SA 2194. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2206. Mr. BARRASSO (for himself, Mr. WHITEHOUSE, Mr. CARPER, Mrs. CAPITO, Mr. CARMICHAEL, Mr. HAWLEY, Mr. SCHUMER, and Mr. MANCHIN) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2207. Mr. HOEVEN (for himself, Mr. UDALL, Mr. BARRASSO, Ms. MURKOWSKI, Ms. MC'SALLY, Mr. Tester, Mr. SCHATZ, Mr. CRAMER, Ms. SMITH, and Mr. DAINES) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2208. Ms. MC'SALLY submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2210. Mr. SCHATZ (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2211. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2212. Mr. SCOTT, of Florida (for himself, Mr. MURPHY, Mrs. BLACKBURN, Mr. BLUMENTHAL, Mr. BURDICK, Mr. HAWLEY, and Ms. MC'SALLY) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2213. Mr. TILLIS submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1796. Mr. ROUNDS submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 10. CONSISTENCY OF DEADLINES FOR FILING CLAIMS FOR REIMBURSEMENT OR PAYMENT FOR EMERGENCY TREATMENT FURNISHED TO VETERANS.

(a) In General.—The Secretary of Veterans Affairs shall modify the regulations implementing sections 1725 and 1728 of title 38, United States Code, to ensure that the deadline for filing claims for reimbursement or payment for emergency treatment covered by such sections—

(1) provides the same period of time for the filing of a claim covered under either section; and

(2) is not earlier than the date that is two years after the latest date on which such treatment was provided.

(b) EMERGENCY TREATMENT DEFINED.—In this section, the term “emergency treatment” has the meaning given that term in section 1728(e) of title 38, United States Code.

SA 1797. Mr. JONES (for himself and Mr. SULLIVAN) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 10. IMPROVING THE AUTHORITY FOR OPERATIONS OF UNMANNED AIRCRAFT FOR EDUCATIONAL PURPOSES.

Section 350 of the FAA Reauthorization Act of 2018 (Public Law 115-254; 49 U.S.C 44809 note) is amended—

(1) in the section heading, by striking “AT INSTITUTIONS OF HIGHER EDUCATION” and inserting “FOR EDUCATIONAL PURPOSES”; and

(2) in subsection (a)—

(A) by striking “aircraft system operated by” and inserting the following: “aircraft system—

(‘‘1) operated by’’;

(B) in paragraph (1), as added by subparagraph (A), by inserting the following: “aircraft system—

(‘‘2) flown as part of an established curriculum of an elementary school or secondary school (as such terms are defined in the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));

(2) flown as part of an established curriculum of an elementary school or secondary school (as such terms are defined in the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));

(3) flown as part of an established curriculum of an elementary school or secondary school (as such terms are defined in the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));

(4) flown as part of an educational program that is chartered by a recognized community-based organization (as defined in subsection (h) of such section).”.

SA 1798. Mr. JONES submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

SEC. 504. REPORT ON IMPLEMENTATION OF THE RECOMMENDATIONS OF THE MILITARY LEADERSHIP DIVERSITY COMMISSION.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation by the Department of Defense and the Secretary of the recommendations of the Military Leadership Diversity Commission as set forth in the final report of the Commission entitled “From Representation to Inclusion: Diversity Leadership for the 21st Century Military” and dated March 15, 2011.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of each recommendation in the final report referred to in that subsection;

(2) For each such recommendation, a description and assessment of the implementation of such recommendation by the Department of Defense and the Armed Forces, including an assessment whether progress remains to be made in the implementation of such recommendation.

(3) A description and assessment of the progress of the Department and the Armed Forces in achieving diversity in the leadership of the Armed Forces;

(4) A description and assessment of areas in which the Armed Forces are making insufficient progress in achieving diversity in the leadership of the Armed Forces, an assessment of the causes of such lack of progress, and recommendations for actions to be undertaken to address such lack of progress.

(5) Such other matters in connection with diversity in leadership of the Armed Forces as the Secretary considers appropriate.

SA 1799. Mr. ENZI (for himself and Mr. SCOTT of Florida) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title VIII, add the following:

SEC. 854. LISTING OF OTHER TRANSACTION AUTHORITY CONSORTIA.

Beginning not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall maintain on the government-wide point of entry for contracting
opportunities, Beta.SAM.gov (or any successor system), a list of the consortium used by the Department of Defense to announce or otherwise make available contracting opportunities using other transaction authority (OTA).

SA 1800. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

SEC. __. __. QUESTIONS REGARDING RACISM, ANTI-SEMITISM, AND SUPREMACISM IN WORKPLACE SURVEYS ADMINISTERED BY THE SECRETARY OF DEFENSE.

Section 593 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended—

(1) by inserting “(a) QUESTIONS REQUIRED.—“ before “The Secretary’’;

(2) in paragraph (1), by inserting “racist, anti-Semitic, or supremacist” after “extremist’’; and

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

"(b) Report.—Not later than March 1, 2021, the Secretary shall submit to Congress a report including—

(1) the text of the questions included in surveys under subsection (a); and

(2) which surveys include such questions.

SA 1801. Mr. WARNER (for himself, Ms. HARRIS, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXVIII, add the following:

SEC. 28. INCLUSION OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY IN DEPARTMENT OF DEFENSE PERSONNEL MANAGEMENT AUTHORITY TO ATTRACT EXPERTS IN SCIENCE AND ENGINEERING.

(a) In section 1599h (a) of section 1599h of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(7) NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.—The Director of the National Geospatial-Intelligence Agency may carry out a program of personnel management authority provided in subsection (b) in order to facilitate recruitment of eminent experts in science or engineering for the Agency.

(b) SCOPE OF APPOINTMENT AUTHORITY.—Subsection (b)(1) of such section is amended—

(1) in subparagraph (E), by striking ‘‘and’’ and inserting ‘‘the Agency’’;

(2) in subparagraph (F), by striking ‘‘and’’ and inserting ‘‘the Agency’’;

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

"(G) in the case of the National Geospatial-Intelligence Agency, appoint scientists and engineers to a total of not more than 5 scientific and engineering positions in the Agency.

(c) ENHANCED PAY AUTHORITY.—Subsection (b)(2)(A) of such section is amended—

(1) by striking paragraph (1)(B) and inserting subparagraph (B) of paragraph (1); and

(2) by inserting ‘‘or employees appointed pursuant to subparagraph (G) of such paragraph to any of 3 positions designated by the’’ after ‘‘Director of the National Geospatial-Intelligence Agency’’ after ‘‘this subparagraph’’.

(d) EXTENSION OF TERMS OF APPOINTMENT.—Subsection (c)(2) of such section is amended by inserting ‘‘or the Joint Artificial Intelligence Center’’ after ‘‘Intelligence’’ and inserting ‘‘the Joint Artificial Intelligence Center, or the National Geospatial-Intelligence Agency’’ after ‘‘Intelligence’’.

(e) STUDY REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Intelligence and Security and the Director of National Intelligence shall jointly submit to the appropriate committees of Congress a study on the utility of providing elements of the intelligence community of the Department of Defense, other than the National Geospatial-Intelligence Agency, personnel management authority to attract experts in science and engineering under section 1599h of title 10, United States Code.

(2) DEPARTMENTS.—In this subsection:

(A) APPROPRIATE COMMITTEES OF CONGRESS.—The term ‘‘appropriate committees of Congress’’ means—

(i) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(ii) the Committee on Armed Services and the Select Committee on Intelligence of the House of Representatives.

(B) INTELLIGENCE COMMUNITY.—The term ‘‘intelligence community’’ has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3005).

SA 1803. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. __. EFFICIENT USE OF SENSITIVE COMPARTMENTED INFORMATION FA- CILITIES.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of Defense, shall issue revised guidance authorizing and directing Government agencies and their appropriately cleared contractors to process, store, use, and discuss sensitive compartmented information (SCI) at facilities previously approved to handle such information, without need for further approval by agency or by site. Such guidance shall apply to controlled access programs of the intelligence community and to special access programs of the Department of Defense.

SA 1804. Mr. BRAUN submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. __. POSTHUMOUS HONORARY PROMO- TION TO GENERAL OF LIEUTENANT- GENERAL FRANK MAXWELL ANDREWS, UNITED STATES ARMY.

(a) POSTHUMOUS HONORARY PROMO- TION.—Notwithstanding any time limitation with respect to posthumous promotions for personnel who served in the Armed Forces, the President is authorized to issue a posthumous honorary commission promoting Lieutenant General Frank Maxwell Andrews, United States Army, to the grade of general.

(b) ADDITIONAL BENEFITS NOT TO ACCUR—The honorary promotion of Frank Maxwell Andrews under subsection (a) shall not affect the retained pay or other benefits to Frank Maxwell Andrews from the United States to which Frank Maxwell Andrews would have been entitled based upon
his military service or affect any benefits to which any other person may become entitled based on his military service.

SA 1805. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 2215. FEDERAL CLEARINGHOUSE ON SCHOOL SAFETY BEST PRACTICES.

(a) Short Title.—This section may be cited as the "Luke and Alex School Safety Act of 2020".

(b) CLEARINGHOUSE.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 151 et seq.) is amended by inserting after section 2214 the following:

"SEC. 2215. FEDERAL CLEARINGHOUSE ON SCHOOL SAFETY BEST PRACTICES.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary, in coordination with the Secretary of Education, the Attorney General, and the Secretary of Health and Human Services, shall establish a Federal Clearinghouse on School Safety Best Practices (in this section referred to as the 'Clearinghouse') within the Department.

"(2) CLEARINGHOUSE.—The Clearinghouse shall be the primary resource of the Federal Government to identify and publish online through SchoolSafety.gov, or any successor website, the best practices and recommendations for school safety for use by State and local educational agencies, institutions of higher education, State and local law enforcement agencies, health professionals, and the general public.

"(b) PERSONNEL.—

"(A) ASSIGNMENTS.—The Clearinghouse shall be assigned such personnel and resources as the Secretary considers appropriate to carry out this section.

"(B) SEC. 35 of title 44, United States Code (commonly known as the 'Paperwork Reduction Act') shall not apply to any rulemaking or information collection required under this section.

"(c) NOTIFICATION OF CLEARINGHOUSE.—The Clearinghouse shall provide written notification of the publication of the Clearinghouse, as determined appropriate by the Secretary of Education.

"(d) GRANT PROGRAM REVIEW.—

"(1) FEDERAL GRANTS AND RESOURCES.—The Secretary of Education, the Secretary of Homeland Security, the Secretary of Health and Human Services, and the Attorney General shall each—

"(A) review grant programs administered by their respective agency and identify any grant programs that may be used to implement best practices and recommendations of the Clearinghouse;

"(B) identify any best practices and recommendations of the Clearinghouse for which there is not a Federal grant program available; and

"(C) periodically report any findings under subparagraph (B) to the appropriate committee of Congress.

"(2) STATE GRANTS AND RESOURCES.—The Clearinghouse shall, to the extent practicable, identify, for each State, any agency responsible for school safety in the State, or any State that does not have such an agency designated;

"(B) any grant program that may be used for the purposes of implementing best practices and recommendations of the Clearinghouse; and

"(C) any other Department of Education programs for which the Clearinghouse has developed best practices and recommendations for implementation.

"(e) NOTIFICATION OF CLEARINGHOUSE.—The Secretary of Education shall provide written notification of the publication of the Clearinghouse on School Safety Best Practices (referred to in this subsection and subsection (d) as the 'Clearinghouse'), as required to be established under section 2215 of the Homeland Security Act of 2002, as added by subsection (b), to—

"(A) every State and local educational agency;

"(B) other Department of Education programs for which the Clearinghouse has developed best practices and recommendations for implementation; and

"(C) any other Department of Homeland Security programs for which the Clearinghouse has developed best practices and recommendations for implementation.

"(f) PARENTAL ASSISTANCE.—The Clearinghouse shall provide materials to assist parents and guardians of students with identifying relevant Clearinghouse resources related to supporting the implementation of Clearinghouse best practices and recommendations.

"(g) TECHNICAL AMENDMENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2377) is amended by striking (f) and by inserting after the item relating to section 2214 the following:

"Sec. 2215. Federal Clearinghouse on School Safety Best Practices.".
(C) any resources other than grant programs that may be used to assist in implementation of best practices and recommendations of the Clearinghouse.

(4) Coordination.

(1) WAIVER OF REQUIREMENTS.—Nothing in this section or the amendments made by this section shall be construed to create, satisfy, or waive, or comment upon, or underwrite, or apply to, or underwrite, or for a Federal office, the (A) title II of the Americans With Disabilities Act of 1990 (42 U.S.C. 12131 et seq.); (B) the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.); (C) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.); (D) title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.); and (E) the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.).

(2) PROHIBITION ON FEDERALLY DEVELOPED, MANUFACTURED, OR ENDORSED CURRICULUM.—Nothing in this section or the amendments made by this section shall construed to authorize any officer or employee of the Federal Government to engage in an activity otherwise prohibited under section 103(b) of the Department of Education Organization Act (29 U.S.C. 3403(b)).

SA 1806. Mr. JOHNSON (for himself and Ms. HASSAN) submitted an amendment intended to be proposed by him to the Senate to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 321. COUNTERING UNMANNED AIRCRAFT SYSTEMS COORDINATOR.

