social Security Act to provide for coverage of certain lymphedema compression treatment items under the Medicare program.

S. 1536

At the request of Ms. COLLINS, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1536, a bill to amend title XVIII of the Social Security Act to expand the availability of medical nutrition therapy services under the Medicare program.

S. 1695

At the request of Mrs. CAPITO, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 1695, a bill to amend the Public Works and Economic Development Act of 1965 to provide for a high-speed broadband deployment initiative.

S. 1720

At the request of Mr. PETERS, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1720, a bill to provide stability to and enhance the services of the United States Postal Service, and for other purposes.

S. 1737

At the request of Mr. COONS, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1737, a bill to establish a global zoonotic disease task force, and for other purposes.

S. 1853

At the request of Mr. PETERS, the names of the Senator from Maine (Mr. KING) and the Senator from Iowa (Ms. ERNST) were added as cosponsors of S. 1853, a bill to amend title 49, United States Code, to establish a Motorcyclist Advisory Council.

S. 1857

At the request of Mr. KING, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of S. 1857, a bill to provide appropriations for the Internal Revenue Service to overhaul technology and strengthen enforcement, and for other purposes.

S. 1964

At the request of Mr. BENNET, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1964, a bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to provide for the establishment of a Ski Area Fee Retention Account, and for other purposes.

S. 2014

At the request of Ms. WARREN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 2014, a bill to permit legally married same-sex couples to amend their filing status for tax returns outside the statute of limitations.

S. 2029

At the request of Mr. MURPHY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2029, a bill to prohibit the use of corporal punishment in schools, and for other purposes.

S. 2030

At the request of Mr. JOHNSON, the names of the Senator from Iowa (Ms. ERNST), the Senator from South Carolina (Mr. SCOTT), the Senator from Montana (Mr. DAINES) and the Senator from Tennessee (Mr. HAGERTY) were added as cosponsors of S. 2030, a bill to declare that any agreement reached by the President relating to the nuclear program of Iran is deemed a treaty that is subject to the advice and consent of the Senate, and for other purposes.

S. RES. 241

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. Res. 241, a resolution widening threats to freedom of the press and free expression around the world, and reaffirming the vital role that a free and independent press plays in informing local and international audiences about public health crises, countering misinformation and disinformation, and furthering discourse and debate to advance healthy democracies in commemoration of World Press Freedom Day on May 3, 2021.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEE (for himself and Mr. GRASSLEY):

S. 2039. A bill to improve the antitrust laws, and for other purposes; to the Committee on the Judiciary.

Mr. LEE. Mr. President, I rise today to introduce a piece of legislation called the Tougher Enforcement Against Monopolists Act, or the TEAM Act. I am grateful that my good friend and ranking member of the Judiciary Committee, the senior Senator from Iowa, CHUCK GRASSLEY, has joined me as a cosponsor of the bill.

Now, I am aware that our House colleagues just recently introduced several bills intended to fight anti-competitive conduct by Big Tech. Those bills, in my view, don't go far enough. America is facing a panoply of competition concerns not just in Big Tech but across the entire economy. We need a holistic approach that benefits all consumers, in every industry. We need to deal with all the monopolists hurting competition.

Even worse, the House bills not only have too small of a target, but they use too big of a sledgehammer to hit it. They create a truly massive expansion of Federal regulatory power and are the first steps toward a command-and-control economy.

Responding to Big Tech with Big Government is adding insult to injury, not to mention something I doubt any conservative will be able to support. We don't need a bigger government. We need to make the one we have work better.

The TEAM Act avoids each of these mistakes. Instead of a narrow focus and Big Government approach, this bill will improve Federal antitrust enforcement for the entire economy without making government bigger.

The TEAM Act improves antitrust law in two ways. The first is putting all of our antitrust enforcers on one team. The TEAM Act unites our two Federal antitrust enforcement Agencies into one. For over a century, American antitrust enforcement has been something of a two-headed creature sometimes at odds with itself. The results have been delays to enforcement and consumer redress, uncertainty for businesses, and even conflicting antitrust enforcement policy.

Just recently, the two Agencies actually argued against each other on opposite sides of an appeal before the U.S. Court of Appeals for the Ninth Circuit. This arrangement isn't working for anyone—anyone, that is, perhaps, except corporations looking for an opportunity to game the system.

I hope that the bill can also put our two parties on the same team when it comes to antitrust reform. Our present reform movement is filled with bipartisan fervor to improve the lives of our constituents by improving competition in the markets that serve them and protecting them from the monopolists that exercise so much unearned power over huge swaths of our economy. Now, we don't agree on everything, but we do agree on this. It is my sincere belief that this bill represents the best and, hopefully, most bipartisan path forward.