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 203 et seq.) is amended by adding at the end the following new section:

```
"'(c) COORDINATOR.--

'(1) IN GENERAL.—The Secretary shall designate an individual in a Senior Executive Service position (as defined in section 3132 of title 5) to serve as the Coordinator for Countering Unmanned Aircraft Systems.

'(2) RESPONSIBILITIES.—The Coordinator shall:

'(A) oversee and coordinate with relevant Department offices and components, including the Office of Civil Rights and Civil Liberties, the Privacy Office, on the development of guidance and regulations to counter threats associated with unmanned aircraft systems (in this section referred to as 'UAS') as described in section 201G;

'(B) promote research and development of counter UAS technologies in coordination with the Office of Science and Technology;

'(C) coordinate with the relevant components and offices of the Department, including the Office of Intelligence and Analysis, to ensure the sharing of information, guidance, and assistance relating to countering UAS threats, counter UAS threat assessments, and counter UAS technology, including the retention of UAS and counter UAS incidents reported by the Department;

'(D) serve as the Department liaison, in coordination with relevant components and offices of the Department, to the Department of Defense, Federal, State, local, and Tribal law enforcement entities and the private sector regarding the activities of the Department relating to critical infrastructure in the information systems and devices for a cybersecurity purpose, as defined in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501(17)); and

'(E) maintain the information required under section 210G(c)(3); and

'(F) carry out other related counter UAS authorities authorized under section 210G, as directed by the Secretary.

'(b) COORDINATION WITH APPLICABLE FEDERAL LAWS.—The Coordinator shall, in addition to other assigned duties, coordinate with relevant Department components and offices to ensure testing, evaluation, or deployment of a system used to identify, analyze, or detect threats, or described such system, in accordance with applicable Federal laws.

'(c) COORDINATION WITH PRIVATE SECTOR.--The Coordinator shall, in addition to other assigned duties, working with the Office of Partnership and Engagement and other relevant Department offices and components, or other Federal agencies, as appropriate, serve as the principal Department official responsible for sharing to the private sector information regarding counter UAS technology, particularly information in instances in which counter UAS technology may impact lawful private sector services or systems.

'(d) TECHNICAL AND CONFORMING AMENDMENTS.—The text in section 1(b) of the Homeland Security Act of 2002 (Public Law 107-296; 116 Stat. 2313) is amended by inserting after the item relating to section 320 the following:

"Sec. 321. Countering Unmanned Aircraft Systems Coordinator."

SA 1807. Mr. JOHNSON submitted an amendment intended to be proposed by him to the Senate to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 321. COUNTERING UNMANNED AIRCRAFT SYSTEMS COORDINATOR.

(a) IN GENERAL.—Section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 650) is amended—

(1) in subsection (a)—

(A) in paragraph (5), by striking "and" at the end; and

(B) by redesignating paragraph (6) as paragraph (7); and

(C) by inserting after paragraph (5) the following:

"(6) the term ‘security vulnerability’ has the meaning given that term in section 102(7) of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501(7)); and"

(2) in subsection (c) (1) (A) in paragraph (10), by striking "and" at the end;

(B) in paragraph (11), by striking the period at the end and inserting "and"; and

(C) by adding at the end the following:

"(12) detecting, identifying, and receiving information about security vulnerabilities relating to critical infrastructure in the information systems and devices for a cybersecurity purpose, as defined in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501); and"

(3) by adding at the end the following:

"(o) SUBPOENA AUTHORITY.—

'(1) DEFINITION.—In this subsection, the term "covered device or system" means a device or system commonly used to perform industrial, commercial, scientific, or governmental functions or processes that relate to critical infrastructure, including operational and industrial control systems, distributed control systems, and programmable logic controllers.

'(2) INVALID IF NOT AUTHENTICATED.—Any subpoena issued by the Director under this subsection shall be authenticated with a cryptographic digital signature of an authorized representative of the Department, or other agency or contractor, that allows the agency to demonstrate that the subpoena was issued by the Agency and has not been altered or modified since it was issued by the Agency.

'(3) LIMIT ON INFORMATION.—A subpoena issued under the authority under subparagraph (A) may seek information—"(A) only in the categories set forth in subparagraphs (A), (B), (D), and (E) of section 2703(c)(2) of title 18, United States Code; and

"(B) for not more than 20 covered devices or systems.

'(C) LIABILITY PROTECTIONS FOR DISCLOSING PROVIDERS.—The provisions of section 2703(e) of title 18, United States Code, shall apply to any subpoena issued under the authority under subparagraph (A).

'(4) COMPLIANCE.—Any person, partnership, corporation, association, or entity that fails to comply with a subpoena issued under this subsection, the Director may request that the Attorney General seek enforcement of the subpoena in any judicial district in which such person, partnership, corporation, association, or entity resides, is found, or transacts business.

'(5) NOTICE.—Not later than 7 days after the date on which the Director receives in response to a subpoena issued under this subsection, the Director shall notify any person, partnership, corporation, association, or entity that filed the response that it has been filed."

SEC. 321. COUNTERING UNMANNED AIRCRAFT SYSTEMS COORDINATOR.

(a) IN GENERAL.—The Secretary shall, in coordination with the Office of Intelligence and Analysis, the Office of Science and Technology, and the Office for the Protection of Critical Infrastructure, establish a system, the Department of Homeland Security, for the protection of critical infrastructure and affects a covered device or system, and the Director is unable to identify the entity at risk that owns or operates the covered device or system, the Director may issue a subpoena for the production of the information necessary to identify and notify the entity at risk, in order to carry out a function authorized under subsection (c)(12).

"(1) W AIVER OF REQUIREMENTS.—Nothing in this section or the amendments made by this section shall be construed to create, satisfy, or waive, or comment upon, or underwrite, or apply to, or underwrite, or for a Federal office, the (A) title II of the Americans With Disabilities Act of 1990 (42 U.S.C. 12131 et seq.); (B) the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.); (C) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.); (D) title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.); and (E) the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.).

"(B) LIMIT ON INFORMATION.—A subpoena issued under the authority under subparagraph (A) may seek information—"(A) only in the categories set forth in subparagraphs (A), (B), (D), and (E) of section 2703(c)(2) of title 18, United States Code; and

"(ii) subject to the limitations under this subsection.

"(D) AUTHENTICATION.—A subpoena issued by the Director under this subsection shall be authenticated with a cryptographic digital signature of an authorized representative of the Department, or other agency or contractor, that allows the agency to demonstrate that the subpoena was issued by the Agency and has not been altered or modified since it was issued by the Agency.

"(E) INVALID IF NOT AUTHENTICATED.—Any subpoena issued by the Director under this subsection shall be authenticated with a cryptographic digital signature of an authorized representative of the Department, or other agency or contractor, that allows the agency to demonstrate that the subpoena was issued by the Agency and has not been altered or modified since it was issued by the Agency.

"(F) LIMIT ON INFORMATION.—A subpoena issued under the authority under subparagraph (A) may seek information—"(A) only in the categories set forth in subparagraphs (A), (B), (D), and (E) of section 2703(c)(2) of title 18, United States Code; and

"(ii) subject to the limitations under this subsection.

"(G) COMPLIANCE.—Any person, partnership, corporation, association, or entity that fails to comply with a subpoena issued under this subsection, the Director may request that the Attorney General seek enforcement of the subpoena in any judicial district in which such person, partnership, corporation, association, or entity resides, is found, or transacts business.

"(H) NOTICE.—Not later than 7 days after the date on which the Director receives in response to a subpoena issued under this subsection, the Director shall notify any person, partnership, corporation, association, or entity that filed the response that it has been filed."

"(1) DEFINITION.—In this subsection, the term "covered device or system" means a device or system commonly used to perform industrial, commercial, scientific, or governmental functions or processes that relate to critical infrastructure, including operational and industrial control systems, distributed control systems, and programmable logic controllers.
subsection that is not authenticated in accordance with subparagraph (A) shall not be considered to be valid by the recipient of the subpoena.

(7) PROHEDURES.—Not later than 90 days after the date of enactment of this subsection, the Director shall establish internal procedures and associated training, applicable to the operations of the Agency, regarding subpoenas issued under this subsection, which shall address—

(A) the protection of and restriction on dissemination of nonpublic information obtained through a subpoena issued under this subsection, including a requirement that the Agency shall not disseminate nonpublic information obtained through a subpoena issued under this subsection that identifies the party that is subject to the subpoena or the entity at risk identified by information obtained, except that the Agency may share the nonpublic information of the entity at risk with another Federal agency if—

(i) the Agency identifies or is notified of a cybersecurity incident involving the entity, which relates to the vulnerability which led to the issuance of the subpoena;

(ii) the Director determines that sharing the nonpublic information with another Federal agency is necessary to allow that Federal agency to take a law enforcement or national security action or actions related to mitigating or otherwise resolving such incident;

(iii) the entity to which the information pertains is notified of the Director’s determination to the extent practicable consistent with national security or law enforcement interests; and

(iv) the entity consents, except that the entity’s consent shall not be required if another Federal agency identifies the entity to the Agency in connection with a suspected cybersecurity incident;

(B) the restriction on the use of information obtained through the subpoena for a cybersecurity purpose, as defined in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501);

(C) the retention and destruction of nonpublic information obtained through a subpoena issued under this subsection, including—

(i) destruction of information obtained through the subpoena that the Director determines is unrelated to critical infrastructure security vulnerabilities; or

(ii) destruction of any personally identifiable information not later than 6 months after the date on which the Director receives information obtained through the subpoena, unless otherwise agreed to by the individual identified by the subpoena respondent;

(D) the processes for providing notice to each party that is subject to the subpoena and each entity identified by information obtained under a subpoena issued under this subsection—

(i) a discussion or statement that responding to, or subsequent engagement with, the Agency, is voluntary; and

(ii) the availability of practical, information regarding the process through which the Director identifies security vulnerabilities.

(E) LIMITATION ON PROCEDURES.—The internal procedures established under paragraph (7) may not require an owner or operator of critical infrastructure to take any action as a result of a notice of vulnerability made pursuant to this Act.

(9) REVIEW OF PROCEDURES.—Not later than 1 year after the date of enactment of this subsection, the Privacy Officer of the Agency shall—

(A) review the procedures developed by the Director under paragraph (7) to ensure that—

(i) the procedures are consistent with fair information practices; and

(ii) the operations of the Agency comply with the procedures established under paragraph (7).

(B) notify the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives of the results of the review.

(10) PUBLICATION OF INFORMATION.—Not later than 120 days after establishing the internal procedures under paragraph (7), the Director shall publish information on the website of the Agency regarding the subpoena process under this subsection, including—

(A) the purpose for subpoenas issued under this subsection;

(B) the subpoena process;

(C) the criteria for the critical infrastructure security risk assessment conducted prior to issuing a subpoena;

(D) policies for notices on retention and sharing of data obtained by subpoena;

(E) guidelines on how entities contacted by the Director may respond to notice of a subpoena; and

(F) the procedures and policies of the Agency developed under paragraph (7).

(11) ANNUAL REPORTS.—The Director shall annually submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report (which may include a classified annex but with the presumption of declassification on the use of subpoenas under this subsection by the Director, which shall include—

(A) a discussion of—

(i) the effectiveness of the use of subpoenas to mitigate critical infrastructure security vulnerabilities;

(ii) the critical infrastructure security risk assessment process conducted for subpoenas issued under this subsection;

(iii) the number of subpoenas issued under this subsection by the Director during the preceding year;

(iv) to the extent practicable, the number of vulnerable covered devices or systems mitigated under this subsection by the Agency during the preceding year; and

(v) the number of entities notified by the Director under this subsection, and their response, during the previous year; and

(B) for each subpoena issued under this subsection—

(i) the source of the security vulnerability detected, identified, or received by the Director;

(ii) the steps taken to identify the entity at risk prior to issuing the subpoena; and

(iii) a description of the outcome of the subpoena, including discussion on the resolution or mitigation of the critical infrastructure security vulnerability.

(12) PUBLICATION OF THE ANNUAL REPORT.—The Director shall publish a version of the annual report required by paragraph (11) on the website of the Agency, which shall, at a minimum, include the findings described in clauses (i), (iv) and (v) of paragraph (11)(A).

(13) PROHIBITION ON USE OF INFORMATION FOR UNAUTHORIZED PURPOSES.—Any information acquired or any proceeding conducted under this section shall not be provided, disseminated, or used by any other Federal agency for any purpose other than a cybersecurity purpose, as defined in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501).

(b) RULES OF CONSTRUCTION.—

(1) PROHIBITION ON NEW REGULATORY AUTHORITY.—Nothing in this section or the amendments made by this section shall be construed to grant the Homeland Security (in this subsection referred to as the “Secretary”), or another Federal agency, any authority to promulgate regulations or set standards relating to the cybersecurity of private sector critical infrastructure that was not in effect on the day before the date of enactment of this Act.

(2) PRIVATE ENTITIES.—Nothing in this section or the amendments made by this section shall be construed to require any private entity—

(A) to request assistance from the Secretary; or

(B) that requested such assistance from the Secretary to implement any measure or recommendation suggested by the Secretary.

SA 1808. Mr. COONS (for himself, Mr. COLLINS, Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to be printed, as follows:

At the appropriate place, insert the following:

TITLE — SUSTAINABLE CHEMISTRY

SEC. 1. NATIONAL COORDINATING ENTITY FOR SUSTAINABLE CHEMISTRY.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this title, the Director of the Office of Science and Technology Policy shall convene an interagency entity (referred to in this title as the “Entity”) under the National Science and Technology Council with the responsibilities to coordinate Federal activities in support of sustainable chemistry, including those described in sections 2 through 4.

(b) COORDINATION WITH EXISTING GROUPS.—In convening the Entity, the Director of the Office of Science and Technology Policy shall consider overlap and possible coordination with existing committees, subcommittees, or other groups of the National Science and Technology Council, such as—

(1) the Committee on Environment;

(2) the Committee on Technology;

(3) the Committee on Science; or

(4) related groups or subcommittees.

(c) CO-CHAIRS.—The Entity shall be co-chaired by the Director of the Office of Science and Technology Policy and a representative from the Environmental Protection Agency, the National Institute of Standards and Technology, the National Science Foundation, or the Department of Energy, as selected by the Director of the Office of Science and Technology Policy.

(d) AGENCY PARTICIPATION.—The Entity shall be composed of the Secretary to implement any measure or recommendation suggested by the Secretary.

SEC. 2. NATIONAL COORDINATING ENTITY FOR SUSTAINABLE CHEMISTRY.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this title, the Director of the Office of Science and Technology Policy shall convene an interagency entity (referred to in this title as the “Entity”) under the National Science and Technology Council with the responsibilities to coordinate Federal activities in support of sustainable chemistry, including those described in sections 2 through 4.

(b) COORDINATION WITH EXISTING GROUPS.—In convening the Entity, the Director of the Office of Science and Technology Policy shall consider overlap and possible coordination with existing committees, subcommittees, or other groups of the National Science and Technology Council, such as—

(1) the Committee on Environment;

(2) the Committee on Technology;

(3) the Committee on Science; or

(4) related groups or subcommittees.

(c) CO-CHAIRS.—The Entity shall be co-chaired by the Director of the Office of Science and Technology Policy and a representative from the Environmental Protection Agency, the National Institute of Standards and Technology, the National Science Foundation, or the Department of Energy, as selected by the Director of the Office of Science and Technology Policy.

(d) AGENCY PARTICIPATION.—The Entity shall be composed of the Secretary to implement any measure or recommendation suggested by the Secretary.
(e) Termination.—The Entity shall terminate on the date that is 10 years after the date of enactment of this title.

SEC. 2. STRATEGIC PLAN FOR SUSTAINABLE CHEMISTRY.

(a) Strategic Plan.—Not later than 2 years after the date of enactment of this title, the Entity shall—

(1) consult with relevant stakeholders, including representatives from industry, academia, national labs, and government entities, to develop and update, as needed, a consensus definition of "sustainable chemistry" to guide the activities under this title;

(2) develop a working framework of attributes characterizing and metrics for assessing sustainable chemical processes and products, as described in subsection (b);

(3) assess the state of sustainable chemistry in the United States as a key benchmark from which progress under the activities described in this title can be measured, including key sectors of the United States economy, key technology platforms, commercial priorities, and barriers to innovation;

(4) coordinate and support Federal research, development, demonstration, technology transfer, commercialization, education, and training efforts in sustainable chemistry, including budget coordination and support for public-private partnerships, as appropriate;

(5) identify any Federal regulatory barriers to, and for, Federal agencies facilitating the development of incentives for development, consideration and use of sustainable chemical processes and products;

(6) identify major scientific challenges, roadblocks, or hurdles to transformational progress in improving the sustainability of the chemical industry;

(7) review, identify, and make effort to eliminate duplicative Federal funding and duplicative Federal research in sustainable chemistry.

(b) Characterizing and Assessing Sustainable Chemistry.—The Entity shall develop a working framework of attributes characterizing and metrics for assessing sustainable chemistry for the purposes of carrying out the title. In developing this framework, the Entity shall—

(1) seek advice and input from stakeholders as described in subsection (c);

(2) consider existing definitions of, or frameworks characterizing and metrics for, assessing, sustainable chemistry already in use at Federal agencies;

(3) consider existing definitions of, or frameworks characterizing and metrics for assessing, sustainable chemistry already in use by international organizations of which the United States is a member, such as the Organization for Economic Co-operation and Development; and

(4) consider any appropriate existing definitions of, or frameworks characterizing and metrics for, assessing, sustainable chemistry already in use by international organizations of which the United States is a member, as appropriate to the specific mission and programs of each agency.

(c) Consultation.—In carrying out the duties described in subsections (a) and (b), the Entity shall consult with stakeholders qualified to provide advice and information to guide Federal activities related to sustainable chemistry, including workshops for information, or other mechanisms as necessary. The stakeholders shall include representatives from—

(1) business and industry (including trade associations and small- and medium-sized enterprises from across the value chain);

(2) the scientific community (including the National Academies of Sciences, Engineering, and Medicine, scientific professional societies, national labs, and academia);

(3) the defense community;

(4) State, tribal, and local governments, including nonregulatory State or regional sustainable chemistry programs, as appropriate;

(5) nongovernmental organizations and other appropriate organizations.

(d) Report to Congress.—

(1) In General.—Not later than 2 years after the date of enactment of this Act, the Entity shall submit a report to the Committee on Environment and Public Works, the Committee on Commerce, Science, and Transportation, Appropriations of the Senate, and the Committee on Science, Space, and Technology, the Committee on Energy and Commerce, and the Committee on Science, Space, and Technology, the Committee on Commerce, Science, and Transportation, and the Committee on Environment and Public Works. In addition to the elements described in subsections (a) and (b), the report shall include—

(A) a summary of federally funded, sustainable chemistry research, development, demonstration, technology transfer, commercialization, education, and training activities;

(B) a summary of the financial resources allocated to sustainable chemistry initiatives by each participating agency;

(C) an assessment of the current state of sustainable chemistry in the United States, including the role that Federal agencies are playing in supporting it;

(D) an analysis of progress made toward achieving the goals and priorities of this Act, and recommendations for future program activities;

(E) an evaluation of steps taken and future strategies to avoid duplication of efforts, streamline interagency coordination, facilitate information sharing, and spread best practices among participating agencies; and

(F) an evaluation of duplicative Federal funding and duplicative Federal research in sustainable chemistry, efforts undertaken by the Entity to reduce duplicative funding and research, and recommendations on how to achieve these goals.

(2) Submission to GAO.—The Entity shall submit the report described in paragraph (1) to the Comptroller General of the United States for consideration in future Congressional inquiries.

(3) Authorization.—The Entity shall submit a report to Congress and the Comptroller General of the United States that incorporates the information described in subparagraphs (A) and (F) of paragraph (1) every 3 years, commencing after the initial report is submitted until the Entity terminates.

SEC. 3. AGENCY ACTIVITIES IN SUPPORT OF SUSTAINABLE CHEMISTRY.

(a) In General.—The agencies participating in the Entity shall carry out activities in support of sustainable chemistry, as appropriate to the specific mission and programs of each agency.

(b) Activities.—The activities described in subsection (a) include—

(1) incorporate sustainable chemistry into existing research, development, demonstration, technology transfer, commercialization, education, and training programs, that the agency determines to be relevant, including consideration of—

(A) merit-based competitive grants to individual investigators and teams of investigators, including, to the extent practicable, early career investigators for research and development;

(B) grants to fund collaborative research and development partnerships among universities, industry, and nonprofit organizations;

(C) coordination of sustainable chemistry research training, including through Federal technology transfer conducted at Federal laboratories and agencies;

(D) incentive prize competitions and challenges in coordination with such existing Federal agency programs; and

(E) grants, loans, and loan guarantees to aid in the technological and commercialization of sustainable chemicals, materials, processes, and products;

(2) collect and disseminate information on sustainable chemistry, including through the development, technology transfer, and commercialization, including information on accomplishments and best practices;

(3) expand the education and training of students at appropriate levels of education, professional scientists and engineers, and professionals engaged in the design and implementation of sustainable chemistry and engineering appropriate to that level of education and training, including through—

(A) partnerships with industry as described in section 4; and

(B) support for the integration of sustainable chemistry principles into chemistry and chemical engineering curriculum and research training, as appropriate to that level of education and training; and

(C) support for integration of sustainable chemistry principles into existing or new professional development opportunities for professionals including teachers, faculty, and individuals involved in laboratory research, product development, materials specification and testing, life cycle analysis, and management;

(4) as relevant to an agency’s programs, expand tools by which the Federal agencies, in collaboration and consultation with the National Institute of Standards and Technology, may facilitate the development and implementation of validated, standardized tools for performing sustainability assessments of chemistry processes or products;

(5) through programs identified by an agency, support (including financial assistance, participation, financial support, communications tools, awards, or other forms of support) outreach and dissemination of sustainable chemistry advances such as non-Federal symposia, forums, conferences, and publications in collaboration with, as appropriate, industry, academia, scientific and professional societies, and other relevant groups;

(6) provide for public input and outreach to be integrated into the Entity, as described in this section by the convening of public discussions, through mechanisms such as public meetings, consensus conferences, and educational events, as appropriate;

(7) within each agency, develop or adapt metrics to track the outputs and outcomes of the programs supported by that agency; and

(8) incentivize or recognize actions that advance sustainable chemistry products, processes, or initiatives, including through the establishment of a Federal sustainability awards program through the Environmental Protection Agency to identify, publicize, and celebrate innovations in sustainable chemical and chemical processes, or initiatives, including information on accomplishments and best practices;

(c) Limitations.—Federal support provided under this section shall—

(1) be available only for pre-competitive activities; and

(2) not be used to promote the sale of a specific product, process, or technology, or to disparage a specific product, process, or technology.

SEC. 4. PARTNERSHIPS IN SUSTAINABLE CHEMISTRY.

(a) In General.—The agencies participating in the Entity may facilitate and support, through financial, technical, or other assistance, the creation of partnerships between institutions of higher education, non-governmental organizations, consortia, or companies across the value chain in the
chemical industry, including small- and medium-sized enterprises, to—

(1) create collaborative sustainable chemistry research, development, demonstration, technology transfer, and commercialization programs; and

(2) train students and retrain professional scientists, engineers, and others involved in materials and medical device and materials specification; and

(b) publicizing the availability of professional development courses in sustainable chemistry and recruiting professionals to pursue such courses.

(b) PRIVATE SECTOR PARTICIPATION.—To be eligible for support under this section, a partnership in sustainable chemistry shall include at least one private sector organization.

(c) SELECTION OF PARTNERSHIPS.—In selecting partnerships for support under this section, the agencies participating in the Entity shall consider the extent to which the applicants are willing and able to demonstrate a commitment to, or a commitment for, the goals outlined in the strategic plan and report described in section 2.

(d) PROHIBITED USE OF FUNDS.—Financial support provided under this section may not be used—

(1) to support or expand a regulatory chemical management program at an implementing agency under a State law; or

(2) to construct or renovate a building or structure.

(3) to promote the sale of a specific product, process, or technology; or to disparage a specific product, process, or technology.

SEC. 5. PRIORITIZATION.

In carrying out this Act, the Entity shall focus its support for sustainable chemistry activities on those that achieve, to the highest extent practicable, the goals outlined in the title.

SEC. 6. RULE OF CONSTRUCTION.

Nothing in this title shall be construed to alter or amend any State law or action with regard to sustainable chemistry, as defined by the State.

SEC. 7. ESTABLISH MULTI-USER RESEARCH FACILITY PROJECT.

Section 110 of the American Innovation and Competitiveness Act (42 U.S.C. 1862s-2) is amended by striking (g)(2) and inserting the following:

‘‘(2) MAJOR MULTI-USER RESEARCH FACILITY PROJECT.—The term major multi-user research facility project means a science and engineering facility project that exceeds $100,000,000 in total construction, acquisition, or upgrade costs to the Foundation.’’

SA 1809. Mr. HAWLEY (for Mr. LANKFORD) proposed an amendment to the bill S. 2163, to establish the Commission on the Social Status of Black Men and Boys, to study and make recommendations to address social problems affecting Black men and boys, and for other purposes; as follows:

At the end of section 2, add the following:

(c) POLITICAL PARTY.—If after the Commission is appointed there is a partisan imbalance of Commission members, the congressional leaders of the political party with fewer members on the Commission shall jointly name additional members to create partisan parity on the Commission.

SA 1810. Mr. TOOMEY (for Mr. Lee (for himself and Mr. DURBIN)) proposed an amendment to the resolution S. Res. 579, encouraging the international community to remain committed to collaboration and coordination to mitigate and prevent the further spread of COVID–19 and urging renewed United States leadership and participation in global efforts on therapeutics and vaccine development and delivery to address COVID–19 and prevent further deaths, and for other purposes; as follows:

Strike all after the resolving clause and insert the following: ‘‘That the Senate—

(1) recognizes the historic leadership role of the United States in stemming global health crises in the past;

(2) commends the historic achievements of the international community to address global public health threats, such as the eradication of smallpox and dramatic progress in reducing cases of polio;

(3) encourages the international community to remain committed to collaboration and coordination to mitigate and prevent the further spread of COVID–19;

(4) commends the promising research and development underway to develop COVID–19 diagnostics, therapies, and vaccines within the United States from the Federal government, public-private partnerships, and commercial partners;

(5) acknowledges the vast international research enterprise and collaboration underway to study an expansive range of drug and vaccine candidates;

(6) urges renewed United States leadership and participation in global efforts on therapeutics and vaccine development and delivery to address COVID–19 and prevent further American deaths;

(7) calls on the United States Government to strengthen collaboration with key partners at the forefront of responding to COVID–19.

SA 1811. Mr. TOOMEY (for Mr. Lee (for himself and Mr. DURBIN)) proposed an amendment to the resolution S. Res. 579, encouraging the international community to remain committed to collaboration and coordination to mitigate and prevent the further spread of COVID–19 and urging renewed United States leadership and participation in global efforts on therapeutics and vaccine development and delivery to address COVID–19 and prevent further deaths, and for other purposes; as follows:

Strike the preamble and insert the following:

Whereas there is a rich history of coordinated global health collaboration and coordination, dating back to 1851, to strategically mitigate and prevent the further spread of infectious diseases of the time, such as the spread of plague;

Whereas the United States has long been an active and critical leader in such global public health efforts, providing financial and technical support to multilateral institutions, foreign governments, and nongovernmental organizations;

Whereas international collaboration has led to a number of historic global health achievements, including the eradication of smallpox, the reduction of polio cases by 99 percent, the elimination of river blindness, the decline in maternal and child mortality, the recognition of tobacco use as a health hazard, and countless others;

Whereas there is a partisan imbalance of Commission members, the congressional leaders of the political party with fewer members on the Commission shall jointly name additional members to create partisan parity on the Commission.

Whereas international collaboration and coordination can help ensure equitable access to safe, effective, and affordable therapeutics and vaccines, thereby saving the lives of Americans and others around the world;

Whereas the Coalition for Epidemic Preparedness Innovations is working to accelerate the development of vaccines against COVID–19, including COVID–19 vaccines, and to enable equitable access to these vaccines for people around the world;

Whereas on May 4, 2020, the European Commission led a virtual summit where nations around the world pledged more than $6,000,000,000,000 to quickly develop, manufacture, and deliver COVID–19 vaccines and treatments to all countries, including the United States; and

Whereas Gavi, the Vaccine Alliance, is working to maintain ongoing immunization programs in partner countries while helping to identify and rapidly accelerate the development, production, and equitable delivery of COVID–19 vaccines and treatments;

Whereas on June 4, 2020, the United Kingdom hosted a virtual pledge conference for Gavi, the Vaccine Alliance, for which the United States made an historic $1,160,000,000 multi-year commitment; Now, therefore, be it

SA 1812. Mr. TOOMEY (for Mr. Lee (for himself and Mr. DURBIN)) proposed an amendment to the resolution S. Res. 579, encouraging the international community to remain committed to collaboration and coordination to mitigate and prevent the further spread of COVID–19 and urging renewed United States leadership and participation in global efforts on therapeutics and vaccine development and delivery to address COVID–19 and prevent further deaths, and for other purposes; as follows:
Amend the title so as to read: “A resolution encouraging the international community to remain committed to collaboration and coordination to mitigate and prevent the further spread of COVID-19 and urging renewed United States leadership and participation in global efforts on therapeutics and vaccine development and delivery to address COVID-19 and prevent further deaths, and for other purposes.”

SA 1813. Mr. GRAHAM submitted an amendment intended to be proposed by him to the measure to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1242. SENSE OF SENATE ON THE IMPORTANCE OF STRENGTHENING THE NORTH ATLANTIC TREATY ORGANIZATION ALLIANCE AND THE UNITED STATES AND ITS CLOSEST AND STRONGEST EUROPEAN ALLIES WITH FORCES IN GERMANY IS A STRONG DETERRENCE AGAINST RUSSIAN MILITARY INTERVENTION WIDESPREAD USE OF CRITICAL RESEARCH PROJECTS TO MAINTAIN ROBUST UNITED STATES MILITARY FORCES IN GERMANY

(a) FINDINGS.—The Senate makes the following findings:

(1) The North Atlantic Treaty Organization (NATO) alliance is a groundbreaking political and military alliance that ensures freedom and democracy through shared values for all 30 member states of the alliance.

(2) NATO continues to expand, with its newest member, North Macedonia, joining in 2020, showing the continued desire by European nations to join the alliance.

(3) Germany is a longtime member and a strong ally within NATO and a great friend to the United States.

(4) While all NATO member nations contribute critical capabilities to the alliance, the Senate encourages all allies within NATO to reach the goal of spending a minimum of 2.0 percent of their Gross Domestic Product on defense as soon as possible to strengthen the alliance even more.

(5) Germany currently spends roughly 1.54 percent of its Gross Domestic Product on defense. As the United States economy recovers, the Senate urges Germany to expedite its timeline to meet the 2.0 percent NATO goal.

(6) During the spring of 2020, Stuttgart-Vaihingen, Germany, was selected as the permanent location for the headquarters of the United States European Command.

(7) Since its inception, the United States European Command has supported more than 200 named operations and has deployed forces in support of operations and training throughout Europe, Southwest Asia, and Israel.

(8) On October 1, 2008, the United States established the United States Africa Command in Stuttgart, Germany.

(9) The United States has approximately 35,000 troops stationed within Germany supporting operations for two United States combatant commands and the NATO alliance.

(10) The presence of United States military forces in Germany is a strong deterrent against Russian aggression in Europe and strengthens the NATO alliance.

(11) Germany is one of the United States’ closest and strongest European allies with both countries sharing common trading partners, interests, and friendships.

(b) SENSE OF SENATE.—It is the sense of the Senate that Germany—

(1) continues to be a strong ally to the NATO alliance and a great friend to the United States;

(2) serves as a strategic location for United States military forces that serve as a strong deterrent against Russian military aggression and expansion within Europe; and

(3) remains a vital political, economic, and security partner which is critical to our continued prosperity and stability.

SA 1814. Mr. RUBIO (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, for military activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. __. SECURE AND TRUSTED TECHNOLOGY.

(a) DEFINITIONS.—In this section:

(1) FIFTH-GENERATION WIRELESS NETWORK.—The term “fifth-generation wireless network” means—

(A) a grant awarded under clause (i) shall be in the amount of $100,000,000.

(B) the Director of the Intelligence Advanced Research Projects Activity to award grants under subparagraph (B).

(C) IN GENERAL.—The Director of the Intelligence Advanced Research Projects Activity shall award grants to support research and the commercial application of such research, including in the following areas:

(I) Promoting the development of technology, including software, hardware, and microprocessor technology, that will enhance competitiveness in fifth-generation (commonly known as “5G”) and successor wireless technology supply chains.

(II) Accelerating development and deployment of open interface, open architecture, open-source, and open standards-compliant interoperable equipment, such as equipment developed pursuant to the standards set forth by organizations such as the 3rd Generation Partnership Project (3GPP), the O-RAN Software Community, or any successor organizations.

(III) Promoting compatibility of new fifth-generation wireless network equipment with future open standards-based interoperable equipment.

(IV) Managing integration of multivendor network environments.

(V) Objective criteria to define equipment as compliant with open standards for multivendor network equipment and successor equipment.

(VI) Promoting development and inclusion of security features enhancing the integrity and availability of equipment in multivendor networks.

(VII) Promoting the application of network function virtualization to facilitate multivendor interoperability and a more diverse vendor market.

(ii) GRANT AMOUNTS.—The amount of a grant awarded under this paragraph to a recipient for a specific research focus area may not exceed $100,000,000.

(c) FEDERAL ADVISORY BODY.—The Director of the Intelligence Advanced Research Projects Activity, in consultation with the Secretary of Defense, the Assistant Secretary of Commerce for Communications and Information, the Director of the National Institute of Standards and Technology, and the Secretary of Homeland Security, shall establish criteria for grants awarded under clause (i).

(d) SECURITY AND INNOVATION FUND.—

(I) IN GENERAL.—The fund shall consist of—

(aa) amounts appropriated pursuant to the Security and Innovation Fund (commonly known as “5G”) and successor wireless technology supply chains.

(bb) such other amounts as may be appropriated or otherwise made available to the Director of the Intelligence Advanced Research Projects Activity to be deposited in the Security Fund.

(bb) REMAINDER TO TREASURY.—Any unobligated or unused balances remaining in the Security Fund after the end of the fiscal year beginning after the date of the enactment of this Act shall be deposited in the general fund of the Treasury.

(iv) USE OF AMOUNTS.—Amounts deposited in the Security Fund shall be available to the Director of the Intelligence Advanced Research Projects Activity to award grants under subparagraph (B).

(b) GRANTS.—

(1) IN GENERAL.—The Director of the Intelligence Advanced Research Projects Activity shall award grants to support research and the commercial application of such research, including in the following areas:

(I) Promoting the development of technology, including software, hardware, and microprocessor technology, that will enhance competitiveness in fifth-generation (commonly known as “5G”) and successor wireless technology supply chains.

(II) Accelerating development and deployment of open interface, open architecture, open-source, and open standards-compliant interoperable equipment, such as equipment developed pursuant to the standards set forth by organizations such as the 3rd Generation Partnership Project (3GPP), the O-RAN Software Community, or any successor organizations.

(III) Promoting compatibility of new fifth-generation wireless network equipment with future open standards-based interoperable equipment.

(IV) Managing integration of multivendor network environments.

(V) Objective criteria to define equipment as compliant with open standards for multivendor network equipment and successor equipment.

(VI) Promoting development and inclusion of security features enhancing the integrity and availability of equipment in multivendor networks.

(VII) Promoting the application of network function virtualization to facilitate multivendor interoperability and a more diverse vendor market.

(ii) GRANT AMOUNTS.—The amount of a grant awarded under this paragraph to a recipient for a specific research focus area may not exceed $100,000,000.

(c) FEDERAL ADVISORY BODY.—The Director of the Intelligence Advanced Research Projects Activity, in consultation with the Secretary of Defense, the Assistant Secretary of Commerce for Communications and Information, the Director of the National Institute of Standards and Technology, and the Secretary of Homeland Security, shall establish criteria for grants awarded under clause (i).

(d) TIMING.—Not later than 1 year after the date of the enactment of this Act, the Director of the Intelligence Advanced Research Projects Activity shall begin awarding grants under clause (i).

(e) APPROPRIATIONS.—

(I) IN GENERAL.—The fund shall be available to the Director of the Intelligence Advanced Research Projects Activity for—

(aa) amounts deposited in the Security Fund.

(aa) AMOUNTS.—Amounts deposited in the Security Fund shall be available to the Director of the Intelligence Advanced Research Projects Activity to award grants under subparagraph (B).

(bb) GRANTS.—The Director of the Intelligence Advanced Research Projects Activity shall award grants to support research and the commercial application of such research, including in the following areas:

(I) Promoting the development of technology, including software, hardware, and microprocessor technology, that will enhance competitiveness in fifth-generation (commonly known as “5G”) and successor wireless technology supply chains.

(II) Accelerating development and deployment of open interface, open architecture, open-source, and open standards-compliant interoperable equipment, such as equipment developed pursuant to the standards set forth by organizations such as the 3rd Generation Partnership Project (3GPP), the O-RAN Software Community, or any successor organizations.

(III) Promoting compatibility of new fifth-generation wireless network equipment with future open standards-based interoperable equipment.

(IV) Managing integration of multivendor network environments.

(V) Objective criteria to define equipment as compliant with open standards for multivendor network equipment and successor equipment.

(VI) Promoting development and inclusion of security features enhancing the integrity and availability of equipment in multivendor networks.

(VII) Promoting the application of network function virtualization to facilitate multivendor interoperability and a more diverse vendor market.

(ii) GRANT AMOUNTS.—The amount of a grant awarded under this paragraph to a recipient for a specific research focus area may not exceed $100,000,000.

(c) FEDERAL ADVISORY BODY.—The Director of the Intelligence Advanced Research Projects Activity, in consultation with the Secretary of Defense, the Assistant Secretary of Commerce for Communications and Information, the Director of the National Institute of Standards and Technology, and the Secretary of Homeland Security, shall establish criteria for grants awarded under clause (i).

(d) TIMING.—Not later than 1 year after the date of the enactment of this Act, the Director of the Intelligence Advanced Research Projects Activity shall begin awarding grants under clause (i).

(e) APPROPRIATIONS.—

(I) IN GENERAL.—The fund shall be available to the Director of the Intelligence Advanced Research Projects Activity for—

(aa) amounts deposited in the Security Fund.

(aa) AMOUNTS.—Amounts deposited in the Security Fund shall be available to the Director of the Intelligence Advanced Research Projects Activity to award grants under subparagraph (B).

(bb) GRANTS.—The Director of the Intelligence Advanced Research Projects Activity shall award grants to support research and the commercial application of such research, including in the following areas:

(I) Promoting the development of technology, including software, hardware, and microprocessor technology, that will enhance competitiveness in fifth-generation (commonly known as “5G”) and successor wireless technology supply chains.

(II) Accelerating development and deployment of open interface, open architecture, open-source, and open standards-compliant interoperable equipment, such as equipment developed pursuant to the standards set forth by organizations such as the 3rd Generation Partnership Project (3GPP), the O-RAN Software Community, or any successor organizations.

(III) Promoting compatibility of new fifth-generation wireless network equipment with future open standards-based interoperable equipment.

(IV) Managing integration of multivendor network environments.

(V) Objective criteria to define equipment as compliant with open standards for multivendor network equipment and successor equipment.

(VI) Promoting development and inclusion of security features enhancing the integrity and availability of equipment in multivendor networks.

(VII) Promoting the application of network function virtualization to facilitate multivendor interoperability and a more diverse vendor market.

(ii) GRANT AMOUNTS.—The amount of a grant awarded under this paragraph to a recipient for a specific research focus area may not exceed $100,000,000.
(I) representatives from—
   (aa) the Federal Communications Commission;  
   (bb) the National Institute of Standards and Technology;  
   (cc) the Department of Defense;  
   (dd) the Department of State;  
   (ee) the National Science Foundation; and  
   (ff) the Department of Homeland Security; and
  (II) other representatives from the private and public sectors, at the discretion of the Security Fund.
  (iii) Duties.—The advisory committee established under clause (i) shall advise the Director of the Intelligence Advanced Research Projects Activity in technology development efforts to help inform—
  (I) the strategic direction of the Security Fund; and
  (II) efforts of the Federal Government to promote a secure, diverse, sustainable, and competitive supply chain.
  (D) REPORTS TO CONGRESS.—
  (i) Initial Report.—Not later than 180 days after the date of the enactment of this Act, the Director of the Intelligence Advanced Research Projects Activity shall submit to the appropriate committees of Congress a report that—
   (I) describes how, and to whom, grants have been awarded under subparagraph (B);
   (II) details the progress of the Director of the Intelligence Advanced Research Projects Activity in meeting the objectives described in subparagraph (B)(i); and
   (III) includes such other information as the Director of the Intelligence Advanced Research Projects Activity determine appropriate.
  (ii) Multilateral Telecommunications Security Fund.—
  (A) Establishment of Fund.—
  (I) in general.—There is established in the Treaury of the United States a fund to be known as the “Multilateral Telecommunications Security Fund” (in this section referred to as the “Multilateral Fund”).
  (ii) Annual Report.——The Director of National Intelligence and the Secretary of Defense shall jointly administer the Multilateral Fund.
  (iii) Use of Amounts.—Amounts in the Multilateral Fund shall be used to establish the common funding mechanism required by subparagraph (B).
  (iv) Contents of Fund.—
  (I) in general.—The Multilateral Fund shall consist of amounts appropriated pursuant to the authorization of appropriations under subparagraph (B) and such other amounts as may be appropriated or otherwise made available to the Director and the Secretary to be deposited in the Multilateral Fund.
  (II) Availability.—
   (aa) in general.—Amounts deposited in the Multilateral Fund shall remain available through fiscal years 2021 and shall be deposited in the General Fund of the Treasury.
   (bb) Remainder to Treasury.—Any amounts remaining in the Fund after fiscal year 2031 shall be deposited in the General Fund of the Treasury.
  (B) Multilateral Common Funding Mechanism.
  (I) in general.—The Director and the Secretary shall jointly, in coordination with foreign partners, establish a common funding mechanism that uses amounts from the Multilateral Fund to develop and adoption of secure and trusted telecommunications technologies in key markets globally.
  (II) Consultation Required.—The Director and the Secretary shall carry out clause (i) in consultation with the following:
   (A) The Federal Communications Commission.
   (B) The Secretary of State.
   (C) The Assistant Secretary of Commerce for Communications and Information.
   (D) The Secretary of Defense.
   (E) The Director of National Intelligence.

SA 1815. Mr. RUBIO (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DIVISION—INTELLIGENCE AUTHORIZATIONS FOR FISCAL YEAR 2021

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.

Sec. 102. Classified Schedule of Authorizations.

Sec. 103. Intelligence Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—INTELLIGENCE COMMUNITY MATTERS

Subtitle A—General Intelligence Community Matters

Sec. 301. Restriction on conduct of intelligence activities.

Sec. 302. Increase in employee compensation and benefits authorized by law.


Sec. 304. Continuity of operations plans for certain elements of the intelligence community in the case of a national emergency.

Sec. 305. Application of Executive Schedule level III to position of Director of National Reconnaissance Office.

Sec. 306. National Intelligence University.

Sec. 307. Requiring facilitation of establishment of Social Media Data and Information Sharing Environment.

Sec. 308. Data collection on attrition in intelligence community.

Sec. 309. Limitation on delegation of responsibilities for program management of information-sharing environment.

Sec. 310. Improvements to provisions relating to intelligence community information technology environment.
Sec. 311. Requirements and authorities for Director of the Central Intelligence Agency to improve education in science, technology, engineering, arts, and mathe-
matics.

Subtitle B—Reports and Assessments Pertaining to Intelligence Community

Sec. 321. Assessment by the Comptroller General of the United States on efforts of the intelligence community and the Department of Defense to identify and mitigate risks posed to the intelligence community and the Department by the use of direct-to-consumer genetic testing by the People’s Republic of China.

Sec. 322. Report on use by intelligence community of hiring flexibilities and expedited human resources practices to assure quality and diversity in the workforce of the intelligence community.

Sec. 323. Report on signage intelligence priorities and requirements.

Sec. 324. Assessment of demand for student loan repayment program benefits.

Sec. 325. Assessment of intelligence community demand for child care.

Sec. 326. Open source intelligence strategies and plans for the intelligence community.

TITLE IV—SECURITY CLEARANCES AND WORKFORCE

Sec. 401. Exclusivity, consistency, and transparency in security clearance procedures, and right to appeal.

Sec. 402. Establishing process parity for security clearance revocations.

Sec. 403. Federal policy on sharing of derogatory information pertaining to contractor employees in the trusted workforce.

TITLE V—REPORTS AND OTHER MATTERS

Sec. 501. Report on attempts by foreign adversaries to build telecommunications and cybersecurity equipment and services for, or to provide such equipment and services to, certain allies of the United States.

Sec. 502. Report on threats posed by use of foreign-source equipment and services of commercially available cyber intrusion and surveillance technology.

Sec. 503. Reports on recommendations of the Cyberspace Solarium Commission.

Sec. 504. Assessment of critical technology trends relating to artificial intelligence, microchips, and semiconductors and related supply chains.

Sec. 505. Combating climate influence operations in the United States and strengthening civil liberties protections.

Sec. 506. Annual report on corrupt activities of senior officials of the Chinese Communist Party.

Sec. 507. Report on management of rupture activities of Russian and other Eastern European oligarchs.


Sec. 510. Report on Iranian activities relating to nuclear nonproliferation.

Sec. 511. Sense of Congress on Third Option Foundation.

DIVISION I—INTELLIGENCE AUTHORIZATIONS FOR FISCAL YEAR 2021

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This division may be cited as the “Intelligence Authorization Act for Fiscal Year 2021.”

(b) Table of Contents.—The table of contents for this division is as follows:

SEC. 2. DEFINITIONS.

In this division:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term “congressional intelligence committees” has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(2) INTELLIGENCE COMMUNITY.—The term “intelligence community” has the meaning given such term in this section.

TITLE II—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2021 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.


(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Coast Guard.

(8) The Department of State.

(9) The Department of Energy.

(10) The Department of Justice.


(12) The Drug Enforcement Administration.

(13) The National Reconnaissance Office.

(14) The National Geospatial-Intelligence Agency.


SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS.—The amounts authorized to be appropriated under section 101 for any of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 101 are those specified in the classified Schedule of Authorizations prepared to accompany this division.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—(1) AVAILABILITY.—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President.

(2) DISTRIBUTION BY THE PRESIDENT.—Subject to paragraph (3), the President shall provide for suitable distribution of the classified Schedule of Authorizations referred to in subsection (a), or of appropriate portions of such Schedule, within the executive branch of the Federal Government.

(3) LIMITS ON DISCLOSURE.—The President shall not publicly disclose the classified Schedule of Authorizations or any portion of such Schedule except—

(A) as provided in section 601(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 3366(a));

(B) to the extent necessary to implement the budget; or

(C) as otherwise required by law.

SEC. 103. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2021 the sum of $731,200,000.

(b) CLASSIFIED AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2021 the additional amounts authorized in the classified Schedule of Authorizations referred to in section 102(a).

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund $314,000,000 for fiscal year 2021.

TITLE III—INTELLIGENCE COMMUNITY MATTERS

Subtitle A—General Intelligence Community Matters

SEC. 301. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this division shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 302. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this division for salary, pay, retirement, and other benefits for Federal employees may be increased by additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 303. CLARIFICATION OF AUTHORITIES AND RESPONSIBILITIES OF NATIONAL MANAGER FOR NATIONAL SECURITY TELECOMMUNICATIONS AND INFORMATION SYSTEMS SECURITY.

In carrying out the authorities and responsibilities of the National Manager for National Security Telecommunications and Information Systems Security under National Security Directive 42 (signed by the President on July 5, 1990), the National Manager shall be given such authority as necessary to execute, either directly or indirectly, any aspect of the National Intelligence Program.

SEC. 304. CONTINUITY OF OPERATIONS PLANS FOR CERTAIN ELEMENTS OF THE INTELLIGENCE COMMUNITY IN THE CASE OF A NATIONAL EMERGENCY.

(a) DEFINITION OF COVERED NATIONAL EMERGENCY.—In this section, the term “covered national emergency” means the following:

(1) A major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

(2) An emergency declared by the President under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191).

(3) A national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.).

(4) A public health emergency declared under section 319 of the Public Health Service Act (42 U.S.C. 247d).

(b) IN GENERAL.—The Director of National Intelligence, the Director of the Central Intelligence Agency, the Director of the National Reconnaissance Office, the Director of the Defense Intelligence Agency, the Director of the National Security Agency, and the Director of the National Geospatial-Intelligence Agency, or any other individual who is authorized by law to execute any function of an intelligence agency, shall, upon a determination by the President that a covered national emergency exists, immediately execute such functions as are necessary to ensure the continuity of operations for the intelligence community.
Director of the National Geospatial-Intelligence Agency shall each establish continuity of operations plans for use in the case of covered national emergencies for the element of the intelligence community concerned.

(c) Submission to Congress.—

(1) Director of National Intelligence and Director of the Central Intelligence Agency.—Not later than 7 days after the date on which a covered national emergency is declared, the Director of National Intelligence and the Director of the Central Intelligence Agency shall each submit to the congressional intelligence committees the plans established pursuant to subsection (b) for the emergency for the element of the intelligence community concerned.

(2) Director of National Reconnaissance Office, Director of the National Geospatial-Intelligence Agency, Director of National Security Agency, and Director of National Geospatial-Intelligence Agency.—Not later than 7 days after the date on which a covered national emergency is declared, the Director of the National Reconnaissance Office, the Director of the Defense Intelligence Agency, the Director of the National Security Agency, and the Director of the National Geospatial-Intelligence Agency shall each submit the plan established under subsection (b) for the element of the intelligence community concerned to the following:

(A) The congressional intelligence committees.

(B) The Committee on Armed Services of the Senate.

(C) The Committee on Armed Services of the House of Representatives.

(d) Updates.—During a covered national emergency, the Director of National Intelligence, the Director of the Central Intelligence Agency, the Director of the National Reconnaissance Office, the Director of the Defense Intelligence Agency, the Director of the National Security Agency, and the Director of the National Geospatial-Intelligence Agency shall each submit any updates to the plans submitted under subsection (c) to—

(1) in accordance with that subsection; and

(2) in a timely manner consistent with section 501 of the National Security Act of 1947 (50 U.S.C. 301).

SEC. 305. APPLICATION OF EXECUTIVE SCHEDULE LEVEL III TO POSITION OF DIRECTOR OF NATIONAL RECONNAISSANCE OFFICE.

Section 5314 of title 5, United States Code, is amended by adding at the end the following:

"Director of the National Reconnaissance Office.",

SEC. 306. NATIONAL INTELLIGENCE UNIVERSITY.

(a) In general.—Title X of the National Security Act of 1947 (50 U.S.C. 3191 et seq.) is amended by adding at the end the following:

"Subtitle D—National Intelligence University

SEC. 1031. TRANSFER DATE.

"In this subsection the term ‘transfer date’ means the date on which the National Intelligence University is transferred from the Defense Intelligence Agency to the Director of National Intelligence under section 5324 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92)."

SEC. 1032. DEGREE-GRANTING AUTHORITY.

(a) Beginning on the transfer date, under regulations prescribed by the Director of National Intelligence, the President of the National Intelligence University may, upon the recommendation of the faculty of the University, confer appropriate degrees upon graduates who meet the degree requirements.

(b) Limitation.—A degree may not be conferred under this section unless—

(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies;

(2) the University is accredited by the appropriate academic accrediting agency or organization to award the degree, as determined by the Secretary; and

(3) the University satisfies the requirements of section 1034.

(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—

(1) ACTIONS ON NONACREDITATION.—Beginning on the transfer date, the Director shall promptly—

(A) notify the congressional intelligence committees of any action by the Middle States Commission on Higher Education, or other appropriate academic accrediting agency or organization, to not accredit the University to award any new or existing degree; and

(B) submit to such committees a report containing an explanation of any such action.

(2) MODIFICATION OR REDESIGNATION OF DEGREE-GRANTING AUTHORITY.—Beginning on the transfer date, upon any modification or redesignation of existing degree-granting authority, the University is submitted to the congressional intelligence committees a report containing—

(A) the rationale for the proposed modification or redesignation; and

(B) any subsequent recommendation of the Secretary of Education with respect to the proposed modification or redesignation.

SEC. 1033. FACULTY MEMBERS; EMPLOYMENT AND COMPENSATION.

(a) Authority of Director.—Beginning on the transfer date, the Director of National Intelligence may employ as many professors, instructors, and lecturers at the National Intelligence University as the Director considers necessary.

(b) Compensation of Faculty Members.—The compensation of persons employed under this section shall be as prescribed by the Director.

(c) Compensation Plan.—The Director shall provide each person employed as a professor, instructor, or lecturer at the University on the transfer date an opportunity to elect to be paid under the compensation plan in effect on the day before the transfer date (with no reduction in pay) or under the authority of this section.

SEC. 1034. GRANTS. OF FEDERAL ADVISORY COMMITTEE. ACT TO THE BOARD OF VISITORS.

"The Secretary of Education shall award competitive research grants in the same manner and to the same degree as the President of the National Defense University under section 2165(e) of title 10, United States Code.

SEC. 1035. CONTINUED APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT TO THE BOARD OF VISITORS.

"The Federal Advisory Committee Act (5 U.S.C. App.) shall continue to apply to the Board of Visitors of the National Intelligence University on and after the transfer date."

SEC. 307. REQUIRING FACILITATION OF ESTABLISHMENT OF UNIFORM DATA AND THREAT ANALYSIS CENTER.

(a) Requirement.—The congressional intelligence committees and the Director of National Intelligence shall each submit to the congressional intelligence committees a report that includes the provisions of section 1036.

(b) Deadline.—Such report is submitted to the congressional intelligence committees on and after the date of the enactment of this Act.

(c) Conforming Amendments.—

(1) Reporting.—Subsection (d) of such section is amended by striking "Fiscal Year 2021" and inserting "fiscal year 2022".

(2) Funding.—Subsection (f) of such section is amended by striking "fiscal year 2020 and 2021" and inserting "fiscal year 2020 to 2022".

SEC. 308. DATA COLLECTION ON ATTRITION IN INTELLIGENCE COMMUNITY.

(a) Standards for Data Collection.—

(1) In general.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall establish standards for collecting data relating to attrition in the intelligence community workforce across demographics, specialties, and length of service.

(2) Inclusion of Certain Candidates.—The Director shall include, in the standards established under paragraph (1), standards for collecting data from candidates who accepted conditional offers of employment but chose to withdraw from the hiring process before entering into service, including data with respect to the reasons such candidates chose to withdraw.

(b) Collection of Data.—Not later than 120 days after the date of the enactment of this Act, each element of the intelligence community shall begin collecting data on workforce and candidate attrition in accordance with the standards established under subsection (a).

(c) Inclusive Report.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Director shall submit to the congressional intelligence committees a report that includes the data collected and candidate attrition in the intelligence community that includes—

(1) the findings of the Director based on the data collected; and

(2) recommendations for addressing any issues identified in those findings; and

"Subtitle D—National Intelligence University

Sec. 1031. Transfer date.

Sec. 1032. Degree-granting authority.

Sec. 1033. Faculty members; employment and compensation.

Sec. 1034. Grants.

Sec. 1035. Continued applicability of the Federal Advisory Committee Act to the Board of Visitors.

Sec. 1036. Requirement to facilitate establishment of uniform data and threat analysis center.

Sec. 1037. Requirement to facilitate establishment of uniform data and threat analysis center.

Sec. 1038. Data collection on attrition in intelligence community.
(3) an assessment of timeliness in processing applications of individuals previously employed by an element of the intelligence community, consistent with the Trust Workforce 2.0 initiative sponsored by the Security Clearance, Suitability, and Credentialing Performance Accountability Council.

SEC. 309. LIMITATION ON DELEGATION OF RESPONSIBILITY FOR PROGRAM MAN-AGEMENT INFORMATION-SHARING programs.

(a) In General.—Section 1016(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485(b)), as amended by section 201(b)(2)(A) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is further amended—

(1) in paragraph (1), in the matter before subparagraph (A), by striking the Director of National Intelligence and inserting "President";

(2) in paragraph (2), by striking "Director of National Intelligence" both places it appears and inserting "President"; and

(3) by adding at the end the following:

"(3) DELEGATION.—

(1) Subject to subparagraph (B), the President may delegate responsibility for carrying out this subsection.

(2) LIMITATION.—The President may not delegate responsibility for carrying out this subsection to the Director of National Intelligence.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2020.

SEC. 310. IMPROVEMENTS TO PROVISIONS RELATING TO INTELLIGENCE COMMUNITY INFORMATION TECHNOLOGY ENVIRONMENT.

Section 6312 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), as amended by striking subsections (e) through (i) and inserting the following:

"(e) LONG-TERM ROADMAP.—Not later than 180 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2021, the Director of National Intelligence shall develop and maintain a long-term roadmap for the intelligence community information technology environment.

(1) BUSINESS PLAN.—Not later than 180 days after the date of enactment of the Intelligence Authorization Act for Fiscal Year 2021, the Director of National Intelligence shall develop and maintain a business plan to implement the long-term roadmap plan described in section (e).

SEC. 311. REQUIREMENTS AND AUTHORITIES FOR DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY TO IMPROVE EDUCATION IN SCIENCE, TECHNOLOGY, ENGINEERING, ARTS, AND MATHEMATICS.

The Central Intelligence Agency Act of 1949 (50 U.S.C. 3501 et seq.) is amended by adding the following:

"SEC. 24. IMPROVEMENT OF EDUCATION IN SCIENCE, TECHNOLOGY, ENGINEERING, ARTS, AND MATHEMATICS.

(a) Definitions.—In this section:

(1) EDUCATIONAL ENTITY.—The term ‘educational entity’ includes a department or agency of the Federal Government, a State, a political subdivision of a State, an individual, and a not-for-profit or other organization in the private sector.

(2) EDUCATIONAL INSTITUTION.—The term ‘educational institution’ includes any public or private school or secondary school, institution of higher education, college, university, or any other profit or non-profit institution that is dedicated to promoting science, technology, engineering, arts, mathematics, business, law, medicine, or other fields that promote development and education relating to science, technology, engineering, the arts, or mathematics.

(b) STATE.—The term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

(c) REQUIREMENTS.—The Director shall, on a continuing basis—

(1) identify actions that the Director may take to improve education in the scientific, technology, engineering, arts, and mathematics disciplines of concern to the needs of the United States for personnel proficient in such skills; and

(2) establish and conduct programs to carry out such actions.

(d) AUTHORIZED.—

(1) IN GENERAL.—The Director, in support of educational programs in science, technology, engineering, the arts, and mathematics, may—

(A) award grants to eligible entities;

(B) provide cash awards and other items to eligible entities;

(C) accept voluntary services from eligible entities;

(D) support national competition judging, other educational event activities, and associated award ceremonies in connection with such educational programs; and

(E) enter into or enter into, or continue existing education partnership agreements with educational institutions in the United States for the purpose of encouraging and enhancing study in science, technology, engineering, the arts, and mathematics disciplines at all levels of education.

(2) EDUCATION PARTNERSHIP AGREEMENTS.—

(A) NATURE OF ASSISTANCE PROVIDED.—Under an education partnership agreement entered into with an educational institution under paragraph (1), the Director may provide assistance to the educational institution by—

(i) loaning equipment to the educational institution for any purpose and duration in support of such agreement that the Director considers appropriate;

(ii) making personnel available to teach science courses or to assist in the development of science courses and materials for the educational institution;

(iii) providing sabbatical opportunities for faculty and internship opportunities for students;

(iv) involving faculty and students of the educational institution in Agency projects, including research and technology transfer or transition projects;

(v) cooperating with the educational institution in developing a program under which students may credit it for work on Agency projects, including research and technology transfer for transition projects; and

(vi) providing academic and career advice and assistance to students of the educational institution.

(B) PRIORITIES.—In entering into education partnership agreements under paragraph (1), the Director shall prioritize entering into education partnership agreements with the following:

(i) Historically Black colleges and universities and other minority-serving institutions, as described in section 37(a) of the Higher Education Act of 1965 (20 U.S.C. 1067(a));

(ii) Educational institutions serving women, members of minority groups, and other groups of individuals who traditionally have been underrepresented in science, technology, engineering, arts, and mathematics professions in disproportionately low numbers.

(3) DESIGNATION OF ADVISOR.—The Director shall designate one or more individuals within the Agency to advise and assist the Director regarding matters relating to students, faculty, educational programs, the arts, and mathematics education and training.

Subtitle B—Reports and Assessments Pertaining to Intelligence Community


(a) ASSESSMENT REQUIRED.—The Comptroller General of the United States shall assess the efforts of the intelligence community and the Department of Defense to identify and mitigate the risks posed to the intelligence community and the Department by the use of direct-to-consumer genetic testing by the Government of the People’s Republic of China.

(b) REPORT REQUIRED.—

(1) DEFINITION OF UNITED STATES DIRECT-TO-CONSUMER GENETIC TESTING COMPANY.—In this subsection, the term ‘United States direct-to-consumer genetic testing company’ means a private entity that—

(A) carries out direct-to-consumer genetic testing; and

(B) is organized under the laws of the United States or any jurisdiction within the United States.

(2) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the Congress, including the congressional intelligence committees, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives, a report on the assessment required by subsection (a).

(3) ELEMENTS.—The report required by paragraph (2) shall include the following:

(A) A description of key national security risks and vulnerabilities associated with direct-to-consumer genetic testing, including—

(i) how the Government of the People’s Republic of China may be using data provided by personnel of the intelligence community and the Department through direct-to-consumer genetic tests; and

(ii) how ubiquitous technical surveillance may amplify those risks.

(4) ASSESSING RISKS.—the extent to which the intelligence community and the Department have identified risks and vulnerabilities posed by direct-to-consumer genetic testing and have sought to mitigate such risks and vulnerabilities, or have plans for such mitigation, including the extent to which the intelligence community has determined—

(i) in which United States direct-to-consumer genetic testing companies may have sold data to the Government of the People’s Republic of China or entities owned or controlled by the Government of the People’s Republic of China;

(ii) in which United States direct-to-consumer genetic testing companies may have sold data to the Government of the People’s Republic of China or entities owned or controlled by the Government of the People’s Republic of China;

(iii) how the Government of the People’s Republic of China may be using data provided by personnel of the intelligence community and the Department through direct-to-consumer genetic testing; and

(iv) how ubiquitous technical surveillance may amplify those risks.

(5) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the Congress, including the congressional intelligence committees, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives, a report on the efforts of the intelligence community and the Department to identify and mitigate the risks posed to the intelligence community and the Department by the use of direct-to-consumer genetic testing by the Government of the People’s Republic of China.

(6) REQUIREMENTS.—In entering into education partnership agreements under paragraph (1), the Director shall prioritize entering into education partnership agreements with the following:

(A) Historically Black colleges and universities and other minority-serving institutions, as described in section 37(a) of the Higher Education Act of 1965 (20 U.S.C. 1067(a));

(B) Educational institutions serving women, members of minority groups, and other groups of individuals who traditionally have been underrepresented in science, technology, engineering, arts, and mathematics professions in disproportionately low numbers.

(7) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the Congress, including the congressional intelligence committees, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives, a report on the efforts of the intelligence community and the Department to identify and mitigate the risks posed to the intelligence community and the Department by the use of direct-to-consumer genetic testing by the Government of the People’s Republic of China.
Government of the People’s Republic of China.

(4) FORM.—The report required by paragraph (2) shall be submitted in unclassified form, subject to the requirements of an annex.

(c) COOPERATION.—The heads of relevant elements of the intelligence community and components of the Department shall—

(1) ensure that the Comptroller General in conducting the assessment required by subsection (a); and

(2) provide any information and data required by the Comptroller General to conduct the assessment.

SEC. 322. REPORT ON USE BY INTELLIGENCE COMMUNITY OF HIRING FLEXIBILITIES AND EXPEDITED HUMAN RESOURCES PRACTICES TO ASSURE QUALITY AND DIVERSITY IN THE WORKFORCE OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report on how elements of the intelligence community are exercising hiring flexibilities and expedited human resources practices afforded under section 3225 of title 5, United States Code, and subpart D of part 315 of chapter 1 of title 32, United States Code, or successor regulation, to assure quality and diversity in the workforce of the intelligence community.

(b) ELEMENTS.—The report submitted under subsection (a) shall include identification of any obstacles encountered by the intelligence community in exercising the authorities described in such subsection.

SEC. 323. REPORT ON SIGNALS INTELLIGENCE PRIORITIES AND REQUIREMENTS.

(a) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report on signals intelligence priorities and requirements subject to Presidential Policy Directive 28.

(b) ELEMENTS.—The report required by subsection (a) shall cover the following:

(1) The implementation of the annual process for advising the Director on signals intelligence priorities and requirements described in section 5 of Presidential Policy Directive 28.

(2) The signals intelligence priorities and requirements as of the most recent annual process.

(3) The application of such priorities and requirements to the signals intelligence collection efforts of the intelligence community.


(c) FORM.—The report submitted under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 324. ASSESSMENT OF DEMAND FOR STUDENT LOAN REPAYMENT PROGRAM BENEFIT.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the head of each element of the intelligence community shall—

(1) calculate the number of personnel of that element that qualify for a student loan repayment program benefit;

(2) compare the number calculated under paragraph (1) to the number of personnel who actually receive the benefit; and

(3) provide recommendations for how to structure such a program to optimize participation and enhance the effectiveness of the benefit, as the Comptroller General may direct, in accordance with the rules of the Office of Personnel Management, with respect to the amount of the benefit offered and the length of time an employee receives a benefit is required to serve under a continuing service agreement; and

(4) identify any shortfall in funds or authorities needed to provide such a benefit.

(b) REPORT.—The Director of National Intelligence shall include in the budget justifications materials submitted to Congress in support of the report required by subsection (a) a biennial report on the findings of the intelligence community under subsection (a).

SEC. 325. ASSESSMENT OF INTELLIGENCE COMMUNITY OF DEMAND FOR CHILD CARE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the heads of the elements of the intelligence community specified in subsection (b), shall submit to the congressional intelligence committees a report that includes—

(1) a calculation of the total annual demand for child care by employees of such an element and any near the workplaces of such employees, including a calculation of the demand for early morning and evening child care;

(2) an identification of any shortfall between the demand calculated under paragraph (1) and the child care supported by such elements as of the date of the report;

(3) an assessment for addressing any such shortfall, including options for providing child care at or near the workplaces of employees of such elements;

(4) an identification of the advantages, disadvantages, and costs associated with such option;

(5) a plan to meet, by the date that is 5 years after that—

(A) the demand calculated under paragraph (1); or

(B) an alternative standard established by the Secretary for child care available to such employees; and

(6) an assessment of needs of specific elements of the intelligence community, including any Government-provided child care that could be collocated with a workplace of employees of such an element and any available child care providers in the proximity of such a workplace.

(b) ELEMENTS SPECIFIED.—The elements of the intelligence community specified in this subsection are:

(1) The Central Intelligence Agency.

(2) The National Security Agency.

(3) The Defense Intelligence Agency.

(4) The National Geospatial-Intelligence Agency.

(5) The National Reconnaissance Office.

(6) The Office of the Director of National Intelligence.

SEC. 326. OPEN SOURCE INTELLIGENCE STRATEGIES AND PLANS FOR THE INTELLIGENCE COMMUNITY.

(a) REQUIREMENT FOR SURVEY AND EVALUATION OF CUSTOMER FEEDBACK.—Not later than 180 days after the date of the enactment of this Act and using the findings of the Director with respect to the survey and evaluation conducted under subsection (a), the Director of National Intelligence, in coordination with the heads of the elements of the intelligence community specified in this subsection, shall—

(1) conduct a survey of the open source intelligence requirements, goals, monetary and property investments, and capabilities for each element of the intelligence community; and

(2) evaluate the usability and utility of the Open Source Enterprise by soliciting customer feedback and evaluating such feedback.

(b) REQUIREMENT FOR OVERALL STRATEGY AND FOR INTELLIGENCE COMMUNITY PLAN FOR IMPROVING USABILITY OF OPEN SOURCE ENTERPRISE, AND RISK ANALYSIS OF CREATING OPEN SOURCE CENTER.—Not later than 180 days after the date of the enactment of this Act, the Director, in coordination with the head of each element of the intelligence community and using the findings of the Director with respect to the survey conducted under subsection (a), shall—

(1) develop a strategy for open source intelligence collection, analysis, and production that defines the overarching goals, roles, responsibilities, and processes for such collection, analysis, and production for the intelligence community;

(2) develop a plan for improving usability and utility of the Open Source Enterprise based on the customer feedback solicited under subsection (a); and

(3) conduct a risk and benefit analysis of operating an open source intelligence community.

(c) REQUIREMENT FOR PLAN FOR CENTRALIZED DATA REPOSITORY.—Not later than 270 days after the date of the enactment of this Act and using the findings of the Director with respect to the survey and evaluation conducted under subsection (a), the strategy and plan developed under subsection (b), and the risk and benefit analysis conducted under subsection (c), the Director shall develop a plan for a centralized data repository of open source intelligence that enables all elements of the intelligence community to leverage such a repository for their specific requirements; and

(2) to derive open source intelligence advantages.

(d) REQUIREMENT FOR COST-SHARING MODEL.—Not later than 1 year after the date of the enactment of this Act and using the findings of the Director with respect to the survey and evaluation conducted under subsection (a), the strategy and plan developed under subsection (b), the risk and benefit analysis conducted under subsection (c), and the plan developed under subsection (d), the Director shall develop a cost-sharing model that leverages the open source intelligence investments of each element of the intelligence community for the beneficial use of the entire intelligence community.

(e) CONGRESSIONAL BRIEFING.—Not later than 1 year after the date of the enactment of this Act, the Director of National Intelligence, the Director of the Central Intelligence Agency, the Director of the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, and the Director of the National Security Agency shall jointly brief the congressional intelligence committees on—

(1) the strategy developed under paragraph (1) of subsection (b); and

(2) the plan developed under paragraph (2) of such subsection.

(f) RULE OF CONSTRUCTION.—The cost-sharing model developed under subsection (d).

TITLE IV—SECURITY CLEARANCES AND TRUSTED WORKFORCE

SEC. 401. EXCLUSIVITY, CONSISTENCY, AND TRANSPARENCY IN SECURITY CLEARANCE PROCEDURES, AND RIGHT TO APPEAL.

(a) EXCLUSIVITY OF PROCEDURES.—Section 801 of the National Security Act of 1947 (50 U.S.C. 3161) is amended by adding at the end the following:

"(c) EXCLUSIVITY.—Except as provided in subsection (b) and subject to sections 801A and 801B, the procedures established pursuant to subsection (a) and promulgated under subchapter II of chapter 9 of title 5, United States Code, or successor Federal Regulations, or successor regulations, shall be the exclusive procedures by
which decisions about eligibility for access to classified information are governed.”.

(b) TRANSPARENCY.—Such section is further amended by adding at the end the following:

“(d) PUBLICATION.—

“(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this subsection, the President shall—

“(A) publish in the Federal Register the procedures established pursuant to subsection (a); or

“(B) submit to Congress a certification that the procedures currently in effect that govern access to classified information as described in subsection (a) and (b) are—

“(i) are published in the Federal Register; and

“(ii) comply with the requirements of subsection (a).

“(2) UPDATES.—Whenever the President makes a revision to a procedure established pursuant to subsection (a), the President shall publish such revision in the Federal Register not later than 30 days before the date on which the revision becomes effective.

(c) CONSISTENCY.—

(1) IN GENERAL.—Title VIII of the National Security Act of 1947 (50 U.S.C. 3161 et seq.) is amended by inserting after section 801 the following:

“SEC. 801A. DECISIONS RELATING TO ACCESS TO CLASSIFIED INFORMATION.

“(a) DEFINITIONS.—In this section:

“(1) AGENCY.—The term ‘agency’ has the meaning given the term ‘Executive agency’ in section 105 of title 5, United States Code.

“(2) CLASIFIED INFORMATION.—The term ‘classified information’ includes sensitive compartmented information, restricted data, restricted handling information, and other information given the meaning given the term ‘Executive agency’ in section 105 of title 5, United States Code.

“(3) ELIGIBILITY FOR ACCESS TO CLASSIFIED INFORMATION.—The term ‘eligibility for access to classified information’ has the meaning given such term in the procedures established pursuant to section 801(a).

“(4) NEED FOR ACCESS.—The term ‘need for access’ has such meaning as the President may determine.

“(5) RECIPROCITY OF CLEARANCE.—The term ‘reciprocity of clearance’, with respect to a covered person, means the procedure by which an agency establishes that a covered person is qualified to receive access to classified information.

“(b) AGENCY REVIEW.—

“(1) IN GENERAL.—Not later than 180 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2021, each head of an agency shall establish, consistent with the interests of national security, a panel under subparagraph (A) established by the head of an agency under paragraph (2) of such section to make the following determinations:

“(i) COMPOSITION.—Each panel established under subparagraph (A) shall be comprised of—

“(I) not more than 12 members;

“(II) not less than 6 members; and

“(III) one or more members who have been or are currently employed by the agency.

“(ii) DUTIES.—Each panel shall make the following determinations:

“(I) the head of the agency shall provide the covered person with a written—

“(aa) a certification that the decision to revoke or deny, in the case of a covered person to whom eligibility for access to classified information is essential to the resolution of a national security matter, is the product of the decision of the panel; and

“(bb) a notice of the right of the covered person to appeal the decision to the head of an agency.

“(B) A coercion or reprisal described in subparagraph (A) shall be subject to the remedies provided by section 2302 of title 5, United States Code.

“(c) EXPERIENCE.—Each panel shall consult with the head of the agency in the establishment of the panel.

“(d) CROSS-EXAMINATION.—Each panel shall provide an opportunity, at a hearing conducted by the panel, for the covered person to—

“(I) be represented by counsel or other representative;

“(II) present evidence and argument to the panel;

“(III) be cross-examined by the panel; and

“(IV) request review by an independent entity.

“(e) DECISIONS.—

“(1) REVIEW.—Each decision of a panel established under paragraph (3) shall be subject to review by an independent entity.

“(2) APPEAL.—Each appeal of a decision of a panel shall be subject to the procedures established by the head of an agency under section 801A of title 5.

“(3) ELIMINATION.—The procedures established by the head of an agency under section 801A of title 5 shall be consistent with the interests of national security and applicable provisions of law.

“(f) PRIVACY.—The procedures established by the head of an agency under section 801A of title 5 shall be consistent with the policies and procedures established by the head of an agency under section 552a of title 5, United States Code (commonly known as the ‘Privacy Act’).

“(g) COMPLAINTS.—The procedures established by the head of an agency under section 801A of title 5 shall be consistent with the procedures established by the head of an agency under section 801 of title 5, United States Code.

“(h) DETERMINATION.—The head of the agency shall provide the covered person with a written—

“(I) notice of the right of the covered person to appeal the decision of the panel; and

“(II) notice of the right of the covered person to appeal the decision of the panel to the head of an agency.

“(i) APPEAL.—Each appeal of a decision of the panel shall be subject to the procedures established by the head of an agency under section 801A of title 5.

“(j) NOTICE.—Each notice of the right of an appeal under subparagraph (h) shall include—

“(I) contact information for the head of an agency;

“(II) a statement of the rights of an appeal under subparagraph (h); and

“(III) a statement of the process for an appeal under subparagraph (h).

“(k) COMPLAINTS.—Each appeal of a decision of the panel shall be subject to the procedures established by the head of an agency under section 801A of title 5.

“(l) PRIVACY.—Each appeal of a decision of the panel shall be subject to the procedures established by the head of an agency under section 801A of title 5.
(iv) FINALITY.—Each decision of a panel established under subparagraph (A) or over-turned pursuant to clause (iii) of this subparagraph shall be final.

(2) DENIALS OF SECURITY CLEARANCE INFORMATION.—The head of an agency that establishes a panel under subparagraph (A) shall afford access to classified information to the members of the panel as the agency head determines—

(i) necessary for the panel to hear and review an appeal under this subsection; and

(ii) needed by the panel to consider the interests of national security.

(3) REPRESENTATION BY COUNSEL.—(A) Each head of an agency shall ensure that, under this subsection, a covered person appealing a decision of the head's agency under this subsection has an opportunity to retain counsel or other representation at the covered person's expense.

(B) ACCESS TO CLASSIFIED INFORMATION.—

(i) In general.—Upon the request of a covered person appealing a decision of an agency under this subsection and a showing that the ability to review classified information is essential to the resolution of the appeal under this subsection, the head of the agency shall sponsor an application by the counsel or other representation retained under this paragraph for access to classified information for the limited purposes of such appeal.

(ii) EXTENT OF ACCESS.—Counsel or another representation retained under this subparagraph may be afforded access to relevant classified materials to the extent consistent with the interests of national security.

(4) PUBLICATION OF DECISIONS.—

(A) IN GENERAL.—Each head of an agency shall publish each final decision on an appeal under this subsection.

(B) REQUIREMENTS.—In order to ensure transparency, oversight by Congress, and meaningful information for those who need to understand how the clearance process works, each publication under subparagraph (A) shall be—

(i) made in a manner that is consistent with section 552 of title 5, United States Code, as amended by the Electronic Freedom of Information Act Amendments of 1996 (Public Law 104–231);

(ii) published to explain the facts of the case, redefining personally identifiable information and sensitive program information; and

(iii) made available on a website that is searchable by members of the public.

(C) PERIOD OF TIME FOR THE RIGHT TO APPEAL.—

(1) IN GENERAL.—Except as provided in paragraph (2), any covered person who has been the subject of a decision made by the head of an agency to deny or revoke eligibility for access to classified information or to deny reciprocity of clearance pursuant to any other provision of law or Executive Order of the President or head of an agency determines that an applicable process established under this section cannot be invoked in a manner that is consistent with national security.

(2) DENIALS AND REJECTION.—The power and responsibility to deny or revoke eligibility for access to classified information or to deny reciprocity of clearance pursuant to any other provision of law or Executive Order of the President or head of an agency determines that an applicable process established under this section cannot be invoked in a manner that is consistent with national security.

(3) FINALITY.—A determination under paragraph (2) shall be final and conclusive and may not be reviewed by any other official or any court.

(4) REPORTING.—

(A) CASE-HY-CASE.—In each case in which the head of an agency determines under paragraph (1) that a procedure established under subsection (b) cannot be made available to a covered person in an exceptional case in order to protect a national security interest of the United States by revealing classified information, such procedure shall not be made available to such covered person.

(B) FINAL DETERMINATION.—A determination under paragraph (1) shall be final and conclusive and may not be reviewed by any other official or any court.

(C) REPORTING.—

(1) In general.—Each head of an agency shall report to the congressional intelligence committees a report stating the reasons for the determination.

(2) Form.—A report submitted under clause (1) may be submitted in classified form as necessary.

(3) Contents.—Each report submitted under clause (1) shall include, for the period covered by the report, the following:

(I) The number of cases and reasons for determination.

(II) The number and reasons for determinations made under paragraphs (1) and (2) during the previous fiscal year.

(III) A determination of suitability made under paragraph (2) during the previous fiscal year.

(4) RELATIONSHIP TO SUITABILITY.—No person may use a determination of suitability under part 731 of title 5, Code of Federal Regulations, or successor regulation, for the purpose of denying a covered person the review proceedings of this section where there has been a denial or revocation of eligibility for access to classified information or a denial of reciprocity of clearance.

(5) PRESERVATION OF ROLES AND RESPONSIBILITIES UNDER EXECUTIVE ORDER 13865 AND THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Nothing in this section shall be construed to diminish or otherwise affect the procedures in effect on the day before the date of the enactment of this Act for denial and revocation procedures provided to individuals by Executive Order 13865 (50 U.S.C. 3161 note; relating to safeguarding classified information at the Department of Defense and succession to classified information) for individuals who are associated with the Defense Office of Hearings and Appeals of the Department of Defense appointed under section 3426(c) of chapter 334 of title 34, United States Code.

(6) BURDENS OF PROOF.—In determining whether the adverse security clearance or access determination described in paragraph (1) was a contributing factor in the adverse security clearance or access determination taken against the individual.

(1) IN GENERAL.—Subject to clause (iii), in determining whether the adverse security clearance or access determination violated paragraph (1), the agency shall find that paragraph (1) was violated if the individual has demonstrated by clear and convincing evidence that—

(I) the official making the determination knew of the disclosure; and

(II) the determination occurred within a period such that a reasonable person could conclude that the disclosure was a contributing factor in the adverse security clearance or access determination taken against the individual.

(2) CIRCUMSTANTIAL EVIDENCE.—If an individual under clause (i) may demonstrate that the disclosure was a contributing factor in the adverse security clearance or access determination taken against the individual.

(3) DEFENSE.—In determining whether the adverse security clearance or access determination described in paragraph (1) was a contributing factor, the agency may consider by clear and convincing evidence the following:

(I) The official making the determination knew of the disclosure; and

(II) The determination occurred within a period such that a reasonable person could conclude that the disclosure was a contributing factor in the adverse security clearance or access determination taken against the individual.

(4) RELATIONSHIP TO SUITABILITY.—No person may use a determination of suitability under part 731 of title 5, Code of Federal Regulations, or successor regulation, for the purpose of denying a covered person the review proceedings of this section where there has been a denial or revocation of eligibility for access to classified information or a denial of reciprocity of clearance.
SEC. 403. FEDERAL POLICY ON SHARING OF DEROGATORY INFORMATION PERTAINING TO CONTRACTOR EMPLOYEES SPECIFIED WORK SOURCE.

(a) POLICY REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Security Executive Agent, in coordination with the principal members of the Performance Accountability Council and the Attorney General, shall issue a policy for the Federal Government on sharing derogatory information pertaining to contractor employees engaged by the Federal Government.

(b) CONSENT REQUIREMENT.—

(1) IN GENERAL.—The policy issued under subsection (a) shall require, as a condition of employment of the contractor employee that employs the contractor employee.

(2) COVERED DEROGATORY INFORMATION.—For purposes of this section, covered derogatory information means—

(A) information that—

(i) contravenes National Security Adjudication System assessments under Executive Agent Directive 4 (10 C.F.R. 710 app. A), or any successor Federal policy;

(ii) is available to the contractor employer or to the contractor employee on forms submitted for the adjudication of the contractor employee's suitability for a position of public trust; or

(iii) is relevant to a contractor's ability to protect against insider threats as required by section 1–202 of the National Industrial Security Program Operating Manual (NISPOM), or successor manual; and

(iv) may have a bearing on the contractor employer's suitability for a position of public trust or to receive credentials to access certain facilities of the Federal Government; and

(B) shall include any negative information considered in the adjudicative process, including information provided by the contractor employee or forms submitted for the processing of the contractor employee's security clearance.

(c) ELEMENTS.—The policy issued under subsection (a) shall—

(1) require Federal agencies, except under exceptional circumstances specified by the Security Executive Agent, to share the contractor employee's suitability for a position of public trust or to receive credentials to access certain facilities of the Federal Government;

(2) require that covered derogatory information shared with a contractor employer as described in subsection (b)(1) be used by the contractor employer exclusively for risk mitigation purposes under section 1–202 of the National Industrial Security Program Operating Manual (NISPOM), or successor manual;

(3) require Federal agencies to share any derogatory information with the contractor employee within a specified timeframe, the right—

(A) to consider and decide upon the accuracy and reliability of covered derogatory information;

(B) to address or remedy any concerns raised by the covered derogatory information;

(C) to provide documentation pertinent to subparagraph (A) or (B) for an agency to place in relevant security clearance databases;

(7) establish a procedure by which the contractor employer of the contractor employee may consult with the Federal Government prior to taking any remedial action under section 1–202 of the National Industrial Security Program Operating Manual, or successor manual, to address any derogatory information the Federal agency has provided;

(8) stipulate that the chief security officer of the contractor employer is prohibited from sharing covered derogatory information with other parties, including nonsecurity professionals at the contractor employer; and

(9) require that the National Industrial Security Program to comply with the policy.

(d) CONSIDERATION OF LESSONS LEARNED FROM INFORMATION-SHARING PROGRAM FOR POSITIONS OF TRUST AND SECURITY CLEARANCES.—In developing the policy issued under subsection (a), the Director shall consider to the extent available, lessons learned from the determination taken out section 6611(f) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

TITLE V—REPORTS AND OTHER MATTERS

SEC. 501. REPORT ON ATTEMPTS BY FOREIGN ADVISERS TO BUILD TELECOMMUNICATIONS AND CYBERSECURITY EQUIPMENT AND SERVICES FOR, OR TO PROVIDE SUCH EQUIPMENT AND SERVICES TO, CERTAIN ALLIES OF THE UNITED STATES.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the Committee on Armed Services and the Select Committee on Intelligence of the House of Representatives;

(B) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the Senate; and

(C) the Select Committee on Intelligence of the Senate;

(2) FIVE EYES COUNTRY.—The term "Five Eyes country" means any of the following:

(A) Australia.

(B) Canada.

(C) New Zealand.

(D) the United Kingdom.

(E) the United States.

(b) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall jointly submit to the appropriate committees of Congress a report on attempts by foreign advisers to build telecommunications and cybersecurity equipment and services, or to provide such equipment and services to, Five Eyes countries.

(c) ELEMENTS.—The report submitted under subsection (b) shall include the following:

(1) Matters relating to threats described in subsection (a), including the nature of those threats.

(2) Matters relating to any circumstance described in paragraph (1) that may be considered extraordinary.

(3) An assessment of the source of the compromises or risks.

(4) Matters relating to how the Federal Government, Congress, and foreign governments to limit the export of technology described in subsection (a) as they pertain to the following:

(A) Working with the technology and telecommunications industry to identify and improve the security of consumer software and hardware used by United States persons and persons inside the United States that is targeted by commercial cyber intrusion and surveillance software.

(B) Export controls.

(C) Diplomatic pressure.

(D) Trade agreements.

(e) FORM.—The report submitted under subsection (b) shall be submitted in unclassified form, but may include a classified annex.

SEC. 502. REPORT ON THREATS POSED BY USE BY FOREIGN GOVERNMENTS AND ENTITIES OF COMMERCIALLY AVAILABLE CYBER INTRUSION AND SURVEILLANCE TECHNOLOGY.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the threats posed by the use of commercially available cyber intrusion and other surveillance technology.

(b) CONTENTS.—The report required by subsection (a) shall include the following:

(1) Matters relating to threats described in subsection (a) as they pertain to the following:

(A) The threat posed to United States persons and persons inside the United States.

(B) The threat posed to United States personnel overseas.

(C) The threat posed to employees of the Federal Government, including through both official and personal accounts and devices.

(2) A description of which foreign governments and entities pose the greatest threats from the use of technology described in subsection (a) and the nature of those threats.

(3) An assessment of the threats described in such subsection, including whether such technology is made by United States companies or companies in the United States or by foreign companies.

(4) Matters relating to how the Federal Government, Congress, and foreign governments can most effectively mitigate the threats described in subsection (a), including matters relating to the following:

(A) Developing strategies and tools to identify and improve the security of consumer software and hardware used by United States persons and persons inside the United States that is targeted by commercial cyber intrusion and surveillance software.

(B) Export controls.

(C) Diplomatic pressure.

(D) Trade agreements.

(5) FORM.—The report submitted under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 503. REPORTS ON RECOMMENDATIONS OF THE CYBERSPACE SOLARISUM COMMISSION.

(a) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(1) the Committee on Armed Services, the Select Committee on Intelligence, the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, and the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Armed Services, the Permanent Select Committee on Intelligence, the Committee on Homeland Security and Governmental Affairs, the Committee on Energy and Commerce and the House of Representatives.

(b) REPORTS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, each head of an agency described in subsection (a) shall jointly submit to the appropriate committees of Congress a report on the recommendations included in the report issued

(c) Director.—The agencies described in this subsection are the following:

(1) The Office of the Director of National Intelligence.
(2) The Department of Homeland Security.
(3) The Department of Energy.
(4) The Department of Commerce.
(5) The Department of Defense.

(d) CONTENTS.—Each report submitted under subsection (b) by the head of an agency described in subsection (c) shall include the following:

(1) An evaluation of the recommendations in the report described in subsection (b) that the agency identifies as pertaining directly to the agency

(2) A description of the actions taken, or the actions that the head of the agency may consider taking, to implement any of the recommendations (including a comprehensive estimate of requirements for appropriations to take such actions).

SEC. 504. ASSESSMENT OF CRITICAL TECHNOLOGY TRENDS RELATING TO ARTIFICIAL INTELLIGENCE, MICR OCHIPS, AND SEMICONDUCTORS AND RELATED SUPPLY CHAINS.

(a) ASSESSMENT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall complete a detailed assessment of critical technology trends relating to artificial intelligence, microchips, and semiconductors and related supply chains.

(b) DIVERSIFICATION.—The assessment required by subsection (a) shall include the following:

(1) EXPORT CONTROLS.—(A) In general.—An assessment of efforts by the Department of Commerce to enact and implement export controls and other technology transfer measures with respect to artificial intelligence, microchips, advanced manufacturing equipment, and other artificial intelligence enabled technologies critical to United States supply chains.

(B) IDENTIFICATION OF OPPORTUNITIES FOR COOPERATION.—The assessment under subparagraph (A) shall identify opportunities for further cooperation with international partners on a multilateral and bilateral basis to strengthen the capabilities of the United States and address technology transfer threats.

(2) SEMICONDUCTOR SUPPLY CHAINS.—(A) ASSESSMENT.—An assessment of global semiconductor supply chains, including areas to reduce United States vulnerabilities and maximize points of leverage.

(B) POTENTIAL EFFECTS.—The assessment under subparagraph (A) shall include an analysis of the potential effects of significant geopolitical shifts, including those related to Taiwan.

(C) IDENTIFICATION OF OPPORTUNITIES FOR DIVERSIFICATION.—The assessment under subparagraph (A) shall also identify opportunities for the United States to diversify supply chains, including an assessment of cost, challenges, and opportunities to diversify manufacturing capabilities on a multinational basis.

(D) COMPUTING POWER.—An assessment of trends relating to computing power and the effect of such trends on global artificial intelligence development and implementation.

(e) REPORT.—(1) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term "appropriate committees of Congress" means:

(A) the Select Committee on Intelligence, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Foreign Relations of the Senate; and

(B) the Permanent Select Committee on Intelligence, the Committee on Armed Services, the Committee on Financial Services, and the Committee on Foreign Affairs of the House of Representatives.

(2) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director shall submit to the appropriate committees of Congress a report on the findings of the Director with respect to the assessment completed under subsection (a).

(3) FORM.—The report submitted under paragraph (2) shall be submitted in unclassified form, but may include a classified annex.

SEC. 505. COMBATING CHINESE INFLUENCE OPERATIONS IN THE UNITED STATES AND TIES OF SENIOR CHINESE COMMUNIST PARTY PROTECTIONS.

(a) UPDATES TO ANNUAL REPORTS ON INFLUENCE OPERATIONS AND CAMPAIGNS IN THE UNITED STATES BY THE CHINESE COMMUNIST PARTY.—Section 1107(b) of the National Security Act of 1947 (50 U.S.C. 3237(b)) is amended—

(1) by redesignating paragraph (8) as paragraph (9); and

(b) ASSESSMENT OF CRITICAL TECHNOLOGY TRENDS RELATING TO ARTIFICIAL INTELLIGENCE, MICROCHIPS, AND SEMICONDUCTORS AND RELATED SUPPLY CHAINS.

(1) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term "appropriate committees of Congress" means:

(A) the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(b) ANNUAL REPORT REQUIRED.—(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter through 2025, the Director of the Central Intelligence Agency shall submit to the appropriate committees of Congress a report on the corruption and corrupt activities described in that clause and any other corruption and corrupt activities among, senior officials of the Chinese Communist Party.

(2) ELEMENTS.—(A) IN GENERAL.—Each report under paragraph (1) shall include the following:

(i) A description of the wealth of, and corruption and corrupt activities among, senior officials of the Chinese Communist Party.

(ii) A description of any recent actions of the officials described in clause (i) that could be considered a violation, or potential violation, of the United States law.

(iii) A description and assessment of targeted financial measures, including potential targets for designation of the officials described in clause (i) for the corruption and corrupt activities described in that clause and for the actions described in clause (ii).

(B) SCOPE OF REPORTS.—The first report under paragraph (1) shall include comprehensive information on the matters described in subparagraph (A). Any succeeding report under paragraph (1) may consist of an update or supplement to the preceding report under that subsection.

(3) COORDINATION.—In preparing each report, update, or supplement under this subsection, the Director of the Central Intelligence Agency shall coordinate as follows:

(A) In preparing the description required by clause (i) of paragraph (2)(A), the Director of the Central Intelligence Agency shall coordinate with the head of the Office of Intelligence and Analysis of the Department of the Treasury and the Director of the Federal Bureau of Investigation.

(B) In preparing the description required by clauses (ii) and (iii) of such paragraph, the
Director of the Central Intelligence Agency shall coordinate with the head of the Office of Intelligence and Analysis of the Department of the Treasury.

(4) The Director under paragraph (1) shall include an unclassified executive summary, and may include a classified annex.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the United States should undertake every effort and pursue every opportunity to expose the corruption and illicit practices of senior officials of the Chinese Communist Party, including President Xi Jinping.

SEC. 507. REPORT ON CORRUPT ACTIVITIES OF RUSSIAN AND OTHER EASTERN EUROPEAN OLIGARCHS.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ‘approp"iate committees of Congress’ means—

(1) the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Financial Services, the Committee on Foreign Affairs, the Committee on Ways and Means, and the Permanent Select Committee on Intelligence of the House of Representatives.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall coordinate with the appropriate committees of Congress and the Undersecretary of State for Public Diplomacy and Public Affairs a report on the corruption and corrupt activities among Russian and other Eastern European oligarchs.

(c) ELEMENTS.—

(1) IN GENERAL.—Each report under subsection (b) shall include the following:

(A) A description of corruption and corrupt activities among Russian and other Eastern European oligarchs who support the Government of the Russian Federation, including estimates of the total assets of such oligarchs.

(B) An assessment of the impact of the corruption and corrupt activities described pursuant to subparagraph (A) on the economy and citizens of Russia.

(C) A description of any connections to, or support of, criminal, drug smuggling, or human trafficking by an oligarch covered by subparagraph (A).

(D) A description of any information that reveals corruption and corrupt activities in Russia among oligarchs covered by subparagraph (A).

(E) A description and assessment of potential sanctions actions that could be imposed upon oligarchs covered by subparagraph (A) who support the leadership of the Government of Russia, including President Vladimir Putin.

(2) SCOPE OF REPORTS.—The first report under subsection (a) shall include a comprehensive report on the matters described in paragraph (1). Any succeeding report under subsection (a) may consist of an update or supplement to the preceding report under that subsection.

(d) COORDINATION.—In preparing each report, update, or supplement under this section, the Director of the Central Intelligence Agency shall coordinate as follows:

(1) in general.—Subject to paragraph (2), each report under subsection (b) shall include an unclassified executive summary, and may include a classified annex.

(2) UNCLASSIFIED FORM OF CERTAIN INFORMATION.—The information described in subsection (c)(1)(D) in such report under subsection (b) shall be submitted in unclassified form.

SEC. 508. REPORT ON BIOSECURITY RISK AND DETERMINATION ABOUT THE CHINESE COMMUNIST PARTY AND THE GOVERNMENT OF THE PEOPLE’S REPUBLIC OF CHINA.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ‘appropriate committees of Congress’ means—

(2) the Select Committee on Intelligence, the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Health, Education, Labor, and Pensions, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(b) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall submit to the appropriate committees of Congress a report identifying whether and how official activities of the Chinese Communist Party and the Government of the People’s Republic of China may have sought—

(1) to suppress information about—

(A) the outbreak of the novel coronavirus in Wuhan;

(B) the spread of the virus through China; and

(C) the transmission of the virus to other countries; or

(2) to spread disinformation relating to the pandemic; or

(3) to exploit the pandemic to advance their national security interests.

(c) ASSESSMENTS.—The report required by subsection (b) shall include assessments of reported actions and the effect of those actions on efforts to contain the novel coronavirus pandemic, including each of the following:

(1) The origins of the novel coronavirus outbreak, the time and location of initial infections, and the mode and speed of early viral spread.

(2) Actions taken by the Government of China to suppress, conceal, or misinform the people of China and those of other countries about the novel coronavirus outbreak, including each of the following:

(A) The origins of the novel coronavirus outbreak, the time and location of initial infections, and the mode and speed of early viral spread.

(B) Actions taken by the Government of China to suppress, conceal, or misinform the people of China and those of other countries about the novel coronavirus outbreak.

(3) The effect of disinformation or the failure of the Government of China to fully disclose details of the outbreak on response efforts of local governments in China and other countries.

(d) COORDINATION.—In preparing each report, the Director of the Central Intelligence Agency shall coordinate as follows:

(1) In preparing the assessment and descriptions required by subparagraphs (A) through (D) of subsection (c)(1), the Director of the Defense Intelligence Agency shall coordinate with the head of the Office of Intelligence and Analysis of the Department of the Treasury and the Director of the Federal Bureau of Investigation.

(2) In preparing the description and assessment required by subparagraph (E) of such subsection, the Director of the Central Intelligence Agency shall coordinate with the head of the Office of Intelligence and Analysis of the Department of the Treasury.

(e) For purposes of this section:

(1) IN GENERAL.—Subject to paragraph (2), each report under subsection (b) shall include an unclassified executive summary, and may include a classified annex.

(2) UNCLASSIFIED FORM OF CERTAIN INFORMATION.—The information described in subsection (c)(1)(D) in such report under subsection (b) shall be submitted in unclassified form.

SEC. 509. REPORT ON EFFECT OF LIFTING OF UNITED NATIONS SECURITY COUNCIL RESOLUTIO"NS RELATING TO IRAQ ON ISLAMIC REPUBLIC OF IRAN.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ‘appropriate committees of Congress’ means—

(1) the Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate; and

(2) the Permanent Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives.

(b) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Director of the Defense Intelligence Agency, in consultation with such heads of other elements of the intelligence community as the Director considers appropriate, shall submit to the appropriate committees of Congress a report on—

(1) the plans of the Government of the Islamic Republic of Iran to acquire military arms if the ban on arms transfers to or from such government under United Nations Security Council resolutions is lifted.

(2) the effect such arms acquisitions may have on regional security and stability.

(c) CONTENTS.—The report submitted under subsection (b) shall include an unclassified summary of its contents relating to plans of the Government of the Islamic Republic of Iran to acquire additional weapons, the intention of other countries to sell such weapons, or any such acquisition and provision would have on regional stability, including with respect to each of the following:

(1) The type and quantity of weapon systems under consideration for acquisition.

(2) The countries of origin of such systems.

(3) The military and other responses in the region to such acquisition, including the potential for proliferation by other countries in response.

(4) The threat that such acquisition could present to international commerce and energy supplies in the region, and the potential
implications for the national security of the United States.

5. The threat that such acquisition could present to the Armed Forces of the United States, its members, or the forces and facilities of the United States stationed or deployed in the region.

6. The potential that such acquisition could be used to deliver chemical, biological, or nuclear weapons.

7. The potential for the Government of the Islamic Republic of Iran to use plutonium or reprocess weapons-grade natural uranium to proliferate weapons.

SEC. 510. REPORT ON IRANIAN ACTIVITIES RELATING TO NUCLEAR NONPROLIFERATION.

(b) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate committees of Congress a report assessing:

1. any relevant activities potentially relating to nuclear weapons research and development by the Islamic Republic of Iran; and

2. any relevant efforts to afford or deny international access in accordance with international nonproliferation agreements.

(c) ASSESSMENTS.—The report required by subsection (b) shall include assessments, for the period beginning on January 1, 2018, and ending on the date of the submission of the report, of the following:

1. Activities to research, develop, or enrich uranium or reprocess plutonium with the intent or capability of creating weapons-grade nuclear material.

2. Research, development, testing, or design activities that could contribute to or inform construction of a device intended to initiate or capable of initiating a nuclear explosion.

3. Efforts to receive, transmit, store, destroy, relocate, archive, or otherwise preserve research, processes, products, or enabling materials relevant or relating to efforts assessed under paragraph (1) or (2).

4. Efforts to afford or deny international access, in accordance with international nonproliferation agreements, to locations, individuals, and materials relating to activities described in paragraph (1), (2), or (3).

(d) FORM.—The report required by subsection (b) shall be submitted in unclassified form, but may include a classified annex.

SEC. 511. SENSE OF CONGRESS ON THIRD OPTION FOUNDATION.

It is the sense of Congress that—

1. the work of the Third Option Foundation to heal, help, and honor members of the special operations community of the Central Intelligence Agency and their families is invaluable; and


SA 1818. Mr. RUBIO (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DIVISION —INTELLIGENCE AUTHORIZATIONS FOR FISCAL YEAR 2021

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the “Intelligence Authorization Act for Fiscal Year 2021.”

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

DIVISION —INTELLIGENCE AUTHORIZATIONS FOR FISCAL YEAR 2021

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I.—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified Schedule of Authorizations.
Sec. 103. Intelligence Community Management Account.

TITLE II.—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III.—INTELLIGENCE COMMUNITY MATTERS

Subtitle A—General Intelligence Community Matters
Sec. 301. Restriction on conduct of intelligence activities.
Sec. 302. Increase in employee compensation and benefits authorized by law.
Sec. 304. Continuation of operations plans for certain elements of the intelligence community in the case of a national emergency.