That brings me to the second focus of the bill: preventing antitrust harm by monopolists. I use the term ''antitrust harm'' here very deliberately. In certain corners of the antitrust policy world, it has become fashionable to talk of being pro-monopoly or anti-monopoly, which is often tied to being pro- or anti-democracy. That is also deliberate terminology, and I think it is dangerous. It is a sleight of hand meant to move the conversation away from specific conduct and whether that conduct harms competition, to do so regardless and to instead imply that all that matters in this context, in this inquiry, is size and whether you support or defend a business based on its size. That position is both unserious and economically indefensible. Even the briefest, most passing moment of reflection on this will demonstrate its absurdity.

If you are anti-monopoly, are you also anti-patent? Patents are, after all, government-granted monopolies. The entire purpose of the patent is to allow

its holder to exclude competition for a limited period of time and charge the highest price that the market will bear. But we allow this because the prospect of collecting monopoly profits acts as an incentive to innovate and invest in new ideas.

The same principle is at work in market monopolies. The prospect of obtaining a monopoly through competition on the merits incentivizes competitors to offer consumers better products and services at lower prices. This free market system built on competition and innovation is responsible for many of the great achievements of mankind and the economic flourishing of the greatest civilization the world has ever known.

But even more important is the foundational principle of our Republic that the law deals with conduct, not status. We punish people for what they do, not who they are. ''Big is bad'' abandons that fundamental American principle of law. Instead, the facile insistence on being simply ''anti-monopoly'' belies the proponents' true priorities. It means being anti-business even when it hurts consumers. It is the economic version of cutting off your nose to spite your face.

The ''big is bad'' philosophy is also part of a broader effort to overturn the consumer welfare standard. This critical component of U.S. antitrust law has been widely misunderstood, often as a result of willful misrepresentation. The consumer welfare standard does not protect monopolists. It does not mean the government loses, and it is decidedly not limited to a narrow focus on prices.

Rather, the consumer welfare standard is a statement about the overarching goals of antitrust law; namely, that the purpose of antitrust is to advance the economic welfare of consumers as opposed to protecting the competitors themselves or advancing unrelated social policies.

As I note in my introduction to the new edition of ''The Antitrust Paradox,'' Judge Robert Bork himself explicitly described the consumer welfare standard as being broader than an inquiry into price, and it is one that certainly includes an inquiry into quality, innovation, and consumer choice. In other words, whatever consumers value, that is what is captured by ''consumer welfare.''

But it is much easier to argue against the consumer welfare standard by pretending that it only cares about lower prices and, therefore, is incapable of addressing consumer harm in markets with free products, such as many online services. This misrepresentation says a lot about the true goals of the so-called anti-monopoly crowd. If they really cared about the nonprice facets of competition, they wouldn't need to abandon the consumer welfare standard to promote it. But that isn't their true goal.

The real problem they have with the consumer welfare standard is the way that it constrains judges from advancing unrelated policy goals. It turns out the push to abandon the consumer welfare standard is not about stopping monopolies or helping consumers. It is simply a Trojan horse for woke social policy.

Now, a proper application of the antitrust laws does have political benefits—what Utah's State constitution refers to as ''the dispersion of economic and political power''—but those are secondary benefits. Antitrust is not primarily a political tool.

If a company acquires market power as a result of competing on the merits, then any influence that flows from that will, at least, be a result of consumer choices. Just as citizens vote at the ballot box, consumers vote at the checkout aisle. But if that market power is obtained or grown through nefarious or anti-competitive means, the resulting market power is illegitimate and a threat to the Republic, which leads to the point that, of course, many monopolies are bad. They are genuinely bad.

These are those monopolies obtained or prolonged not through competition on the merits but through anti-competitive and exclusionary conduct. This conduct obstructs rather than facilitates the natural operation of the free market, using raw market power to prevent consumers from making optimal choices and then starving them of lower prices, higher quality, and new offerings.

Competitive conduct benefits both businesses and consumers. Anti-competitive conduct only helps the monopolist.

Unfortunately, there have been attempts to defend some anti-competitive conduct. This is most often done through the use of speculative and convoluted economic models that claim to predict the future, almost always predicting that a merger or specific conduct won't actually harm competition.

We have, sadly, seen an overcorrection from the days lamented by Judge Bork when courts and enforcers ignored basic economic analysis. Now ''the age of sophists, economists, and calculators has succeeded,'' and our antitrust enforcement efforts are frequently hampered by what Judge Bork called an ''economic extravaganza.'' The result has been that some conduct and mergers that should have been condemned have instead escaped much needed scrutiny.