Sec. 305. Application of Executive Schedule level III to position of Director of National Reconnaissance Office.
Sec. 306. National Intelligence University.
Sec. 307. Requiring facilitation of establishment of Social Media Data and Threat Analysis Center.
Sec. 308. Data collection on attrition in intelligence community.
Sec. 309. Limitation on delegation of responsibility for program management of information-sharing environment.
Sec. 310. Improvements to provisions relating to intelligence community information technology environment.
Sec. 311. Requirements and authorities for Director of the Central Intelligence Agency to improve education in science, technology, engineering, arts, and mathematics.

Subtitle B—Reports and Assessments Pertaining to Intelligence Community
Sec. 321. Assessment by the Comptroller General of the United States on efforts of the intelligence community and the Department of Defense to identify and mitigate risks posed to the intelligence community and the Department by the use of direct-to-consumer genetic testing by the Government of the People’s Republic of China.
Sec. 322. Report on use by the intelligence community of hiring flexibilities and expedited human resources practices to assure quality and diversity of the workforce of the intelligence community.
Sec. 323. Report on signals intelligence priorities and requirements.
Sec. 324. Assessment of demand for student loan repayment program benefits.
Sec. 325. Assessment of intelligence community demand for child care.
Sec. 326. Open source intelligence strategies and plans for the intelligence community.

TITLE IV.—SECURITY CLEARANCES AND TRUSTED WORKFORCE

Sec. 401. Exclusivity, consistency, and transparency in security clearance procedures, and right to appeal.
Sec. 402. Establishing process parity for security clearance revocations.
Sec. 403. Federal policy on sharing of derogatory information pertaining to contractor employees in the trusted workforce.

TITLE V.—REPORTS AND OTHER MATTERS

Sec. 501. Secure and trusted technology.
Sec. 502. Report on attempts by foreign adversaries to build telecommunication and cybersecurity equipment and services for, or to provide such equipment and services to, certain allies of the United States.
Sec. 503. Report on threats posed by use by foreign governments and entities of commercially available cyber intrusion and surveillance technologies.
Sec. 504. Reports on recommendations of the Cyberspace Solarium Commission.
Sec. 505. Assessment of critical technology trends relating to artificial intelligence, microchips, and semiconductors and related supply chains.
Sec. 506. Combating Chinese influence operations in the United States and strengthening civil liberties protections.
Sec. 507. Annual report on corrupt activities of senior officials of the Chinese Communist Party.
Sec. 508. Report on covert activities of Russian and other Eastern European oligarchs.
Sec. 511. Report on Iranian activities relating to nonproliferation.
Sec. 512. Sense of Congress on Third Option Foundation.
SEC. 2. DEFINITIONS.

In this division:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term “congressional intelligence committees” has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(2) INTELLIGENCE COMMUNITY.—The term “intelligence community” has the meaning given such term in such section.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated to the Department of Defense for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.


(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Coast Guard.

(8) The Department of State.

(9) The Department of the Treasury.

(10) The Department of Energy.

(11) The Department of Justice.


(13) The Drug Enforcement Administration.

(14) The National Reconnaissance Office.

(15) The National Geospatial-Intelligence Agency.


SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS.—The amounts authorized to be appropriated under section 101 for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 101, are those specified in the classified Schedule of Authorizations prepared to accompany this division.

(b) A VAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—

(1) AVAILABILITY.—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, the Committee on Intelligence of the Senate, and the Committee on Intelligence of the House of Representatives.

(2) DISTRIBUTION BY THE PRESIDENT.—Subject to paragraph (3), the President shall provide for suitable distribution of the classified Schedule of Authorizations referred to in subsection (a), or of appropriate portions of such Schedule, within the executive branch of the Federal Government.

(3) LIMITS ON DISCLOSURE.—The President shall not publicly disclose the classified Schedule of Authorizations or any portion of such Schedule except—

(A) as provided in section 601(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 3006(a));

(B) to the extent necessary to implement the budget of the United States.

(c) as otherwise required by law.

SEC. 103. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2021 the sum of $731,200,000.

(b) CLASSIFIED AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated to the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2021 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 101.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund $514,000,000 for fiscal year 2021.

TITLE III—INTELLIGENCE COMMUNITY MATTERS

Subtitle A—General Intelligence Community Matters

SEC. 301. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorities and responsibilities of appropriations by this division shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 302. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this division for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 303. CLARIFICATION OF AUTHORITIES AND RESPONSIBILITIES OF NATIONAL MANAGER FOR NATIONAL SECURITY TELECOMMUNICATIONS AND INFORMATION SYSTEMS SECURITY.

In carrying out the authorities and responsibilities of the National Manager for National Security Telecommunications and Information Systems Security under National Security Directive 42 (signed by the President on July 5, 1990), the National Manager shall not supervise, oversee, or execute, either directly or indirectly, any aspect of the National Intelligence Program.

SEC. 304. CONTINUITY OF OPERATIONS PLANS FOR CERTAIN ELEMENTS OF THE INTELLIGENCE COMMUNITY IN THE CASE OF A NATIONAL EMERGENCY.

(a) DEFINITION.—The term “covered national emergency” means the following:

(1) A major disaster declared by the President under section 403 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

(2) An emergency declared by the President under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191).

(3) A national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.).

(4) A public health emergency declared under section 319 of the Public Health Service Act (42 U.S.C. 247d).

(b) REQUIREMENTS.—

(1) IN GENERAL.—In accordance with subsection (a), the Director of the National Intelligence Community concerned shall each submit the plan established under subsection (a) for that emergency for the element of the intelligence community concerned to the following:

(A) The congressional intelligence committees.

(B) The Committee on Armed Services of the Senate.

(C) The Committee on Armed Services of the House of Representatives.

(c) UPDATES.—During any covered national emergency, the Director of National Intelligence, the Director of the Central Intelligence Agency, the Director of the National Reconnaissance Office, the Director of the Defense Intelligence Agency, the Director of the National Security Agency, and the Director of the National Geospatial-Intelligence Agency shall each submit any updates to the plans submitted under subsection (a) for that emergency for the element of the intelligence community concerned to—

(1) in accordance with that subsection; and

(2) in a timely manner consistent with section 501 of the National Security Act of 1947 (50 U.S.C. 3091).

SEC. 305. APPLICATION OF EXECUTIVE SCHEDULE LEVEL III TO POSITION OF DIRECTOR OF NATIONAL RECONNAISSANCE OFFICE.

Section 5314 of title 5, United States Code, is amended by adding at the end the following:

“(C) The Committee on Armed Services of the House of Representatives.”

SEC. 306. NATIONAL INTELLIGENCE UNIVERSITY.

(a) IN GENERAL.—Title X of the National Security Act of 1947 (50 U.S.C. 3101 et seq.) is amended by adding at the end the following:

“Subtitle D—National Intelligence University

SEC. 1031. TRANSFER DATE.

“In this subtitle, the term ‘transfer date’ means the date on which the National Intelligence University is transferred from the Defense Intelligence Agency to the Director of National Intelligence under section 5324(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).”

SEC. 1032. DEGREE-GRANTING AUTHORITY.

“(a) IN GENERAL.—Beginning on the transfer date, under regulations prescribed by the Director of National Intelligence, the President of the National Intelligence University may, upon the recommendation of the faculty of the University, confer appropriate degrees upon students who meet the degree requirements.”

“(b) LIMITATION.—A degree may not be conferred under this section unless—

(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

(2) the University is accredited by the appropriate academic accrediting agency or organization to award the degree, as determined by the Secretary of Education.”

“(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—
SEC. 1033. FACULTY MEMBERS; EMPLOYMENT AND COMPENSATION.

(a) AUTHORITY OF DIRECTOR.—Beginning on the date the Director of National Intelligence employs the first faculty members at the National Intelligence University under section 2165(e) of title 10, United States Code (as added by subsection (a)), the compensation of each faculty member at the National Intelligence University shall be determined by the Director.

(b) COMPENSATION PLAN.—The Director shall provide each faculty member with a written employment and compensation plan that includes:

(1) an offer of employment;

(2) the faculty member’s annual salary; and

(3) the faculty member’s employment and compensation benefits.

SEC. 1034. ACCEPTANCE OF FACULTY RESEARCH GRANTS.

The Director of National Intelligence may approve the acceptance by the National Intelligence University of research or training grants if acceptance is consistent with the purposes of the National Intelligence University and the best interests of the intelligence community.

SEC. 1035. CONTINUED APPLICATION OF THE FEDERAL ADVISORY COMMITTEE ACT TO THE BOARD OF VISITORS.

(a) REQUIREMENT TO FACILITATE ESTABLISHMENT.—Subsection (c)(1) of section 5323 of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291) is amended by striking “and” and inserting “or”.

(b) DEADLINE TO FACILITATE ESTABLISHMENT.—Subtitle D of title II of the Federal Advisory Committee Act of 1972 (5 U.S.C. App.) shall continue to apply to the intelligence community on and after the effective date.

(c) ANNUAL REPORT.—Not later than 1 year after the date of the enactment of this Act, the Director of National Intelligence shall report to the congressional intelligence committees on and after the date of the enactment of this Act, the Director shall report to the congressional intelligence committees on: (1) the status of implementing the requirements of title II of the Federal Advisory Committee Act of 1972 (the “Federal Advisory Committee Act”) with respect to the National Intelligence University; and (2) the Director’s efforts to cooperate with the congressional intelligence committees with respect to the National Intelligence University.

SEC. 308. DATA COLLECTION ON ATTRITION IN INTELLIGENCE COMMUNITY.

(a) STANDARDS FOR DATA COLLECTION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall establish standards for collecting data relating to attrition in the intelligence community workforce across demographics, specialties, and length of service.

(2) INCLUSION OF CERTAIN CANDIDATES.—The standards established under paragraph (1) shall include candidates who accepted an offer of employment before entering into service, including data with respect to the reasons such candidates chose to withdraw.

(b) COLLECTION OF DATA.—Not later than 180 days after the date of the enactment of this Act, each element of the intelligence community shall begin collecting data on workforce and candidate attrition in accordance with the standards established under subsection (a).

(c) ANNUAL REPORT.—Not later than 1 year after the date of the enactment of this Act, each element of the intelligence community shall report to the congressional intelligence committees on the attrition in the intelligence community workforce.

SEC. 309. LIMITATION ON DELEGATION OF RESPONSIBILITY FOR PROGRAM MANAGEMENT AND ACQUISITION OF INFORMATION-SHARING ENVIRONMENT.

(a) IN GENERAL.—Section 1016(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 401(b), as amended by Public Law 116–92) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended by striking “may” and inserting “shall”.

(b) DEADLINE TO LIMIT DELEGATION.—Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2021, the Director shall determine whether to delegate responsibility for carrying out this section to the Director of National Intelligence.

SEC. 531. REQUIREMENTS AND AUTHORITIES FOR DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY TO IMPROVE EDUCATION, TECHNOLOGY, ENGINEERING, ARTS, AND MATHEMATICS.

The Central Intelligence Agency Act of 1949 (50 U.S.C. 5501 et seq.) is amended by adding the following:

Subsection D—National Intelligence University

Sec. 1031. Transfer date.

Sec. 1032. Degree-granting authority.

Sec. 1033. Eligibility for faculty members; employment and compensation.

Sec. 1034. Acceptance of faculty research grants.

Sec. 1035. Compressed applicability of the Federal Advisory Committee Act to the Board of Visitors.

Subsection E—National Intelligence University

Sec. 312. Congress on Eisenhower.

Sec. 313. Existing authority.

Sec. 314. National Intelligence University.

Subsection F—National Intelligence University

Sec. 1031. Transfer date.

SEC. 312. Congress on Eisenhower.

(a) Authorization.—The Congress of the United States shall meet in special session at Washington, D.C., on the day following the 50th anniversary of the death of President Dwight D. Eisenhower, for the purpose of commemorating the life and work of the President.

(b) Date of Special Session.—The special session provided for in subsection (a) shall begin on the date in the year 2021 specified in subsection (a).

(c) Duration of Special Session.—The special session shall extend for a period of 3 days.

(d) Authorization to Adjourn.—The Congress shall have the right to adjourn at any time during the special session.

(e) Commemoration.—While the Congress is in special session, the Congress shall commemorate the life and work of the President by holding appropriate proceedings.

SEC. 313. Existing authority.

The National Intelligence University Act of 1996 (110 Stat. 3267) is amended—

(1) in the section heading, by striking “National” and inserting “Intelligence”;

(2) in subsection (a), by striking “National Intelligence” and inserting “Intelligence”;

(3) in subsection (b), by striking “National Intelligence” and inserting “Intelligence”;

(4) in subsection (c), by striking “National Intelligence” and inserting “Intelligence”; and

(5) in subsection (d), by striking “National Intelligence” and inserting “Intelligence”.

SEC. 314. National Intelligence University.

(a) Authorization.—The Congress of the United States shall, by joint resolution, establish a National Intelligence University.

(b) Personal Authorization.—The Congress of the United States shall, by joint resolution, authorize the President to expend funds for the establishment of a National Intelligence University.

(c) Repeal.—Section 1011(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 401(b)) is repealed.

SEC. 315. REQUIREMENTS AND AUTHORITIES FOR DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY TO IMPROVE EDUCATION, TECHNOLOGY, ENGINEERING, ARTS, AND MATHEMATICS.

The Central Intelligence Agency Act of 1949 (50 U.S.C. 5501 et seq.) is amended by adding the following:

Subsection D—National Intelligence University

Sec. 1031. Transfer date.

Sec. 1032. Degree-granting authority.

Sec. 1033. Eligibility for faculty members; employment and compensation.

Sec. 1034. Acceptance of faculty research grants.

Sec. 1035. Compressed applicability of the Federal Advisory Committee Act to the Board of Visitors.
"(b) REQUIREMENTS.—The Director shall—

"(1) identify actions that the Director may take to improve education in the scientific, technology, engineering, arts, and mathematics (known as 'STEAM') skills necessary to meet the long-term national security needs of the United States for personnel proficient in such skills; and

"(2) establish and conduct programs to carry out such actions.

"(c) AUTHORITIES.—

"(1) IN GENERAL.—The Director, in support of educational programs in science, technology, engineering, the arts, and mathematics, may—

"(A) award grants to eligible entities;

"(B) provide academic and career advice to eligible entities; and

"(C) accept voluntary services from eligible entities;

"(d) SUPPORT NATIONAL COMPETITION JUDGING, OTHER SCIENTIFIC COMPETITIONS, AND OTHER RECOGNITION EFFORTS.—The Director shall—

"(1) enter into one or more education partnership agreements with educational institutions in the United States for the purpose of encouraging and enhancing study in science, technology, engineering, the arts, and mathematics disciplines at all levels of education;

"(2) E DUCATION PARTNERSHIP AGREEMENTS.—

"(A) NATURE OF ASSISTANCE PROVIDED.—Under an education partnership agreement entered into with an educational institution under paragraph (1)(E), the Director may provide assistance to the educational institution by—

"(i) loaning equipment to the educational institution for any purpose and duration in support of such agreement that the Director considers appropriate;

"(ii) making personnel available to teach science courses or to assist in the development of science courses and materials for the educational institution;

"(iii) providing practical opportunities for faculty and internship opportunities for students;

"(iv) involving faculty and students of the educational institution in Agency projects, including research and technology transfer or transition projects;

"(v) cooperating with the educational institution in developing a program under which students may be given academic credit for work on Agency projects, including research and technology transfer for transition projects;

"(vi) providing academic and career advice and assistance to students of the educational institution.

"(B) PRIORITIES.—In entering into education partnership agreements under paragraph (1)(E), the Director shall—

"(i) Historically Black colleges and universities and other minority-serving institutions, as described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a));

"(ii) Educational institutions serving women, members of minority groups, and other groups that have a history tradition of being involved in the science, technology, engineering, arts, and mathematics professions in disproportionately low numbers.

"(d) DESIGNATION OF ADVISOR.—The Director shall—

"(1) carry out such actions.

"(2) provide any information and data required by the Comptroller General to conduct the assessment required by subsection (a).


(a) ASSESSMENT REQUIRED.—The Comptroller General of the United States shall assess the efforts of the intelligence community and the Department of Defense to identify and mitigate the risks posed to the intelligence community and the Department by the use of direct-to-consumer genetic testing by the Government of the People's Republic of China.

(b) REPORT REQUIRED.—

"(1) DEFINITION OF UNITED STATES DIRECT-TO-CONSUMER GENETIC TESTING COMPANY.—In this subsection, the term "United States direct-to-consumer genetic testing company" means a private entity that—

"(A) carries out direct-to-consumer genetic testing; and

"(B) is organized under the laws of the United States or any jurisdiction within the United States.

"(2) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the assessment required by subsection (a).

"(3) ELEMENTS.—The report required by paragraph (2) shall include the following:

"(A) A description of key national security risks and vulnerabilities associated with direct-to-consumer genetic testing, including—

"(i) how the Government of the People's Republic of China may be using data provided by personnel of the intelligence community and the Department through direct-to-consumer genetic testing;

"(ii) how ubiquitous technical surveillance may amplify those risks;

"(B) An assessment of the extent to which the intelligence community and the Department have identified risks and vulnerabilities posed by direct-to-consumer genetic testing and have sought to mitigate such risks, including any plans for such mitigation, including the extent to which the intelligence community has determined—

"(i) in which United States direct-to-consumer genetic testing companies the Government of the People's Republic of China or entities owned or controlled by the Government of the People's Republic of China have an ownership interest; and

"(ii) in which United States direct-to-consumer genetic testing companies may have sold data to the Government of the People's Republic of China or entities owned or controlled by the Government of the People's Republic of China.

"(C) Such recommendations as the Comptroller General may have for action by the intelligence community and the Department to improve the identification and mitigation of risks and vulnerabilities posed by the use of direct-to-consumer genetic testing by the Government of the People's Republic of China.

"(4) FORM.—The report required by paragraph (2) shall be submitted in unclassified form, but may include a classified annex.

SEC. 322. REPORT ON USE BY INTELLIGENCE COMMUNITY OF HIRING FLEXIBILITIES AND EXPENDED HUMAN RESOURCES TO ASSURE QUALITY AND DIVERSITY IN THE WORKFORCE OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report on how elements of the intelligence community are exercising hiring flexibilities and expended human resources in sections 3302 of title 5, United States Code, and subpart D of part 315 of title 5, Code of Federal Regulations, or successor regulation, to assure quality and diversity in the workforce of the intelligence community.

(b) OBSTACLES.—The report submitted under subsection (a) shall include identification of any obstacles to the use of hiring flexibilities and expended human resources in sections 3302 of title 5, United States Code, and subpart D of part 315 of title 5, Code of Federal Regulations, or successor regulation, to assure quality and diversity in the workforce of the intelligence community.

SEC. 323. REPORT ON SIGNALS INTELLIGENCE PRIORITIES AND REQUIREMENTS.

(a) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report on signals intelligence priorities and requirements subject to Presidential Policy Directive 28.

(b) ELEMENTS.—The report required by subsection (a) shall cover the following:

"(1) The implementation of the annual process for advising the Director on signals intelligence priorities and requirements described in section 3 of Presidential Policy Directive 28.

"(2) The signals intelligence priorities and requirements as of the most recent annual process.

"(3) The application of such priorities and requirements to the signals intelligence collection efforts of the intelligence community.


"(c) FORM.—The report submitted under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 324. ASSESSMENT OF DEMAND FOR STUDENT LOAN REPAYMENT PROGRAM BENEFIT.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the head of each element of the intelligence community shall—

"(1) calculate the number of personnel of that element who qualify for a student loan repayment program benefit;

"(2) provide any information and data required by the Comptroller General to conduct the assessment required by subsection (a); and

"(3) provide recommendations for how to structure such a program to optimize participation and enhance the effectiveness of the benefit as a recruitment tool, including with respect to the amount of the benefit offered and the length of time an employee receiving a benefit is required to serve under a continuing service agreement of this Act.

"(4) identify any shortfall in funds or authorities needed to provide such a benefit.
IMPROVING USABILITY OF OPEN SOURCE ENTERPRISE AND PLANS FOR THE INTELLIGENCE COMMUNITY

SEC. 401. EXCLUSIVITY, CONSISTENCY, AND PLANS FOR THE INTELLIGENCE COMMUNITY.

(a) Requirement for Survey and Evaluation of Customer Feedback.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the heads of the elements of the intelligence community specified in subsection (b), shall submit to the congressional intelligence committees a report that includes—

(1) a calculation of the total annual demand for child care by employees of such elements, at or near the workplaces of such employees, including a calculation of the demand for early morning and evening child care;

(2) an identification of any shortfall between the demand calculated under paragraph (1) and the child care supported by such elements as of the date of the report;

(3) a plan to meet, by the date that is 5 years after the date of the report—

(A) the demand calculated under paragraph (1); or

(B) an alternative standard established by the Director of the child care available to employees of such elements; and

(4) an assessment of needs of specific elements of the intelligence community, including any Government-provided child care that could be coordinated with a workplace of employees of such an element and any available child care providers in the proximity of such a workplace.

(b) Elements Specified.—The elements of the intelligence community specified in this subsection are the following:

(1) The Central Intelligence Agency.

(2) The National Security Agency.

(3) The Defense Intelligence Agency.

(4) The National Geospatial-Intelligence Agency.

(c) Requirement for Plan for Centralized Data Repository.—Not later than 270 days after the date of the enactment of this Act and using the findings of the Director with respect to the survey and evaluation conducted under subsection (a), the strategy and plan developed under subsection (b), and the risk and benefit analysis conducted under such subsection, the Director shall develop a plan for a centralized data repository of open source intelligence that enables all elements of the intelligence community—

(1) to use such repository for the specific requirements; and

(2) to derive open source intelligence advantages.

(d) Requirement for Cost-Sharing Model.—Not later than 1 year after the date of the enactment of this Act and using the findings of the Director with respect to the survey and evaluation conducted under subsection (a), the strategy and plan developed under subsection (b), and the risk and benefit analysis conducted under such subsection, the Director shall develop a cost-sharing model that leverages the open source intelligence investments of each element of the intelligence community for the beneficial use of the entire intelligence community.

(e) Congressional Briefing.—Not later than 1 year after the date of the enactment of this Act, the Director of National Intelligence, the Director of the Central Intelligence Agency, the Director of the Defense Intelligence Agency, the Director of the National Geospatial-Intelligence Agency, and the Director of the National Security Agency shall jointly brief the congressional intelligence committees on—

(1) the strategy developed under paragraph (1) of subsection (a);

(2) the plan developed under paragraph (2) of such subsection;

(3) the plan developed under subsection (c); and

(4) the cost-sharing model developed under subsection (d).

TITLE IV—SECURITY CLEARANCES AND TRANSPARENCY IN SECURITY CLEARANCE PROCEDURES

SEC. 401. EXCLUSIVITY, CONSISTENCY, AND TRANSPARENCY IN SECURITY CLEARANCE PROCEDURES, AND RIGHT TO APPEAL.

(a) Exclusivity of Procedures.—Section 801 of the National Security Act of 1947 (50 U.S.C. 3161) is amended by adding at the end the following:

"(c) Exclusivity.—Except as provided in subsection (b) and subject to sections 801A and 801B, the procedures established pursuant to subsection (a) and promulgated and set forth under subpart A of title 32, Code of Federal Regulations, or successor regulations, shall be the exclusive procedures by which decisions about eligibility for access to classified information are governed.

"(d) Right to Appeal.—

(1) In General.—Such title, as amended by subsection (c), is further amended by inserting after section 801A the following:

"SEC. 801A. Right to Appeal.

(a) Definitions.—In this section:

(1) AGENCY.—The term 'agency' has the meaning given the term ‘Executive agency’ in section 105 of title 5, United States Code.

(2) CLASSIFIED INFORMATION.—The term ‘classified information’ includes sensitive compartmented information, restricted data, restricted handling information, and other compartmented information.

(3) ELIGIBILITY FOR ACCESS TO CLASSIFIED INFORMATION.—The term ‘eligibility for access to classified information’ includes sensitive compartmented information, restricted data, restricted handling information, and other compartmented information.

(4) does not violate section 3001(j)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3301(j)(1))."

(b) Transitory Contents.—The table of contents in the matter preceding section 2 of the National Security Act of 1947 (50 U.S.C. 3002) is amended by inserting after the item relating to section 801 the following:

"Sec. 801A. Decisions relating to access to classified information.

"(d) Right to Appeal.—

(1) In General.—Such title, as amended by subsection (c), is further amended by inserting after section 801A the following:

"SEC. 801B. Right to Appeal.

(a) Definitions.—In this section:

(1) AGENCY.—The term 'agency' has the meaning given the term ‘Executive agency’ in section 105 of title 5, United States Code.

(2) COVERED PERSON.—The term 'covered person' means a person holding the office of President and Vice President, currently or formerly employed in, detailed to, assigned
to, or issued an authorized conditional offer of employment for a position that requires access to classified information by an agency, including the following:

(A) A member of the Armed Forces;

(B) A civilian;

(C) An expert or consultant with a contractual or personnel obligation to an agency;

(D) Any other category of person who acts for or on behalf of an agency as determined by the head of the agency.

(3) **REVIEW ACCESS TO CLASSIFIED INFORMATION.—**The term ‘eligibility for access to classified information’ has the meaning given such term in the procedures established pursuant to section 803(a).

(4) **NEED FOR ACCESS.—**The term ‘need for access’ has such meaning as the President may define in the procedures established pursuant to section 803(a).

(5) **RECIPROCITY OF CLEARANCE.—**The term ‘reciprocity of clearance’, with respect to a covered person, means that the agency, according to its own policy and procedures, will make an offer of clearance to an individual whose security clearance was denied or revoked by an agency, or an offer of clearance for or on behalf of an agency as determined by the head of the agency, if the offer is consistent with the interests of national security.

(6) **SECURITY EXECUTIVE AGENT.—**The term ‘Security Executive Agent’ means the officer serving as the Security Executive Agent pursuant to section 803.

(b) **AGENCY REVIEW.—**

(1) **GENERAL.—**Not later than 180 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2021, each head of an agency shall, consistent with the interests of national security, establish and publish in the Federal Register a process by which a covered person to whom eligibility for access to classified information was denied or revoked by the agency for whom reciprocity of clearance was denied by the agency can appeal that denial or revocation within the agency.

(2) **ELEMENTS OF PROCESS.—**The process required by paragraph (1) shall include the following:

(A) In the case of a covered person to whom eligibility for access to classified information was denied or revoked by the agency, the agency, at its discretion, may afford the covered person the opportunity to retain counsel or other representation at the covered person’s expense.

(B) The agency shall provide to the covered person a written appeal with the head of the agency in writing and contain a justification of the decision to deny or revoke access to classified information or reciprocity of clearance.

(C) The head of the agency shall provide the covered person an opportunity to present the covered person’s case, in writing, to the panel under subparagraph (A).

(D) **REPRESENTATION BY COUNSEL.—**

(A) **IN GENERAL.—**Each head of an agency shall ensure that, under this subsection, a covered person appealing a decision of the head’s agency under this subsection has an opportunity to retain counsel or other representation at the covered person’s expense.

(B) **ACCESS TO CLASSIFIED INFORMATION.—**

(A) **IN GENERAL.—**Upon the request of a covered person appealing a decision of an agency under this subsection and a showing that the ability to review classified information is essential to the resolution of the appeal under this subsection, the head of the agency shall sponsor an application by the covered person for access to classified information for the limited purposes of such appeal.

(ii) **EXTENT OF ACCESS.—**Counsel or another representative who is cleared for access under this subsection shall be afforded access to relevant classified materials to the extent consistent with the interests of national security.

(iii) **PUBLICATION OF DECISIONS.—**

(A) **IN GENERAL.—**Each head of an agency shall publish each final decision on an appeal under this subsection.

(B) **REQUIREMENTS.—**In order to ensure transparency, oversight by Congress, and meaningful information for those who need to understand how the clearance process works, each publication under subparagraph (A) shall be—

(1) made in a manner that is consistent with section 552 of title 5, United States Code, as amended by the Electronic Freedom of Information Act Amendments of 1996 (Public Law 104-231);

(2) published to explain the facts of the case, redacting personally identifiable information and sensitive program information; and

(3) made available on a website that is searchable by members of the public.

(c) **PERIOD OF TIME FOR THE RIGHT TO APPEAL.—**

(1) **IN GENERAL.—**Except as provided in paragraph (2), any covered person who has been the subject of a decision made by the head of an agency to deny or revoke eligibility for access to classified information shall retain all rights to appeal under this section until the conclusion of the appeals process under this section.

(2) **WAIVER OF RIGHTS.—**

(A) **PERSONS.—**Any covered person may voluntarily waive the covered person’s right to appeal under this section and such waiver shall be conclusive.

(B) **AGENCIES.—**The head of an agency may not require a covered person to waive the covered person’s right to appeal under this section for any reason.

(d) **WAIVER OF AVAILABILITY OF PROCEDURES FOR NATIONAL SECURITY INTEREST.—**

(1) **IN GENERAL.—**If the head of an agency determines that a procedure established under subsection (b) cannot be made available to a covered person in an exceptional case without damaging a national security interest of the United States by revealing classified information, such procedure shall not be made available to such covered person.

(2) **FINALITY.—**A determination under paragraph (1) shall be final and conclusive.

(2) **FINALITY.—**A determination under paragraph (1) shall be final and conclusive.
and may not be reviewed by any other official or by any court.

"(3) REPORTING.—

(A) CASH-BY-CASE.—

(i) In GENERAL.—In each case in which the head of an agency determines under paragraph (1) that a procedure established under subsection (b) cannot be made available to a covered agency head, the report submitted under this section shall not be later than 30 days after the date on which the agency head makes such determination, submit to the Security Executive Agent and to the congressional intelligence committees a report stating the reasons for the determination.

(ii) FORM.—A report submitted under clause (i) may be submitted in classified form as necessary.

(B) ANNUAL REPORTS.—

(i) IN GENERAL.—Not less frequently than once each fiscal year, the Security Executive Agent shall submit to the congressional intelligence committees a report on the determinations made under paragraph (1) during the previous fiscal year.

(ii) CONTENTS.—Each report submitted under clause (i) shall include, for the period covered—

(I) The number of cases and reasons for determinations made under paragraph (1), disaggregated by agency.

(ii) DENIALS AND REVOCATIONS UNDER OTHER PROVISIONS OF LAW.—

(1) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit or affect the responsibility and power of the head of an agency to deny or revoke eligibility for access to classified information or to deny or revoke eligibility for access to classified information or a de- niety of reciprocity of clearance in the interest of national security.

(2) DENIALS AND REVOCATIONS.—The power and responsibility to deny or revoke eligibility for access to classified information or to deny reciprocity of clearance is authorized to the head of an agency to deny or revoke eligibility for access to classified information or to deny reciprocity of clearance pursuant to any other provision of law.

(3) FINALITY.—A determination under paragraph (1) is final and conclusive and may not be reviewed by any other official or by any court.

"(4) REPORTING.—

(A) CASH-BY-CASE.—

(i) IN GENERAL.—In each case in which the head of an agency determines under paragraph (2) that a determination relating to a denial of access or of eligibility for access to classified information or denial of reciprocity of clearance could not be made pursuant to a process established under this section, the agency head shall, not later than 30 days after the date on which the agency head makes such a determination under paragraph (2), submit to the Security Executive Agent and to the congressional intelligence committees a report stating the reasons for the determination.

(ii) FORM.—A report submitted under clause (i) may be submitted in classified form as necessary.

"(B) ANNUAL REPORTS.—

(i) IN GENERAL.—Not less frequently than once each fiscal year, the Security Executive Agent shall submit to the congressional intelligence committees a report on the determinations made under paragraph (2) during the previous fiscal year.

(ii) CONTENTS.—Each report submitted under clause (i) shall include, for the period covered by the report, the following:

(I) The number of cases and reasons for determinations made under paragraph (2), disaggregated by agency.

(II) Such other matters as the Security Executive Agent considers appropriate.

(III) A report stating the reasons for the determination.

"(III) REPORTING.—The report submitted under subsection (a) shall not be later than 180 days after the date of the enactment of this Act, the Security Executive Agent, in coordination with the principal members of the Performance Accountability Council and the Attorney General, shall issue a policy on the classification and sharing of derogatory information pertaining to contractor employees engaged by the Federal Government.

(4) REPORTING.—

(A) IN GENERAL.—The policy issued under subsection (a) shall require, as a condition of accepting a security clearance with the Federal Government, that a contractor employee provide prior written consent for the Federal Government to share covered derogatory information with the chief security officer of the contractor employer that employs the contractor employee.

(B) CATEGORIES OF CONTRACTOR EMPLOYEES.—For purposes of this section, covered derogatory information—

(i) is information that—


(ii) a Federal Government agency certifies is accurate and reliable;

(iii) is relevant to a contractor's ability to protect against insider threats as required by section 1–202 of the National Industrial Security Program Operating Manual (NISPOM), or successor manual; and

(iv) may have a bearing on the contractor employee's suitability as a trust or public service; or to access critical facilities of the Federal Government;

and

(B) shall include any negative information considered in the adjudicative process, including information provided by the contractor employee on forms submitted for the purpose of obtaining a contractor employee's security clearance.

(C) ELEMENTS.—The policy issued under subsection (a) shall—

(1) require Federal agencies, except under exceptional circumstances specified by the Security Executive Agent, to share with the contractor employer of a contractor employee engaged with the Federal Government the existence of potentially derogatory information and which National Security Adju- cation Guideline it falls under, with the exception that the Security Executive Agent may waive such requirement in circumstances the Security Executive Agent considers extraordinary;

(2) require that covered derogatory information shared with a contractor employer as described in subsection (b)(1) be used by the contractor employer in addition to risk mitigation purposes under section 1–202 of the National Industrial Security Program Operating Manual, or successor manual;

(3) require Federal agencies to share any derogatory information with the contractor employer in a manner that the contractor employer may share with the contractor employee;

(4) establish standards for timelines for sharing the derogatory information;

(5) specify the methods by which covered derogatory information will be shared with the contractor employer of the contractor employee; and

(6) allow the contractor employee, within a specified timeframe, the right—

(A) to contest the accuracy and reliability of covered derogatory information;

(B) to address or remedy any concerns raised by the covered derogatory information; and

(C) to provide documentation pertinent to subparagraph (A) or (B) for an agency to place in relevant security clearance databases.

(7) establish a procedure by which the contractor employee of the contractor employee may consult with the Federal Government.
prior to taking any remedial action under section 1-202 of the National Industrial Security Program Operating Manual, or successor manual, to address the derogatory information the Security Agency has provided; (8) stipulate that the chief security officer of the contractor employer is prohibited from sharing or discussing covered derogatory information with other parties, including nonsecurity professionals at the contractor employer; and (9) require companies in the National Industrial Security Program to comply with the policy.

(d) CONSIDERATION OF LESSONS LEARNED FROM INFORMATION-SHARING PROGRAM FORPosY

THE INTELLIGENCE ADVANCED RESEARCH PROJECTS ACTIVITY; (II) the development of vendor network equipment interoperability; (III) Promoting compatibility of new fifth-generation wireless network equipment with future open standards-based interoperable equipment; (IV) Managing integration of multivendor network environments; (V) Objective criteria to define equipment as compliant with open standards for multivendor network equipment interoperability; (VI) Promoting the commercial application of such research, including in the following areas:

(a) Definitions.—In this section:

(b) REMAINDER TO TREASURY.—Any amounts remaining in the Security Fund after the tenth fiscal year beginning after the date of the enactment of this Act shall be deposited in the general fund of the Treasury.

(c) USE OF AMOUNTS.—Amounts deposited in the Security Fund shall be available to the Director of the Intelligence Advanced Research Projects Activity to award grants under subparagraph (B).

(d) GRANTS.—

(i) IN GENERAL.—The Director of the Intelligence Advanced Research Projects Activity shall award grants to support research and the commercial application of such research, including in the following areas:

(1) SECURITY AND INNOVATION FUND (known as the "Communications Technology Security and Innovation Fund" (referred to in this section as the "Security Fund").

(ii) Administration.—The Director of the Intelligence Advanced Research Projects Activity shall administer the Security Fund.

(iii) CONTENTS OF FUND.—

(A) ESTABLISHMENT OF FUND.—

(B) USE OF FUND.—

(C) FEDERAL ADVISORY BODY.—

(i) ESTABLISHMENT.—The Director of the Intelligence Advanced Research Projects Activity shall establish a Federal advisory committee, in accordance with the Federal Advisory Committee Act (5 U.S.C. App.), composed of government and private sector experts to advise the Director of the Intelligence Advanced Research Projects Activity on the administration of the Security Fund.

(ii) COMPOSITION.—The advisory committee established under clause (i) shall be comprised of:

(aa) the Federal Communications Commission; (bb) the National Institute of Standards and Technology; (cc) the Department of Defense; (dd) the Department of State; (ee) the National Science Foundation; and (ff) other representatives from the private and public sectors, at the discretion of the Secretary of Defense.

(V) REPORTS TO CONGRESS.—

(a) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of the Intelligence Advanced Research Projects Activity shall submit to the appropriate committees of Congress a report that—

(i) describes how, and to whom, grants have been awarded under subparagraph (B); (ii) details the progress of the Director of the Intelligence Advanced Research Projects Activity in meeting the objectives described in subparagraph (A) of this section; (iii) includes such other information as the Director of the Intelligence Advanced Research Projects Activity determine appropriate.

(b) ANNUAL REPORT.—For each fiscal year for which amounts in the Security Fund are available under this paragraph, the Director of the Intelligence Advanced Research Projects Activity shall submit to Congress a report that—

(i) describes how, and to whom, grants have been awarded under subparagraph (B); (ii) details the progress of the Director of the Intelligence Advanced Research Projects Activity in meeting the objectives described in subparagraph (A) of this section; (iii) includes such other information as the Director of the Intelligence Advanced Research Projects Activity determine appropriate.

(c) CONTENTS OF FUND.—

(I) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the "Multilateral Telecommunications Security Fund" (in this section referred to as the "Multilateral Fund").

(ii) ADMINISTRATION.—The Director of National Intelligence and the Secretary of Defense shall jointly administer the Multilateral Fund.

(ii) USE OF AMOUNTS.—Amounts in the Multilateral Fund shall be used to establish the multilateral funding mechanism required by subparagraph (B).

(iv) CONTENTS OF FUND.—

(I) IN GENERAL.—The Multilateral Fund shall consist of amounts appropriated pursuant to the authorization of appropriations under paragraph (3)(B) and such other amounts as may be appropriated or otherwise made available to the Director of the Intelligence Advanced Research Projects Activity to be deposited in the Multilateral Fund.

(ii) AVAILABILITY.—

(A) IN GENERAL.—Amounts deposited in the Multilateral Fund shall remain available through fiscal year 2031.

(bb) REMAINDER TO TREASURY.—Any amounts remaining in the Security Fund after fiscal year 2031 shall be deposited in the General Fund of the Treasury.
SEC. 502. REPORT ON ATTEMPTS BY FOREIGN ADVERSARIES TO BUILD TELECOMMUNICATIONS AND CYBER SECURITY EQUIPMENT AND SERVICES TO, CERTAIN ALLIES OF THE UNITED STATES.

(a) DEFINITIONS.—In this section:

(1) Matters relating to threats described in subsection (a) as they pertain to the following:

(A) The threat posed to United States persons and persons inside the United States.

(B) The threat posed to United States personnel overseas.

(C) The threat posed to employees of the Federal Government, including both official and personal accounts and devices.

(2) A description of which foreign governments and entities pose the greatest threats from the use of technology described in subsection (a) and the nature of those threats.

(3) An assessment of the source of the commercially available cyber intrusion and other surveillance technology that poses the threats described in subsection (a), including whether such technology is made by United States companies or companies in the United States or by foreign companies.

(4) An assessment of actions taken, as of the date of the enactment of this Act, by the Federal Government and foreign governments to limit the export of technology described in subsection (a) from the United States or foreign countries to foreign governments and entities in ways that pose the threats described in subsection (a), including matters relating to the following:

(A) Working with the technology and telecommunications industry to identify and improve the security of consumer software and hardware used by United States persons and persons inside the United States that is targeted by commercial cyber intrusion and surveillance software.

(B) Export controls.

(C) Diplomatic pressure.

(D) Trade agreements.

(e) FORM.—The report submitted under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 504. REPORTS ON RECOMMENDATIONS OF NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2019 AND THE JOHN S. MCCAIN NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2019; AND IMPLEMENTATION OF BUREAU OF CYBER SECURITY AND CYBERSECURITY FORUMS AND INITIATIVES.

SEC. 505. REPORTS ON RECOMMENDATIONS OF THE SPACECRAFT SOLARIS COMMISSION.

(a) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ‘‘appropriate committees of Congress’’ means the Senate Committee on Armed Services, the Select Committee on Intelligence, the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Technology, and the Committee on Energy and Commerce of the House of Representatives.

(b) REPORTS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report on the recommendations included in the report issued by the Spacecraft Solaris Commission under section 1652(k) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232).

(c) AGENCIES DESCRIBED.—The agencies described in this subsection are the following:

(1) The Office of the Director of National Intelligence.

(2) The Department of Homeland Security.

(3) The Department of Energy.

(4) The Department of Commerce.

(5) The Department of Defense.
(d) CONTENTS.—Each report submitted under subsection (b) by the head of an agency described in subsection (c) shall include the following:

(1) EVALUATION OF THE RECOMMENDATIONS.—In the report described in subsection (b) the agency identifies as pertaining directly to the agency:

(A) a description of the actions taken, or the actions that the head of the agency may consider taking, to implement any of the recommendations and provides a comprehensive estimate of requirements for appropriations to take such actions.

SEC. 506. ASSESSMENT OF CRITICAL TECHNOLOGY TRENDS RELATING TO ARTIFICIAL INTELLIGENCE, MICROCHIPS, AND SEMICONDUCTORS AND RELATED SUPPLY CHAINS.

(a) ASSESSMENT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall complete a detailed assessment of critical technology trends relating to artificial intelligence, microchips, and semiconductors and related supply chains.

(b) ELEMENTS.—The assessment required by subsection (a) shall include the following:

(1) EXPORT CONTROLS.—

(A) In general.—An assessment of efforts by partner countries to enact and implement export controls on high technology transfers with respect to artificial intelligence, microchips, advanced manufacturing equipment, and other artificial intelligence enabled technologies critical to United States supply chains.

(B) IDENTIFICATION OF OPPORTUNITIES FOR COOPERATION.—The assessment under subparagraph (A) shall identify opportunities for further cooperation with international partners on a multilateral and bilateral basis to strengthen export control regimes and address technology transfer threats.

(2) SEMICONDUCTOR SUPPLY CHAINS.—

(A) In general.—An assessment of global semiconductor supply chains, including areas to reduce United States vulnerabilities and maximize points of leverage.

(B) ANALYSIS OF POTENTIAL EFFECTS.—The assessment required under subparagraph (A) shall include an analysis of the potential effects of significant geopolitical shifts, including those related to Taiwan.

(c) COORDINATION.—In preparing the assessment under subparagraph (a), the Director of National Intelligence shall coordinate with the Under Secretary of State for Political Affairs, the Director of the Office of Science and Technology Policy, and the Director of the Defense Advanced Research Projects Agency.

(d) REPORT.—In preparing the description required under paragraph (1), the Under Secretary for Political Affairs shall:

(1) submit a report to the appropriate committees of Congress, on the matters described in paragraphs (1), (2), and (3) of section 1107 of the National Security Act of 1947 (50 U.S.C. 3237(b)),

(2) describe the actions taken, or the actions that the head of the agency may consider taking, to implement any of the recommendations and provides a comprehensive estimate of requirements for appropriations to take such actions.

SEC. 507. COMBATING CHINESE INFLUENCE OPERATIONS IN THE UNITED STATES AND STRENGTHENING CIVIL LIBERTIES PROTECTIONS.

(a) UPDATES TO ANNUAL REPORTS ON INFLUENCE OPERATIONS AND CAMPAIGNS IN THE UNITED STATES BY THE CHINESE COMMUNIST PARTY.—Section 1107(b) of the National Security Act of 1947 (50 U.S.C. 3237(b)) is amended—

(1) by redesignating paragraph (8) as paragraph (9); and

(2) by inserting after paragraph (7) the following:

(8) An identification of influence activities and operations employed by the Chinese Communist Party against the United States government, science and technology sectors, specifically employees of the United States Government, researchers, scientists, and students in the science and technology sector in the United States;''

(b) PLAN FOR FEDERAL BUREAU OF INVESTIGATION TO INCREASE PUBLIC AWARENESS AND DETECTION OF INFLUENCE ACTIVITIES BY THE GOVERNMENT OF THE PEOPLE’S REPUBLIC OF CHINA.—

(1) PLAN REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the congressional intelligence committees a plan—

(A) to increase public awareness of influence activities by the Government of the People’s Republic of China; and

(B) to publicize mechanisms that members of the public can use—

(i) to detect such activities; and

(ii) to report such activities to the Bureau.

(2) CONSULTATION.—In carrying out paragraph (1), the Director shall consult with the following:

(A) The Director of the Office of Science and Technology Policy.

(B) Such other stakeholders outside the intelligence community including professional associations, institutions of higher education, businesses, and civil rights and multicultural organizations, as the Director determines relevant.

(c) RECOMMENDATIONS OF THE FEDERAL BUREAU OF INVESTIGATION TO STRENGTHEN RELATIONSHIPS AND BUILD TRUST WITH COMMUNITIES OF INTEREST.—

(1) IN GENERAL.—The Federal Bureau of Investigation shall submit to the appropriate committees of Congress a plan—

(A) to increase public awareness of influence activities by the Government of the People’s Republic of China; and

(B) to publicize mechanisms that members of the public can use—

(i) to detect such activities; and

(ii) to report such activities to the Bureau.

(2) CONSULTATION.—In preparing the description required under paragraph (1), the Director shall consult with the following:

(A) The Director of the Office of Science and Technology Policy.

(B) Such other stakeholders outside the intelligence community including professional associations, institutions of higher education, businesses, and civil rights and multicultural organizations, as the Director determines relevant.

SEC. 508. ANNUAL REPORT ON CORRUPT ACTIVITIES OF SENIOR OFFICIALS OF THE CHINESE COMMUNIST PARTY.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term "appropriate committees of Congress" means—

(1) the Select Committee on Intelligence, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Foreign Relations of the Senate; and

(B) the Permanent Select Committee on Intelligence, the Committee on Armed Services, the Committee on Financial Services, and the Committee on Foreign Relations of the House of Representatives.

(2) The Committee on Financial Services, the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence of the House of Representatives.

(b) ANNUAL REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter through 2025, the Director of the Central Intelligence Agency shall submit to the appropriate committees of Congress a report on the corruption and corrupt activities of senior officials of the Chinese Communist Party.

(B) ELEMENTS.—

(A) In general.—Each report under paragraph (1) shall include the following:

(i) A description of the wealth of, and corrupt and corrupt activities described in clause (i) that could be considered a violation, or potential violation, of United States law.

(ii) A description of and assessment of targeted financial measures, including potential targets for designation under this subsection.

(iii) A description of the wealth of, and corrupt and corrupt activities described in clause (i) of such actions.

(B) SCOPE OF REPORT.—The report under paragraph (1) shall supplement the preceding report under that subsection.

(2) COORDINATION.—In preparing each report, the Director of the Central Intelligence Agency shall coordinate as follows:

(A) In preparing the description required by paragraph (1), the appropriate committees of Congress shall coordinate with the following:

(i) the Select Committee on Intelligence, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(ii) the Committee on Financial Services, the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence of the House of Representatives.

(B) In preparing the descriptions required by clauses (i) and (ii) of such paragraph, the Director of the Central Intelligence Agency shall coordinate with the following:

(i) the Permanent Select Committee on Intelligence, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Foreign Relations of the Senate; and

(ii) the Select Committee on Intelligence, the Committee on Armed Services, the Committee on Financial Services, and the Committee on Foreign Relations of the House of Representatives.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the Director of the Central Intelligence Agency shall coordinate with the relevant committees of Congress to ensure that the activities described in the report are consistent with the objectives of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) and the implementing regulations.
practices of senior officials of the Chinese Communist Party, including President Xi Jinping.

SEC. 508. REPORT ON CORRUPT ACTIVITIES OF RUSSIAN AND OTHER EASTERN EUROPEAN OLIGARCHS.

(a) DEFINITION OF APPROPRIATE COMMITTEES.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Banking, Housing, and Urban Affairs of the Senate; the Committee on Finance, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Financial Services, the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence of the House of Representatives.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall submit to the appropriate committees of Congress and the Undersecretary of State for Public Diplomacy and Public Affairs a report on the corruption and corrupt activities among Russian and other Eastern European oligarchs.

(c) ELEMENTS.—

(1) IN GENERAL.—Each report under subsection (b) shall include the following:

(A) A description of corruption and corrupt activities among Russian and other Eastern European oligarchs who support the Government of the Russian Federation, including estimates of the total assets of such oligarchs.

(B) An assessment of the impact of the corruption and corrupt activities described pursuant to subparagraph (A) on the economy and citizens of Russia.

(C) A description of any connections to, or support of, organized crime, drug smuggling, or human trafficking by an oligarch covered by subparagraph (A).

(D) A description of any information that reveals corruption and corrupt activities in Russia among oligarchs covered by subparagraph (A).

(E) A description and assessment of potential sanctions actions that could be imposed upon oligarchs covered by subparagraph (A) who support the leadership of the Government of Russia, including President Vladimir Putin.

(2) SCOPE OF REPORTS.—The first report under subsection (a) shall include comprehensive information on the matters described in paragraph (1). Any succeeding report under subsection (a) may consist of an update or supplement to the preceding report under that subsection.

(3) COORDINATION.—In preparing each report, update, or supplement under this section, the Director of the Central Intelligence Agency shall coordinate as follows:

(a) In preparing the assessment and descriptions required by subparagraphs (A) through (D) of paragraph (1), the Director of the Central Intelligence Agency shall coordinate with the head of the Office of Intelligence and Analysis of the Department of the Treasury and the Director of the Federal Bureau of Investigation.

(b) In preparing the description and assessment required by subparagraph (E) of such subsection, the Director of the Central Intelligence Agency shall coordinate with the head of the Office of Intelligence and Analysis of the Department of the Treasury.

(c) IN GENERAL.—Subject to paragraph (2), each report under subsection (b) shall include an unclassified executive summary, and modified classified annex.

(d) UNCLASSIFIED FORM OF CERTAIN INFORMATION.—The information described in sub-

section (c)(1)(D) in each report under subsection (b) shall be submitted in unclassified form.

SEC. 509. REPORT ON BIOSECURITY RISK AND DISINFORMATION BY THE CHINESE COMMUNIST PARTY AND THE GOVERNMENT OF THE PEOPLE’S REPUBLIC OF CHINA.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES.—The term “appropriate committees of Congress” means—

(A) the Select Committee on Intelligence, the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence, the Committee on Armed Services, the Committee on Energy and Commerce, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) CRITICAL INFRASTRUCTURE.—The term "critical infrastructure" means—

(A) the information described in subparagraph (A) of section 1016(e) of the United States Code;

(B) any identification of any critical infrastructure in the United States; and

(C) any classification or declassification of any critical infrastructure under subchapter II of chapter 31 of title 18, United States Code.

(b) R EPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate committees of Congress a report identifying whether and how officials of the Chinese Communist Party and the Government of the People’s Republic of China may have sought—

(1) to suppress information about—

(A) the outbreak of the novel coronavirus in Wuhan; and

(B) the spread of the virus through China; and

(2) to spread disinformation relating to the pandemic or to exploit the pandemic to advance their national security interests.

(c) ASSESSMENTS.—The report required under subsection (b) shall include assessments of the actions of China to suppress information about—

(1) to suppress information about—

(A) the outbreak of the novel coronavirus in Wuhan; and

(B) the spread of the virus through China; and

(2) to exploit the pandemic to advance the threat to global stability, including with respect to the following:

(A) the countries of origin of such systems.

(B) The countries of origin of such systems.

(C) The countries of origin of such systems.

(D) The countries of origin of such systems.

(E) The countries of origin of such systems.

(F) The countries of origin of such systems.

(G) The countries of origin of such systems.

(H) The countries of origin of such systems.

(I) The countries of origin of such systems.

(j) The countries of origin of such systems.

(k) The countries of origin of such systems.

(l) The countries of origin of such systems.

(m) The countries of origin of such systems.

(n) The countries of origin of such systems.

(o) The countries of origin of such systems.

(p) The countries of origin of such systems.

(q) The countries of origin of such systems.

(r) The countries of origin of such systems.

(s) The countries of origin of such systems.

(t) The countries of origin of such systems.

(u) The countries of origin of such systems.

(v) The countries of origin of such systems.

(w) The countries of origin of such systems.

(x) The countries of origin of such systems.

(y) The countries of origin of such systems.

(z) The countries of origin of such systems.

(a) The countries of origin of such systems.

(b) The countries of origin of such systems.

(c) The countries of origin of such systems.

(d) The countries of origin of such systems.

(e) The countries of origin of such systems.

(f) The countries of origin of such systems.

(g) The countries of origin of such systems.

(h) The countries of origin of such systems.

(i) The countries of origin of such systems.

(j) The countries of origin of such systems.

(k) The countries of origin of such systems.

(l) The countries of origin of such systems.

(m) The countries of origin of such systems.

(n) The countries of origin of such systems.

(o) The countries of origin of such systems.

(p) The countries of origin of such systems.

(q) The countries of origin of such systems.

(r) The countries of origin of such systems.

(s) The countries of origin of such systems.

(t) The countries of origin of such systems.

(u) The countries of origin of such systems.

(v) The countries of origin of such systems.

(w) The countries of origin of such systems.

(x) The countries of origin of such systems.

(y) The countries of origin of such systems.

(z) The countries of origin of such systems.

(a) The countries of origin of such systems.

(b) The countries of origin of such systems.

(c) The countries of origin of such systems.

(d) The countries of origin of such systems.

(e) The countries of origin of such systems.

(f) The countries of origin of such systems.

(g) The countries of origin of such systems.

(h) The countries of origin of such systems.

(i) The countries of origin of such systems.

(j) The countries of origin of such systems.

(k) The countries of origin of such systems.

(l) The countries of origin of such systems.

(m) The countries of origin of such systems.

(n) The countries of origin of such systems.

(o) The countries of origin of such systems.

(p) The countries of origin of such systems.

(q) The countries of origin of such systems.

(r) The countries of origin of such systems.

(s) The countries of origin of such systems.

(t) The countries of origin of such systems.

(u) The countries of origin of such systems.

(v) The countries of origin of such systems.

(w) The countries of origin of such systems.

(x) The countries of origin of such systems.

(y) The countries of origin of such systems.

(z) The countries of origin of such systems.

(a) The countries of origin of such systems.

(b) The countries of origin of such systems.

(c) The countries of origin of such systems.

(d) The countries of origin of such systems.

(e) The countries of origin of such systems.

(f) The countries of origin of such systems.

(g) The countries of origin of such systems.

(h) The countries of origin of such systems.

(i) The countries of origin of such systems.

(j) The countries of origin of such systems.

(k) The countries of origin of such systems.

(l) The countries of origin of such systems.

(m) The countries of origin of such systems.

(n) The countries of origin of such systems.

(o) The countries of origin of such systems.

(p) The countries of origin of such systems.

(q) The countries of origin of such systems.

(r) The countries of origin of such systems.

(s) The countries of origin of such systems.

(t) The countries of origin of such systems.
SEC. 511. REPORT ON IRANIAN ACTIVITIES RELATING TO NUCLEAR NON-PROLIFERATION.

(a) Definition of Appropriate Committees of Congress.—In this section, the term "appropriate committees of Congress" means—

(1) the Select Committee on Intelligence of the Senate; the Committee on Armed Services, the Committee on Foreign Relations of the Senate; and the Committee on Foreign Relations of the House of Representatives.

(b) Report Required.—Not later than 90 days after the date of enactment of this Act, the Director of National Intelligence shall submit to the appropriate committees of Congress a report setting forth—

(1) any relevant activities potentially related to nuclear weapons research and development by the Islamic Republic of Iran; and

(2) any relevant efforts to afford or deny international access in accordance with international nonproliferation agreements.

(c) Assessments.—The report required by subsection (b) shall include assessments, for the period beginning on January 1, 2018, and ending on the date of the submittal of the report, the following:

(1) Activities to research, develop, or enrich uranium or reprocess plutonium with the intent or capability of creating weapons-grade nuclear material.

(2) Research, development, testing, or design activities that could contribute to or in form construction of a device intended to initiate or capable of initiating a nuclear explosion.

(3) Efforts to receive, transmit, store, develop, or store, destroy, relocate, archive, or otherwise preserve special nuclear materials, products and enabling materials relevant or relating to any efforts assessed under paragraph (1) or (2).

(4) Efforts to afford or deny international access in accordance with international nonproliferation agreements, to locations, individuals, and materials relating to activities described in paragraph (1), (2), or (3).

(d) Form.—The report required under subsection (b) shall be submitted in unclassified form, but may include a classified annex.

SEC. 512. SENSE OF CONGRESS ON THIRD OPTION FOUNDATION.

It is the sense of the Congress that—

(1) the work of the Third Option Foundation to heal, help, and honor members of the special operations community of the Central Intelligence Agency and their families is invaluable; and


SA 1817. Mr. YOUNG submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

SEC. 549. REPORT ON PERFORMANCE AT THE MILITARY SERVICE ACADEMIES OF CADETS AND MIDSHIPMEN WITH MILITARY FAMILIAL AFFILIATION WITH THE MILITARY.

(a) Report Required.—Not later than one year after the date of enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the results of a study, conducted by the Secretary for purposes of the report, of the performance at the military service academies of cadets and midshipmen who have a familial affiliation with the military before their time at the military service academies.

(b) Scope of Study.—The study required for purposes of paragraph (a) shall cover the incoming classes at the military service academies for the last 10 academic years beginning before the date of the enactment of this Act.

(1) A list of the academic years for which the report shall include assessments, for the period beginning on January 1, 2018, and ending on the date of the submittal of the report, the following:

(1) Children of a general and flag officer.

(2) Children of an alumnus of a military service academy.

(3) Children of a veteran.

(4) Children of parents without military service.

SEC. 1818. Mr. COTTON (for himself and Mr. KAINE) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle E of title VIII, insert the following:

SEC. 1046. CONDITIONS FOR PERMANENTLY Basing United States Equipment or Additional Military Units in Host Countries with At-Risk Vendors in 5G or 6G Networks.

(a) In General.—Prior to a decision to basing a major weapon system or an additional military unit comparable to or larger than a battalion, squadron, or naval combatant for permanent basing to a host nation with at-risk 5th generation (5G) or sixth generation (6G) telecommunications equipment, software, and services, including the use of telecommunications equipment, software, and services provided by vendors such as Huawei, ZTE, and other companies identified by the Secretary of Defense, the Secretary of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection (b), as amended, add the following:

(4) a description of any defense mutual agreements between the host nation and the United States intended to allay the costs of risk mitigation posed by the at-risk infrastructure.

(b) Applicability.—The conditions in subsection (a) apply to the permanent long-term basing of military units, personnel, and equipment, and do not apply to short-term deployments or rotational presence to military installations outside the United States in connection with exercises, dynamic force employment, contingency operations, or combat operations.

(c) Report.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that contains an assessment of—

(1) a description of steps being taken by the United States Government to mitigate any potential risks to the weapon systems, military units, personnel, and equipment provided by at-risk vendors; and

(2) measures required to mitigate the risk described in paragraph (1), including the identification of critical functions that are performed by certain personnel or equipment of the Department of Defense or the Department of Energy to mitigate any potential risk to the weapon systems, military units, personnel, and equipment provided by at-risk vendors.

(d) Form.—The report required by subsection (c) shall be submitted in unclassified form with an unclassified summary.

At the appropriate place in title X, insert the following:

SA 1819. Mr. RISCH (for himself, Ms. CAPITO, Mr. MASTO, Ms. ROSEN, Mrs. CAPITO, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle E of title VIII, insert the following:

SEC. 54. FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.

Section 54 of the Small Business Act (15 U.S.C. 657d) is amended—

(1) in subsection (a), by adding at the end the following:

(III) by adding at the end the following:

(II) in clause (iv), by striking the period at end and inserting the following:

(II) the Secretary of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection (b), as amended, add the following:

(2) in subsection (b)—

(1) in paragraph (1)—

(1) in subparagraph (E), by striking "and" at the end;

(2) in paragraph (3)—

(1) in clause (ii), by striking "and" at the end;

(II) in clause (iv), by striking the period at end and inserting the following:

(IV) by adding at the end the following:

2019. Mr. ROSEN, Mr. COTTON, Mr. KENNEDY, Ms. CAPITO, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:
“(III) located in an underperforming State;”;
(ii) in subparagraph (C), by striking the period at the end and inserting “; and”; and
(iii) by adding at the end the following:
“(D) shall give first priority and special consideration to an applicant that is located in an underperforming State, the Administrator may—
“(I) provide additional assistance to the recipient; and
“(II) waive the matching requirements under subsection (e)(2);”;
(3) in subsection (e)—
(A) in paragraph (2)—
(i) by inserting “and STTR” before “first phase” each place that term appears;
(ii) in clause (i), by striking “50” and inserting “75”;
(iii) in clause (ii), by striking “1 dollar” and inserting “75 cents”; and
(iv) in clause (iii), by striking “7 and inserting “5”.
(4) in paragraph (3), by striking “$50,000,000” and inserting “$20,000,000” and
(5) in subsection (h), by striking “50”;
(6) in subsection (i), by striking “75 cents”;
(7) in subsection (j), by striking “$20,000,000” and inserting “$20,000,000 for each fiscal year of the second fiscal year”.

SEC. 2. DISASTER DECLARATION IN RURAL AREAS.
(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting after paragraph (15) the following:
“(16) DISASTER DECLARATION IN RURAL AREAS.—
“(A) DEFINITIONS.—In this paragraph—
“(i) the term ‘rural area’ means an area with a population of less than 200,000 outside an urbanized area;
“(ii) the term ‘significant damage’ means, with respect to property, uninsured losses of not less than 40 percent of the estimated fair replacement value of the property, or the fair market value of the damaged property, whichever is lower.
“(B) DISASTER DECLARATION.—Notwithstanding section 123-3(a) of title 13, Code of Federal Regulations, or any successor regulation, the Administrator may declare a disaster in a rural area for which a major disaster was declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) if—
“(i) the Governor of the State in which the rural area is located requests such a declaration;
“(ii) any home, small business concern, private nonprofit organization, or small agricultural cooperative has incurred significant damage in the rural area;
“(iii) the Administrator determines that underperforming States are given priority application status under the FAST program;” and
(iv) by adding at the end the following:
“(D) shall give first priority and special consideration to an applicant that is located in an underperforming State, the Administrator may—
“(I) provide additional assistance to the recipient; and
“(II) waive the matching requirements under subsection (e)(2);”;
(3) in subsection (e)—
(A) in paragraph (2)—
(i) by inserting “and STTR” before “first phase” each place that term appears;
(ii) in clause (i), by striking “50” and inserting “75”;
(iii) in clause (ii), by striking “1 dollar” and inserting “75 cents”; and
(iv) in clause (iii), by striking “7 and inserting “5”.
(4) in paragraph (3), by striking “$50,000,000” and inserting “$20,000,000” and
(5) in subsection (h), by striking “50”;
(6) in subsection (i), by striking “75 cents”;
(7) in subsection (j), by striking “$20,000,000” and inserting “$20,000,000 for each fiscal year of the second fiscal year”.

SEC. 3. Identification of foreign persons involved in the erosion of certain obligations of China with respect to Hong Kong, and for other purposes.
(a) SHORT TITLE.—This Act may be cited as the “Hong Kong Autonomy Act”.
(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:
Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Findings.
Sec. 4. Sense of Congress regarding Hong Kong.
Sec. 5. Identification of foreign persons involved in the erosion of certain obligations of China with respect to Hong Kong, and for other purposes; as follows:
Strike all after the enacting clause and insert the following:
SECTION 1. SHORT TITLE; TABLE OF CONTENTS.
(a) SHORT TITLE.—This Act may be cited as the “Hong Kong Autonomy Act”.
(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:
Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Findings.
Sec. 4. Sense of Congress regarding Hong Kong.
Sec. 5. Identification of foreign persons involved in the erosion of certain obligations of China with respect to Hong Kong, and for other purposes; as follows:

SEC. 2. DEFINITIONS.
In this Act:
(A) ALIEN: NATIONAL; NATIONAL OF THE UNITED STATES.—The terms “alien”, “national”, and “national of the United States”
have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) APPROPRIATE CONGRESSIONAL COMMITTEE.—The term ‘‘appropriate congressional committee and leadership’’ means—

(A) the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Select Committee on Intelligence, and the Speaker and the minority leader of the Senate; and

(B) the Committee on Armed Services, the Committee on Financial Services, the Committee on Foreign Affairs, the Committee on Homeland Security, the Committee on the Judiciary, the Permanent Select Committee on Intelligence, and the Speaker and the minority leader of the House of Representatives.

(3) BASIC LAW.—The term ‘‘Basic Law’’ means the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China.

(4) CHINA.—The term ‘‘China’’ means the People’s Republic of China.

(5) ENTITY.—The term ‘‘entity’’ means a partnership, joint venture, association, corporation, organization, network, group, or sub-entity, or any other form of business collaboration.

(6) FINANCIAL INSTITUTION.—The term ‘‘financial institution’’ means a financial institution specified in section 5212(a)(2) of title 31, United States Code.

(7) HONG KONG.—The term ‘‘Hong Kong’’ means the Hong Kong Special Administrative Region of the People’s Republic of China.


(9) KNOWINGLY.—The term ‘‘knowingly’’, with respect to conduct, a circumstance, or a result, means that a person has actual knowledge of the conduct, the circumstance, or the result.

(10) PERSON.—The term ‘‘person’’ means an individual or entity.

(11) UNITED STATES PERSON.—The term ‘‘United States person’’ means—

(A) any citizen or national of the United States;

(B) any alien lawfully admitted for permanent residence in the United States;

(C) any entity organized under the laws of the United States or any jurisdiction within the United States (including a foreign branch of such an entity); or

(D) any person located in the United States.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) The Joint Declaration and the Basic Law clarify certain obligations and promises that the Government of China has made with respect to the future of Hong Kong.

(2) The obligations of the Government of China under the Joint Declaration were codified in a legally-binding treaty, signed by the Government of the United Kingdom of Great Britain and Northern Ireland and registered with the United Nations.

(3) The obligations of the Government of China under the Basic Law originate from the Joint Declaration, were passed into the domestic law of China by the National People’s Congress and widely recognized by citizens of Hong Kong as part of the de facto legal constitution of Hong Kong.

(4) Foremost among the obligations of the Government of China to Hong Kong is the promise that, pursuant to Paragraph 3b of the Joint Declaration, ‘‘the Hong Kong Special Administrative Region will enjoy a high degree of autonomy, except in foreign and defence affairs which are the responsibilities of the Central People’s Government’’.

(5) The governments of China and Hong Kong have contravened the letter or intent of the obligation described in paragraph (10) of this section, including the following:

(A) In 2002, the Government of China proposed the prohibition of discussion of Hong Kong independence and self-determination in primary and secondary schools, which infringes on freedom of speech.

(B) The governments of China and Hong Kong introduced a national security section, including the following:

(i) On April 17, 2020, asserted that both the Legislative Council and the Executive Council had the power to renew work visa for a foreign journalist, to the express opposition to the governments of China and Hong Kong or the policies of those governments.

(ii) In 2002, the Government of China passed laws requiring Hong Kong to pass laws having the effect of limiting the national flag and national anthem of China.

(iii) The National People’s Congress has passed laws requiring Hong Kong to pass laws having the effect of limiting religious belief will be ensured by law in Hong Kong.

(iv) In June 2020, the Hong Kong Government of China abolished the executive function of the Legislative Council, which could have compromised the judicial independence of Hong Kong.

(v) The spokesperson for the Standing Committee of the National People’s Congress said, ‘‘whether Hong Kong’s laws are consistent with the Basic Law can only be judged by the Standing Committee of the National People’s Congress Standing Committee. No other authority has the right to make judgments and decisions.’’

(C) The Joint Declaration and the Basic Law make clear that additional obligations shall be undertaken by China to ensure the ‘‘high degree of autonomy’’ of Hong Kong.

(D) The Joint Declaration and the Basic Law make clear that additional obligations shall be undertaken by China to ensure the ‘‘high degree of autonomy’’ of Hong Kong.

(E) The State Council of China released a white paper on June 10, 2014, that stressed that the Government of China has undertaken actions that have contravened the letter or intent of the obligation described in paragraph (8) of this section, including the following:

(i) In 1999, the Standing Committee of the National People’s Congress overruled a decision by the Hong Kong Court of Final Appeal on the right of abode.

(ii) On multiple occasions, the Government of Hong Kong, at the advice of the Government of China, has not allowed persons entry into Hong Kong allegedly because of their support for democracy and human rights in Hong Kong and China.

(iii) The Liaison Office of China in Hong Kong has, despite restrictions on interference in the affairs of Hong Kong as detailed in Article 22 of the Basic Law—

(a) expressly offered support for candidates in Hong Kong for Chief Executive and Legislative Council;

(b) expressed views on various policies for the Government of Hong Kong and other internal matters relating to Hong Kong; and

(c) on April 17, 2020, asserted that both the Legislative Council and the Executive Council had the power to renew work visa for a foreign journalist, to the express opposition to the governments of China and Hong Kong or the policies of those governments.

(F) The Government of China has directed operations to kidnap and bring to the mainland, or is otherwise responsible for the kidnaping of, residents of Hong Kong, including the banning Hong Kong National Party.

(G) The Government of Hong Kong, acting with the support of the Government of China, has contravened the obligations of the Government of China to Hong Kong is the promise that, pursuant to Paragraph 3b of the Joint Declaration, ‘‘the Hong Kong Special Administrative Region will enjoy a high degree of autonomy, except in foreign and defence affairs which are the responsibilities of the Central People’s Government’’.

(H) The Justice Department of Hong Kong, acting on the right of abode.

(I) The National People’s Congress has passed laws requiring Hong Kong to pass laws having the effect of limiting the national flag and national anthem of China.

(J) The Justice Department of Hong Kong, acting on the right of abode.

(K) The National People’s Congress has passed laws requiring Hong Kong to pass laws having the effect of limiting religious belief will be ensured by law in Hong Kong.

(L) The National People’s Congress has passed laws requiring Hong Kong to pass laws having the effect of limiting the national flag and national anthem of China.

(M) The Government of China passed laws requiring Hong Kong to pass laws having the effect of limiting religious belief will be ensured by law in Hong Kong.

(N) The National People’s Congress has passed laws requiring Hong Kong to pass laws having the effect of limiting the national flag and national anthem of China.

(O) The National People’s Congress has passed laws requiring Hong Kong to pass laws having the effect of limiting religious belief will be ensured by law in Hong Kong.

(P) The National People’s Congress has passed laws requiring Hong Kong to pass laws having the effect of limiting the national flag and national anthem of China.

(Q) The National People’s Congress has passed laws requiring Hong Kong to pass laws having the effect of limiting religious belief will be ensured by law in Hong Kong.

(R) The National People’s Congress has passed laws requiring Hong Kong to pass laws having the effect of limiting the national flag and national anthem of China.

(S) The National People’s Congress has passed laws requiring Hong Kong to pass laws having the effect of limiting religious belief will be ensured by law in Hong Kong.

(T) The National People’s Congress has passed laws requiring Hong Kong to pass laws having the effect of limiting the national flag and national anthem of China.

(U) The National People’s Congress has passed laws requiring Hong Kong to pass laws having the effect of limiting religious belief will be ensured by law in Hong Kong.

(V) The National People’s Congress has passed laws requiring Hong Kong to pass laws having the effect of limiting the national flag and national anthem of China.

(W) The National People’s Congress has passed laws requiring Hong Kong to pass laws having the effect of limiting religious belief will be ensured by law in Hong Kong.

(X) The National People’s Congress has passed laws requiring Hong Kong to pass laws having the effect of limiting the national flag and national anthem of China.

(Y) The National People’s Congress has passed laws requiring Hong Kong to pass laws having the effect of limiting religious belief will be ensured by law in Hong Kong.

(Z) The National People’s Congress has passed laws requiring Hong Kong to pass laws having the effect of limiting the national flag and national anthem of China.
have contravened the letter or intent of the obligation described in paragraph (14) of this section, including the following:

(A) In 2004, the National People’s Congress created discriminatory procedures restricting the adaption of universal suffrage for the election of the Chief Executive of Hong Kong.

(B) By the decision by the National People’s Congress on December 29, 2007, which ruled out universal suffrage in 2012 elections and set restrictions on when and if universal suffrage will be implemented.

(C) The decision by the National People’s Congress on August 31, 2014, which placed limits on the election process to become the Chief Executive of Hong Kong as a condition for adoption of universal suffrage.

(D) On November 7, 2016, the National People’s Congress amended Articles 34 and 45 of the Basic Law in such a way to disqualify elected members of the Legislative Council.

(E) In 2018, the Government of Hong Kong barred 9 candidates for the Hong Kong National Party and blocked the candidacy of pro-democracy candidates.


SEC. 4. SENSE OF CONGRESS REGARDING HONG KONG.

It is the sense of Congress that—

(1) the United States continues to uphold the principles and policy established in the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5701 et seq.), and the Hong Kong Human Rights and Democracy Act of 2019 (Public Law 116-76; 22 U.S.C. 5701 note), which remain consistent with China’s obligations under the Joint Declaration and certain promulgated objectives under the Basic Law, including that—

(A) as set forth in section 101(1) of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5711(1)) “The United States should play an active role, before, on, and after July 1, 1997, in helping Hong Kong maintain its confidence and prosperity, Hong Kong’s role as an international financial center, and the mutually beneficial ties between the people of the United States and the people of Hong Kong.”;

(B) as set forth in section 2(5) of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5701 et seq.), “protection of democratic freedom in Hong Kong, a fundamental principle of United States foreign policy. As such, it naturally applies to United States policy toward Hong Kong. This will remain equally true after June 30, 1997.”;

(2) although the United States recognizes that, under the Joint Declaration, the Government of China assumed the exercise of sovereignty over Hong Kong with effect on 1 July 1997”, the United States supports the autonomy of Hong Kong in furtherance of the United States-Hong Kong Policy Act of 1992 and the Hong Kong Human Rights and Democracy Act of 2019 and advances the desire of the people of Hong Kong to continue the “one country, two systems” regime. In addition to other obligations promulgated by China under the Joint Declaration and the Basic Law;

(3) the United States continues to support the benefits and protections that Hong Kong has been afforded by the Government of China under the Joint Declaration and the Basic Law, the United States being clear and firm in the application of a consistent and unambiguous set of penalties with respect to foreign persons determined by the Secretary of State, in consultation with the Secretary of the Treasury, to be involved in the contravention of the obligations of China under the Joint Declaration and the Basic Law and significant transactions with those foreign persons;

(4) the Secretary of State should provide an unclassified assessment of the reason for actions taken by China to impose economic penalties on entities, so as to permit a clear path for the removal of economic penalties if the sanctioned behavior is reversed and verified by the Secretary of State;

(5) relevant Federal agencies should establish a multilateral sanctions regime with respect to foreign persons involved in the contravention of obligations of China under the Joint Declaration and the Basic Law;

(6) in addition to the penalties on foreign persons and significant transactions with those foreign persons, for the contravention of the obligations of China under the Joint Declaration and the Basic Law, the United States should take steps, in a time of crisis, to assist permanent residents of Hong Kong who are persecuted or fear persecution as a result of the contravention by China, as set forth in the Joint Declaration and the Basic Law to become eligible to obtain lawful entry into the United States.

SEC. 5. IDENTIFICATION OF FOREIGN PERSONS INVOLVED IN THE EROSION OF THE OBLIGATIONS OF CHINA UNDER THE JOINT DECLARATION OR THE BASIC LAW AND FOREIGN FINANCIAL INSTITUTIONS THAT CONDUCT SIGNIFICANT TRANSACTIONS WITH THOSE PERSONS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, if the Secretary of State consults with the Secretary of the Treasury, determines that a foreign person is materially contributing to, has materially contributed to, or attempts to materially contribute to, the failure of the Government of China to meet its obligations under the Joint Declaration or the Basic Law, the Secretary of State shall submit to the appropriate congressional committees and leadership a report that includes—

(1) an identification of the foreign person; and

(2) a clear explanation for why the foreign person was identified and a description of the activity that resulted in the identification.

(b) IDENTIFYING FOREIGN FINANCIAL INSTITUTIONS.—Not earlier than 30 days and not later than 60 days after the Secretary of State submits the report required under section (a) of this section, the Secretary shall provide to the appropriate congressional committees and leadership the report under subsection (a), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the appropriate congressional committees and leadership a report that identifies any foreign financial institution that knowingly conducted a prohibited transaction under section (a) of this section or any foreign financial institution from which the President may exclude a foreign financial institution from a report under section (2) of this section.

(c) EXCLUSION OF CERTAIN INFORMATION.—

(1) IN GENERAL.—Each report submitted under subsections (a) and (b) may be redacted to protect confidential source, including a State, local, or foreign government or authority or any private institution that furnished information on a confidential basis;

(2) (A) Notwithstanding subsection (a), if the Secretary of State determines that such disclosure could reasonably be expected—

(i) to compromise the identity of a confidential source, including a State, local, or foreign government or authority or any private institution that furnished information on a confidential basis;

(ii) to jeopardize the integrity or success of an ongoing criminal investigation or prosecution;

(iii) to endanger the life or physical safety of any person; or

(iv) to cause substantial harm to physical property.

(d) REPORT IDENTIFICATION REQUIRED.—If the Director of National Intelligence makes a determination under paragraph (1) or the Attorney General makes a determination under paragraph (B), the Director of National Intellige-

eral, as the case may be, shall notify the appropriate congressional committees and leadership of the determination and the reasons for the determination.

(e) EXCLUSION OR REMOVAL OF FOREIGN PERSONS AND FOREIGN FINANCIAL INSTITUTIONS.—

(1) FOREIGN PERSONS.—The President may exclude a foreign person from the report under subsection (a), or an update under subsection (b), or removal from the report or update prior to the imposition of sanctions under section (a) if the material contribution (as described in subsection (b) of this section) that merited inclusion in that report or update—

(A) does not have a significant and lasting negative effect that contravenes the obligations of China under the Joint Declaration and the Basic Law;

(B) is not likely to be repeated in the future; and

(C) has been reversed or otherwise mitigated through positive countermeasures taken by that foreign person.

(2) FOREIGN FINANCIAL INSTITUTIONS.—The President may exclude a foreign financial institution from the report under subsection (b), or an update under subsection (e), or remove a foreign financial institution from the report or update prior to the imposition of sanctions under section (b) if the significant transaction or significant transactions of the foreign financial institution that merited inclusion in that report or update—

(A) does not have a significant and lasting negative effect that contravenes the obligations of China under the Joint Declaration and the Basic Law;

(B) is not likely to be repeated in the future; and

(C) has been reversed or otherwise mitigated through positive countermeasures taken by that foreign financial institution.

(3) NOTIFICATION REQUIRED.—If the President makes a determination under paragraph (2), the President shall provide to the appropriate congressional committees and leadership of the determination and the reasons for the determination.

(f) SOURCE OF REPORTS.—

(1) IN GENERAL.—Each report submitted under subsections (a) and (b) shall be updated in an ongoing manner and, to the extent practicable, updated reports shall be resubmitted with the annual report under section 301 of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5731).

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to terminate the requirement to update the reports under subsections (a) and (b) upon the termination of a President’s determination under section 301 of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5731).
under section 5(b) or an update to that report under section 5(e), the President shall impose not fewer than 5 of the sanctions described in subsection (b) with respect to that foreign financial institution.

(2) EXPANDED SANCTIONS.—Not later than two years after the date on which a foreign financial institution is included in the report under section 5(e), the President shall impose each of the sanctions described in subsection (b).

(b) SANCTIONS DESCRIBED.—The sanctions described in this subsection with respect to a foreign financial institution are the following:

(1) LOANS FROM UNITED STATES FINANCIAL INSTITUTIONS.—The United States Government may prohibit any United States financial institution from providing credits to the foreign financial institution.

(2) PROHIBITION ON DESIGNATION AS PRIMARY DEALER.—Neither the Board of Governors of the Federal Reserve System nor the Federal Reserve Bank of New York may designate, or permit the continuation of any prior designation by the Board of Governors of the Federal Reserve System, as a primary dealer in United States Government debt instruments.

(3) PROHIBITION SERVICE AS A REPOSITORY OF GOVERNMENT FUNDS.—The foreign financial institution may not serve as agent of the United States Government or serve as the depository for United States Government funds.

(4) FOREIGN EXCHANGE.—The President may, pursuant to such regulations as the President may prescribe, prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and involve the foreign financial institution.

(5) BANKING.—The President may, pursuant to such regulations as the President may prescribe, prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve the foreign financial institution.

(6) PROPERTY TRANSACTIONS.—The President may, pursuant to such regulations as the President may prescribe, prohibit any person from—

(a) acquiring, holding, withholding, using, transferring, withdrawing, transporting, or exporting any property that is subject to the jurisdiction of the United States and with respect to which the foreign person has any interest;

(b) dealing in or exercising any right, power, or privilege with respect to such property;

(c) conducting any transaction involving such property.

(7) RESTRICTION ON EXPORTS, REEXPORTS, AND TRANSFERS.—The President, in consultation with the Secretary of Commerce, may, pursuant to such regulations as the President may prescribe, prohibit any United States person from—

(a) acquiring, holding, withholding, using, transferring, withdrawing, transporting, importing, or exporting any commodity, good, service, or technology subject to the jurisdiction of the United States that is processed, warehoused, fabricated, or transferred in, or moved through, a foreign country that is subject to the jurisdiction of the United States and with respect to which the foreign financial institution has any interest;

(b) dealing in or exercising any right, power, or privilege with respect to such property;

(c) conducting any transaction involving such property.

(8) BAN ON INVESTMENT IN EQUITY OR DEBT.—The President may, pursuant to such regulations as the President may prescribe, prohibit any United States person from investing in or purchasing significant amounts of equity or debt instruments of the foreign financial institution.

(b) EXCEPTION RELATING TO IMPORTATION OF GOODS.—
(1) In general.—The authorities and requirements to impose sanctions under sections 6 and 7 shall not include the authority or requirement to impose sanctions on the importation of goods.

(2) Good defined.—In this subsection, the term “good” means any article, natural or manufactured product, including inspection and test equipment, and excluding technical data.

(c) Congressional review.—

(1) Resolutions.—

(A) Disapproval resolution.—In this section, the term “disapproval resolution” means only a joint resolution of either House of Congress—

(i) the title of which is as follows: “A joint resolution disapproving the waiver or termination of sanctions with respect to a particular person that contravenes the obligations of China with respect to Hong Kong or a foreign financial institution that conducts a significant transaction with that person, and to the same extent as a person that commits an unlawful act described in section 6 or 7 of the Export Administration Act of 1979 (50 U.S.C. 4701 et seq.) or the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to carry out this Act.”

(B) Reporting and disapproval.—If a committee to which a resolution referred has not reported the resolution within 10 calendar days after the date of referral of the resolution, the committee shall be discharged from further consideration of the resolution and the resolution shall be placed on the appropriate calendar.

(C) Procedure.—Notwithstanding Rule XXII of the Standing Rules of the Senate, the Senate shall receive an identical resolution from the House of Representatives, and no companion resolution shall be introduced in the Senate, the Senate shall receive an identical resolution from the House of Representatives, and the Senate shall discharge the resolution from consideration in the Senate. If a committee to which a resolution referred has not reported the resolution within 10 calendar days after the date of referral of the resolution, the committee shall be discharged from further consideration of the resolution and the resolution shall be placed on the appropriate calendar.

(D) Voting.—The Senate shall vote on the resolution in open session, and no further consideration shall be given to the resolution in the Senate. The vote on the resolution shall be taken by a show of hands, and no further debate shall be permitted on the resolution.

(E) Report.—The Senate shall report the resolution to the House of Representatives, and no further debate shall be permitted on the resolution in the Senate. The vote on the resolution shall be taken by a show of hands, and no further debate shall be permitted on the resolution in the Senate. The resolution shall not be considered further in either House.

(F) Rulemaking power.—The House and the Senate—

(i) may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1705), and

(ii) are not subject to a motion to postpone. A motion to the same effect has been disagreed to by the Senate, and no further motion to reconsider the vote by which the motion is disagreed to shall be in order.

(G) Right to consider the resolution.—If, before the passage by the Senate of a covered resolution, the Senate receives an identical resolution from the House of Representatives, the following procedures shall apply:

(i) That resolution shall not be referred to a committee.

(ii) With respect to that resolution—

(aa) the procedure in the Senate shall be the same as if no resolution had been received from the House of Representatives; but

(bb) the vote on passage shall be on the resolution from the House of Representatives.

(ii) Across.—If, before the passage by the Senate of a covered resolution, the Senate receives an identical resolution from the House of Representatives, the following procedures shall apply:

(i) That resolution shall not be referred to a committee.

(ii) With respect to that resolution—

(aa) the procedure in the Senate shall be the same as if no resolution had been received from the House of Representatives; but

(bb) the vote on passage shall be on the resolution from the House of Representatives.

(2) Rules relating to Senate and House of Representatives.—

(A) Treatment of Senate resolution in Senate.—In the House of Representatives, the following procedures shall apply to a covered resolution received from the Senate (unless the House has already passed a resolution relating to the same proposed action):—

(i) The resolution shall be referred to the appropriate committee.

(ii) If a committee to which a resolution has been referred has not reported the resolution within 2 calendar days after the date of referral, the committee shall be discharged from further consideration of the resolution.

(iii) Beginning on the third legislative day after the resolution has been reported to the committee, the committee shall ensure that the resolution is received from the House of Representatives, and no companion resolution shall be introduced in the Senate, the Senate shall receive an identical resolution from the House of Representatives, and the Senate shall discharge the resolution from consideration in the Senate. If a committee to which a resolution referred has not reported the resolution within 10 calendar days after the date of referral of the resolution, the committee shall be discharged from further consideration of the resolution. The previous question shall be considered as ordered on the resolution to its adoption without intervention of motion. A motion to reconsider shall not be in order. The Senate shall vote on the resolution in open session, and no further consideration shall be given to the resolution in the Senate. The vote on the resolution shall be taken by a show of hands, and no further debate shall be permitted on the resolution.

(B) Senate procedures.—The Senate shall receive an identical resolution from the House of Representatives, and no further debate shall be permitted on the resolution in the Senate. The vote on the resolution shall be taken by a show of hands, and no further debate shall be permitted on the resolution in the Senate. The resolution shall not be considered further in either House.

(C) Rulemaking power.—The House and the Senate—

(i) may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1705), and

(ii) are not subject to a motion to postpone. A motion to the same effect has been disagreed to by the Senate, and no further motion to reconsider the vote by which the motion is disagreed to shall be in order.

(D) Right to consider the resolution.—If, before the passage by the Senate of a covered resolution, the Senate receives an identical resolution from the House of Representatives, the following procedures shall apply:

(i) That resolution shall not be referred to a committee.

(ii) With respect to that resolution—

(aa) the procedure in the Senate shall be the same as if no resolution had been received from the House of Representatives; but

(bb) the vote on passage shall be on the resolution from the House of Representatives.

(E) Application to revenue measures.—The provisions of this paragraph shall not apply in the House of Representatives to a covered resolution that is a revenue measure.

(F) Rules of House of Representatives and Senate.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the House and the House of Representatives, respectively, and as such is deemed a part of the rules of each House, respectively, and supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 9. IMPLEMENTATION; PENALTIES.

(A) Authority and implementation.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1705) to the extent necessary to carry out this Act.

(B) Penalties.—A person that violates, attempts to violate, conspires to violate, or causes a violation of section 6 or 7 or any regulations, license, or order issued to carry out that section shall be subject to the penalties set forth in subsections (b) and (c) of section 7 of the Export Administration Act of 1979 (50 U.S.C. 4777) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

SEC. 10. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed as an authorization of military force against China.

SA 1822. Mr. LANKFORD (for himself, Mr. PERDUE, Mrs. Loeffler, Mr. LEA, and Mr. ROMNEY) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction,
and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1108 and insert the following:

SEC. 1108. EXPANSION OF AUTHORITY FOR APPOINTMENT OF RETIRED MEMBERS OF THE ARMED FORCES TO POSITIONS IN THE DEPARTMENT OF DEFENSE.

(a) In General.—Subsection (b) of section 3326 of title 5, United States Code, is amended—

(1) in paragraph (1), by striking “or” at the end;

(2) in paragraph (2), by striking the period at the end and inserting “; or”;

and

(b) in adding at the end the following new paragraph:

“(3) The Director shall, notwithstanding any provision of such Act, establish a paid parental leave program for the Federal Government under chapter 63 of title 5, United States Code, and any corresponding regulations.’’.}

SA 1823. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1108. EXPANSION OF AUTHORITY FOR APPOINTMENT OF RETIRED MEMBERS OF THE ARMED FORCES TO POSITIONS IN THE DEPARTMENT OF DEFENSE.

(a) In General.—Subsection (b) of section 3326 of title 5, United States Code, is amended—

(1) in paragraph (1), by striking “or” at the end;

(2) in paragraph (2), by striking the period at the end and inserting “; or”;

and

(b) in adding at the end the following new paragraph:

“(3) The Director shall, notwithstanding any provision of such Act, establish a paid parental leave program for the Federal Government under chapter 63 of title 5, United States Code, and any corresponding regulations.’’.

SA 1824. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1108. EXPANSION OF AUTHORITY FOR APPOINTMENT OF RETIRED MEMBERS OF THE ARMED FORCES TO POSITIONS IN THE DEPARTMENT OF DEFENSE.

(a) In General.—Subsection (b) of section 3326 of title 5, United States Code, is amended—

(1) in paragraph (1), by striking “or” at the end;

(2) in paragraph (2), by striking the period at the end and inserting “; or”;

and

(b) in adding at the end the following new paragraph:

“(3) The Director shall, notwithstanding any provision of such Act, establish a paid parental leave program for the Federal Government under chapter 63 of title 5, United States Code, and any corresponding regulations.’’.}

[CONGRESSIONAL RECORD — SENATE]
(d) Article I Judges.—
(1) Bankruptcy Judges.—Section 153(d) of title 28, United States Code, is amended—
(A) by inserting “(1)” before “A bankruptcy judge”; and
(B) by adding at the end the following:
“(2) The provisions of subsection V of chapter 63 of title 5 shall apply to a bank-
rruptcy judge who is an employee (within the meaning of subpara-
graph (A) of section 6381(1) of such title).”.
(2) Magistrate Judges.—Section 631(k) of title 28, United States Code, is amended—
(A) by inserting “(1)” before “A United States magistrate judge”; and
(B) by adding at the end the following:
“(2) The provisions of subsection V of chapter 63 of title 5 shall apply to a United
States magistrate judge as if the United States magistrate judge were an em-
ployee (within the meaning of subparagraph (A) of section 6381(1) of such title).”. 
(3) Applicability.—The amendments made by this subsection shall not be effective with
respect to any event for which leave may be
posted on the Internet website under section
122 of the Government of the United
States Postal Service, the Postal Regulatory
Commission, and a nonappropriated fund in-
strumentality as described in section
2105(c);”;
and
(3) in subsection (b) in accordance with the require-
ments in section 6382(d)(2) of title 5, United
States Code, except that a reference in that
section to an employing agen-
cy shall be considered to be a reference to an employing of-
Effect provided to the employee during a leave
placed under subsection V of chapter 63 of
title 5, United States Code, occurring before
October 1, 2020.
(6) Employees of Executive Office of the
President.—
(1) In General.—Section 412 of title 3, United
States Code, is amended—
(A) in subsection (a), by adding at the end the follow-
ing:
“’(3) Exception.—Notwithstanding section
401(b)(2), the requirements of paragraph
(2)(B) shall not apply with respect to leave under subparagraph (A) or (B) of section
102(a)(1) of the Family and Medical Leave
Act of 1993 (29 U.S.C. 2612(a)(1)).”;
(B) by redesignating subsections (c) and (d) as sub-
sections (d) and (e), respectively;
(C) by inserting after subsection (b) the fol-
lowing:
“(c) Special Rules for Substitution of Paid
Leave.—
“(1) Substitution of Paid Leave.—A cov-
ered employee may elect to substitute for any leave without pay under subparagraph
(A) or (B) of section 102(a)(1) of the Family
and Medical Leave Act of 1993 (29 U.S.C.
2612(a)(1)) any paid leave which is available to such employee for that purpose.
“(2) Availability.—The paid leave that is available to a covered employee for purposes of paragraph (1) is leave of the type and in a manner that is consistent with the require-
ments in section 6382(d)(2) of title 5, United
States Code, except that a reference in that
section to an employing agency shall be con-
sidered to be a reference to an employing of-
(3) Consistency with Title 5.—Paid leave shall be
substituted under this subsection in a manner that is consistent with the require-
ments in section 6382(d)(2) of title 5, United
States Code, except that a reference in that
section to an employing agency shall be con-
sidered to be a reference to an employing of-
(4) Effectiveness.—The amendments made by this
section shall take effect as if enacted immedi-
SA 1825. Mr. LANKFORD (for him-
self, Mr. Peters, and Ms. Sine
ma) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appro-
priations for fiscal year 2021 for mili-
tary activities of the Department of Defense, for military construction, and for defense activities of the Depart-
ment of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was or-
dered to lie on the table; as follows:
At the appropriate place, insert the fol-
lowing:
SEC. 255. REQUIREMENT TO POST A 100 WORD
SUMMARY TO REGULATIONS.GOV.
Section 553(b) of title 5, United States
Code, is amended—
(1) in paragraph (2), by striking “and” at
the end;
(2) in paragraph (3), by striking the period
at the end and inserting “; and”;
and
(3) by inserting after paragraph (3) the fol-
lowing:
“(4) the Internet address of a summary of
not more than 100 words in length of the pro-
posed rule, in plain language, that shall be
posted on the Internet website under section
206(d) of the E-Government Act of 2002 (44
U.S.C. 3501 note) (commonly known as regu-
lations.gov).”.

SA 1826. Mr. LANKFORD submitted
an amendment intended to be propo-
sed by him to the bill S. 4049, to authorize appro-
priations for fiscal year 2021 for mili-
tary activities of the Department of Defense, for military construction, and for defense activities of the Depart-
ment of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was or-
dered to lie on the table; as follows:
At the appropriate place, insert the follow-
(1) Communications Technology Security
and Innovation Fund.—
(A) Establishment of fund.—
(i) In general.—There is established in the
Treasury of the United States a fund to be

known as the “Communications Technology Security and Innovation Fund” (referred to in this paragraph as the “Security Fund”).

(ii) ADMINISTRATION.—The Director of the Intelligence Advanced Research Projects Activity shall administer the Security Fund.

(iii) CONTENTS OF FUND.—

(I) IN GENERAL.—The fund shall consist of—

(aa) amounts appropriated pursuant to the authorization of appropriations under paragraph (3)(A); and

(bb) such other amounts as may be appropriate, otherwise made available to the Director of the Intelligence Advanced Research Projects Activity to be deposited in the Security Fund.

(II) AVAILABILITY.—

(aa) IN GENERAL.—Amounts deposited in the Security Fund shall remain available through the end of the tenth fiscal year beginning after the date of the enactment of this Act.

(bb) REMAINDER TO TREASURY.—Any amounts remaining in the Security Fund after the end of the tenth fiscal year beginning after the date of the enactment of this Act shall be deposited in the general fund of the Treasury.

(iv) USE OF AMOUNTS.—Amounts deposited in the Security Fund shall be available to the Director of the Intelligence Advanced Research Projects Activity to award grants under subparagraph (B).

(B) ANNUAL REPORT TO CONGRESS.—

(I) IN GENERAL.—The Director of the Intelligence Advanced Research Projects Activity shall—

(1) promote a more secure, diverse, sustainable, and competitive vendor market.

(2) function virtualization to facilitate multi-vendor network equipment interoperability.

(3) promote the development of equipment that will enable competitiveness in fifth-generation (commonly known as “5G”) and successor wireless telecommunication networks.

(4) Accelerating development and deployment of open interface, standards-based compatible interoperable equipment, such as equipment developed pursuant to the standards set forth by organizations such as the O-RAN Alliance, the Telecom Infra Project, 3GPP, the O-RAN Software Community, or any successor organizations.

(5) Promoting compatibility of new fifth-generation wireless network equipment with future open standards-based interoperable equipment.

(6) Managing integration of multivendor network environments.

(7) Objective criteria to define equipment as compliant with open standards for multivendor network equipment interoperability.

(8) Promoting development and inclusion of security features enhancing the integrity and availability of equipment in multivendor networks.

(9) Promoting the application of network function virtualization to facilitate multi-vendor network equipment interoperability and a more diverse vendor market.

(ii) AMOUNT.—

(I) IN GENERAL.—Subject to subclause (II), a grant awarded under clause (i) shall be in such amount as the Director of the Intelligence Advanced Research Projects Activity considers appropriate.

(II) LIMITATION ON GRANT AMOUNTS.—The amount of a grant awarded under this paragraph to a recipient for a specific research focus area may not exceed $100,000,000.

(III) DETERMINATION OF FUND.—The Director of the Intelligence Advanced Research Projects Activity, in consultation with the Secretary of Defense, the Assistant Secretary of Commerce for Technology, and the Director of the National Institute of Standards and Technology, and the Secretary of Homeland Security, shall establish criteria for grants awarded under clause (i).

(iii) USE OF AMOUNTS.—Amounts in the Multilateral Telecommunications Security Fund shall be used to establish the common funding mechanism required by subparagraph (B).

(B) MULTILATERAL COMMON FUNDING MECHANISM.—

(I) IN GENERAL.—The Multilateral Fund shall consist of amounts appropriated pursuant to the authorization of appropriations under this paragraph. Such other amounts as may be appropriated or otherwise made available to the Director and the Secretary to be deposited in the Multilateral Fund shall remain available through fiscal year 2031.

(bb) REMAINDER TO TREASURY.—Any amounts remaining in the Fund after fiscal year 2031 shall be deposited in the General Fund of the Treasury.

(B) MULTILATERAL COMMON FUNDING MECHANISM.—

(I) IN GENERAL.—The fund shall consist of amounts appropriated pursuant to the authorization of appropriations under this paragraph. Such other amounts as may be appropriated or otherwise made available to the Director and the Secretary to be deposited in the Multilateral Fund shall remain available through fiscal year 2031.

(bb) REMAINDER TO TREASURY.—Any amounts remaining in the Fund after fiscal year 2031 shall be deposited in the General Fund of the Treasury.

(C) ANNUAL REPORT TO CONGRESS.—

(I) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act and not less frequently than once each fiscal year thereafter until fiscal year 2031, the Director and the Secretary shall jointly submit to the appropriate committees of Congress an annual report on the Multilateral Fund and the use of amounts under subparagraph (B).

(ii) CONTENTS.—Each report submitted under clause (i) shall include, for the fiscal year covered by the report:

(I) any funding commitments from foreign partners, including such specific amount committed,

(II) Governing criteria for use of the amounts in the Multilateral Fund.

(III) An account of—

(aa) how, and to whom, funds have been deployed;

(bb) amounts remaining in the Multilateral Fund; and

(cc) the progress of the Director and the Secretary in meeting the objective described in subparagraph (B)(i).

(iii) CONTENTS.—Each report submitted under clause (i) shall include, for the fiscal year covered by the report:

(I) any funding commitments from foreign partners, including such specific amount committed,

(II) Governing criteria for use of the amounts in the Multilateral Fund.

(III) An account of—

(aa) how, and to whom, funds have been deployed;

(bb) amounts remaining in the Multilateral Fund; and

(cc) the progress of the Director and the Secretary in meeting the objective described in subparagraph (B)(i).

(ii) CONTENTS.—Each report submitted under clause (i) shall include, for the fiscal year covered by the report:

(I) any funding commitments from foreign partners, including such specific amount committed,

(II) Governing criteria for use of the amounts in the Multilateral Fund.

(III) An account of—

(aa) how, and to whom, funds have been deployed;

(bb) amounts remaining in the Multilateral Fund; and

(cc) the progress of the Director and the Secretary in meeting the objective described in subparagraph (B)(i).

(iv) CONTENTS.—Each report submitted under clause (i) shall include, for the fiscal year covered by the report:

(I) any funding commitments from foreign partners, including such specific amount committed,

(II) Governing criteria for use of the amounts in the Multilateral Fund.

(III) An account of—

(aa) how, and to whom, funds have been deployed;

(bb) amounts remaining in the Multilateral Fund; and

(cc) the progress of the Director and the Secretary in meeting the objective described in subparagraph (B)(i).

(iv) CONTENTS.—Each report submitted under clause (i) shall include, for the fiscal year covered by the report:

(I) any funding commitments from foreign partners, including such specific amount committed,

(II) Governing criteria for use of the amounts in the Multilateral Fund.

(III) An account of—

(aa) how, and to whom, funds have been deployed;

(bb) amounts remaining in the Multilateral Fund; and

(cc) the progress of the Director and the Secretary in meeting the objective described in subparagraph (B)(i).

(iv) CONTENTS.—Each report submitted under clause (i) shall include, for the fiscal year covered by the report:

(I) any funding commitments from foreign partners, including such specific amount committed,

(II) Governing criteria for use of the amounts in the Multilateral Fund.

(III) An account of—

(aa) how, and to whom, funds have been deployed;

(bb) amounts remaining in the Multilateral Fund; and

(cc) the progress of the Director and the Secretary in meeting the objective described in subparagraph (B)(i).

(iv) CONTENTS.—Each report submitted under clause (i) shall include, for the fiscal year covered by the report:

(I) any funding commitments from foreign partners, including such specific amount committed,

(II) Governing criteria for use of the amounts in the Multilateral Fund.

(III) An account of—

(aa) how, and to whom, funds have been deployed;

(bb) amounts remaining in the Multilateral Fund; and

(cc) the progress of the Director and the Secretary in meeting the objective described in subparagraph (B)(i).
S3364

CONGRESSIONAL RECORD — SENATE

June 25, 2020

SEC. 1. DIESEL EMISSIONS REDUCTION.

(a) REAUTHORIZATION OF DIESEL EMISSIONS REDUCTION PROGRAM.—Section 797(a) of the Energy Policy Act of 2005 (42 U.S.C. 16137(a)) is amended by inserting "2016" and inserting "2016" and inserting "2004" and deleting the period at the end.

(b) RECOGNIZING DIFFERENCES IN DIESEL VEHICLE, ENGINE, EQUIPMENT, AND FUEL USE.—Section 792(c)(4)(D) of the Energy Policy Act of 2005 (42 U.S.C. 16132(c)(4)(D)) is amended by inserting "(1) diesel engines and (2) diesel fuel", after "diesel engine", deleting the period at the end, and inserting a semicolon and a period at the end.

(b) RECOGNIZING DIFFERENCES IN DIESEL VEHICLE, ENGINE, EQUIPMENT, AND FUEL USE.—Section 792(c)(4)(D) of the Energy Policy Act of 2005 (42 U.S.C. 16132(c)(4)(D)) is amended by inserting "(1) diesel engines and (2) diesel fuel", after "diesel engine", deleting the period at the end, and inserting a semicolon and a period at the end.

(b) RECOGNIZING DIFFERENCES IN DIESEL VEHICLE, ENGINE, EQUIPMENT, AND FUEL USE.—Section 792(c)(4)(D) of the Energy Policy Act of 2005 (42 U.S.C. 16132(c)(4)(D)) is amended by inserting "(1) diesel engines and (2) diesel fuel", after "diesel engine", deleting the period at the end, and inserting a semicolon and a period at the end.

(b) RECOGNIZING DIFFERENCES IN DIESEL VEHICLE, ENGINE, EQUIPMENT, AND FUEL USE.—Section 792(c)(4)(D) of the Energy Policy Act of 2005 (42 U.S.C. 16132(c)(4)(D)) is amended by inserting "(1) diesel engines and (2) diesel fuel", after "diesel engine", deleting the period at the end, and inserting a semicolon and a period at the end.

(c) REALLOCATION OF UNUSED STATE FUNDS.—Section 797(c)(2)(C) of the Energy Policy Act of 2005 (42 U.S.C. 16137(c)(2)(C)) is amended beginning in the matter preceding clause (i) by inserting "in addition to amounts appropriated for fiscal years 2018 and 2019 and all that follows through “this paragraph” in clause (ii) and inserting “to carry out section 792.”

(c) REALLOCATION OF UNUSED STATE FUNDS.—Section 797(c)(2)(C) of the Energy Policy Act of 2005 (42 U.S.C. 16137(c)(2)(C)) is amended beginning in the matter preceding clause (i) by inserting "in addition to amounts appropriated for fiscal years 2018 and 2019 and all that follows through “this paragraph” in clause (ii) and inserting “to carry out section 792.”

(b) EXPENSES.—(1) IN GENERAL.—Payments made under this subsection for receipts, meals, and food-related expenses shall be authorized only for the purpose of carrying out the functions of the energy efficiency and renewable energy activities of the Department of Energy in the course of conducting its official duties and functions.

(b) EXPENSES.—(1) IN GENERAL.—Payments made under this subsection for receipts, meals, and food-related expenses shall be authorized only for the purpose of carrying out the functions of the energy efficiency and renewable energy activities of the Department of Energy in the course of conducting its official duties and functions.