All of this is why the TEAM Act categorically rejects the Manichean belief that big is always bad, while still acknowledging that concentrated economic power can be just as dangerous as concentrated political power, and, in fact, one often leads to the other. In this way, it embraces antitrust laws as sort of federalism for the economy, and it does so by focusing not on mere size but on antitrust harm; that is, whether something actually harms consumers by harming competition.

The bill strengthens our ability to prevent and correct antitrust harm in three ways.

The TEAM Act strengthens the antitrust laws. It includes a market share-based merger presumption, improves the HSR Act, codifies the consumer welfare standard, and makes it harder for monopolists to justify or excuse anti-competitive comment.

The TEAM Act strengthens antitrust enforcers. In addition to consolidating Federal antitrust enforcement at the Department of Justice, the bill also includes a version of the Merger Filing Fee Modernization Act, introduced by Senators KLOBUCHAR and GRASSLEY. Most significantly, the bill roughly doubles the amount of money appropriated to Federal antitrust enforcement, ensuring that our antitrust enforcers have all the resources they need to protect American consumers.

The TEAM Act strengthens antitrust remedies. The bill repeals Illinois Brick and Hanover Shoe to ensure that consumers are able to recover damages from anticompetitive conduct. Even more significantly, the bill allows the Justice Department to recover trebled damages on behalf of consumers and imposes civil fines for knowingly violating the antitrust laws.

Now, I believe these reforms reflect the best way to strike the balance of protecting competition and consumer welfare, while limiting government intervention in the free market. In an era in which would-be monopolists want to move fast and break things, it is essential that our antitrust enforcers are empowered to move fast and break them up.

This is the prudent and the conservative approach. Better antitrust enforcement means less regulation and thus smaller government.

This is also a wiser approach than attempting to statutorily prohibit certain categories of conduct. That approach abandons one of the greatest strengths of American antitrust law: the fact-specific nature of every inquiry. Case-by-case adjudication is what allows us to maximize enforcement while minimizing false positives. The TEAM Act avoids the black-and-white pronouncements of other legislative proposals and instead updates the mechanics of how the antitrust laws are applied to address the enforcement gaps of recent decades.

As I have said before, we find ourselves at a critical moment. The threat to competition and free markets is real. Doing nothing is not an option. At the same time, we simply cannot allow the need to ''do something'' to push us into embracing bad policy that will have unintended consequences and push America closer to a government-regulated economy.

I look forward to working closely with my colleagues and with friends on both sides of the aisle and at both ends of the Capitol in order to advance the TEAM Act and help protect American consumers.

By Mr. DURBIN (for himself, Ms. COLLINS, Mr. CARPER, Mr. BROWN, Ms. HIRONO, Mr. WYDEN, Mrs. MURRAY, Mr. BOOKER, Mr. REED, Mr. BLUMENTHAL, and Mr. KAINE):

S. 2043. A bill to amend title 38, United States Code, to prohibit smoking on the premises of any facility of the Veterans Health Administration, and for other purposes; to the Committee on Veterans' Affairs.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2043

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

SECTION 1. PROHIBITION ON SMOKING IN FACILITIES OF THE VETERANS HEALTH ADMINISTRATION.

(a) PROHIBITION.—

(1) IN GENERAL.—Section 1715 of title 38, United States Code, is amended to read as follows:

"§ 1715. Prohibition on smoking in facilities of the Veterans Health Administration

''(a) PROHIBITION.—No person (including any veteran, patient, resident, employee of the Department, contractor, or visitor) may smoke on the premises of any facility of the Veterans Health Administration.

''(b) DEFINITIONS.—In this section:

''(1) The term 'facility of the Veterans Health Administration' means any land or building (including any medical center, nursing home, domiciliary facility, outpatient clinic, or center that provides readjustment counseling) that is—

''(A) under the jurisdiction of the Department of Veterans Affairs;

''(B) under the control of the Veterans Health Administration; and

''(C) not under the control of the General Services Administration.

''(2) The term 'smoke' includes—

''(A) the use of cigarettes, cigars, pipes, and any other combustion or heating of tobacco; and

''(B) the use of any electronic nicotine delivery system, including electronic or e-cigarettes, vape pens, and e-cigars.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 17 of such title is amended by striking the item relating to section 1715 and inserting the following new item:

''1715. Prohibition on smoking in facilities of the Veterans Health Administration.''.

(b) CONFORMING AMENDMENT.—Section 526 of the Veterans Health Care Act of 1992 (Public Law 102–585; 38 U.S.C. 1715 note) is repealed.

By Mr. DURBIN (for himself, Mrs. FEINSTEIN, Mr. BROWN, and Mr. REED):

S. 2044. A bill to amend the Fair Labor Standards Act of 1938 to prohibit employment of children in tobacco-related agriculture by deeming such employment as oppressive child labor; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2044

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 ''Children Don't Belong on Tobacco Farms Act''.