(b) EXPENSES.—(1) IN GENERAL.—Payments made under this subsection for receipts, meals, and food-related expenses shall be authorized only for the purpose of carrying out the functions of the energy efficiency and renewable energy activities of the Department of Energy in the course of conducting its official duties and functions.

(b) EXPENSES.—(1) IN GENERAL.—Payments made under this subsection for receipts, meals, and food-related expenses shall be authorized only for the purpose of carrying out the functions of the energy efficiency and renewable energy activities of the Department of Energy in the course of conducting its official duties and functions.

(b) EXPENSES.—(1) IN GENERAL.—Payments made under this subsection for receipts, meals, and food-related expenses shall be authorized only for the purpose of carrying out the functions of the energy efficiency and renewable energy activities of the Department of Energy in the course of conducting its official duties and functions.
to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 752. DATABASE ON MILITARY AVIATORS AND STUDY ON THE INCIDENCE OF CANCER DIAGNOSIS AND MORTALITY AMONG MILITARY AVIATORS.

(a) FINDINGS.—Congress makes the following findings:

(1) It has been reported that the prevalence of cancer among the high among military aviators, particularly among fighter pilots in the Air Force, Navy, and Marine Corps.

(2) There have been several alarming clusters of cancer diagnoses at military installations, including at Naval Air Weapons Station China Lake in California and Seymour Johnson Air Force Base in North Carolina.

(3) Four commanding officers who served at Naval Air Weapons Station China Lake have died of cancer. Each officer had completed thousands of flight hours in advanced jets.

(4) According to a study by the Air Force in 2008 titled “Cancer in Fighters”, six pilots and four officers for the F-15 Strike Eagle at Seymour Johnson Air Force Base, aged 33 to 43, were diagnosed with forms of urorgenital cancers between 2002 and 2005. Each officer had completed at least 2,100 flight hours.

(5) A study by the Air Force in 2010 reported on a cluster of seven members of the Air Force Reserve Operations Command diagnosed with brain cancer among crew members of the C-130 between 2006 and 2009. The individuals affected were three C-130 pilots, two flight engineers, one loadmaster, and one navigator assigned to different installations around the world. Overall, brain cancer affects approximately 0.5 out of 100,000 people in the United States annually.

(6) There has been no comprehensive study conducted of cancer rates among military aviators.

(7) One challenge of extracting findings from previous studies by the Navy or the Air Force on cancer rates is that each study focused on pilots who are active duty members of the Air Force and did not include the medical records of former pilots who are veterans, which is the population in which cancer is frequently seen.

(8) Members of the Armed Forces who serve full military careers are not likely to be counted in data captured by the Department of Veterans Affairs. Members who serve 20 years or more are eligible for health care under the TRICARE program, which is managed by the Department of Defense. Also, many members pursue private sector jobs after separating from the Armed Forces and receive health care outside of the Federal Government. Those factors have made it difficult to gather statistics to back up the health issues that families of military aviators are experiencing.

(b) DATABASE.—

(1) In general.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into an agreement with the National Institutes of Health, the National Cancer Institute, and the Department of Veterans Affairs, under which the Secretary of Defense shall develop a comprehensive database and repository under paragraph (1) in accordance with the Surveillance, Epidemiology, and End Results program of the National Cancer Institute, including by disaggregating such data by race, gender, and age.

(2) Data.—The Secretary of Defense shall format all data included in the database and repository under paragraph (1) in accordance with the Surveillance, Epidemiology, and End Results program of the National Cancer Institute, including by disaggregating such data by race, gender, and age.

(c) STUDY.—

(1) In general.—The Secretary of Defense, in conjunction with the National Institutes of Health and the National Cancer Institute, shall conduct a study on cancer among military aviators in two phases as provided in this subsection.

(2) Phase 1.—

(A) In general.—Under the initial phase of the study conducted under paragraph (1), the Secretary of Defense shall:

(i) The Department of Defense if there is a higher incidence of cancers occurring for military aviators as compared to similar age groups in the general population through the use of the database of the Surveillance, Epidemiology, and End Results program of the National Cancer Institute.

(B) Report.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense enters into the agreement under subsection (b)(1), the Secretary shall submit to the appropriate committees of Congress a report on the findings of the initial phase of the study under subparagraph (A).

(3) Phase 2.—

(A) In general.—If, pursuant to the initial phase of the study under paragraph (2), the Secretary concludes that there is an increased rate of cancers among military aviators, the Secretary shall conduct an expanded phase of the study under which the Secretary shall do the following:

(i) Identify the carcinogenic toxins or hazardous materials associated with military flight operations from shipboard or land bases or facilities, such as fuels, fumes, and other liquids.

(ii) Identify the operating environments, including frequencies or electromagnetic fields, where exposure to ionizing radiation (associated with high altitude flight) and nonionizing radiation (associated with airborne, ground, and shipboard radars) occurred in which military aviators could have received increased radiation amounts.

(iii) Identify, for each military aviator, duty stations, dates of service, aircraft flown, and additional duties (such as Landings, Safety Officer, Catapult and Arresting Gear Officer, Air Liaison Officer, or Tactical Air Control Party) that could have increased the risk of cancer for such military aviator.

(B) Report.—Not later than one year after the submittal of the report under paragraph (2)(B), if the Secretary conducts the second phase of the study under this paragraph, the Secretary shall submit to the appropriate committees of Congress a report on the findings of the study conducted under this paragraph.

(c) USE OF DATA FROM PREVIOUS STUDIES.—In conducting the study under this subsection, the Secretary of Defense shall incorporate data from previous studies conducted by the Air Force, the Navy, or the Marine Corps that are relevant to the study under this subsection, including data from the comprehensive study conducted by the Air Force identifying each military aviator and documenting the cancers, dates of diagnoses, and mortality of each military aviator.

(d) Definitions.—In this section:

(1) APPROPRIATE COMMITTEE OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services and the Committee on Veterans’ Affairs of the Senate; and

(B) the Committee on Armed Services and the Committee on Veterans’ Affairs of the House of Representatives.

(2) ARMED FORCES.—The term “armed forces” means—

(A) has the meaning given the term “armed forces” in section 101 of title 10, United States Code; and

(B) includes the reserve components named in section 10911 of such title.

(3) MILITARY AVIATOR.—The term “military aviator” means an aviator who served in the Armed Forces on or after February 28, 1961.

(4) NAVY.—The term “Navy” means—

(A) the Committee on Armed Services and the Committee on Veterans’ Affairs of the Senate; and

(B) the Committee on Armed Services and the Committee on Veterans’ Affairs of the House of Representatives.

(5) MILITARY AVIATOR.—The term “armed forces” means—

(A) the Armed Forces on or after February 28, 1961; and

(B) includes any air crew member of fixed-wing aircraft, including pilots, navigators, weapons systems operators, and any other crew member who regularly flies in an aircraft or is required to complete the mission of the aircraft.

SA 1832. Mrs. FEINSTEIN (for herself, Mr. GRASSLEY, and Mr. SCHATZ) submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE.—CANNABIDIOL AND MARIHUANA RESEARCH EXPANSION

SEC. 01. SHORT TITLE.

This title may be cited as the “Cannabidiol and Marihuana Research Expansion Act”.

SEC. 02. DEFINITIONS.

In this title:

(1) the term “appropriately registered” means that an individual or entity is registered under the Controlled Substances Act (21 U.S.C. 801 et seq.) to engage in the type of activity that is carried out by the individual or entity with respect to with a controlled substance on the schedule that is applicable to that controlled substance, or which is otherwise regulated;

(2) the term “marihuana” means—

(A) the substance, marihuana, as derived from marhuana that has a delta-9-tetrahydrocannabinol level that is greater than 0.3 percent; and

(B) the synthetic equivalent of the substance described in subparagraph (A);

(3) the terms ‘‘control’’, ‘‘dispense’’, ‘‘distribute’’, ‘‘manufacture’’, ‘‘marihuana’’, and ‘‘practitioner’’ have the meanings given such terms in section 192 of the Controlled Substances Act (21 U.S.C. 802), as amended by this title;

(4) the term “covered institution of higher education” means an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that—
(A)(i) has highest or higher research activity, as defined by the Carnegie Classification of Institutions of Higher Education; or
(ii) is an accredited medical school or an accredited school of osteopathic medicine; and
(B) is appropriately registered under the Controlled Substances Act (21 U.S.C. 801 et seq.);
(5) the term “drug” has the meaning given the term in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1)); and
(6) the term “medical research for drug development” means medical research that is—
(A) a preclinical study or clinical investigation conducted in accordance with section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) or otherwise permitted by the Department of Health and Human Services to determine the potential medical benefits of marihuana or cannabidiol as a drug; and
(B) conducted by a covered institution of higher education, practitioner, or manufacturer that is appropriately registered under the Controlled Substances Act (21 U.S.C. 801 et seq.) and
(7) the term “State” means any State of the United States, the District of Columbia, and any territory of the United States.
Subtitle A—Registrations for Marihuana Research

SEC. 11. MARIHUANA RESEARCH APPLICATIONS.

Section 303(f) of the Controlled Substances Act (21 U.S.C. 823(f)) is amended—
(1) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively;
(2) by striking “(f) The Attorney General” and inserting “(f) the Attorney General”; and
(3) by striking “Registration applications” and inserting the following:
“(2) (A) Registration applications;
“(B) request supplemental information.
“(III) Not later than 60 days after the date on which the Attorney General receives the notice under item (aa), the Attorney General may amend or supplement the research protocol without reapplying if the registrant does not change—
“(aa) the quantity of marihuana; or
“(bb) the source of the drug; or
“(cc) the conditions under which the drug is stored, tracked, or administered.
“(II) If a registrant under clause (i) seeks to change the type of drug, the source of the drug, or conditions under which the drug is stored, tracked, or administered, the registrant shall notify the Attorney General via registered mail, or an electronic means permitted by the Attorney General, not later than 30 days before implementing an amended or supplemental research protocol.
“(BB) by the National Institutes of Health over requirements related to research protocols, including changes in—
“(aa) the method of administration of marihuana;
“(bb) the dosing of marihuana; and
“(cc) the number of individuals or patients involved in research.”;
(4) by inserting after subsection (b) the following:
“(c)(1)(A) As it relates to applications to manufacture marihuana for research purposes, if the Attorney General places a notice in the Federal Register to increase the number of entities registered under this Act to manufacture marihuana to supply appropriately registered researchers in the United States, the Attorney General shall, not later than 60 days after the date on which the Attorney General receives a completed application—
“(I) approve the application; or
“(ii) request supplemental information.
“(B) For purposes of subparagraph (A), an application shall be deemed completed when the applicant has submitted documentation showing that the requirements designated in the notice under item (I) are satisfied.
“(ii) The requirements designated in the notice in the Federal Register are satisfied.
“(C) the Drug Enforcement Administration registration number of the registrant;
“(bb) the dosing of marihuana; and
“(cc) the number of individuals or patients involved in research.”.
(5) as subparagraphs (A) through (E), respectively; and
(6) by striking “(f) The Attorney General” and inserting “(f) the Attorney General”;
(7) by striking “Registration applications” and inserting the following:
“(II) If a registrant under clause (i) seeks to change the type of drug, the source of the drug, or conditions under which the drug is stored, tracked, or administered, the registrant shall notify the Attorney General via registered mail, or an electronic means permitted by the Attorney General, not later than 30 days before implementing an amended or supplemental research protocol.
“(III) Not later than 60 days after the date on which the Attorney General receives the notice under item (aa), the Attorney General may amend or supplement the research protocol without reapplying if the registrant does not change—
“(aa) the quantity of marihuana; or
“(bb) the source of the drug; or
“(cc) the conditions under which the drug is stored, tracked, or administered.
“(II) If a registrant under clause (i) seeks to change the type of drug, the source of the drug, or conditions under which the drug is stored, tracked, or administered, the registrant shall notify the Attorney General via registered mail, or an electronic means permitted by the Attorney General, not later than 30 days before implementing an amended or supplemental research protocol.
“(III) Not later than 60 days after the date on which the Attorney General receives the notice under item (aa), the Attorney General may amend or supplement the research protocol without reapplying if the registrant does not change—
“(aa) the quantity of marihuana; or
“(bb) the source of the drug; or
“(cc) the conditions under which the drug is stored, tracked, or administered.
“(CC) pursuant to section 15 of the Cannabidiol and Marihuana Research Expansion Act, including demonstrating that the security measures are adequate for storing the quantity of marihuana the applicant would be authorized to possess.
“(CC) to address additional security measures identified by the Attorney General under item (cc), the registrant shall notify the Attorney General via registered mail, or an electronic means permitted by the Attorney General, not later than 30 days before implementing an amended or supplemental research protocol.
“(ee) A registrant may proceed with an amended or supplemental research protocol described in item (dd) if the Attorney General does not explicitly object during the 30-day period beginning on the date on which the Attorney General receives the notice under item (dd).
“(III) If a registrant under clause (i) seeks to change the quantity of marihuana needed for research and the change in quantity does not impact the source of the drug or the conditions under which the drug is stored, tracked, or administered.
“(IV) Nothing in this section shall limit the authority of the Secretary of Health and Human Services over requirements related to research protocols, including changes in—
“(aa) the method of administration of marihuana;
“(bb) the dosing of marihuana; and
“(cc) the number of individuals or patients involved in research.”.
(b) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall promulgate regulations to carry out the amendment made by this section.

SEC. 13. APPLICATIONS TO MANUFACTURE MARIHUANA FOR RESEARCH.

(a) IN GENERAL.—Section 303 of the Controlled Substances Act (21 U.S.C. 823(f)) is amended—
(1) by redesignating subsections (c) through (k) as subsections (d) through (i), respectively;
(2) by inserting after subsection (b) the following:
“(c)(1)(A) As it relates to applications to manufacture marihuana for research purposes, if the Attorney General places a notice in the Federal Register to increase the number of entities registered under this Act to manufacture marihuana to supply appropriately registered researchers in the United States, the Attorney General shall, not later than 60 days after the date on which the Attorney General receives a completed application—
“(I) approve the application; or
“(ii) request supplemental information.
“(B) For purposes of subparagraph (A), an application shall be deemed completed when the applicant has submitted documentation showing that the requirements designated in the notice under item (I) are satisfied.
“(ii) The requirements designated in the notice in the Federal Register are satisfied.
“(C) the Drug Enforcement Administration registration number of the registrant;
“(bb) the dosing of marihuana; and
“(cc) the number of individuals or patients involved in research.”.

June 25, 2020
“(vii) The applicant is licensed by each State in which the applicant will conduct operations under this subsection, to manufacture marihuana, if that State requires such a license.

“(C) Not later than 30 days after the date on which the Attorney General receives supplemental information requested under subparagraph (A)(i), with respect to an application, the Attorney General shall approve or deny the application.

“(2) If an application described in this subsection is denied, the Attorney General shall provide written explanation of the basis of denial to the applicant.

“(3) In subsection (b)(2), as so redesignated, by striking ‘‘303(g)’’ and inserting ‘‘303(h)’’.

“(4) In subsection (j)(1), as so redesignated, by striking ‘‘subsection (d)’’ and inserting ‘‘subsection (e)’’.

“(5) In subsection (k), as so redesignated, by striking ‘‘subsection (f)’’ each place it appears and inserting ‘‘subsection (g)’’.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—


(A) in paragraph (16)(B)—

(i) in clause (i), by striking ‘‘or’’ at the end; and

(ii) by redesignating clause (ii) as (iii); and

(iii) by inserting after clause (i) the following:

‘‘(ii) by striking ‘‘subsection (e)’’; and

(b) in section 311(h) (21 U.S.C. 831(h)), by striking ‘‘303(f)’’ each place it appears and inserting ‘‘303(g)’’;

(c) in section 304 (21 U.S.C. 824), by striking ‘‘303(g)’’ each place it appears and inserting ‘‘subsection (g)’’;

(d) in sections 307(d)(2) (21 U.S.C. 827(d)(2)), by striking ‘‘303(f)’’ and inserting ‘‘303(g)’’;

(e) in section 311(h) (21 U.S.C. 831(h)), by striking ‘‘303(f)’’ each place it appears and inserting ‘‘subsection (g)’’;

(f) in section 401(h)(2) (21 U.S.C. 841(h)(2)), by striking ‘‘303(f)’’ each place it appears and inserting ‘‘subsection (g)’’;

(g) in section 512(b)(1) (21 U.S.C. 822(b)(1)), by striking ‘‘303(f)’’ and inserting ‘‘303(g)’’;

(h) in section 1008(c) (21 U.S.C. 808(c)) is amended—

(A) in paragraph (1), by striking ‘‘303(d)’’ and inserting ‘‘303(e)’’; and

(B) in paragraph (2)(B), by striking ‘‘303(h)’’ and inserting ‘‘subsection (h)’’.

(iii) the potential effects of marihuana, including cannabidiol, as a treatment with the legal guardian of the patient if the patient is a child; or

(2) require another review of scientific protocols that is applicable only to research on marihuana or its components.

Subtitle B—Development of FDA-approved Drugs Using Cannabidiol and Marihuana

SEC. 21. MEDICAL RESEARCH ON CANNABIDIOL AND MARIHUANA.

Notwithstanding any provision of the Controlled Substances Act (21 U.S.C. 801 et seq.), the Safe and Drug-Free Schools and Communities Act of 1988, chapter 205 of title 41, United States Code, or any other Federal law, an appropriately registered covered institution of higher education, a practitioner conducting research on marihuana or cannabidiol if the marhuana or cannabidiol is manufactured, distributed, dispensed, or possessed, respectively, for purposes of medical research for drug development or subsequent commercial production in accordance with section 22.

SEC. 22. REQUIREMENTS FOR THE COMMERCIAL PRODUCTION AND DISTRIBUTION OF FOOD AND DRUG ADMINISTRATION APPROVED DRUGS.

The Attorney General shall register an applicant to manufacture or distribute cannabidiol or marihuana for the purpose of commercial production of a drug containing or derived from marihuana that is approved by the Secretary of Health and Human Services under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), in accordance with the applicable requirements under subsection (a) or (b) of section 303 of the Controlled Substances Act (21 U.S.C. 833).

SEC. 23. IMPORTATION OF CANNABIDIOL FOR RESEARCH PURPOSES.

The Control of Substances Import and Export Act (21 U.S.C. 951 et seq.) is amended—

(A) in section 1002(a) (21 U.S.C. 952(a)—

(1) in paragraph (1), by striking ‘‘and’’ at the end; and

(B) in paragraph (2)(C), by inserting ‘‘and after’’ ‘‘uses’’;

(C) inserting before the undesignated matter following clause (i) the following:

‘‘(II) the synthetic equivalent of hemp-derived cannabidiol that contains less than 0.3 percent tetrahydrocannabinol; or’’;

(2) the potential effects of marihuana, including cannabidiol, as a treatment with the legal guardian of the patient if the patient is a child; or

(3) the barriers associated with researching marihuana or cannabidiol in States that have legalized the use of such substances, which shall include—

(A) recommendations as to how such barriers might be overcome, including whether public-private partnerships or Federal-State research partnerships may or should be established to provide researchers with access to additional strains of marihuana and cannabidiol; and

(B) recommendations as to what safeguards must be in place in connection with research on marihuana or cannabidiol contained—

(i) the levels of tetrahydrocannabinol, cannabidiol, or other cannabinoids contained

SEC. 14. ADEQUATE AND UNINTERRUPTED SUPPLY.

On an annual basis, the Attorney General shall determine whether there is an adequate and uninterrupted supply of marihuana, including of specific strains, for research purposes.

SEC. 15. SECURITY REQUIREMENTS.

(a) IN GENERAL.—An individual or entity engaging in manufacturing marihuana or its components shall store it in a securely locked, substantially constructed cabinet.

(b) REQUIREMENTS FOR OTHER MEASURES.—Any other security measures required by the Attorney General to safeguard against diversion shall be consistent with those required for the safekeeping of other controlled substances in schedules I and II in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) that have a similar potential for abuse or potential to represent a danger to public safety.

SEC. 16. PROHIBITION AGAINST REINSTATING INTERDISCIPLINARY REVIEW PROCESS FOR NON-NIH FUNDED RESEARCHERS.

The Secretary of Health and Human Services may not—

(1) reinstate the Public Health Service interdisciplinary review process described in the guidance entitled ‘‘Guidance on Procedures for the Provision of Marijuana for Medical Research’’ (issued on May 21, 1999); or

(2) require another review of scientific protocols that is applicable only to research on marihuana or its components.

Subtitle C—Doctor-patient Relationship

SEC. 31. DOCTOR-PATIENT RELATIONSHIP.

It shall not be a violation of the Controlled Substances Act (21 U.S.C. 801 et seq.) for a State-licensed physician to discuss with the patient—the use by the Commissioner of Food and Drugs under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.)

Subtitle D—Federal Research

SEC. 41. FEDERAL RESEARCH.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services, in coordination with the National Institutes of Health and the heads of other relevant Federal agencies, shall submit to the Caucus on International Narcotics Control, the Committee on the Judiciary, and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce and the Committee on the Judiciary of the House of Representatives a report on—

(1) the potential therapeutic effects of cannabidiol or marihuana in serious medical conditions, including intractable epilepsy; and

(2) the effect of increasing delta-9-tetrahydrocannabinol levels on the human body and developing adolescent brains; and

(3) the barriers associated with researching marihuana or cannabidiol in States that have legalized the use of such substances, which shall include—

(A) recommendations as to how such barriers might be overcome, including whether public-private partnerships or Federal-State research partnerships may or should be established to provide researchers with access to additional strains of marihuana and cannabidiol; and

(B) recommendations as to what safeguards must be in place in connection with research on marihuana or cannabidiol contained—

(i) the levels of tetrahydrocannabinol, cannabidiol, or other cannabinoids contained...
in products obtained from such States is accurate; and
(ii) that such products do not contain harmful or toxic components.
(b) Activities.—(1) To the extent practicable, the Secretary of Health and Human Services, either directly or through awarding grants, contracts, or cooperative agreements, shall expand or develop the activities of the National Institutes of Health and other relevant Federal agencies to better determine the effects of cannabinoids and marijuana, as outlined in paragraphs (1) and (2) of subsection (a).

SA 1833. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title IX, add the following:

SEC. 952. LIMITATION ON CONSOLIDATION OR TRANSITION TO ALTERNATIVE CONTENT DELIVERY METHODS WITHIN THE DEFENSE MEDIA ACTIVITY.

(a) In GENERAL.—No consolidation or transition to alternative content delivery methods may occur within the Defense Media Activity until 180 days after the Secretary of Defense submits to the congressional defense committees the report that includes a certification, in detail, that such consolidation or transition to alternative content delivery methods within shall not—
(1) compromise safety and security of members of the Armed Forces and their families;
(2) compromise the cybersecurity or security of content delivery to members of the Armed Forces, whether through—
(A) inherent vulnerabilities in the content delivery method concerned;
(B) vulnerabilities in the personal devices used by members or
(C) vulnerabilities in the receivers or streaming devices necessary to accommodate the alternative content delivery methods;
(3) increase monetary costs or personal financial liabilities to members of the Armed Forces or their families, whether through monthly subscription fees or other tolls required to access digital content; and
(4) impede access to content due to bandwidth or other technical limitations where members of the Armed Forces receive content.
(b) DEFINITIONS.—In this section:
(1) ALTERNATIVE CONTENT DELIVERY.—The term "alternative content delivery method" means any method of the Defense Media Activity for the delivery of digital content that is different from a method used by the Activity at a cost as of the date of the enactment of this Act.

(2) CONSOLIDATION.—The term "consolidation", in the case of the Defense Media Activity, means any action to reduce or limit the functions, personnel, facilities, or capabilities of the Activity, including entering into contracts or developing plans for such reduction or limitation.

SA 1835. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, defense activities of the Department of the Air Force, defense activities of the Department of the Navy, defense activities of the Department of the Army, defense activities of the Department of Energy, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

SEC. 101. LAND CONVEYANCE, OVER-THE-HORIZON BACKSCATTER RADAR SYSTEM RECEIVING STATION, MODOC COUNTY, CALIFORNIA.

(a) CONVEYANCE REQUIRED.—Subject to subsections (c), (d), and (e), the Secretary of Agriculture (referred to in this section as the "Secretary") shall convey to the County of Modoc, California (referred to in this section as the "County"), all right, title, and interest of the United States in and to a parcel of National Forest System land, including improvements thereon, consisting of approximately 927 acres in Modoc National Forest in the State of California and containing an Over-the-Horizon Backscatter Radar System receiving station established on the parcel pursuant to a memorandum of agreement between the Department of Agriculture and the Forest Service dated May 18 and 23, 1987.

(b) PURPOSES OF CONVEYANCE.—The purposes of the conveyance under subsection (a) are to preserve and protect an Over-the-Horizon Backscatter Radar System receiving station constructed on the parcel of National Forest System land described in that subsection and

standards, including with respect to hazardous materials and land line surveys.

g) COSTS OF CONVEYANCE.—As a condition of the conveyance of the Federal land under this section, any costs related to the exchange under this section shall be paid by the County.

(h) MANAGEMENT OF ACQUIRED LANDS.—The Secretary shall manage the land acquired under this section in accordance with
(1) the Act of March 1, 1911, commonly known as the "Weeks Law" (38 Stat. 961, chapter 186; 16 U.S.C. 552 et seq.); and
(2) other laws and regulations applicable to National Forest System land.

Pacific Crest National Scenic Trail Relocation.—Not later than 3 years after the date of enactment of this Act, the Secretary, in accordance with applicable law, shall relocate the portion of the Pacific Crest National Scenic Trail located on the Federal land—
(1) to adjacent National Forest System land;
(2) to land owned by the County, subject to County approval;
(3) to land within the Federal land, subject to County approval; or
(4) in a manner that combines 2 or more of the options described in paragraphs (1), (2), and (3).

(j) MAP AND LEGAL DESCRIPTIONS.—
(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare a map and legal descriptions of all land to be conveyed under this section.

(2) CORRECTIONS.—The Secretary may correct any minor errors in the map or in the legal descriptions prepared under paragraph (1).

(3) PUBLIC AVAILABILITY.—The map and legal descriptions prepared under paragraph (1) shall be on file and available for public inspection in appropriate offices of the Forest Service.
to permit the County to use the conveyed property, including improvements thereon, for the development of renewable energy, including solar and biomass cogeneration.

(c) Consideration for the conveyance under subsection (a), the County shall provide the United States with consideration amount that is reasonable and acceptable to the Secretary, whether by cash payment, in-kind consideration, or a combination thereof.

(d) Appraisal.—(1) Appraisal Required.—Not later than 180 days after the date of enactment of this Act, the Secretary shall conduct an appraisal of the fair market value of the National Forest System land to be conveyed under subsection (a).

(2) Standards.—The appraisal under paragraph (1) shall be conducted in accordance with—

(A) the Uniform Appraisal Standards for Federal Land Acquisition; and

(B) the Uniform Standards of Professional Appraisal Practice.

(e) Reservation of Easement Related to Continued Use of Water Wells.—The conveyance required by subsection (a) shall be conditioned on the reservation of an easement by the Secretary, subject to such terms and conditions as the Secretary determines to be appropriate, necessary to provide access for use authorized by the Secretary of the 4 water wells in existence on the date of enactment of this Act and associated water conveyance infrastructure on the parcel of National Forest System land to be conveyed.

(f) Payment of Costs of Conveyance.—

(1) Payment Required.—

(i) Survey Costs.—

(A) The term 'survey costs' means—

(A) the Uniform Appraisal Standards for Federal Land Acquisition; and

(B) the Uniform Standards of Professional Appraisal Practice.

(ii) Costs for Environmental Documentation.—

(A) The term 'costs for environmental documentation' means—

(B) the Uniform Appraisal Standards for Federal Land Acquisition; and

(C) the Uniform Standards of Professional Appraisal Practice.

(iii) Any Other Administrative Costs.—

The term 'any other administrative costs' means—

(A) the Uniform Appraisal Standards for Federal Land Acquisition; and

(B) the Uniform Standards of Professional Appraisal Practice.

(B) Payment Required.—

(i) In General.—As a condition on the conveyance required by subsection (a), the Secretary shall require the County to cover costs as follows:

(A) The term 'environmental remediation of the property' means—

(B) the Uniform Appraisal Standards for Federal Land Acquisition; and

(C) the Uniform Standards of Professional Appraisal Practice.

(ii) Costs for Environmental Documentation.—

(B) The term 'costs for environmental documentation' means—

(iii) Any Other Administrative Costs.—

The term 'any other administrative costs' means—

(A) the Uniform Appraisal Standards for Federal Land Acquisition; and

(B) the Uniform Standards of Professional Appraisal Practice.

(ii) Survey Costs.—

(iii) Costs for Environmental Documentation.—

(iv) Any Other Administrative Costs.—

(ii) In General.—As a condition on the conveyance required by subsection (a), the Secretary shall require the County to cover costs as follows:

(i) Survey Costs.—

(ii) Costs for Environmental Documentation.—

(iii) Any Other Administrative Costs.—

Section 714(a) of the California Desert Protection Act of 2009 (43 U.S.C. 4106(a)-(c)) is amended by striking paragraph (3) and inserting the following:

(3) Conservation Land.—The term 'conservation land' means—

(A) any land within the Conservation Area that is designated to satisfy the conditions of a Federal habitat conservation plan, general conservation plan, or State natural communities conservation plan;

(B) any national conservation land within the Conservation Area established pursuant to section 3001 of title 30, United States Code; and

(C) any area of critical environmental concern within the Conservation Area established pursuant to section 202(c)(3) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712(c)(3)).

SA 1836. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 10. PROHIBITED USES OF ACQUIRED, DONATED, AND CONSERVATION LAND.

Section 714(a) of the California Desert Protection Act of 2009 (43 U.S.C. 4106(a)-(c)) is amended by striking paragraph (3) and inserting the following:

(3) Conservation Land.—The term 'conservation land' means—

(A) any land within the Conservation Area that is designated to satisfy the conditions of a Federal habitat conservation plan, general conservation plan, or State natural communities conservation plan;

(B) any national conservation land within the Conservation Area established pursuant to section 3001 of title 30, United States Code; and

(C) any area of critical environmental concern within the Conservation Area established pursuant to section 202(c)(3) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712(c)(3)).

SA 1837. Ms. COLLINS (for herself and Mr. HEINRICH) submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for military activities of the Department of Defense, for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 3. BETTER ENERGY STORAGE TECHNOLOGIES.

(a) Definitions.—In this section:

(1) Department.—The term "Department" means the Department of Energy.

(2) Energy storage system.—The term 'energy storage system' means any system, equipment, facility, or technology that—

(A) is capable of absorbing or converting energy, storing the energy for a period of time, and dispatching the energy; and

(B) uses mechanical, electrochemical, thermal, electrolysis, or other processes to convert and store electric energy that was generated at an earlier time for use at a later time; or

(C) produces energy in an electric, thermal, or gaseous state for direct use for heating or cooling at a later time in a manner that avoids the need to use electricity or other energy sources at that later time, such as a grid-enabled water heater.

SEC. 3369. DOE ENERGY STORAGE SYSTEM RESEARCH, DEVELOPMENT, AND DEPLOYMENT PROGRAM.

SEC. 3370. DOE ENERGY STORAGE SYSTEM RESEARCH, DEVELOPMENT, AND DEPLOYMENT PROGRAM.

SEC. 3371. DOE ENERGY STORAGE SYSTEM RESEARCH, DEVELOPMENT, AND DEPLOYMENT PROGRAM.
projects, with the goal of reducing those costs by 50 percent;  
(W) models and tools to demonstrate the benefits of energy storage to —  
(i) grid modernization initiatives;  
(ii) electric generation portfolio optimization; and  
(iii) developed deployment of other renewable energy technologies, including in hybrid energy storage systems; and  
(H) energy storage use cases from individual and combination technology applications, including value from various-use cases and energy storage services.  
(3) TESTING AND VALIDATION.—In coordination with 1 or more National Laboratories, the Secretary shall accelerate the development, standardized testing, and validation of energy storage systems under the program by developing testing and evaluation methodologies for —  
(A) storage technologies, controls, and power electronics for energy storage systems under a variety of operating conditions;  
(B) standardized and grid performance testing for energy storage systems, materials, and technologies during each stage of development, beginning with the research stage and ending with the deployment stage;  
(C) certification, and durability testing under standard and evolving duty cycles; and  
(D) accelerated life testing protocols to predict estimated lifetime metrics with accuracy.  
(4) PERIODIC EVALUATION OF PROGRAM OBJECTIVES.—Not less frequently than once every calendar year, the Secretary shall evaluate and, if necessary, update the program objectives to ensure that the program continues to advance energy storage systems toward widespread commercial deployment by lowering the costs and increasing the duration of energy storage resources.  
(5) ENERGY STORAGE STRATEGIC PLAN.—  
(A) IN GENERAL.—The Secretary shall develop a 10-year strategic plan for the program, and update the plan, in accordance with this paragraph.  
(B) CONTENTS.—The strategic plan developed under subparagraph (A) shall —  
(i) be coordinated with and integrated across other relevant offices in the Department;  
(ii) to the extent practicable, include metrics that can be used to evaluate storage technologies;  
(iii) identify Department programs that—  
(I) support the research and development activities described in paragraph (2) and the demonstration projects under subsection (c); and  
(II) the commencement of any new initiatives within the Department relating to energy storage systems; and  
(iv) the accomplishment of relevant objectives under current programs of the Department relating to energy storage systems and the mission of the Department, as determined by the Secretary;  
(v) include expected timelines for —  
(I) the accomplishment of relevant objectives under current programs of the Department relating to energy storage systems; and  
(II) the commencement of any new initiatives within the Department relating to energy storage systems to accomplish those objectives;  
(vi) incorporate relevant activities described in the Grid Modernization Initiative Multi-Year Program Plan.  
(C) SUBMISSION TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, Committees on Energy and Commerce and Science, Space, and Technology of the House of Representatives the strategic plan developed under subparagraph (A).  
(D) UPDATES TO PLAN.—The Secretary—  
(i) shall annually review the strategic plan developed under subparagraph (A); and  
(ii) may periodically revise the strategic plan as appropriate.  
(6) LEVERAGING OF RESOURCES.—The program may be carried out by a specific office of the Department, but shall be cross-cutting in nature, so that in carrying out activities under the program, the Secretary (or a designee of the Secretary, including with leading the program) shall leverage existing Federal resources, including, at a minimum, the expertise and resources of—  
(A) the Office of Electricity Delivery and Energy Reliability;  
(B) the Office of Energy Efficiency and Renewable Energy, including the Water Power Technologies Office; and  
(C) the Office of Science, including—  
(i) the Basic Energy Sciences Program;  
(ii) the Advanced Scientific Computing Research Program;  
(iii) the Biological and Environmental Research Program; and  
(7) PROTECTING PRIVACY AND SECURITY.—In carrying out this subsection, the Secretary shall identify and follow best practices for protecting the privacy of individuals and businesses and the respective sensitive data of the individuals and businesses, including by managing privacy risk and implementing the Fair Information Practice Principles of the Federal Trade Commission for the collection, use, disclosure, and retention of individual electric consumer information in accordance with the Office of Management and Budget Circular A-130 (or successor circulars).  
(8) ENERGY STORAGE DEMONSTRATION PROJECTS; PILOT GRANT PROGRAM.—  
(A) DEFINITION OF ELIGIBLE ENTITY.—In this paragraph, the term "eligible entity" means—  
(i) a State energy office (as defined in section 124(a) of the Energy Policy Act of 2005 (42 U.S.C. 15821(a)));  
(ii) an Indian tribe (as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103));  
(iii) a tribal organization (as defined in section 3765 of title 38, United States Code);  
(iv) an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001));  
(v) an electric utility, including—  
(I) an electric cooperative;  
(II) a political subdivision of a State, such as a municipally owned electric utility, or any agency, authority, corporation, or instrumentality of a State political subdivision; and  
(III) an investor-owned utility; and  
(vi) a private energy storage company.  
(B) ESTABLISHMENT.—The Secretary shall establish a competitive grant program under which the Secretary shall award grants to eligible entities to carry out demonstration projects for pilot energy storage systems.  
(C) SELECTION REQUIREMENTS.—In selecting eligible entities to receive a grant under subparagraph (B), the Secretary shall, to the maximum extent practicable—  
(i) ensure that eligible entities contribute regional diversity among eligible entities awarded grants, including ensuring participation of eligible entities that are rural States and States with high energy costs; and  
(ii) ensure that grants are awarded for demonstration projects that—  
(I) expand on the existing technology demonstration programs of the Department;  
(II) are designed to achieve 1 or more of the objectives described in subparagraph (D); and  
(III) are located within the bulk power system, electric distribution system, building energy system, or microgrid (grid-connected or islanded mode) where the project is located; and  
(iii) give consideration to proposals from eligible entities for securing energy storage through competitive procurement or contract for service.  
(D) OBJECTIVES.—Each demonstration project carried out by a grant awarded under subparagraph (B) shall have 1 or more of the following objectives:  
(i) To improve the security of critical infrastructure and emergency response systems.  
(ii) To improve the reliability of transmission and distribution systems, particularly in rural areas, including high-energy-cost rural areas.  
(iii) To optimize transmission or distribution system operation and power quality to defer or avoid costs of replacing or upgrading electric grid infrastructure, including transformers and substations.  
(iv) To supply energy at peak periods of demand on the electric grid or during periods of significant variation of electric grid supply.  
(v) To reduce peak loads of homes and businesses.  
(vi) To improve and advance power conversion systems.  
(vii) To provide ancillary services for grid stability and management.  
(viii) To integrate renewable energy resource production.  
(ix) To increase the feasibility of microgrids (grid-connected or islanded mode).  
(x) To enable the use of stored energy in forms other than electricity to support the natural gas system and other industrial processes.  
(xi) To integrate fast charging of electric vehicles.  
(xii) To improve energy efficiency.  
(xiii) To improve emergency preparedness.  
(xiv) To improve energy efficiency.  
(xv) To increase the feasibility of microgrids (grid-connected or islanded mode).  
(xvi) To enable the use of stored energy in forms other than electricity to support the natural gas system and other industrial processes.  
(xvii) To integrate fast charging of electric vehicles.  
(xviii) To improve emergency preparedness.  
(xix) To increase the feasibility of microgrids (grid-connected or islanded mode).  
(xx) To enable the use of stored energy in forms other than electricity to support the natural gas system and other industrial processes.  
(2) PROJECT OWNERSHIP INTEREST.—The Federal Government shall not hold any equity or other ownership interest in any energy storage system that is part of a project under this subsection unless the holding is approved by each participating project.  
(D) TECHNICAL AND PLANNING ASSISTANCE PROGRAM.—  
(A) DEFINITIONS.—In this subsection:  
(i) ELIGIBLE ENTITY.—The term "eligible entity" means—  
(I) an electric cooperative;  
(II) a political subdivision of a State, such as a municipally owned electric utility, or any agency, authority, corporation, or instrumentality of a State political subdivision; and  
(III) an investor-owned utility; and  
(iv) a private energy storage company.  
(B) ESTABLISHMENT.—The Secretary shall establish a competitive grant program under which the Secretary shall award grants to eligible entities to carry out demonstration projects for pilot energy storage systems.  
(C) SELECTION REQUIREMENTS.—In selecting eligible entities to receive a grant under subparagraph (B), the Secretary shall, to the maximum extent practicable—  
(i) ensure that eligible entities contribute regional diversity among eligible entities awarded grants, including ensuring participation of eligible entities that are rural States and States with high energy costs; and  
(ii) ensure that grants are awarded for demonstration projects that—  
(I) expand on the existing technology demonstration programs of the Department;  
(II) are designed to achieve 1 or more of the objectives described in subparagraph (D); and  
(III) are located within the bulk power system, electric distribution system, building energy system, or microgrid (grid-connected or islanded mode) where the project is located; and  
(iii) give consideration to proposals from eligible entities for securing energy storage through competitive procurement or contract for service.  
(D) OBJECTIVES.—Each demonstration project carried out by a grant awarded under subparagraph (B) shall have 1 or more of the following objectives:  
(i) To improve the security of critical infrastructure and emergency response systems.  
(ii) To improve the reliability of transmission and distribution systems, particularly in rural areas, including high-energy-cost rural areas.  
(iii) To optimize transmission or distribution system operation and power quality to defer or avoid costs of replacing or upgrading electric grid infrastructure, including transformers and substations.  
(iv) To supply energy at peak periods of demand on the electric grid or during periods of significant variation of electric grid supply.  
(v) To reduce peak loads of homes and businesses.  
(vi) To improve and advance power conversion systems.  
(vii) To provide ancillary services for grid stability and management.  
(viii) To integrate renewable energy resource production.  
(ix) To increase the feasibility of microgrids (grid-connected or islanded mode).  
(x) To enable the use of stored energy in forms other than electricity to support the natural gas system and other industrial processes.  
(xi) To integrate fast charging of electric vehicles.  
(xii) To improve energy efficiency.  
(xiii) To increase the feasibility of microgrids (grid-connected or islanded mode).  
(xiv) To enable the use of stored energy in forms other than electricity to support the natural gas system and other industrial processes.  
(xv) To integrate fast charging of electric vehicles.  
(xvi) To improve energy efficiency.  
(xvii) To improve emergency preparedness.  
(xviii) To increase the feasibility of microgrids (grid-connected or islanded mode).  
(xix) To enable the use of stored energy in forms other than electricity to support the natural gas system and other industrial processes.  
(xx) To integrate fast charging of electric vehicles.  
(xxi) To improve emergency preparedness.  
(xxii) To increase the feasibility of microgrids (grid-connected or islanded mode).  
(xxiii) To enable the use of stored energy in forms other than electricity to support the natural gas system and other industrial processes.  
(xxiv) To integrate fast charging of electric vehicles.  
(xxv) To improve energy efficiency.  
(xxvi) To improve emergency preparedness.
(iv) an investor-owned utility.

(B) PROGRAM.—The term ‘program’ means the technical and planning assistance program established under paragraph (2)(A).

(2) TECHNICAL AND PLANNING ASSISTANCE.—Under the program, the Secretary shall—

(A) in general.—The Secretary shall establish a technical and planning assistance program to assist eligible entities in identifying, evaluating, planning, designing, and developing processes to procure energy storage systems.

(B) ASSISTANCE AND GRANTS.—Under the program, the Secretary shall—

(i) provide technical and planning assistance, including disseminating information, direct assistance, and evaluation of progress, to eligible entities to assist the Secretary in carrying out the purposes of the program.

(ii) award grants to eligible entities to contract to obtain technical and planning assistance from outside experts.

(iii) provide grants to eligible entities for the following activities relating to energy storage systems:

(I) strengthening the reliability and resiliency of energy infrastructure;

(II) reducing the cost of energy storage systems;

(III) improving the feasibility of microgrids (grid-connected or islanded mode), particularly in rural areas, including high energy cost rural areas;

(IV) reducing consumer electricity costs; or

(V) maximizing local job creation.

(3) TECHNICAL AND PLANNING ASSISTANCE.—

(A) in general.—Technical and planning assistance provided under the program shall include assistance with 1 or more of the following activities relating to energy storage systems:

(i) Identification of opportunities to use energy storage systems.

(ii) Feasibility studies to assess the potential for development of new energy storage systems or improvement of existing energy storage systems.

(iii) Assessment of technical and economic characteristics, including a cost-benefit analysis.

(iv) Utility interconnection.

(v) Permitting and siting issues.

(vi) Business planning and financial analysis.

(vii) Engineering design.

(viii) Resource adequacy planning.

(ix) Resource development and valuation.

(B) EXCLUSION.—The Secretary shall provide technical and planning assistance under the program only to eligible entities that have not received any other assistance from outside experts under the program.

(C) public databases that track existing energy storage systems.

(D) RESILIENCE PLANNING AND VALUATION.—On a periodic basis, but not less frequently than once every 12 months, the Secretary shall—

(i) using data from public databases, assess the impact of energy storage systems on the reliability of the grid; and

(ii) make available to the public—

(A) a list of energy storage systems deployed in the United States; and

(B) a list of energy storage systems deployed in the United States that are being considered for deployment.

(7) COST-SHARING.—Activities under this subsection shall be subject to the cost-sharing requirements under section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(e) ENERGY STORAGE MATERIALS RECYCLING PRIZE COMPETITION.—Section 1008 of the Energy Policy Act of 2005 (42 U.S.C. 16396) is amended by adding at the end the following:

(3) ELIGIBILITY.—

(A) IN GENERAL.—To be eligible to win a prize under the program, an individual or entity—

(i) has a personal or financial interest in, or is an employee, officer, director, or agent of, any entity that is a registered participant in a competition for which the individual will serve as a judge; or

(ii) has a familial or financial relationship with a registered participant in a competition for which the individual will serve as a judge; or

(B) JUDGES.—

(i) the subject of the competition;

(ii) the duration of the competition;

(iii) the eligibility requirements for participation in the competition;

(iv) the process for participants to register for the competition; and

(v) the amount of the prize.

(7) JUDGES.—

(A) IN GENERAL.—For each prize competition under the program, the Secretary shall assemble a panel of qualified judges to select the winner or winners of the competition on the basis of the criteria established under paragraph (5).

(B) SELECTION.—The judges for each competition shall select the appropriate members of private industry involved in the commercial deployment of energy storage systems.

(C) CONFLICTS.—An individual may not serve as a judge in a prize competition under the program if the individual, the spouse of the individual, any child of the individual, or any other member of the household of the individual—

(i) has a personal or financial interest in, or is an employee, officer, director, or agent of, any entity that is a registered participant in a competition for which the individual will serve as a judge; or

(ii) is a family or financial relationship with a registered participant in a competition for which the individual will serve as a judge.

(8) REPORT TO CONGRESS.—Not later than 60 days after the date on which the first prize is awarded under the program, and annually thereafter, the Secretary shall submit to Congress a report that—

(A) identifies each award recipient and describes the advanced methods or technologies developed by each award recipient; and

(B) specifies actions taken by the Department toward commercial application of all methods or technologies with respect to which a prize has been awarded under the program.

(9) The Secretary shall carry out the program in accordance with section 1341 of title 31, United States Code (commonly referred to as the ’Anti-Deficiency Act’).

(10) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to
carry out this subsection $10,000,000 for each of fiscal years 2021 through 2025, to remain available until expended.

(c) REGULATORY ACTIONS TO ENCOURAGE ENERGY STORAGE DEPLOYMENT.—

(1) DEFINITIONS.—In this subsection:

(A) COMMISSION.—The term ‘Commission’ means the Federal Energy Regulatory Commission.

(B) ELECTRIC STORAGE RESOURCE.—The term ‘electric storage resource’ means a resource capable of receiving electric energy from the grid and storing that electric energy for later injection back into the grid.

(2) REGULATORY ACTION.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commission shall issue a regulation to identify the eligibility of, and process for, electric storage resources—

(i) to receive cost recovery through Commission-regulated rates for the transmission of electric energy in interstate commerce; and

(ii) that receive cost recovery under clause (1) to receive compensation for other services (such as the sale of energy, capacity, or ancillary services) without regard to whether those services are provided concurrently with the transmission service described in clause (i).

(B) PROHIBITION OF DUPLICATE RECOVERY.—Any regulation under subparagraph (A) shall preclude the receipt of unjust and unreasonable double recovery for electric storage resources providing services described in clauses (i) and (ii) of that subparagraph.

(3) ELECTRIC STORAGE RESOURCES TECHNICAL CONFERENCE.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission shall convene a technical conference on the potential for electric storage resources to improve the operation of electric systems.

(B) REQUIREMENTS.—The technical conference under subparagraph (A) shall—

(i) identify opportunities for further consideration of electric storage resources in regional and interregional transmission planning processes within the jurisdiction of the Commission;

(ii) identify all energy, capacity, and ancillary service products, market designs, or rules that—

(I) are within the jurisdiction of the Commission; and

(II) enable and compensate for the use of electric storage resources that improve the operation of electric systems;

(iii) examine additional products, market designs, or rules that would enable and compensate for the use of electric storage resources for improving the operation of electric systems; and

(iv) examine the functional value of electric storage resources at the transmission and distribution system interface for purposes of providing electric system reliability.

(g) COORDINATION.—To the maximum extent practicable, the Secretary shall coordinate the activities under this section (including activities conducted pursuant to the amendments made by this section) among the offices and employees of the Department, other Federal agencies, and other relevant entities—

(1) to ensure appropriate collaboration; and

(2) to avoid unnecessary duplication of those activities.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) to carry out section (c), $100,000,000 for each of fiscal years 2021 through 2025, to remain available until expended; and

(2) to carry out subsection (c), $100,000,000 for each of fiscal years 2021 through 2025, to remain available until expended; and

(3) to carry out subsection (d), $20,000,000 for each of fiscal years 2021 through 2025, to remain available until expended.

SA 1838.—Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII, insert the following:

SEC. 828. INCREASE OF AMOUNTS AVAILABLE TO MARINE CORPS FOR BASE OPERATIONS AND SUPPORT.

(a) INCREASE OF BASE OPERATIONS AND SUPPORT.—The amount authorized to be appropriated for fiscal year 2021 for operation and maintenance of the Marine Corps, is hereby increased by $77,600,000, with the amount of the increase to be available for base operations and support (SAG 8851).

(b) OFFSETS.—

(1) OPERATION AND MAINTENANCE.—The amount authorized to be appropriated for fiscal year 2021 for operation and maintenance for the Marine Corps, is hereby reduced by $1,700,000, with the amount of the reduction to be derived from SAG 11A1.

(2) MODIFICATION KIT PROCUREMENT.—The amount authorized to be appropriated for fiscal year 2021 for procurement and ammunition for the Marine Corps, is hereby reduced by $3,100,000, with the amount of the reduction to be derived from Line 7, Modification Kits.

(3) DIRECT SUPPORT MunITION PROCUREMENT.—The amount authorized to be appropriated for fiscal year 2021 for procurement and ammunition for the Marine Corps, is hereby reduced by $39,800,000, with the amount of the reduction to be derived from Line 17, Direct Support Munitions.

SA 1839.—Mr. INHOFE (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 829. MODERNIZATION OF CONGRESSIONAL REPORTS PROCESS.

(a) INCREASE IN O&M, DEFENSE-WIDE ACTIVITIES.—The amount authorized to be appropriated for fiscal year 2021 by section 301 is hereby increased by $2,000,000, with the amount of the increase to be available for operation and maintenance. Defense-wide activities shall mean those activities of the Secretary of Defense for modernization of the congressional reports process.

(b) OFFSET.—The amount authorized to be appropriated for fiscal year 2021 by section 301 is hereby decreased by $2,000,000, with the amount of the decrease to be applied against amounts available for operation and maintenance, Army, for SAG 421 for Servicewide Transportation for historical underexecution.

SA 1840.—Mr. INHOFE (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII, insert the following:

SEC. 830. WAIVERS OF CERTAIN CONDITIONS FOR PROGRESS PAYMENTS UNDER CERTAIN CONTRACTS DURING THE COVID–19 NATIONAL EMERGENCY.

During the national emergency declared under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the coronavirus disease 2019 (commonly referred to as ‘‘COVID–19’’), the Secretary of Defense may waive section 2307(e)(2) of title 10, United States Code, with respect to progress payments for any undefined contract.

SA 1841.—Mr. INHOFE (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 723.

SA 1842.—Mr. INHOFE (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3150.

SA 1843.—Mr. INHOFE (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 602, strike subsection (e).

SA 1844.—Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:
At the title appropriate place in title X, insert the following:

SEC. 1. TRANSFER OF MARIE ISLAND NAVAL CEMETERY TO SECRETARY OF VETERANS AFFAIRS FOR MAINTENANCE BY NATIONAL CEMETARY ADMINISTRATION.

(a) AGREEMENT.—Beginning on the date that is 180 days after the date on which the Secretary of Veterans Affairs submits the report required by subsection (c)(1), the Secretary of Veterans Affairs shall seek to enter into an agreement with the city of Vallejo, California, under which the city of Vallejo shall transfer to the Secretary all right, title, and interest in the Mare Island Naval Cemetery in Vallejo, California, at no cost to the Secretary. The Secretary shall seek to enter into such agreement before the date that is one year after the date on which such report is submitted.

(b) MAINTENANCE BY NATIONAL CEMETARY ADMINISTRATION.—If the Mare Island Naval Cemetery is transferred to the Secretary of Veterans Affairs pursuant to subsection (a), the National Cemetery Administration shall maintain the cemetery as a national shrine.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans’ Affairs of the House of Representatives a report on the feasibility and advisability of exercising the authority granted by subsection (a).

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) an assessment of the feasibility and advisability of exercising the authority granted by subsection (a),

(B) a principal campaign committee or national committee (as those terms are defined in section 301 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101)) with respect to a United States election, does not include—

(i) any political party, political party committee, or candidate committee (as those terms are defined in section 301 (as those terms are defined in section 301 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101)) with respect to a United States election, does not include—

(ii) a national political party committee, or a candidate committee (as those terms are defined in section 301(a)(3)(C) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101(a)(3)(C))) with respect to a United States election, does not include—

(iii) a national political party committee, or a candidate committee (as those terms are defined in section 301(a)(3)(C) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101(a)(3)(C))) with respect to a United States election, does not include—

(iv) a national political party committee, or a candidate committee (as those terms are defined in section 301(a)(3)(C) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101(a)(3)(C))) with respect to a United States election, does not include—

(8) INTERFERENCE IN UNITED STATES ELECTIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term “interference”, with respect to a United States election, means any of the following actions of the foreign government or a foreign person acting as an agent of or on behalf of such a government, undertaken with the intent to influence the election:

(i) Obtaining or authorizing access to election systems or data and releasing such data or modifying such infrastructure, systems, or data.

(ii) Unlawfully blocking or degrading otherwise legitimate and authorized access to election system and campaign infrastructure or related systems or data and releasing such data or modifying such infrastructure, systems, or data.

(iii) Significant unlawful contributions or expenditures for advertising, including on the internet.

(iv) Using social, other internet-based, or traditional media to spread information to individuals in the United States without disclosing that such information is being disseminated by such government or a foreign person acting on behalf of a foreign government.

(B) EXCEPTIONS.—

(1) EARNING OF PUBLICLY IDENTIFIED STATEMENTS.—The term “interference”, with respect to a United States election, does not include—

(i) any public statement by a foreign leader, official, or government agency with respect to a candidate for office, official of the United States government, or policy of the United States; and

(ii) any other statement if a foreign government is readily and publicly identifiable as the source of the statement.

(2) INTERECTION IN FOREIGN ELECTORAL INTERFERENCE IN UNITED STATES ELECTIONS.

SEC. 11. DETERMINATION OF FOREIGN INTERFERENCE IN UNITED STATES ELECTIONS.

(a) IN GENERAL.—Not later than 60 days after a United States election, the Director of National Intelligence, in consultation with the Director of the Federal Bureau of Investigation, the Director of the National Security Agency, the Director of the Central Intelligence Agency, the Secretary of State, the Secretary of the Treasury, the Attorney General, and the Secretary of Homeland Security, shall—

(1) determine with a high level of confidence whether or not the government of a foreign country, or any foreign person acting as an agent of or on behalf of that government, knowingly engaged in interference in the election; and

(2) submit to the appropriate congressional committees, the President, and the Director subsequent determination that that government, or such a foreign person, did engage in such interference, the Director shall, not later than 60 days after

DIVISION A—DETERMINATION OF FOREIGN INTERFERENCE IN ELECTIONS
making that determination, submit to the appropriate congressional committees and leadership—

1. a report on the subsequent determination; and

2. if the Director determines that the Gov-

ernment of the Russian Federation, or any foreign person acting as an agent of or on behalf of the Government of the Russian Federation, engaged in such inter-
ference, a list of any senior foreign political figures or oligarchs in the Russian Fed-
eration identified under section 21(a)(1)(A) of the Countering Russian Influence in Euro-
pe and Eurasia Act of 2017 (title II of Public Law 115–44; 131 Stat. 922) who directly or indi-
crectly contributed to such interference.

(c) PREFERENCES.—Each report under subsection (a) or (b) shall be submitted in unclassified form but may include a classified annex.

SEC. 12. UPDATED REPORT ON OLIGARCHS AND PARASTATAL ENTITIES OF THE RUSSIAN FEDERATION.

Section 241 of the Countering America’s Adversaries Through Sanctions Act (Public Law 115–44; 131 Stat. 922) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(2) by inserting after subsection (a) the follow-

ing:

"(b) UPDATED REPORT.—Not later than one year after the date of the enactment of this Act, and not less frequently than biannually after the date of the enactment of this Act, the President may use any credible publication, database, or web-based resource, and any credible information compiled by any government or governmental organiza-
tion, or other entity provided to or made available to the President.

(e) FUNDS DEFINED.—In this section, the term ‘‘funds’’ means—

(1) cash;

(2) equity;

(3) any other intangible asset the value of which is derived from a contractual claim, including bank deposits, bonds, stocks, a se-
curity (as defined in section 2(a) of the Secu-
rities Act of 1934 (15 U.S.C. 77a(a))), or a secu-
rities (as defined in section 3(a) of the Securities Ex-
change Act of 1934 (15 U.S.C. 78(a)); and

(4) anything else of value that the Sec-

retary of the Treasury determines to be ap-

propriate.

SEC. 22. IMPOSITION OF SANCTIONS.

(a) IN GENERAL.—If the Director of Na-
tional Intelligence determines under Sec-

tion 21(f) that the Government of the Rus-

sion Federation, or any foreign person acting as an agent of or on behalf of that Govern-

ment, knowingly engaged in, an interference in a United States election, or the President, in consultation with the Director of National Intelligence and the Secretary of State, shall submit to the appropriate congressional committees an updated report on oligarchs and parastatal entities of the Russian Federation that builds on the report submitted under subsection (a) on January 29, 2018, and that includes matters described in graphs (1) through (5) of subsection (a): and

(c) FORM OF REPORT.—Each report required 

under subsection (a) or (b) shall be submitted in unclassified form but may include a classi-

fied annex.

TITLe 13. DETERMINING INTER-

ERENCE IN UNITED STATES ELEC-

TIONS BY THE RUSSIAN FEDERATION

SEC. 21. REPORT ON ESTIMATED NET WORTH 

OF PRESIDENT VLADIMIR PUTIN 

AND FOREIGN POLITICAL FIGURES 

OF THE RUSSIAN FEDERATION.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and not less frequently than biannually thereafter, the President shall submit to the appropriate congressional committees a report that contains—

(1) the estimated total net worth of each individual described in subsection (b); and

(2) a description of how the funds of each such individual were acquired and how such funds have been used or employed.

(b) INDIVIDUALS DESCRIBED.—The individu-

als described in this subsection are the fol-

lowing:

(1) President Vladimir Putin.

(2) Any other senior foreign political figure of the Russian Federation identified in the report under subsection (a)(1)(A) of section 241 of the Countering Russian Influence in Europe and Eurasia Act of 2017 (title II of Public Law 115–44; 131 Stat. 922) or update to that report under subsection (b) of such section, as added by [section 12].

(c) FORM OF REPORT; PUBLIC AVAIL-

ABILITY.—

(1) FORM.—The report required under sub-

section (a) shall be submitted in unclassified form but may contain a classified annex.

(2) AVAILABILITY.—The unclassified portion of the report required under sub-

section (a) shall be made available to the public in precompressed, easily downloadable versions that are made available in all ap-

propriate formats.

(d) SOURCES OF INFORMATION.—In preparing the report required under section (a), the President may use any credible publication, database, or web-based resource, and any credible information compiled by any government or governmental organiza-
tion, or other entity provided to or made available to the President.

(e) FUNDS DEFINED.—In this section, the term ‘‘funds’’ means—

(1) cash;

(2) equity;

(3) any other intangible asset the value of which is derived from a contractual claim, including bank deposits, bonds, stocks, a se-
curity (as defined in section 2(a) of the Secu-
rities Act of 1934 (15 U.S.C. 77a(a))), or a secu-
rities (as defined in section 3(a) of the Securities Ex-
change Act of 1934 (15 U.S.C. 78(a)); and

(4) anything else of value that the Sec-

retary of the Treasury determines to be ap-

propriate.
(a) The Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate; and
(b) the Committee on Financial Services and the Committee on Foreign Affairs of the House of Representatives.

(c) EXCEPTIONS.—

(1) IMPORTATION OF GOODS.—The requirement imposed under subsection (a) shall not include the authority to impose sanctions with respect to the importation of goods.

(2) COMPLIANCE WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Subsection (a)(5)(A)(i) shall not apply with respect to the admission of an alien to the United States.

(d) IMPLEMENTATION; PENALTIES.—

(1) ACTIVITIES OF NASA.—The requirement to impose sanctions under subsection (a) shall not apply with respect to activities of the National Aeronautics and Space Administration.

(2) IMPLEMENTATION; PENALTIES.—

(1) IMPORTATION OF GOODS.—The requirement imposed under subsection (a) shall not apply with respect to the importation of goods.

(2) COMPLIANCE WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Subsection (a)(5)(A)(i) shall not apply with respect to the admission of an alien to the United States.

(e) EXTENSION OF PERIOD TO ALLOW CESSATION OF BUSINESS.—The President may extend the 30-day period specified in subsection (a), except with respect to sanctions under paragraph (5) of that subsection, for an additional period not to exceed 180 days if the President certifies to the appropriate congressional committees that the extension—

(1) is in the national security interest of the United States; and

(2) is necessary to enable non-Russian persons impacted by sanctions under subsection (a) to wind down business prohibited as a result of those sanctions.

(f) NATIONAL SECURITY WAIVER.—The President may waive the application of sanctions under subsection (a) with respect to a non-Russian person, except sanctions under paragraph (5) of that subsection, if the President submits to the appropriate congressional committees a determination in writing that—

(1) the waiver is in the vital national security interest of the United States; and

(2) it is necessary to enable non-Russian persons impacted by sanctions under subsection (a) to wind down business prohibited as a result of those sanctions.

(g) SUSPENSION.—The President may suspend sanctions imposed under subsection (a) on or after the date on which the Director of National Intelligence, in consultation with the Director of the Federal Bureau of Investigation, the Director of the National Security Agency, the Director of the Central Intelligence Agency, the Secretary of State, the Secretary of the Treasury, and the Attorney General, submits to the appropriate congressional committees and leadership a certification that the Government of the Russian Federation has not engaged in interference in United States elections for at least one Federal election cycle.

(h) REPORTS REQUIRED.—Not later than 90 days after a suspension of sanctions under paragraph (1) takes effect, and every 90 days thereafter, the President shall submit to the appropriate congressional committees and leadership a report on whether the Government of the Russian Federation is taking measures to—

(i) improve the oversight of and prosecutions relating to interference in United States elections; and

(ii) continue to demonstrate a significant change in behavior and credibly commit to not engaging in such interference in the future.

(i) TERMINATION.—The President may terminate sanctions imposed under subsection (a) on or after the date on which the Director of National Intelligence, in consultation with the Director of the Federal Bureau of Investigation, the Director of the National Security Agency, the Director of the Central Intelligence Agency, the Secretary of State, the Secretary of the Treasury, and the Attorney General, submits to the appropriate congressional committees and leadership a certification that—

(1) the Government of the Russian Federation has not engaged in interference in United States elections for at least 2 Federal election cycles; and

(2) the President has received credible commitments from the Government of the Russian Federation that that Government will not engage in such interference in the future.

SEC. 23. CONGRESSIONAL REVIEW OF WAIVER, SUSPENSION, AND TERMINATION OF SANCTIONS.

Section 216(a)(2) of the Countering America’s Adversaries Through Sanctions Act (22 U.S.C. 9511(a)(2)) is amended—

(1) in subparagraph (A)(i), by inserting ‘‘or suspends’’; and

(2) by inserting ‘‘and insertion of a semicolon’’ after ‘‘(B) in subparagraph (B) if—’’.

SEC. 24. SENSE OF CONGRESS ON STRATEGY TO DETERRANCE THROUGH SANCTIONS WITH RESPECT TO RUSSIA, THE COMMISSION ON THE STATE OF ARMED FORCES, AND THE ROLE OF THE UNITED STATES IN THE WORLD.

It is the sense of Congress that—

(1) the Congress adopts as its policy a strategy to deter and deny the Russian Federation incentives to engage in specified malign behavior; and

(2) the United States must work in concert with other countries and in cooperation with the European Union to deter the Russian Federation.

SEC. 25. PERMISSION FOR WORK IN CONCERT WITH THE EUROPEAN UNION.

It is the sense of Congress that the United States should work in concert with the European Union to—

(1) deter the Russian Federation; and

(2) engage in dialogue with the Russian Federation to achieve a solution to the conflict in Ukraine.

SEC. 26. REIMPOSITION OF SANCTIONS.

If the President determines that, not later than 180 days after the date of the enactment of this Act, the President should submit to the appropriate congressional committees and leadership a report that includes—

(1) a strategy for the President to deter and deny the Russian Federation incentives to engage in specified malign behavior; and

(2) proposed actions by the European Union to deter the Russian Federation.

SEC. 27. REIMPOSITION OF SANCTIONS BY THE PRESIDENT.

If the President determines that, not later than 180 days after the date of the enactment of this Act, the President should submit to the appropriate congressional committees and leadership a report that includes—

(1) a strategy for the President to deter and deny the Russian Federation incentives to engage in specified malign behavior; and

(2) proposed actions by the European Union to deter the Russian Federation.

SEC. 28. REQUIREMENT TO ENGAGE IN DIALOGUE WITH RUSSIA.

It is the sense of Congress that the United States should work in concert with the European Union to—

(1) engage in dialogue with the Russian Federation; and

(2) achieve a solution to the conflict in Ukraine.

SEC. 29. ROLE OF THE UNITED STATES IN THE WORLD.

It is the sense of Congress that the United States should work in concert with the European Union to—

(1) deter the Russian Federation; and

(2) engage in dialogue with the Russian Federation to achieve a solution to the conflict in Ukraine.
SEC. 12. IMPOSITION OF SANCTIONS WITH RESPECT TO THEFT OF TRADE SECRETS OF UNITED STATES PERSONS.

(a) Report Required.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and not less frequently than every 180 days thereafter, the President shall submit to the appropriate congressional committees a report—

(A) identifying, for the 180-day period preceding submission of the report—

(i) any foreign person that has engaged in, or benefitted from, significant and serial theft of United States trade secrets, where the theft of such trade secrets is reasonably likely to result in, or has materially contributed to, a significant threat to the national security, foreign policy, or economic health or financial stability of the United States;

(ii) any foreign person that has materially assisted or sponsored such theft;

(iii) any foreign person that has provided financial, material, or technological support for, or goods or services in support of or to benefit from, such theft;

(iv) any entity owned or controlled by, or that has acted or purported to act for or on behalf of, directly or indirectly, any foreign person identified under clause (i), (ii), or (iii); and

(v) any chief executive officer or member of the board of directors of any foreign entity identified in clause (i), (ii), or (iii); and

(B) describing the nature, objective, and outcome of the theft of trade secrets each foreign person described in subparagraph (A)(i) engaged in, or benefitted from, activity described in clause (i), (ii), or (iii) of that subparagraph.

(2) EXCEPTION.—The President is not required to include in a report required by paragraph (1) the name of any foreign person that is the subject of an active United States law enforcement investigation.

(b) Form of Report.—Each report required by paragraph (1) shall be submitted in an unclassified form but may include a classified annex.

(c) Authority to Impose Sanctions.—

(1) SANCTIONS APPLICABLE TO ENTITIES.—In the case of a foreign entity identified under subparagraph (A)(i) or (ii) of subsection (a) of the most recent report submitted under that subsection, the President shall impose one or more of the following:

(A) BLOCKING OF PROPERTY.—The President may, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block and prohibit all transactions in all property and interests in property of the entity if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(B) BLOCKING OF PROPERTY.—In the case of an individual identified under subparagraph (A) of subsection (a)(1) in the most recent report submitted under this subsection, the following shall apply:

(i) BLOCKING OF PROPERTY.—The President shall, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block and prohibit all transactions in all property and interests in property of the individual if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(ii) BLOCKING OF PROPERTY.—In the case of an individual identified under subparagraph (A) of subsection (a)(1) in the most recent report submitted under this subsection, the following shall apply:

(iii) BLOCKING OF PROPERTY.—In the case of an individual identified under subparagraph (A) of subsection (a)(1) in the most recent report submitted under this subsection, the following shall apply:

(iv) BLOCKING OF PROPERTY.—In the case of an individual identified under subparagraph (A) of subsection (a)(1) in the most recent report submitted under this subsection, the following shall apply:

(v) BLOCKING OF PROPERTY.—In the case of an individual identified under subparagraph (A) of subsection (a)(1) in the most recent report submitted under this subsection, the following shall apply:

(vi) BLOCKING OF PROPERTY.—In the case of an individual identified under subparagraph (A) of subsection (a)(1) in the most recent report submitted under this subsection, the following shall apply:

(vii) BLOCKING OF PROPERTY.—In the case of an individual identified under subparagraph (A) of subsection (a)(1) in the most recent report submitted under this subsection, the following shall apply:

(viii) BLOCKING OF PROPERTY.—In the case of an individual identified under subparagraph (A) of subsection (a)(1) in the most recent report submitted under this subsection, the following shall apply:

(ix) BLOCKING OF PROPERTY.—In the case of an individual identified under subparagraph (A) of subsection (a)(1) in the most recent report submitted under this subsection, the following shall apply:

(x) BLOCKING OF PROPERTY.—In the case of an individual identified under subparagraph (A) of subsection (a)(1) in the most recent report submitted under this subsection, the following shall apply:

(2) IN GENERAL.—The authority to impose sanctions under paragraph (1)(A) or (2)(A) of subsection (b) shall not include the authority or a requirement to impose sanctions on the importation of goods.

(c) EXCEPTIONS.—

(1) INTELLIGENCE ACTIVITIES.—This section shall not apply with respect to activities subject to the laws, rules, and regulations governing intelligence activities of the United States.

(2) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(A) IN GENERAL.—The authority to impose sanctions under paragraph (1)(A) or (2)(A) of subsection (b) shall not include the authority or a requirement to impose sanctions on the importation of goods.

(B) GOOD DEFINED.—In this paragraph, the term "good" means any article, natural or manmade substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technical data.

(c) EXCEPTION TO COMPLY WITH INTERNATIONAL AGREEMENTS.—Subsection (b)(2)(B) shall not apply with respect to the admission of an individual to the United States if such admission is necessary to comply with the obligations of the United States under the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, under the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 19, 1967, or under other international agreements.

(d) NATIONAL SECURITY WAIVER.—The President may waive the imposition of sanctions under subsection (b) with respect to a person if the President—

(1) determines that such a waiver is in the national security interests of the United States; and

(2) submits to the appropriate congressional committees a notification of the waiver and an explanation of the facts and circumstances that established a compelling national security interest.

(e) TERMINATION OF SANCTIONS.—Sanctions imposed under subsection (b) with respect to a foreign person identified in a report submitted under subsection (a) shall terminate if the President certifies to the appropriate congressional committees that the person is no longer engaged in the activity identified in the report.

(f) IMPLEMENTATION; PENALTIES.—

(1) IMPLEMENTATION.—The President may exercise all authorities provided under section 221(i) of the Export Administration Act of 1979, as amended, and such other authorities as the President considers appropriate, to implement the provisions of this section.

(2) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of paragraph (1)(A) or (2)(A) of subsection (b) or any regulation, license, or order issued to carry out that paragraph, shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as if such person were an individual who engaged in an unlawful act described in subsection (a) of that section.

(g) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Financial Services and the Committee on Foreign Affairs of the House of Representatives.

(2) EXPORT ADMINISTRATION REGULATIONS.—


(3) FOREIGN ENTITY.—The term "foreign entity" means an entity that is not a United States person.

(4) FOREIGN PERSON.—The term "foreign person" means a person that is not a United States person.

(5) TRADE SECRET.—The term "trade secret" has the meaning given that term in section 1839 of title 18, United States Code.

(6) PERSON.—The term "person" means an individual or entity.

(7) UNITED STATES PERSON.—The term "United States person" means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity.

SA 1848. Mr. VAN HOLLEN submitted an amendment intended to be proposed by him to the bill S. 1049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year; and for other purposes; which was ordered to lie on the table; and

At the appropriate place in title XVI, add the following:

Subtitle ______ Limitations on Explosive Nuclear Testing

SEC. 01. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) it is in the national security interest of the United States to continue to observe the national moratorium on explosive nuclear testing;

(2) maintaining the national moratorium on nuclear testing advances United States nonproliferation and disarmament control objectives and bolsters efforts to constrain the nuclear arsenals of adversaries;

(3) the United States should pursue the entry into force of the Comprehensive Nuclear-Test-Ban Treaty as a means of enabling use of the treaty's on-site inspection measures and resolving compliance concerns related to the nuclear testing moratoria commitments of other countries; and

(4) the United States should continue to improve and invest in the Stockpile Stewardship Program to ensure the safety, security, and reliability of the United States stockpile in the absence of nuclear testing.

SEC. 02. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

(2) NATIONAL SECURITY LABORATORY.—The term "national security laboratory" has the
limitation on use of funds.—None of the funds authorized to be appropriated otherwise made available by any other Act for fiscal year 2021 or any fiscal year thereafter may be obligated or expended to conduct an underground or other explosive nuclear test that produces a yield unless all of the conditions described in subsection (b) are met:

(b) Conditions.—The conditions described in this subsection are the following:

(1) Report on proposed nuclear test by National Nuclear Security Administration.—Not less than 12 months before the date on which a nuclear test described in subsection (a) is proposed to be conducted, the Administrator of the National Nuclear Security Administration shall submit to the appropriate congressional committees an independent analysis, conducted by the Board in accordance with the mission of the Board under section 312 of the Atomic Energy Act of 1954 (42 U.S.C. 2286g) under the regulatory authority of the Department of Energy defense nuclear facility (as defined in section 318 of the Atomic Energy Act of 1954 (42 U.S.C. 2286b)), of the safety, security, and public health impacts of conducting the test at the Nevada Nuclear Security Site or any other location, including with respect to the health and safety of the employees and contractors.

(2) Recommendations.—The independent analysis required by clause (i) shall include recommendations on specific measures that should be adopted to ensure that public health and safety are adequately protected.

(3) Certification of public health and safety safety board.—For purposes of this subparagraph, the Nevada Nuclear Security Site, or any other location selected to conduct a nuclear test, shall be treated as a Department of Energy defense nuclear facility (as defined in section 318 of the Atomic Energy Act of 1954 (42 U.S.C. 2286b)) under the regulatory authority of the Department of Energy defense nuclear facilities safety board.

(b) Public hearing.—(i) In general.—Not less than 120 days after Congress receives all of the documents required by paragraphs (1) through (4), the Defense Nuclear Facilities Safety Board and the National Nuclear Security Administration shall convene joint public hearings for localities in proximity of the test site with respect to such certifications and reports.

(ii) Authorization.—The documents required by clause (i) shall be conducted, in the case of the Board, under the authority provided by section 313 of the Atomic Energy Act of 1954 (42 U.S.C. 2286h).

(5) National Intelligence Estimate.—(A) In general.—Not less than 12 months before the date on which a nuclear test described in subsection (a) is proposed to be conducted, the Director of National Intelligence shall submit to the appropriate congressional committees a National Intelligence Estimate that includes—

(i) an unclassified executive summary and judgments; and

(ii) a more detailed, classified report.

(B) Elements.—The National Intelligence Estimate required by subparagraph (A) shall include the following:

(i) A description of the respective nuclear testing capacities of other countries with nuclear weapons, consisting of—

(1) an unclassified annex,

(2) a classified annex,

(3) an unclassified appendix, and

(4) a classified appendix.

(ii) An assessment of the knowledge of other countries with nuclear weapons, consisting of—

(1) an unclassified executive summary and judgments; and

(2) a more detailed, classified report.

(C) Certification.—Each report and certification required by this section shall be submitted in unclassified form, but may include a classified annex.

(D) Briefings on certifications.—Not later than 90 days after submitting a document required under any of paragraphs (1) through (8), the official responsible for submitting that document shall brief to the appropriate congressional committees on the document.

(E) Enactment of joint resolution of approval.—Not later than 90 days after Congress receives all of the documents required under paragraphs (1) through (8), there is enacted into law a joint resolution that approves the conduct by the United States of a nuclear test described under subsection (a).

(F) Form of reports and certifications.—Each report and certification required by this section shall be submitted in unclassified form, but may include a classified annex.

(G) Motion of construction.—Nothing in this section shall be construed to limit activities under the Stockpile Stewardship Program.
Program or any activities authorized under section 4203 of the Atomic Energy Defense Act (50 U.S.C. 2523) that are consistent with the zero-yield standard.

SEC. 94. REPRESENTATION FOR SPECIFIC AUTHORIZATION AND APPROPRIATION.

(a) IN GENERAL.—Any funds needed to conduct or make preparations for a nuclear test that are authorized by a provision of law must be specifically authorized by an Act of Congress and appropriated for that purpose.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit activities under the Stockpile Stewardship Program or any activities authorized under section 4203 of the Atomic Energy Defense Act (50 U.S.C. 2523) that are consistent with the zero-yield standard.

SEC. 95. REPORT ON ANY FOREIGN COUNTRY NUCLEAR TEST.

(a) IN GENERAL.—If a nuclear test that produces a yield is conducted by a foreign country after the date of the enactment of this Act, the Director of National Intelligence, with the concurrence of the Secretary of Energy and the Secretary of the Air Force, shall, as soon as practicable after the date of the test, submit to the appropriate congressional committees a report on the test that includes the following:

(1) A description of the date, geographic location, and yield of the test.

(2) A description of the data collected from the International Monitoring System of the Comprehensive Nuclear-Test-Ban Treaty Organization related to the test.

(3) An assessment of the technical and nuclear weapons design data generated by the test.

(b) FORM.—The report required by subsection (a) may be submitted in unclassified form but may include a classified annex.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

SEC. 96. PROHIBITION ON USE OF FUNDS TO DISMANTLE, DECOMMISSION, OR DISMANTLE INTERNATIONAL MONITORING SYSTEM STATIONS.

None of the funds authorized to be appropriated or otherwise made available by this Act for fiscal year 2021, or authorized to be appropriated or otherwise made available by any other Act for fiscal year 2021 or any fiscal year thereafter, for the Department of Defense may be obligated or expended to disable, decommission, dismantle, or undertake any activity that would in any way impede the transmission of monitoring data from facilities of the International Monitoring System of the Comprehensive Nuclear-Test-Ban Treaty Organization located on United States territory.

SA 1849. Mr. VAN HOLLEN (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to provide for military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title C of title VI, add the following:

SEC. ___ RELIEF OF RICHARD W. COLLINS III.

(a) FINDINGS.—Congress makes the following findings:

(1) On May 20, 2017, Lieutenant Richard W. Collins III was murdered on the campus of the University of Maryland, College Park, Maryland.

(2) At the time of his murder, Lieutenant Collins had graduated from the Reserve Officers' Training Corps at Bowie State University and received a commission in the United States Army.

(3) At the time of the murder of Lieutenant Collins, he was a reserve officer in the Reserve Officers' Training Corps who received a commission but died before receiving a first duty assignment.

(b) APPLICABILITY OF LAWS.—

(1) A description of the date, geographic location, and yield of the test.

(2) A description of the data collected from the International Monitoring System of the Comprehensive Nuclear-Test-Ban Treaty Organization related to the test.

(3) An assessment of the technical and nuclear weapons design data generated by the test.

(c) FORM.—The report required by subsection (a) may be submitted in unclassified form but may include a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

SEC. 97. PROHIBITION ON USE OF FUNDS TO DISMANTLE, DECOMMISSION, OR DISMANTLE INTERNATIONAL MONITORING SYSTEM STATIONS.

None of the funds authorized to be appropriated or otherwise made available by this Act for fiscal year 2021, or authorized to be appropriated or otherwise made available by any other Act for fiscal year 2021 or any fiscal year thereafter, for the Department of Defense may be obligated or expended to disable, decommission, dismantle, or undertake any activity that would in any way impede the transmission of monitoring data from facilities of the International Monitoring System of the Comprehensive Nuclear-Test-Ban Treaty Organization located on United States territory.

SA 1850. Mr. KING (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to provide for military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII of division A, add the following:

Subtitle H—Global Health Security

SEC. 1291. SHORT TITLE.

This subtitle may be cited as the "Global Health Security Act of 2020."

SEC. 1292. DEFINED TERMS.

In this subtitle, the term "global health security" means the activities required to minimize the danger and impact of acute public health events that endanger the collective health of populations living across geographical regions and international boundaries.

SEC. 1293. POLICY OBJECTIVES.

It is the policy of the United States—

(1) to advance global health security through engagement in a multi-paced, multi-country, multi-sectoral framework to accelerate targeted partner countries' measurable capabilities to achieve specific targets to prevent, detect, and respond to infectious disease threats, whether naturally occurring, deliberate, or accidental;

(2) to encourage governments and multilateral institutions, including development banks, nongovernmental organizations, and public sector stakeholders throughout the world to make fortifying health security a national priority and a key commitment; and

(3) to emphasize improving coordination and collaboration across governmental and societal sectors to help strengthen health systems and pandemic preparedness.

SEC. 1294. GLOBAL HEALTH SECURITY SPECIAL ADVISOR.

(a) IN GENERAL.—There is established, within the Executive Office of the President, the position of Special Advisor for Global Health Security (referred to in this subtitle as the "Advisor"), who shall be appointed by the President, at a level not lower than that of deputy assistant to the President. In selecting the Advisor, the President should appointing a staff member of the National Security Council.

(b) GENERAL DUTIES.—The Advisor shall—

(1) serve as the President's principal advisor on global health security and global health emergencies;

(2) coordinate the United States Government's efforts to carry out global health security activities, including participation in the Global Health Security Agenda; and

(3) serve as the President's principal advisor on global health security and global health emergencies, and

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

SEC. 97. PROHIBITION ON USE OF FUNDS TO DISMANTLE, DECOMMISSION, OR DISMANTLE INTERNATIONAL MONITORING SYSTEM STATIONS.

None of the funds authorized to be appropriated or otherwise made available by this Act for fiscal year 2021, or authorized to be appropriated or otherwise made available by any other Act for fiscal year 2021 or any fiscal year thereafter, for the Department of Defense may be obligated or expended to disable, decommission, dismantle, or undertake any activity that would in any way impede the transmission of monitoring data from facilities of the International Monitoring System of the Comprehensive Nuclear-Test-Ban Treaty Organization located on United States territory.

SA 1849. Mr. VAN HOLLEN (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to provide for military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:
(6) developing policy that will prioritize global health security, especially the role of building low- and middle-income country capacity to contain pandemic threats, in all relevant areas of global and national health, research and development, and biodefense strategies, including the National Health Security Strategy, the National Security Strategy, and the National Biodefense Strategy; and

(7) articulating assessment standards that—

(A) measure countries' individual status and progress in building the necessary capacities to prevent, detect, and respond to infectious disease threats, in accordance with agreed-upon global targets, and in support of full implementation of the International Health Regulations, adopted at Geneva May 23, 2005;

(B) are part of the capacity building cycle designed to inform national priority setting, target resources, and track progress.

d) COORDINATION.—In carrying out the duties set forth in subsection (b), the Advisor shall ensure—

(1) in consultation with the Administrator of the United States Agency for International Development, who is responsible for the coordination of the provision of international humanitarian assistance by the United States Government;

(2) with relevant international stakeholders and organizations; and

(3) with the Federal Bureau of Investigation; the Federal Trade Commission; the Food and Drug Administration; the Food Safety and Inspection Service and the Food Safety and Security Council; the Department of Agriculture, including the Animal Plant Health Inspection Service; the Centers for Disease Control and Prevention; the Department of Homeland Security; the Department of Commerce, including the National Institute of Standards and Technology; the Department of Energy; the Department of Health and Human Services, including the National Institutes of Health; the Department of Defense, including the Military Health System, the National Security Council, and the Office of the Secretary of Defense; the Office of Management and Budget; the Department of Agriculture; the United States Agency for International Development; and the National Security Council.

c) FUNCTIONS.—The Council shall—

(1) provide policy-level guidance to participating agencies on global health security goals, objectives, and implementation;

(2) facilitate technical engagement to carry out global health security activities, including the Global Health Security Agenda;

(3) provide a forum for raising and working to resolve interagency disagreements concerning the global health security goals, objectives, and benchmarks;

(4) develop and maintain benchmarks for—

(A) assessing, measuring, and improving global health security outcomes; and

(B) identifying criteria for designating priority partner countries;

(5) review the progress toward, and work to resolve challenges to, achieving United States Government commitments to global health security activities, agreements, and organizations, including the Global Health Security Agenda and other commitments to assist other countries in achieving agreed-upon global health security targets; and

(6) consider, among other issues—

(A) the status of United States financial commitments to global health security in the context of commitments by other donors, and the contributions of partner countries to achieve global health security targets, including the Global Health Security Agenda;

(B) progress toward the milestones outlined in global health security national plans for those countries where the United States Government has committed to assist in global health security activities and in annual work plans outlining agency priorities for implementing global health security strategies, including the Global Health Security Agenda; and

(C) external evaluations of the capabilities of the United States and partner countries to address infectious disease threats, including—

(i) the ability to achieve the targets outlined in the Joint External Evaluation process; and

(ii) gaps identified by such external evaluations.

(d) SPECIFIC ROLES AND RESPONSIBILITIES.—

(1) IN GENERAL.—The heads of agencies referred to in subsection (a) shall—

(A) make the implementation of the Global Health Security Agenda (referred to in this subsection as "GHSA") a priority in their respective agencies, and include GHSA-related activities within their respective agencies' strategic planning and budget processes;

(B) designate a senior level official to be responsible for the implementation of this section;

(C) designate an appropriate representative, at the senior or equivalent level or higher, to represent the agency on the Council;

(D) keep the Council apprised of global health security activities, including the Global Health Security Agenda, undertaken within their respective agencies;

(E) maintain responsibility for agency-related programmatic functions, in coordination with host governments, country teams, and global health security in country teams, and in conjunction with other relevant agencies;

(F) coordinate with other agencies referred to in subsection (a) to satisfy programmatic goals, and further facilitate coordination of country teams, implementers, and donors in host countries; and

(G) coordinate across GHSA national plans and with GHSA partners to which the United States is a priority partner country.

(2) ADDITIONAL ROLES AND RESPONSIBILITIES.—In addition to the roles and responsibilities described in paragraph (1), the heads of agencies referred to in subsection (a) shall carry out their respective roles and responsibilities described in subsections (b) through (i) of section 13747 (81 Fed. Reg. 78701; relating to Advancing the Global Health Security Agenda to Achieve a World Safe and Secure from Infectious Disease Threats). In the day before the enactment of this Act.

SEC. 1294. STRATEGY AND REPORTS.

(a) STRATEGY.—The Special Advisor for Global Health Security appointed under section 1294 shall coordinate the development and implementation of a strategy to implement the policy objectives described in section 1293, which shall—

(1) set specific and measurable goals, benchmarks, timetables, performance metrics, and monitoring and evaluation plans that reflect international best practices relating to transparency, accountability, and global health security outcomes; and

(2) support and align with country-owned global health security policy and investment plans developed with input from key stakeholders, as appropriate.

(b) COORDINATION.—The President, acting through the Special Advisor for Global Health Security, shall coordinate, through a whole-of-government approach, the efforts of relevant Federal departments and agencies in the implementation of the strategy required under subsection (a) by establishing—

(1) monitoring and evaluation systems, coherence, and coordination across relevant Federal departments and agencies and platforms for regular consultation and collaboration with key stakeholders and the appropriate congressional committees.

(c) STRATEGY SUBMISSION.—

(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the President, in consultation with the heads of relevant Federal department and agency shall, submit to the appropriate congressional committees—

(A) the strategy required under subsection (a); and

(B) a detailed description of how the United States intends to advance the policy objectives described in section 1293 and the agency-specific plans described in paragraph (2).

(2) AGENCY-SPECIFIC PLANS.—The strategy required under subsection (a) shall include agency-specific plans that reflect each relevant Federal department and agency that describes—
(a) The anticipated contributions of the department or agency, including technical, financial, and in-kind contributions, to implement the strategy; and
(b) The efforts of the department or agency to ensure that the activities and programs carried out pursuant to the strategy are designed to achieve maximum impact and long-term sustainability.

(d) Report.—
(1) In general.—Not later than 1 year after the date on which the strategy required under subsection (a) is submitted to the appropriate congressional committees under subsection (c), and not later than October 1 of each year thereafter, the President shall submit to the appropriate congressional committees that describes the status of the implementation of the strategy.
(2) Content.—The report required under paragraph (1) shall—
(A) contain a summary of the strategy as an appendix;
(B) identify any substantial changes made in the strategy during the preceding calendar year;
(C) describe the progress made in implementing the strategy; and
(D) identify the indicators used to establish benchmarks and measure results over time, and the mechanisms for reporting such results in a timely manner.

(e) Form.—The strategy required under subsection (a) and the report required under subsection (d) shall be submitted in an unclassified manner.

(f) Description.—The strategy shall describe how the strategy leverages other United States global health and development assistance programs.

(g) Activities.—Coordination United States global health security programs, activities, and initiatives with key stakeholders; and
(h) Incorporate a plan for regularly reviewing and updating strategies, partnerships, and programs and sharing lessons learned with a wide range of stakeholders, including key stakeholders, in an open, transparent manner.

SEC. 1297. ANNUAL NATIONAL INTELLIGENCE ESTIMATE AND BRIEFING ON NOVEL DISEASES AND PANDEMIC THREATS.
(a) In general.—The National Security Act of 1947 (50 U.S.C. 3001 et seq.) is amended by adding at the end the following:

SEC. 1109. ANNUAL NATIONAL INTELLIGENCE ESTIMATE AND BRIEFING ON NOVEL DISEASES AND PANDEMIC THREATS.
(a) Defined terms.—In this section, the term ‘appropriate committees of Congress’ means—
(1) the Committee on Foreign Relations of the Senate;
(2) the Select Committee on Intelligence of the Senate;
(3) the Committee on Health, Education, Labor, and Pensions of the Senate;
(4) the Committee on Foreign Affairs of the House of Representatives;
(5) the Permanent Select Committee on Intelligence of the House of Representatives; and
(6) the Committee on Energy and Commerce of the House of Representatives.

(b) National Intelligence Estimates Required.—
(1) In general.—Not later than 90 days after the date of the enactment of this section, and annually thereafter, the National Intelligence Council shall produce a National Intelligence Estimate regarding the risk of pandemics from highly infectious and novel diseases.

(2) Elements.—Each National Intelligence Estimate produced under paragraph (1) shall include the following:
(A) An identification of the countries most likely to be the origin of a disease with pandemic potential.
(B) An assessment of the likelihood of a spread of a disease described in subparagraph (A) to the United States, the Armed Forces or diplomatic or development personnel of the United States abroad, or citizens of the United States abroad in a manner that could lead to adverse effects on the national security or economic prosperity of the United States.
(C) An assessment of the preparedness of countries around the world to detect, prevent, and respond to pandemic threats.
(D) An identification of any gaps in the preparedness of countries described in subparagraph (C);
(E) A description of how the strategy leverages other United States global health and development assistance programs;
(F) A description of how the strategy coordinates United States global health security programs, activities, and initiatives with key stakeholders; and
(G) An incorporation of a plan for regularly reviewing and updating the strategy, partnerships, and programs and sharing lessons learned with a wide range of stakeholders, including key stakeholders, in an open, transparent manner.

(3) Submission.—The Director of National Intelligence shall produce the National Intelligence Estimate under subsection (a) not later than one year after the date of the enactment of this Act and the National Intelligence Council shall submit the Estimate to the appropriate committees of Congress.

(f) Congressional Briefings.—The National Intelligence Council shall annually brief the appropriate committees of Congress regarding—
(1) the most recent National Intelligence Estimate submitted under subsection (c); and
(2) outbreaks of disease with pandemic potential that could lead to a threat of epidemics described in subsection (b)(2)(B).

(4) Public Availability.—The Director of National Intelligence shall make publicly available the most recent version of each National Intelligence Estimate produced under subsection (b)(1).

(b) Clerical Amendment.—The table of contents in the matter preceding section 2 of such Act (50 U.S.C. 3002) is amended by adding at the end the following:

1109. Annual National Intelligence Estimate and briefing on novel diseases and pandemic threats.

SA 1853. Mrs. CAPITO (for herself and Mr. SANDERS) submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

SEC. 156. REPORT ON LC–130 AIRCRAFT INVENTORY.

Not later than one year after the date of enactment of this Act, the Secretary of the Air Force shall submit to Congress a report on—
(1) the location and amount of the stockpile of fluorinated aqueous film forming foam in the possession of the Department of Defense that contains—
(A) perfluorooctanoic acid (PFOA);
(B) perfluorooctane sulfonate (PFOS);
(C) perfluorohexane sulfonic acid (PFHxS);
(D) perfluoroheptanoic acid (PFHpA); or
(E) perfluorononanoic acid (PFNA);
(2) the amount of such foam that has been authorized for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

SEC. 156. REPORT ON LC–130 AIRCRAFT INVENTORY.

Not later than one year after the date of enactment of this Act, the Secretary of the Air Force shall submit to Congress a report on—
(1) the location and amount of the stockpile of fluorinated aqueous film forming foam in the possession of the Department of Defense that contains—
(A) perfluorooctanoic acid (PFOA);
(B) perfluorooctane sulfonate (PFOS);
(C) perfluorohexane sulfonic acid (PFHxS);
(D) perfluoroheptanoic acid (PFHpA); or
(E) perfluorononanoic acid (PFNA).
(2) the amount of such foam that has been authorized for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:
At the end of subtitle C of title VII, add the following:

SEC. 7. EXPEDITED HIRING BY DEPARTMENT OF VETERANS AFFAIRS OF MILITARY PERSONNEL SEPARATING FROM THE ARMED FORCES.

(a) IN GENERAL.—The Secretary of Veterans Affairs, in consultation with the Secretary of Defense, shall conduct recruitment for covered medical personnel positions from among military department personnel of the Department of Defense who hold medical credentials for the individual to the medical community for the individual to have the benefit of the professional skills, training, and other matters specified in this subsection.

(b) SPECIFIED SKILLS, TRAINING, AND OTHER MATTERS.—The skills, training, and other matters specified in this subsection are the following:

(c) ELEMENTS OF RECRUITMENT.—

(1) TENTATIVE OFFER.—

(A) In general.—The supervisor or technician conducting the briefing under paragraph (1) shall:

(i) one hour each day during the period beginning on the date on which the member from the Armed Forces and ending on the date that is 90 days after such separation.

(ii) the professional skills, training, and other matters specified in this subsection.

(iii) the individual to have the benefit to the medical community for the individual to have the benefit of the professional skills, training, and other matters specified in this subsection.

(iv) the individual to the medical community for the individual to have the benefit of the professional skills, training, and other matters specified in this subsection.

(d) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to headstones and markers furnished by the Secretary of Veterans Affairs after the date of the enactment of this Act.

(a) IN GENERAL.—Section 2306 of title 38, United States Code, is amended—

(b) ESTABLISHMENT OF LIST OF APPROVED EMBLEMS.—Not later than June 1, 2021, the Secretary of Veterans Affairs, in coordination with the Secretary of Defense, shall establish the list of approved emblems required by section 2306(e)(1)(C), as added by subsection (a), in accordance with that section.

(c) AVAILABLE OF APPROVED EMBLEMS.—Not later than October 1, 2021, the Secretary of Veterans Affairs shall make the emblems on the list of approved emblems required by section 2306(e)(1)(C), as added by subsection (a), available for inclusion on headstones and markers.

(d) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to headstones and markers furnished by the Secretary of Veterans Affairs after the date of the enactment of this Act.

SA 1855. Mr. BRAUN submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. 5. PRIORITY AND EMPHASIS IN PROMOTION OF MEMBERS OF THE ARMED FORCES.

(a) PRIORITY AND EMPHASIS.—Commencing not later than 180 days after the date of enactment of this Act, promotion selection boards, in the case of officers, and personnel responsible for determinations regarding promotions, shall afford an enhanced priority and emphasis in the promotion of members of the Armed Forces for skills, training, and other matters specified in this subsection.

(b) SPECIFIED SKILLS, TRAINING, AND OTHER MATTERS.—The skills, training, and other matters specified in this subsection are the following:

(c) GUIDANCE.—Promotion selection boards and personnel responsible for determinations regarding promotion of members of the Armed Forces shall carry out subsection (a) in accordance with guidance issued by the Secretary of the Army.

SA 1857. Mr. BRAUN submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. 5. PRIORITY AND EMPHASIS IN PROMOTION OF MEMBERS OF THE ARMED FORCES.

(a) PRIORITY AND EMPHASIS.—Commencing not later than 180 days after the date of enactment of this Act, promotion selection boards, in the case of officers, and personnel responsible for determinations regarding promotions, shall afford an enhanced priority and emphasis in the promotion of members of the Armed Forces for skills, training, and other matters specified in this subsection.

(b) SPECIFIED SKILLS, TRAINING, AND OTHER MATTERS.—The skills, training, and other matters specified in this subsection are the following:

(c) GUIDANCE.—Promotion selection boards and personnel responsible for determinations regarding promotion of members of the Armed Forces shall carry out subsection (a) in accordance with guidance issued by the Secretary of the Army.

SA 1856. Mr. BRAUN submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

SEC. 5. PRIORITY AND EMPHASIS IN PROMOTION OF MEMBERS OF THE ARMED FORCES.

(a) PRIORITY AND EMPHASIS.—Commencing not later than 180 days after the date of enactment of this Act, promotion selection boards, in the case of officers, and personnel responsible for determinations regarding promotions, shall afford an enhanced priority and emphasis in the promotion of members of the Armed Forces for skills, training, and other matters specified in this subsection.

(b) SPECIFIED SKILLS, TRAINING, AND OTHER MATTERS.—The skills, training, and other matters specified in this subsection are the following:

(c) GUIDANCE.—Promotion selection boards and personnel responsible for determinations regarding promotion of members of the Armed Forces shall carry out subsection (a) in accordance with guidance issued by the Secretary of the Army.
SEC. 8101. Definitions.

(1) COVERED BIRTH DEFECT.—The term ‘covered birth defect’ means a birth defect identified by the Secretary under section 1822 of this title.

(2) COVERED VETERAN.—The term ‘covered veteran’ means an individual who—

(A) served in the active military, naval, or air service, without regard to the characterization of that service or its duration; and

(B) is determined by the Secretary, in consultation with the Secretary of Defense, to have been exposed to a herbicide agent during such service.

(3) ELIGIBLE DESCENDANT.—The term ‘eligible descendant’ means—

(A) for purposes of eligibility for health care and benefits prescribed by subchapter I, an individual described in section 1811 of this title; and

(B) for purposes of eligibility for health care and benefits prescribed by subchapter II, an individual described in section 1822(a) of this title.

(4) FACILITY OF THE DEPARTMENT.—The term ‘facility of the Department’ has the meaning given the term ‘facilities of the Department’ in section 1701 of this title.

(5) HERBICIDE AGENT.—The term ‘herbicide agent’ means a chemical in a herbicide used in support of United States and allied military operations, as determined by the Secretary in consultation with the Secretary of Defense.

SUBCHAPTER I—ELIGIBLE DESCENDANTS OF VETERANS EXPOSED TO HERBICIDE AGENTS BORN WITH SPINA BIFIDA

§ 1811. Eligibility.

For purposes of this subchapter, an eligible descendant is an individual, regardless of age or marital status, who—

(1)(A) is the natural child of a covered veteran; and

(i) was conceived after the date on which that veteran first was exposed to a herbicide agent during such service or the active military, naval, or air service; or

(ii) was born of the Department’s confirmation of spina bifida, except spina bifida occulta.

§ 1812. Health care

(a) IN GENERAL.—In accordance with regulations prescribed by the Secretary, the Secretary shall provide an eligible descendant with health care under this section.

(b) PROVIDE OR PAY.—In accordance with regulations prescribed by the Secretary, the Secretary shall provide health care under this section—

(1) through facilities of the Department; or

(2) by contract or other arrangement with any health care provider, as coordinated by the care coordinator assigned under section 1822 of this title for the eligible descendant.

(c) DEFINITIONS.—In this section—

(1) HEALTH CARE.—The term ‘health care’ means—

(A) home care, hospital care, nursing home care, outpatient care, preventive care, rehabilitative care, case management, and respite care; and

(B) the full range of services and support necessary to develop, maintain, or restore, to the maximum extent practicable, the functioning of a disabled person.

(2) HABITABILITY AND REHABILITATIVE CARE.—The term ‘habilitative and rehabilitative care’ means such professional, counseling, and guidance services and treatment programs (other than vocational training programs under section 1813 of this title) as are necessary to develop, maintain, or restore, to the maximum extent practicable, the functioning of a disabled person.

(3) HEALTH CARE PROVIDER.—The term ‘health care provider’ includes specialized spina bifida clinics, health care plans, insur- ers, organizations, institutions, and any other entity or individual furnishing health care services that the Secretary determines are authorized under this section.

(4) HOSPITAL CARE.—The term ‘hospital care’ means health care furnished by an entity other than a hospital to a disabled person.

(5) INDIVIDUAL WITH A DISABILITY.—The term ‘individual with a disability’ means an individual who has been admitted to a nursing home as a resident.

(6) NURSING HOME CARE.—The term ‘nursing home care’ means care and treatment for a disability furnished to an individual who has been admitted to a nursing home as a resident.

(7) OUTPATIENT CARE.—The term ‘outpatient care’ means care and treatment of a disability, and preventive health services, furnished to an individual who resides primarily in a private residence.

§ 1813. Vocational training

(a) AUTHORITY.—Pursuant to regulations prescribed by the Secretary, the Secretary may provide vocational training under this section to an eligible descendant if the Secretary determines that the achievement of a vocational goal by such descendant is reasonably feasible.

(b) PROGRAM DESIGN.—Any program of vocational training for an eligible descendant under this section shall—

(1) be designed and developed before the date specified in subsection (d)(3) so as to permit the beginning of the program as of such date;

(2) be set forth in an individualized written plan of vocational rehabilitation; and

(3) be designed and developed before the date specified in subsection (d)(3) so as to permit the beginning of the program as of such date.

(c) PROGRAM ELEMENTS.—

(1) IN GENERAL.—A vocational training program for an eligible descendant under this section—

(A) shall consist of such vocationally oriented services and assistance, including such counseling and post-placement services and personal and work adjustment training, as the Secretary determines are necessary to enable the descendant to prepare for and participate in vocational training or employment; and

(B) may include a program of education at an institution of higher learning if the Secretary determines that the program of education is predominantly vocational in content.

(2) EXCLUSIONS.—A vocational training program for an eligible descendant under this section shall—

(A) shall consist of such vocationally oriented services and assistance, including such counseling and post-placement services and personal and work adjustment training, as the Secretary determines are necessary to enable the descendant to prepare for and participate in vocational training or employment; and

(B) may include a program of education at an institution of higher learning if the Secretary determines that the program of education is predominantly vocational in content.

(3) PROGRAM DURATION.—

(1) IN GENERAL.—Except as provided in paragraph (2) and subject to subsection (c)(2),
a vocational training program under this section may not exceed 24 months.

(2) EXTENSIONS.—The Secretary may grant an extension of a vocational training program for an eligible descendant under this section for up to 24 additional months if the Secretary determines that the extension is necessary in order for the descendant to achieve a vocational objective that is consistent with the program for the descendant as determined by the Secretary.

(3) COMMENCEMENT.—A vocational training program under this section may begin on the eligible descendant’s 18th birthday, or on the date of completion of the descendant’s secondary schooling, whichever first occurs, except that, if the descendant is above the age of compulsory school attendance under applicable State law and the Secretary determines that the descendant’s best interests will be served thereby, the vocational training program may begin before the descendant’s 18th birthday.

(4) RELATIONSHIP TO OTHER PROGRAMS.—(1) IN GENERAL.—An eligible descendant who is pursuing a program of vocational training under this subchapter and is eligible for assistance under a program under chapter 35 of this title may not receive assistance under such programs concurrently. The descendant shall elect (in such form and manner as the Secretary may prescribe) the program under which the descendant is to receive assistance.

(2) AGGREGATE PERIOD.—The aggregate period for which an eligible descendant may receive assistance under this section and chapter 35 of this title may not exceed 48 months (or the part-time equivalent thereof).

§ 1814. Monetary allowance

(a) MONETARY ALLOWANCE.—The Secretary shall pay a monthly allowance to any eligible descendant if the Secretary determines that an eligible descendant needs assistance under a program under this subchapter.

(b) SCHEDULE FOR RATING OF DISABILITIES.—(1) IN GENERAL.—The amount of the allowance paid to an eligible descendant under this section shall be based on the degree of disability suffered by the descendant as determined in accordance with such schedule for rating disabilities resulting from spina bifida that is prescribed by the Secretary.

(2) LEVELS OF DISABILITY.—The Secretary shall, in rating the schedule for purposes of this section, establish three levels of disability for purposes of the administration of this subchapter.

(c) AMOUNT OF MONTHLY ALLOWANCE.—(1) IN GENERAL.—The amounts of the allowance shall be $200 per month for the lowest level of disability prescribed, $700 per month for the intermediate level of disability prescribed, and $1,200 per month for the highest level of disability prescribed.

(2) ADJUSTMENT.—Amounts under paragraph (1) are subject to adjustment under section 1814(c) of this title for the highest level of disability prescribed for purposes of that section.

§ 1822. Covered birth defects

(a) IDENTIFICATION.—The Secretary shall identify the birth defects of eligible descendants that—

(1) are associated with the service of covered women veterans; and

(2) result in permanent physical or mental disability.

(b) OCCURRENCE OF DEFECTS.—The birth defects identified under subsection (a) may not include birth defects resulting from the following:

(1) A familial disorder.

(2) A birth-related injury.

(3) A fetal or neonatal infirmity with well-established causes.

(c) OTHER CAUSE.—In any case where an eligible descendant is shown to have a birth defect that is not otherwise covered by the provisions of this subchapter.