SEC. 2. TOBACCO-RELATED AGRICULTURE EMPLOYMENT OF CHILDREN.

Section 3(l) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(l)) is amended—

(1) in the first sentence—

(A) by striking ''in any occupation, or (2)'' and inserting ''in any occupation, (2)''; and

(B) by inserting before the semicolon the following: '', or (3) any employee under the age of eighteen years has direct contact with tobacco plants or dried tobacco leaves''; and

(2) in the second sentence, by striking ''other than manufacturing and mining'' and inserting '', other than manufacturing, mining, and tobacco-related agriculture as described in paragraph (3) of the first sentence of this subsection,''.

By Ms. COLLINS (for herself, Mr. BLUMENTHAL, Mrs. FEINSTEIN, Ms. HASSAN, Mrs. SHAHEEN, Mrs. GILLIBRAND, and Mr. KING):

S. 2047. A bill to ban the use of intentionally added perfluoroalkyl or polyfluoroalkyl substances in cosmetics; to the Committee on Health, Education, Labor, and Pensions.

Ms. COLLINS. Mr. President, I rise today to introduce the No PFAS in Cosmetics Act. I am pleased to be partnering with Senator BLUMENTHAL on this important legislation. Our bipartisan bill seeks to ban the inclusion of Per- and polyfluoroalkyl substances (PFAS) in cosmetics products, such as make-up, moisturizer, and perfume.

PFAS are a class of man-made chemicals, which includes PFOA, PFOS, and GenX. These chemicals can bioaccumulate in our bodies over time and have been linked to cancer, thyroid disease, liver damage, decreased fertility, and hormone disruption. First developed in the 1940s, PFAS are traditionally found in food packaging, nonstick pans, clothing, furniture, and firefighting foam.

Unfortunately, Maine has experienced considerable PFAS contamination, which has not only threatened our water supply, but adversely affected the livelihoods of farmers. Several dairy farms in Maine recently discovered serious levels of PFAS in their operations, with milk containing as high as 1,420 parts per trillion. This is more than twenty times EPA's established health advisory level for drinking water.

In addition to these agricultural and water supply contaminations, we now also know that PFAS appear in products across the spectrum—including cosmetics. A new peer-reviewed study led by the University of Notre Dame published in Environmental Science and Technology Letters found high fluorine levels—indicating the probable presence of PFAS—in just over half of 231 makeup products tested, including waterproof mascara, liquid lipsticks, and foundations.

A subset of 29 samples was studied further to identify specific PFAS chemicals. Between four and 13 specific PFAS were identified in each of the 29 samples, some at high concentrations. Remarkably, only one of these 29 products listed any fluorochemical ingredients on the product's label. While some of these PFAS may be present in trace quantities as impurities in the manufacturing process, those found at high concentrations are likely being used intentionally to impart performance characteristics to the product. Since fluorinated chemicals are not disclosed on the labels, this study suggests that consumers unknowingly are being exposed to PFAS in their cosmetics.

The findings of this study are particularly alarming, as many of these products are subject to direct human exposure. For example, lipstick is often inadvertently ingested, and mascara is sometimes absorbed through tear ducts. In addition, during the cosmetic product manufacturing process, workers are exposed to the chemicals that are used, and discarded products with PFAS can cause the potential for additional human exposure if drinking water sources are contaminated.

PFAS pose an unnecessary and avoidable risk to human health and do not belong in our cosmetic products. The Federal Food, Drug, and Cosmetic Act defines cosmetics as ''articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body . . . for cleansing, beautifying, promoting attractiveness, or altering the appearance.'' This definition includes skin moisturizers, perfumes, lipsticks, fingernail polishes, eye and facial makeup preparations, cleansing shampoos, permanent waves, hair colors, and deodorant, as well as other similar products. Our legislation would direct the FDA to issue a proposed rule banning the intentional addition of PFAS in cosmetics, as defined by the FDA, within 270 days of enactment, and require a final rule to be issued 90 days thereafter.

The FDA should act now to ban the addition of PFAS to cosmetics products to help protect people from further contamination. I urge all of my colleagues to join me in supporting the No PFAS in Cosmetics Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 268—EXPRESSING SUPPORT FOR THE DESIGNATION OF JUNE 2021 AS ''NATIONAL DAIRY MONTH'' TO RECOGNIZE THE IMPORTANT ROLE DAIRY PLAYS IN A HEALTHY DIET AND THE EXCEPTIONAL WORK OF DAIRY PRODUCERS IN BEING STEWARDS OF THE LAND AND LIVESTOCK

Mr. MARSHALL (for himself, Mrs. GILLIBRAND, Mr. CORNYN, Ms. HASSAN,