§ 1823. Health care

(a) NEEDED CARE.—The Secretary shall provide a health care plan under which the Secretary determines is needed for the health care of an eligible descendant if the Secretary determines that the achievement of a vocational goal identified (before the date of enactment of this act) the program under which the descendant is to receive assistance.

(b) PROVIDER OF CARE.—The Secretary shall provide health care under this section—

(1) through facilities of the Department;

(2) by contract or other arrangement with a health care provider, as coordinated by the care coordinator assigned under section 1832 of this title for the eligible descendant.

(c) DEFINITIONS.—For purposes of this section, the definitions in section 1812(c) of this title shall apply with respect to the provision of health care under this section, except that for subparagraph (B) the Secretary may prescribe—

(1) the reference to ‘vocational training under section 1813 of this title’ in paragraph (2) of that section shall be treated as a reference to vocational training under section 1824 of this title; and

(2) the reference to ‘specialized spina bifida clinic’ in paragraph (3) of that section shall be treated as a reference to a specialized spina bifida clinic.

§ 1824. Vocational training

(a) AUTHORITY.—The Secretary may provide a program of vocational training to an eligible descendant if the Secretary determines that an eligible descendant needs assistance under this subchapter.

(b) APPLICABLE PROVISIONS.—Subsections (b) and (c) of section 1812 of this title shall apply with respect to any program of vocational training provided under subchapter II of this title.

§ 1825. Monetary allowance

(a) MONETARY ALLOWANCE.—The Secretary shall pay a monthly allowance to any eligible descendant if the Secretary determines that the achievement of a vocational goal by the descendant is reasonably feasible.

(b) APPLICABLE PROVISIONS.—Subsection (c) of section 1812 of this title shall apply with respect to a vocational training program under this subchapter.

§ 1826. Regulations

The Secretary shall prescribe regulations for purposes of the administration of this subchapter.

SUBCHAPTER III—ADMINISTRATION

§ 1831. Determination of eligibility

(a) NOTIFICATION.—Each director of a facility of the Department shall notify each covered veteran who seeks care at the facility of the health care and benefits available to eligible descendants under this chapter.

(b) MEDICAL EVALUATION.—(1) IN GENERAL.—The Secretary shall ensure that each eligible descendant of a covered veteran who seeks health care or benefits under this chapter receives a medical evaluation conducted at a facility of the Department.

(2) DETERMINATION.—Each director of a facility at which a medical evaluation for a descendant is conducted under paragraph (1) shall determine whether such descendant is eligible for health care or benefits under this chapter.
paragraph (2), the director shall assign to the eligible descendant a social worker or registered nurse employed by the Department at the facility to serve as the care coordinator for the descendant.

(2) ALTERNATE LOCATION.—If another facility of the Department is more geographically convenient for an eligible descendant than the facility at which the descendant received a medical evaluation under section 1811(b)(1), the director of such other facility shall assign to the descendant a social worker or registered nurse employed by the Department at the facility to serve as the care coordinator for the descendant.

(3) UNDERSECTION (A) OF PARAGRAPH (1).—In subparagraph (A) of paragraph (1)—

(1) IN GENERAL.—A care coordinator assigned under subsection (a) shall ensure that each eligible descendant to which the care coordinator is assigned receives all health care, vocational training, and monetary compensation for which the descendant is eligible.

(2) HOME MODIFICATIONS AND EQUIPMENT.—A care coordinator assigned under subsection (a) shall ensure that, for each eligible descendant to which the care coordinator is assigned—

(A) any home modifications that the care coordinator determines are necessary, in consultation with primary care providers and physical therapist of the descendant, are completed; and

(B) any durable medical equipment that the care coordinator determines is required, in consultation with the primary care provider and physical therapist of the descendant, is provided.

(4) HOME VISITS.—A care coordinator assigned under subsection (a) shall conduct not fewer than two home visits each year for each eligible descendant to which the care coordinator is assigned—

(A) to evaluate the support and care being provided; and

(B) to make improvements as needed.

(4) AGREEMENTS WITH HEALTH CARE PROVIDERS.—

(A) IN GENERAL.—A care coordinator assigned under subsection (a) shall ensure that each eligible descendant to which the care coordinator is assigned is connected with appropriate health care—

(i) locating health care providers; and

(ii) by educating those providers about the health care and benefits provided to eligible descendants under this chapter; and

(B) HEALTH CARE INCLUDED.—Health care arranged under subparagraph (A)(ii) shall include massage and support as an eligible descendant may need for assistance in completing all activities of daily living.

(5) ADMINISTRATIVE RESPONSIBILITIES.—

(A) IN GENERAL.—A care coordinator assigned under subsection (a) shall ensure, with respect to each eligible descendant to which the care coordinator is assigned, any necessary authorization from payments to providers, and travel reimbursements are completed in a timely manner.

(B) RESOLUTION OF ISSUES.—The care coordinator shall work with the eligible descendant and the office of the Department that administers health care and benefits under this chapter to resolve any issues relating to the matters described in subparagraph (A).

(6) ASSIGNMENT OF FIDUCIARY.—If the Under Secretary for Benefits determines that a fiduciary is required for an eligible descendant for purposes of managing compensation provided under section 1814 or 1825 of this title, the care coordinator assigned to the descendant under subsection (a) shall ensure that the descendant has such a fiduciary.

(c) LOCAL CONTRACT CARE COORDINATOR.—

(1) IN GENERAL.—In the case of an eligible descendant who lives a significant driving distance from a facility of the Department, the care coordinator assigned to the descendant under subsection (a) may arrange for a local contract care coordinator to coordinate care for the descendant from sources other than the facility.

(2) OVERSIGHT.—Each care coordinator who arranges for a local contract care coordinator under paragraph (1) shall oversee the local contract care coordinator, the eligible descendant through home visits required by subsection (b)(3).

(d) PERFORMANCE AND EFFECTIVENESS.—Each director of a facility of the Department at which a care coordinator assigned under subsection (a) is located shall be responsible for the performance and effectiveness of the care coordinator.

§ 1833. Duration of health care and benefits provided

The Secretary shall provide an eligible descendant with health care and benefits under this chapter—

(1) for the duration of the life of the descendant; and

(2) notwithstanding any death of a parent of the descendant that precedes the death of the descendant.

§ 1834. Applicability of certain administrative provisions

(a) APPLICABILITY OF CERTAIN PROVISIONS RELATING TO RECIPIENTS.—The provisions of this title specified in subsection (b) apply with respect to benefits and assistance under this chapter in the same manner as those provisions apply to compensation paid under chapter 11 of this title.

(b) SPECIFIED PROVISIONS.—The provisions of this title referred to in subsection (a) are the following:

(1) Section 5101(c).

(2) Subsections (a), (b)(3), (g), and (i) of section 5110.

(3) Section 5111.

(4) Subsection (a) and paragraphs (1), (6), (9), and (10) of subsection (b) of section 5112.

§ 1835. Treatment of receipt of monetary allowance and other benefits

(a) COORDINATION WITH OTHER BENEFITS PAID TO THE RECIPIENT.—Notwithstanding any other provision of law, receipt by an individual of a monetary allowance under this chapter shall not impair, infringe upon, otherwise affect the right of the individual to receive any other benefit to which the individual is otherwise entitled under any law administered by the Secretary.

(b) COORDINATION WITH BENEFITS BASED ON RELATIONSHIP OF RECIPIENT.—Notwithstanding any other provision of law, receipt by an individual of a monetary allowance under this chapter shall not impair, infringe upon, otherwise affect the right of the individual to receive any other benefit to which such other individual is entitled under any law administered by the Secretary based on the relationship of such other individual to the individual who receives such monetary allowance.

(c) MONETARY ALLOWANCE NOT TO BE CONSIDERED AS INCOME OR RESOURCES FOR CERTAIN PURPOSES.—Notwithstanding any other provision of law, a monetary allowance paid to an individual under this chapter shall not be considered as income or resources in determining eligibility for, or the amount of benefits under, any Federal or federally assisted program.

§ 1836. Nonduplication of benefits

(a) MONETARY ALLOWANCE.—In the case of an eligible descendant under subchapter II of this chapter whose only covered birth defect is spina bifida, a monetary allowance shall be paid under subchapter I of this chapter in the case of an eligible descendant under subchapter II of this chapter who has spina bifida and one or more additional covered birth defects.

(b) VACATIONAL TRAINING.—An individual may only be provided one program of vocational training under this chapter.

(c) CONFORMING AMENDMENTS.—Such title is further amended—

(1) in section 5331, by striking “1986” both places it appears and inserting “1982” in its place; and

(2) in section 1116B(c), by striking “the meaning given such term in section 1821(d) of this title” and inserting “means a chemical in a herbicide used in support of United States and allied military operations in or near the Korean demilitarized zone, as determined by the Secretary in consultation with the Secretary of Defense, during the period beginning on September 1, 1967, and ending on August 31, 1971.”

SA 1859. Ms. WARREN (for herself, Ms. COLLINS, Mr. KING, Mr. DAINES, Mr. BROWN, Mr. CORNYN, Ms. HASSAN, Mr. CRAMER, Mr. MERKLEY, Ms. MCSALLY, Mr. BLUMENTHAL, Mr. MENENDEZ, Mr. JONES, Ms. KLOBUCHAR, Mr. BOOKER, Mr. BURGESS, Mr. SPARKS, Mr. MARKEY, Mr. HOEVEN, and Mr. CASEY) submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. 553. RECOGNITION AND HONORING OF SERVICE OF INDIVIDUALS WHO SERVED IN UNITED STATES CADET NURSE CORPS DURING WORLD WAR II.

(a) DETERMINATION OF ACTIVE MILITARY SERVICE.—

(1) IN GENERAL.—The Secretary of Defense shall be deemed to have determined under subparagraph (B) of section 5101(c) of title 38, United States Code, the service of individuals who served in the Cadet Nurse Corps during the period beginning on July 1, 1943, and ending on December 31, 1948, constitutes active military service.

(b) ISSUANCE OF DISCHARGE.—Not later than one year after the date of the enactment of this Act, the Secretary shall, pursuant to subparagraph (B) of such section, issue to each member of such organization a discharge under such service under honorable conditions where the nature and duration of the service of such member so warrants.

(c) BENEFITS.—

(1) STATUS AS A VETERAN.—Except as otherwise provided in this subsection, an individual who receives a discharge under subsection (a) shall be honored as a veteran but shall not be entitled by reason of such service to any benefit under a law administered by the Secretary of Veterans Affairs.

(2) BURIAL BENEFITS.—Service for which an individual receives a discharge under subsection (a) shall be considered service under section 1074, United States Code for purposes of eligibility and
entitlement to benefits under chapters 23 and 24 of title 38, United States Code (other than section 2410 of that title).

(3) MEDALS OR OTHER COMMENDATIONS.—The Secretary of Defense may design and produce a service medal or other commendation to honor individuals who receive a discharge under subsection (a)(2).

SA 1860. Ms. WARREN submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

SEC. 5906. Availability of legal assistance at Department facilities.

(a) IN GENERAL.—Each Medal of Honor awarded for acts at Wounded Knee Creek, Lakota Pine Ridge Indian Reservation, South Dakota, on December 29, 1890, is rescinded.

SA 1861. Mr. REED (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 5906. Availability of legal assistance at Department facilities.

(a) IN GENERAL.—Not less frequently than once every three years, the Secretary shall facilitate the provision by a qualified legal assistance provider of legal assistance described in subsection (c) to eligible individuals at military centers and facilities of the Department of Veterans Affairs, or such other facility of the Department as the Secretary considers appropriate, in each State.

(b) ELIGIBLE INDIVIDUALS.—For purposes of this section, an eligible individual is—

(1) any veteran; or

(2) any surviving spouse; or

(3) any child of a veteran who has died.

(c) PRO BONO LEGAL ASSISTANCE DESCRIBED.—The pro bono legal assistance described in this subsection is the following:

(1) Legal assistance with any program administered by the Secretary;

(2) Legal assistance associated with—

(A) improving the status of a military discharge or characterization of service in the Armed Forces, including through a discharge review board; or

(B) seeking a review of a military record before a board of correction for military or naval records.

(3) Other legal assistance as the Secretary considers appropriate.

(d) LIMITATION ON USE OF FACILITIES.—Space in a medical center or facility described in subsection (a) shall be reserved for and may only be used by the following, subject to review and removal from participation by the Secretary:

(1) A veterans service organization or other nonprofit organization;

(2) A legal assistance clinic associated with an accredited law school.

(3) A legal services corporation.

(4) A bar association.

(5) Such other attorneys and entities as the Secretary considers appropriate.

(e) LEGAL ASSISTANCE IN RURAL AREAS.—In carrying out this section, the Secretary shall ensure that pro bono legal assistance is provided under subsection (a) in rural areas.

(f) DEFINITION OF VETERANS SERVICE ORGANIZATION.—For purposes of this section, the term 'veterans service organization' means any organization recognized by the Secretary for the representation of veterans under section 5902 of this title.

(g) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 59 of such title is amended by adding at the end the following new item:

"5906. Availability of legal assistance at Department facilities."
(a) The Committee on Veterans' Affairs and the Committee on Appropriations of the Senate; and
(b) the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives.

(2) VETERANS SERVICE ORGANIZATION.—The term "veterans service organization" means any organization, or any subdivision thereof, recognized by the Secretary for the representation of veterans under section 5902 of title 38, United States Code.

SA 1862. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection D of title X of division A, add the following:

SEC. 1035. ANTI-MONEY LAUNDERING AND COMBATING THE FINANCING OF TERRORISM, AND COOPERATION WITH ALLIES AND PARTNERS.

(a) IN GENERAL.—The Secretary of State, the Secretary of Defense, the Director of National Intelligence, and the head of any other relevant Federal department or agency shall—

(1) develop United States Government-wide indicators to—

(A) to more systematically assess the impact of and improve anti-money laundering and combating the financing of terrorism assistance initiatives in supporting U.S. foreign policy interests and countering terrorist finance; and

(B) to improve internal government coordination across relevant Federal departments and agencies; and

(2) to assess and improve coordination and cooperation with allies and partners regarding anti-money laundering and combating the financing of terrorism efforts; and

(2) ANY ADDITIONAL AUTHORITIES OR RESOURCES REQUIRED TO CARRY OUT SUBSECTION (A)(1).

SA 1863. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 2. PROVISION OF ASSISTANCE BY COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES TO ALLIES AND PARTNERS WITH RESPECT TO REVIEWING FOREIGN INVESTMENT.

Section 722(c)(3) of the Defense Production Act of 1950 (50 U.S.C. 4556(c)(3)) is amended—

(i) by striking paragraph (A) and inserting the following:

"(A) IN GENERAL.—The chairperson, in the discretion of the chairperson and in consultation with other members of the Committee, should, to protect the national security of the United States and to ensure that the United States or its allies or partners are not endangered or otherwise adversely affected by foreign investment, establish a formal process for—

(i) the exchange of information under paragraphs (1), (3), and (4) of section 5902 of title 37, United States Code, with the governments of such countries; and

(ii) the provision of assistance to those countries with respect to—

(D) reviewing foreign investment transactions in such countries;

(II) identifying the beneficial ownership of parties to such transactions; and

(III) identifying trends in investment and technology that could pose risks to the national security of the United States and such countries;";

(ii) in subparagraph (B)—

(A) in clause (ii), by striking "and" and inserting "; or"; and

(B) by redesignating clause (iii) as clause (iv); and

(C) by inserting after clause (ii) the following:

"(IV) provide for the provision of assistance to support those countries to review foreign investment transactions in such countries and determine the beneficial ownership of the parties to such transactions; and"

SA 1864. Mr. REED (for himself, Mr. TESTER, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. 3. IMPROVEMENTS TO RESIDENTIAL LEASES REQUIREMENTS FOR ACCOMMODATIONS ACQUIRED BY DEPARTMENT OF DEFENSE PERSONNEL AND FAMILIES UNDER LEASES OR RENTAL AGREEMENTS.

(a) TERMINATION OF RESIDENTIAL LEASES.—

(i) In general.—Section 305 of the Servicemembers Civil Relief Act (50 U.S.C. 3955) is amended—

(A) in subsection (a)(1)—

(i) in subparagraph (A), by striking "or" at the end;

(ii) in paragraph (B), by striking the period at the end and inserting "; or"; and

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

"(C) in the case of a lease described in subsection (b)(1) and paragraph (C) of such subsection, by delivery by the servicemember indicating that the lease is executed by or on behalf of a person who thereafter and during the term of the lease is assigned to or otherwise relocates to quarters of the United States or a housing facility under the jurisdiction of a uniformed service (as defined in section 101 of title 37, United States Code), including housing provided under the Military Housing Privatization Initiative;"

(ii) by redesignating subparagraph (B) as subparagraph (C); and

(b) DEFINITION OF MILITARY ORDERS, CONTINGENT UNITED STATES, AND PERMANENT CHANGE OF STATION FOR PURPOSES OF ACT.—

(1) TRANSFER OF DEFINITIONS.—Such Act is further amended by transferring paragraphs (1), (2), and (3) of section 305(i) (50 U.S.C. 3955) to the end of section 101 (50 U.S.C. 3911) and redesignating such paragraphs, as so transferred, as paragraphs (10), (11), and (12), respectively.

(2) CONFORMING AMENDMENTS.—Such Act is further amended—

(A) in section 305 (50 U.S.C. 3955), as amended by paragraph (1), by striking subsection (i); and

(B) in section 705 (50 U.S.C. 4025), by striking "or naval" both places it appears.

SA 1865. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. 3. AGREEMENTS AND REPORTS WITH RESPECT TO RESIDENTIAL LEASES.

(a) TERMINATION OF RESIDENTIAL LEASES.—

(i) In general.—Section 305 of the Servicemembers Civil Relief Act (50 U.S.C. 3955) is amended—

(A) in subsection (a)(1)—

(i) in subparagraph (A), by striking "or" at the end;

(ii) in paragraph (B), by striking the period at the end and inserting "; or"; and

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

"(C) in the case of a lease described in subsection (b)(1) and paragraph (C) of such subsection, by delivery by the servicemember indicating that the lease is executed by or on behalf of a person who thereafter and during the term of the lease is assigned to or otherwise relocates to quarters of the United States or a housing facility under the jurisdiction of a uniformed service (as defined in section 101 of title 37, United States Code), including housing provided under the Military Housing Privatization Initiative;"

(ii) by redesignating subparagraph (B) as subparagraph (C);

(b) DEFINITION OF MILITARY ORDERS, CONTINGENT UNITED STATES, AND PERMANENT CHANGE OF STATION FOR PURPOSES OF ACT.—

(1) TRANSFER OF DEFINITIONS.—Such Act is further amended by transferring paragraphs (1), (2), and (3) of section 305(i) (50 U.S.C. 3955) to the end of section 101 (50 U.S.C. 3911) and redesignating such paragraphs, as so transferred, as paragraphs (10), (11), and (12), respectively.

(2) CONFORMING AMENDMENTS.—Such Act is further amended—

(A) in section 305 (50 U.S.C. 3955), as amended by paragraph (1), by striking subsection (i); and

(B) in section 705 (50 U.S.C. 4025), by striking "or naval" both places it appears.

SA 1865. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. 3. AGREEMENTS AND REPORTS WITH RESPECT TO RESIDENTIAL LEASES.

(a) TERMINATION OF RESIDENTIAL LEASES.—

(i) In general.—Section 305 of the Servicemembers Civil Relief Act (50 U.S.C. 3955) is amended—

(A) in subsection (a)(1)—

(i) in subparagraph (A), by striking "or" at the end;

(ii) in paragraph (B), by striking the period at the end and inserting "; or"; and

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

"(C) in the case of a lease described in subsection (b)(1) and paragraph (C) of such subsection, by delivery by the servicemember indicating that the lease is executed by or on behalf of a person who thereafter and during the term of the lease is assigned to or otherwise relocates to quarters of the United States or a housing facility under the jurisdiction of a uniformed service (as defined in section 101 of title 37, United States Code), including housing provided under the Military Housing Privatization Initiative;"
"(1) ESTABLISHMENT OF MEASURES.—The Secretary of the Treasury, in consultation with relevant Federal departments and agencies, shall conduct an impact assessment, based on the measures established pursuant to paragraph (1), that—
(A) measures the effectiveness of information sharing among foreign allies and partners to enhance the effectiveness of the public identification of foreign persons subject to sanctions under subsection (b); and
(B) analyzes efforts to enhance partner capacity to implement this chapter; and
(C) includes recommendations on how to improve the effectiveness of the sanctions pursuant to this chapter.

(2) ASSESSMENTS.—Not later than 2 years after the date of the enactment of this subsection, and every 4 years thereafter, the Secretary of the Treasury shall conduct an impact assessment, based on the measures established pursuant to paragraph (1), that—
(A) measures the effectiveness of information sharing among foreign allies and partners to enhance the effectiveness of the public identification of foreign persons subject to sanctions under subsection (b); and
(B) analyzes efforts to enhance partner capacity to implement this chapter; and
(C) includes recommendations on how to improve the effectiveness of the sanctions pursuant to this chapter.

SA 1866. Mr. REED (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill S. 649, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 2. INFORMATION LITERACY COMMISSION.

(a) ESTABLISHMENT OF INFORMATION LITERACY COMMISSION.—

(b) DEFINITIONS.—In this section—

(1) the term "Co-Chairs" means the Co-Chairs of the Commission;

(2) the term "Commission" means the Information Literacy Commission established under this section, and every 4 years thereafter, the Commission shall hold its first meeting not later than 120 days after the date of enactment of this section.

(c) MOUNTING.—The Commission shall hold, at the call of the Co-Chairs, at least 1 meeting every 4 months. All such meetings shall be open to the public. The Commission may hold, at the call of the Co-Chairs, such other meetings as the Co-Chairs see fit to carry out this section.

(d) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(e) INITIAL MEETING.—The Commission shall hold its first meeting not later than 120 days after the date of enactment of this section.

(f) DUTIES.—

(1) IN GENERAL.—The Commission shall take actions as it determines necessary to improve and increase access to information literacy; and to develop policies, instructional materials, and campaigns; and to promote information literacy, and on how to teach and to frame problems in ways that will assist them in meetings in the classroom, on the battlefield, at the workplace, and in life as a whole.

(g) DEVELOPMENT AND DISSEMINATION.—The Commission shall—

(1) develop materials to promote information literacy; and

(2) disseminate such materials to the general public.

(h) COORDINATION OF EFFORTS AND NATIONAL STRATEGIES.—The Commission shall take such steps as are necessary to target and meet the needs of different audiences, including servicemembers and their families, veterans, children, students, adults, and seniors, including to—

(1) coordinate information literacy efforts at the State and local level, including promoting partnerships among Federal, State, local, and Tribal governments, military service organizations, veteran service organizations, nonprofit organizations, and private enterprises; and

(2) develop and implement national strategies to promote information literacy that would utilize the partnerships described in paragraph (1), as appropriate, and provide for—

(A) the development of methods to increase information literacy;

(B) the enhancement of the general understanding of information literacy; and

(C) the review of Federal activities designed to promote information literacy and development of a plan to improve coordination of such activities.

(i) REPORTS.—

(1) IN GENERAL.—Not later than 18 months after the date of the first meeting of the Commission, and annually thereafter, the Commission shall issue a report on strategies for assuring information literacy to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives on the progress of the Commission in carrying out this section.

(2) CONTENT.—The report required under paragraph (1) shall include—

(A) information concerning the implementation of the duties of the Commission under subsection (f); and

(B) an assessment of the success of the Commission in implementing the targeted
national strategies developed under subsection (h); (C) an assessment of the availability, utilization, and impact of Federal information literacy materials; (D) information concerning the content and public use of—
(i) the website established under subsection (C)(1); and
(ii) the toolkits established under subsection (g)(3)(A)(ii); (E) a brief survey of the information literacy materials developed under subsection (g), and data regarding the dissemination and impact of such materials;
(F) a brief summary of any hearings conducted by the Commission, including a list of witnesses who testified at such hearings; (G) information about the activities of the Commission planned for the next fiscal year;
(H) a summary of all information literacy activities targeted to underserved communities; and
(i) such other material relating to the duties of the Commission as the Commission determines appropriate.
3. INITIAL REPORT.—The initial report under paragraph (1) shall include information on all Federal programs, materials, and grants which seek to improve information literacy, and assess the effectiveness of such programs.
4. REPORT OF THE COMMISSION.—
(A) HEARINGS.—
(A) In general.—The Commission shall hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission deems appropriate to carry out this section.
(B) PARTICIPATION.—In hearings held under this subsection, the Commission shall consider inviting witnesses from, among other groups—
(i) other Federal Government officials;
(ii) the state, local, and Tribal government officials;
(iii) military service organizations;
(iv) veteran service organizations;
(v) information literacy experts, including librarians, educators, and behavioral and data scientists;
(vi) consumer and community groups; and
(vii) the private sector.
5. INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this section. Upon request of the Co-Chairs, the head of such department or agency shall furnish such information to the Commission.
6. PERIODIC STUDIES.—The Commission may conduct periodic studies regarding the state of information literacy in the United States, as the Commission determines appropriate.
7. MULTILINGUAL.—The Commission may take any action to develop and promote information literacy and education materials in languages other than English, as the Commission determines appropriate, including for the website established under subsection (g)(3)(A)(ii), the toolkits established under subsection (g)(3)(A)(ii), and the materials developed and disseminated under subsection (g).
8. ARRANGEMENTS.—The Commission may enter into arrangements, including interagency agreements, grants, contracts, and cooperative agreements with entities that are the Commission determines appropriate.
9. COMMISSION PERSONNEL MATTERS.—
(A) COMPENSATION OF MEMBERS.—Each member of the Commission shall serve without compensation or allowance for service as an officer or employee of the United States.
(B) DETAILED OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.
(C) SPACE FOR USE OF COMMISSION.—Not later than 90 days after the date of the enactment of this section, the Administrator of General Services, in consultation with the Secretary of Defense, shall identity and make available suitable excess space within the Federal space inventory to house the operations of the Commission. If the Administrator is not able to make such excess space available within such 90-day period, the Commission may lease space to the extent the funds are available.
(D) CONTRACTS.—The Commission may acquire administrative supplies and equipment for Commission use to the extent the funds are available.
(E) EXECUTIVE DIRECTOR AND STAFF.—
(1) EXECUTIVE DIRECTOR.—The Commission shall appoint and fix the rate of basic pay for an Executive Director in accordance with section 3161 of title 5, United States Code.
(2) STAFF.—The Executive Director, with the approval of the Commission, may appoint and fix the rate of basic pay for additional personnel of the Commission in accordance with section 3161 of title 5, United States Code.
(F) STUDIES BY COMPTROLLER GENERAL.—Not later than 3 years after the date of enactment of this section, the Comptroller General of the United States shall submit a report to Congress assessing the effectiveness of the Commission in promoting information literacy.
(G) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission such sums as may be necessary to carry out this section, including administrative expenses of the Commission.

SA 1867. Mr. REED (for himself, Mr. INHOFE, Mr. JONES, Mrs. HYDE-SMITH, and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:
At the appropriate place in title X, insert the following:

SEC. 10. — ESTABLISHED PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

Section 2003 of Title II of the Energy Policy Act of 1992 (42 U.S.C. 13503(b)) is amended by striking paragraph (3) and inserting the following:

'(3) ESTABLISHED PROGRAM TO STIMULATE COMPETITIVE RESEARCH—

'(A) DEFINITIONS.—In this paragraph:

'(i) ELIGIBLE JURISDICTION.—The term 'eligible jurisdiction' means a State that is determined to be an eligible jurisdiction under this paragraph in accordance with subparagraph (D).

'(ii) EPSCOR.—The term 'EPSCOR' means the Established Program to Stimulate Competitive Research operated under subparagraph (B).

'(B) NATIONAL LABORATORY.—The term 'National Laboratory' has the meaning given in the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

'(iv) STATE.—The term 'State' means—

'(I) a State;

'(II) the District of Columbia;

'(III) the Commonwealth of Puerto Rico;

'(IV) Guam; and

'(V) the United States Virgin Islands.

'(B) PROGRAM OPERATION.—The Secretary shall operate an Established Program to Stimulate Competitive Research.

'(C) OBJECTIVES.—The objectives of EPSCOR shall be—

'(i) to increase the number of researchers in eligible jurisdictions, especially at institutions of higher education, capable of performing nationally competitive science and engineering research in support of the mission of the Department of Energy in the areas of applied energy research, environmental management, and basic science;

'(ii) to improve science and engineering research and education programs at institutions of higher education in eligible jurisdictions and enhance the capabilities of eligible jurisdictions to develop, plan, and execute competitive, including through investing in research equipment and instrumentation; and

'(iii) to increase the probability of long-term growth of competitive funding to eligible jurisdictions.

'(D) ELIGIBLE JURISDICTIONS.—

'(i) IN GENERAL.—The Secretary shall determine whether a State is eligible for a grant under this paragraph.

'(ii) REQUIREMENT.—Except as provided in clause (i), in establishing criteria under clause (i), the Secretary shall ensure that a State is eligible for a grant under this paragraph if the State, as determined by the Secretary, is a State that—

'(I) historically has received relatively little Federal research and development funding; and

'(II) has demonstrated a commitment—

'(aa) to develop the research bases in the State; and

'(bb) to improve science and engineering research and education institutions of higher education in the State.

'(iii) ELIGIBILITY UNDER NSF EPSCOR.—At the election of the Secretary, or if the Secretary determines not to establish criteria under clause (i), a State is eligible for a grant under this paragraph if the State is eligible to receive funding under the Established Program to Stimulate Competitive Research of the National Science Foundation.

'(E) GRANTS IN AREAS OF APPLIED ENVIRONMENTAL MANAGEMENT AND BASIC SCIENCE.—

'(i) IN GENERAL.—EPSCOR shall make grants to eligible jurisdictions to carry out applied research and development research in all areas of environmental management and basic science sponsored by the Department of Energy, including—

'(I) energy efficiency, fossil energy, renewable energy, and other applied research; and

'(II) electricity delivery research;

'(iii) cybersecurity, energy security, and emergency response;

'(iv) environmental management; and

'(v) basic science research.

'(C) OBJECTIVES.—EPSCOR shall make grants under this subparagraph for activities consistent with the objectives described in
paragraph (C) in the areas of applied energy research, environmental management, and basic science described in clause (i), including—

(I) to support research that is carried out in partnership with the National Laboratories;

(II) to provide for graduate traineeships;

(III) to support research by early career faculty; and

(IV) to improve research capabilities through biennial research implementation grants;

(iii) NO COST SHARING.—EPSCoR shall not impose any cost-sharing requirement with respect to a grant made under this subparagraph unless the Committee on Energy and Natural Resources and Appropriations of the Senate and the Committee on Energy and Commerce and Appropriations of the House of Representa-
tives shall give their respective approval of the grants.

(F) OTHER ACTIVITIES.—EPSCoR may carry out such activities as may be necessary to meet the objectives described in subparagraph (C) in the areas of applied energy research, environmental management, and basic science described in subparagraph (E)(i).

(ii) PROGRAM IMPLEMENTATION.—

(I) IN GENERAL.—(A) Not later than 270 days after the date of enactment of the National Defense Authorization Act for Fiscal Year 2021, the Secretary shall submit to the Committees on Energy and Natural Resources and Appropriations of the Senate and the Committees on Energy and Commerce and Appropriations of the House of Representa-
tives a plan describing how the Secretary shall implement EPSCoR.

(ii) CONTENTS OF PLAN.—The plan de-
scribed in clause (i) shall include a description of—

(1) the management structure of EPSCoR, which shall ensure that each research area and activities described in this paragraph are incorporated into EPSCoR;

(2) efforts to conduct outreach to inform eligible jurisdictions, faculty, and State committees, including by holding regular workshops, to increase participation in EPSCoR;

(3) any other issues relating to EPSCoR that the Secretary determines appropriate.

(ii) PROGRAM EVALUATION.—

(I) IN GENERAL.—(A) Not later than 5 years after the date of enactment of the National Defense Authorization Act for Fiscal Year 2021, the Secretary shall submit with the annual report to the Committees on Energy and Natural Resources and Appropriations of the Senate and the Committees on Energy and Commerce and Appropriations of the House of Representa-
tives an evaluation of—

(1) the tangible progress made towards achieving the objectives described in subpara-
graph (C);

(2) the impact of research supported by EPSCoR on the mission of the Department of Energy; and

(3) any other issues relating to EPSCoR that the Secretary determines appropriate.

(ii) LIMITATION.—The organization with which the Secretary contracts under clause (i) shall not be a National Laboratory.

(iii) REPORT.—Not later than 6 years after the date of enactment of the National De-
fense Authorization Act for Fiscal Year 2021, the Secretary shall submit to the Com-
mittees on Energy and Natural Resources and Appropriations of the Senate and the Com-
mittees on Energy and Commerce and Appropriations of the House of Representa-
tives a report describing the results of the assess-
ment carried out under clause (i), including recommendations on how the Secretary could implement practices that would enable the Secretary to achieve the objectives described in subparagraph (C)."

SA 1868. Mr. REED (for himself, Ms. COLLINS, Mr. JONES, and Mr. CRAMER) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other pur-
poses; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 14C. CYBERSECURITY TRANSPARENCY.

(a) DEFINITIONS.—In this section—

(1) the term ‘cybersecurity’ means any action, step, or measure to detect, prevent, deter, mitigate, or address any cybersecurity threat or any potential cybersecurity threat;

(2) the term ‘cybersecurity threat’ means any action, step, or measure taken to the United States, its territories, possession, or the armed forces of the United States by an adversary (including by a foreign person or entity) that is carried out with the intent to cause significant harm to the United States, its territories, possession, or the armed forces of the United States and that threatens or is intended to threaten the national security, economic security, or other interests of the United States, including the protection of critical infrastructure, the U.S. economy, or the free enterprise system of the United States, or constitutes or increases a national emergency or other extraordinary occurrence;

(3) the term ‘information system’—

(A) means a computer, computer network, or other information or telecommunications system or device that is used or intended to be used by the United States, its entities, or its citizens to acquire, store, develop, evaluate, maintain, process, or transmit data or information;

(B) includes industrial control systems, such as supervisory control and data acquisi-
tion systems, distributed control systems, programmable logic controllers, and information system; and

(C) does not include any action that solely involves a violation of a consumer term of service, user licensing agreement, or other similar agreement, or an action, not protected by the First Amendment to the Constitution of the United States, by an employee of the United States, committed by the employee in the performance of that employee’s duties;

(4) assess whether current levels of infor-
mation system; and

(5) the term ‘reporting company’ means any company, or any part of any company, identified, selected or evaluated through any of the following:

(A) the securities of which are registered under section 12;

(B) that is required to file reports under section 15; or

(C) that is required to file reports under section 15[d].

(b) REQUIREMENTS TO ISSUE RULES.—Not later than 360 days after the date of enac-
tment of this section, the Commission shall issue final rules to require each reporting company, in the annual report of the report-
ing company submitted under section 13 or section 15(d) or in the annual proxy state-
ment of the reporting company submitted under section 14(a)—

(1) to disclose whether any member of the governing body, such as the board of direc-
tors or association, that would be a reporting company, or any officer or employee of a reporting company, or any person that would be a reporting company, or any person or entity that would be a reporting company, or any person or entity that would be a reporting company, who has interest in or is affiliated with a reporting company, or any person or entity that would be a reporting company, has expertise or experience in cyber-
security and in such detail as necessary to fully describe the nature of the expertise or experience, and

(2) if no member of the governing body of the reporting company has expertise or experi-
ence in cybersecurity, to describe what other expertise or experience the reporting company’s cy-
bersecurity were taken into account by any person, such as an official serving on a nomi-
nating committee, that is responsible for identifying candidates for membership on the governing body.

(c) CYBERSECURITY EXPERTISE OR EXPERI-
ENCE.—For purposes of subsection (b), the Com-
mmission, in directing the NIST to publish its Cybersecurity Framework, shall define what constitutes expertise or ex-
perience in cybersecurity using commonly defined roles, specialties, knowledge, skills, and abilities, such as those provided in NIST Special Publication 800-181, entitled ‘Na-
tional Initiative for Cybersecurity Education (NICE) Cybersecurity Workforce Frame-
work’, or any successor thereto;”.

SA 1869. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Depart-
ment of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. 1 INDEPENDENT STUDY ON IDENTIFYING AND ADDRESSING THREATS THAT INDIVIDUALLY OR COLLECTIVELY AFFECT NATIONAL SECURITY, FINANCIAL SECURITY, OR BOTH.

(a) INDEPENDENT STUDY.—Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Treasury in the Secretary’s capacity as the Chair of the Financial Stability Oversight Council and the heads of other relevant de-
partmental and agencies, shall seek to enter into a contract with a federally funded re-
search and development center under which the center will conduct a study on identi-
ifying and addressing threats that individu-
ally or collectively affect national security, financial security, or both.

(b) ELEMENTS OR STUDY.—In carrying out the study referred to in subsection (a), the selected Federally funded research and de-
velopment center shall be contractually obli-
ged to—

(1) identify threats that individually or collectively affect national security, financial security, or both, including—

(A) foreign entities and governments ac-
quiring financial interests in domestic com-
ppanies that have access to critical or sen-
sitive national security materials, tech-
ologies, or information;

(B) other currencies being used in lieu of the United States Dollar in international transactions;

(C) actions or other measures that in-
fluence in companies seeking to access capital markets by conducting ini-
tial public offerings in other countries;

(D) the use of financial instruments, mar-
tets, payment systems, or digital assets in-
ways that appear legitimate but may be part of a foreign malign strategy to weaken or undermine the economic security of the United States;

(E) the use of entities, such as corpora-
tions, companies, limited liability compa-
ies, limited partnerships, business trusts, trusts, and similar entities, to obscure or hide the foreign beneficial owner of such entities; and

(F) any other known or potential threats that individually or collectively affect na-
tional security, financial security, or both currently or in the foreseeable future.

(2) assess the extent to which the United States Government is currently able to iden-
tify and characterize the threats identified under paragraph (1);

(3) assess the extent to which the United States Government is currently able to iden-
tify and characterize the threats identified under paragraph (1);

(4) assess whether current levels of infor-
mation sharing and communication between the United States Government and allies and partners has been helpful or can be improved

ORDERED TO LIE ON THE TABLE.
upon in order for the United States Government to identify, characterize, and mitigate the threats identified under paragraph (1); and

(6) recommend opportunities, and any such authorities or resources required, to improve the efficiency and effectiveness of the United States Government in identifying the threats and paragraph (1) and mitigating the risk posed by such threats.

(c) Submission to Director of National Intelligence.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence receives the report under subsection (a) and submits the report to the Joint Chief of Staff, the heads of other relevant departments and agencies, and the Committee on Intelligence a report on the results of the study in both classified and unclassified form.

(d) Submission to Congress.—(1) IN GENERAL.—Not later than 30 days after the date on which the Director of National Intelligence receives the report under subsection (c), the Director shall submit to the appropriate committees of Congress an unaltered copy of the report in both classified and unclassified form, and such comments as the Director, in coordination with the Secretary of Energy, the Select Committee on Intelligence, and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(2) APPROPRIATE COMMITTEES OF CONGRESS.—(A) the Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Banking, Housing, and Urban Affairs of the House of Representatives; and

(B) the Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Committee on Financial Services of the House of Representatives.

SA 1870. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows: At the appropriate place, insert the following:

SEC. 692. ADDITIONAL FUNDING FOR CORONAVIRUS RELIEF FOR STATES, TRIBAL GOVERNMENTS, AND LOCAL COMMUNITIES.

(a) STATE & LOCAL EMERGENCY STABILIZATION FUND.—Title VI of the Social Security Act (42 U.S.C. 801 et seq.) is amended by adding at the end the following:

"(a) APPROPRIATION.—

(1) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated $14,000,000,000 for making payments under this section.

(b) APPROPRIATION OF FUNDS.—Of the amount appropriated under paragraph (1), the Secretary shall reserve—

"(A) $3,000,000,000 of such amount for making payments to United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa;

"(B) $10,000,000,000 of such amount for making payments to Tribal governments under subsection (c)(8); and

"(C) $30,000,000,000 of such amount for the portion of the payments made to the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico that is determined under subsection (d).

(c) APPROPRIATION OF FUNDS.—Not later than 30 days after the date of enactment of this section, the Secretary shall make the payments determined under subsection (d) not later than 15 days after the date of enactment of this section.

(d) SUBMISSION TO CONGRESS.—(1) IN GENERAL.—Subject to paragraph (2), the amount paid under this section for fiscal year 2020 to a State that is one of the 50 States, the District of Columbia, or the Commonwealth of Puerto Rico, shall be the sum of—

"(A) the relative population proportion amount determined for the State under paragraph (3) for such fiscal year; and

"(B) the relative coronavirus infection rate proportion amount determined for the State under paragraph (5) for such fiscal year.

(2) MINIMUM PAYMENT.—(A) IN GENERAL.—No State that is one of the 50 States, the District of Columbia, or the Commonwealth of Puerto Rico shall receive a payment under this section for fiscal year 2020 that is less than $5,000,000,000.

(B) PRO RATA ADJUSTMENTS.—The Secretary shall adjust the relative population proportion amount, the relative coronavirus infection rate proportion amount, and any other amounts paid under this subsection without regard to this paragraph.

(e) FUNDING.—(1) IN GENERAL.—Subject to paragraph (2), the amount reserved under subsection (a)(1) for fiscal year 2020 that remains after the application of the provisions made under subsection (a)(2); and

(2) APPROPRIATION OF FUNDS.—Of the amount appropriated under this subsection (a)(1) for fiscal year 2020, the Secretary, based on the aggregate population of such units of general local government in all of the 50 States, shall make the payments determined for the State, District of Columbia, or the Commonwealth of Puerto Rico, for fiscal year 2020 is the product of—

"(A) the population of the State, District of Columbia, or the Commonwealth of Puerto Rico (as applicable); and

"(B) the relative State population proportion means, with respect to each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico, determined under this subsection without regard to this subparagraph and as defined in paragraph (4) (i) for such fiscal year.

(f) RELATIVE STATE POPULATION PROPORTION—DEFINITION.—(i) For purposes of paragraph (4)(A), the relative population proportion amount determined for the State for fiscal year 2020 is the product of—

"(A) the amount reserved under subsection (a)(1) for fiscal year 2020 that remains after the application of the provisions made under subsection (a)(2); and

"(B) the quotient of—

"(i) the coronavirus infection rate determined for the State, District of Columbia, or the Commonwealth of Puerto Rico (as applicable); and

"(ii) the sum of the coronavirus infection rate determined for each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(3) RELATIVE STATE POPULATION PROPORTION—DEFINITION.—For purposes of paragraph (4)(A), the term ‘relative State population proportion’ means, with respect to each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico, determined under this subsection without regard to this subparagraph and as defined in paragraph (4)(i) for such fiscal year.

(4) RELATIVE STATE POPULATION PROPORTION—DEFINITION.—For purposes of paragraph (3)(B), the term ‘relative State population proportion’ means, with respect to each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico, the quotient of—

"(A) the population of the State, District of Columbia, or the Commonwealth of Puerto Rico (as applicable); and

"(B) the sum of the populations of each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(5) RELATIVE CORONAVIRUS INFECTED PERSON PROPORTION AMOUNT.—For purposes of paragraphs (3)(B) and (4)(A), the relative coronavirus infected person proportion amount determined for the State for fiscal year 2020 is the product of—

"(A) the amount reserved under subsection (a)(2)(C); and

"(B) the quotient of—

"(i) the coronavirus infection rate determined for the State, District of Columbia, or the Commonwealth of Puerto Rico (as applicable); and

"(ii) the sum of the coronavirus infection rate determined for each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(6) RELATIVE STATE POPULATION PROPORTION—DEFINITION.—For purposes of paragraphs (3)(B) and (4)(A), the relative coronavirus infected person proportion amount determined for the State for fiscal year 2020 is the product of—

"(A) the amount reserved under subsection (a)(2)(C); and

"(B) the quotient of—

"(i) the coronavirus infection rate determined for the State, District of Columbia, or the Commonwealth of Puerto Rico (as applicable); and

"(ii) the sum of the coronavirus infection rate determined for each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(7) RELATIVE STATE POPULATION PROPORTION—DEFINITION.—For purposes of paragraph (3)(B), the relative coronavirus infected person proportion amount determined for the State for fiscal year 2020 is the product of—

"(A) the amount reserved under subsection (a)(2)(C); and

"(B) the quotient of—

"(i) the coronavirus infection rate determined for the State, District of Columbia, or the Commonwealth of Puerto Rico (as applicable); and

"(ii) the sum of the coronavirus infection rate determined for each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(8) RELATIVE STATE POPULATION PROPORTION—DEFINITION.—For purposes of paragraph (3)(B), the relative coronavirus infected person proportion amount determined for the State for fiscal year 2020 is the product of—

"(A) the amount reserved under subsection (a)(2)(C); and

"(B) the quotient of—

"(i) the coronavirus infection rate determined for the State, District of Columbia, or the Commonwealth of Puerto Rico (as applicable); and

"(ii) the sum of the coronavirus infection rate determined for each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.
to units of general local government in non-entitlement areas in that State under subparagraph (A)(ii).

(7) PAYOUTS TO TERRITORIES.—The amount appropriated under this section to the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, or American Samoa, shall be the amount equal to the combined total population of all such territories, as determined by the Secretary.

(8) PAYOUTS TO TRIBAL GOVERNMENTS.—The amounts paid under this section to Tribal governments under subsection (a)(2)(A) shall be determined in the same manner as the amounts paid to Tribal governments under section 601(c)(7).

(9) DATA.—For purposes of determining—

(A) the population of each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, and units of general local government, the Secretary shall use the most recent daily updated data on the number of COVID–19 cases published on the internet by the Centers for Disease Control and Prevention.

(d) OTHER PROVISIONS.—

(1) IN GENERAL.—The amounts paid under this section shall be subject to—

(A) in paragraphs and oversight requirements of subsections (d) and (f) of section 601 in the same manner as such requirements apply to the amounts paid under this section;

(B) the definitions of each paragraph of section 601(g) other than paragraph (2) of that section.

(2) ADDITIONAL AUTHORITY TO USE PAYMENTS TO MAKE UP REVENUE SHORTFALLS.—Effective as if included in the enactment of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136), subsection (d) of section 601 of the Social Security Act, as added by section 5001(a) of the Coronavirus Aid, Relief, and Economic Security Act, is amended to read as follows:

(d) USE OF FUNDS.—

(1) IN GENERAL.—A State, Tribal government, or unit of local government are deemed non-Federal funds. (B) in clause (ii), by striking ''$4,000,000'' and inserting ''$8,000,000''.

(c) SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.—Section 36(a)(2) of the Small Business Act (15 U.S.C. 637(a)(2)(A)) is amended—

(1) in paragraph (7)(B)—

(2) in subparagraph (A), by striking ''$3,000,000'' and inserting ''$8,000,000''.

(b) SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY WOMEN.—Section 8(a) of the Small Business Act (15 U.S.C. 637(a)) is amended—

(1) in paragraph (7)(B)—

(2) in subparagraph (B), by striking ''$3,000,000'' and inserting ''$8,000,000''.

(c) SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—Section 36(a)(2) of the Small Business Act (15 U.S.C. 637(a)(2)) is amended—

(1) in subparagraph (A), by striking ''$5,000,000'' and inserting ''$8,000,000''; and

(2) in subparagraph (B), by striking ''$3,000,000'' and inserting ''$8,000,000''.

(d) CERTAIN SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY WOMEN.—Section 8(a) of the Small Business Act (15 U.S.C. 637(a)) is amended—

(1) in paragraph (7)(B)—

(2) in subparagraph (B), by striking ''$3,000,000'' and inserting ''$8,000,000''.

(e) TEMPORARY EXTENSION FOR 8(a) PARTICIPANTS.—

The Administrator of the Small Business Administration may waive the requirements under section 8(a) of the Small Business Act (15 U.S.C. 637(a)(1)) to participate in the program under such section 8(a) to attain targeted dollar levels of revenue outside of the program.

(f) TEMPORARY EXTENSION FOR 8(a) PARTICIPANTS.—

The Administrator of the Small Business Administration shall allow a small business concern (as defined in section 3 of the Small Business Act (15 U.S.C. 632)) to participate in the program established under section 8(a) of the Small Business Act (15 U.S.C. 637(a)) on the date of enactment of this section to extend such participation by a period of 1 year.
SA 1875. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:
At the end of subtitle E of title VIII, add the following:

SEC. 12. IMPOSITION OF SANCTIONS WITH REGARD TO ECONOMIC OR INDUSTRIAL ESPIONAGE BY FOREIGN TELECOMMUNICATIONS COMPANIES.

(a) In General.—On and after the date that is 30 days after the date of the enactment of this Act, the President shall exercise all powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to carry out this section.

(b) FOREIGN PERSONS DESCRIBED.—A foreign person that directly or indirectly attempts, attempts to violate, conspires to violate, or causes a violation of subsection (a) or any regulation, license, or order issued to carry out that subsection shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1702) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

SEC. 13. EXCEPTIONS.—

(c) In General.—The authorities and requirements to impose sanctions under this section shall not include the authority or requirement to impose sanctions on the importation of goods.

(d) WAIVER.—The President may waive the application of sanctions under this section with respect to a foreign person for renewable periods of not more than 90 days if the President determines and reports to Congress that such a waiver is vital to the national security interests of the United States.

(e) IMPLEMENTATION; PENALTIES.—

(1) In General.—The President may exercise the authorities provided to the President under sections 281 and 286 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to the extent necessary to carry out this section.

(2) PENALTIES.—A person that violates any provision of this section, attempts to violate, conspires to violate, or causes a violation of subsection (a) or any regulation, license, or order issued to carry out that subsection shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1702) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

SEC. 14. EXCEPTION TO ECONOMIC OR INDUSTRIAL ESPIONAGE; TELECOMMUNICATIONS TECHNOLOGY.

(a) Economic or industrial espionage with respect to trade secrets or proprietary information owned by United States persons; or

(b) Other related illicit activities, including violations of sanctions imposed by the United States.

(c) EXCEPTION.—

SA 1876. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 8903, line 21, after the period, add the following:

(1) IN GENERAL.—If upon payment of all expenses for the establishment of the commemorative work, the balance of funds received for the establishment of the commemorative work, the Fallen Journalists Memorial Foundation shall transmit the amount of the balance to the Secretary of the Interior or the Administrator of General Services (as appropriate) for deposit in theaccount provided for in section 8906(b)(3) of title 40, United States Code.

(b) ON EXPIRATION OF AUTHORITY.—If upon expiration of the authority for the commemorative work under section 8903(e) of title 40, United States Code, there remains a balance of funds received for the establishment of the commemorative work, the Fallen Journalists Memorial Foundation shall transmit the amount of the balance to a separate account with the National Park Foundation for investment. Such funds shall be available to the Secretary of the Interior or the Administrator of General Services (as appropriate) for use in the same manner as the balance of funds transmitted to the Secretary of the Interior or the Administrator of General Services (as appropriate) for the establishment of the commemorative work under this section.

(c) EXCEPTIONS.—

(1) EXCEPTION FOR INTELLIGENCE ACTIVITIES.—Sanctions under this section shall not apply to any activity subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) or any authorized intelligence activities of the United States.

(2) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

By the authority of the Budget Act of 1974 (31 U.S.C. 1105), and any successor regulation; the term "economically disadvantaged women-owned small business" has the meaning given the term in section 8(m)(2) of the Small Business Act (15 U.S.C. 632(m));

(4) the term "small business concern owned and controlled by women" has the meaning given the term in section 3(q) of the Small Business Act (15 U.S.C. 657f(q));

(2) the term "economically disadvantaged business concern" has the meaning given the term in section 3(m)(2) of the Small Business Act (15 U.S.C. 637(m));

(4) the term "small business concern owned and controlled by service-disabled veterans" has the meaning given the term in section 3(e)(2) of the Small Business Act (15 U.S.C. 632(q)); and

(b) REQUIREMENT.—Notwithstanding any other provision of law or regulation, during the period beginning on the date of enactment of this Act and ending on September 30, 2021, with respect to a small business concern owned and controlled by women, an economically disadvantaged women-owned small business, a HUBZone small business concern, or a small business concern owned and controlled by service-disabled veterans, a contracting officer may award a sole source contract to the business concern if the anticipated award price of the contract will not exceed the maximum price for the amount for the contract, as provided under the applicable provision of the Small Business Act (15 U.S.C. 631 et seq.).
of such an entity.

the United States, including a foreign branch
of the United States or any jurisdiction within
the United States.

vide health care under this chapter;

(2) DETERMINATION OF SIGNIFICANCE.—For
purposes of the section, in determining
whether a person has actual
knowledge, with respect to conduct, a circumstance, or a
result, means that a person has actual
knowledge, or should have known, of the
conduct, the circumstance, or the result.

(3) RULE OF CONSTRUCTION.—For purposes
of this section, a transaction shall not be
considered to include—

(A) participation in an international standard-
setting body or the activities of such a body;
or

(B) a transaction involving existing third or
fourth generation telecommunications
networks.

SA 1878. Mrs. LOEPEFLER (for herself,
Ms. SINEMA, Ms. BLACKBURN, and
Mr. PERDUE) submitted an amendment
intended to be proposed by her to the
bill S. 4049, to authorize appropri-
ations for fiscal year 2021 for mili-
tary activities of the Department of
Defense, for defense activities of the
Department of Energy, to prescribe military
personnel strengths for such fiscal
year, and for other purposes; which was
ordered to lie on the table; as follows:

At the end of subtitle G of title VIII, add the following:

SEC. 894. REPORT RECOMMENDING DISPOSITION
OF NOTES TO CERTAIN SECTIONS OF TITLE 10, UNITED STATES CODE.

(a) IN GENERAL.—Not later than March 31,
2021, the Secretary of Defense shall submit to the
Committee on Armed Services of the Senate a report
recommending the disposition of provisions of law
found in the notes to the following sections of title 10,
United States Code:

(1) Section 2313.

(2) Section 2394.

(3) Section 2322.

(b) ELEMENTS.—The report required under
subsection (a) shall include—

(1) for each provision of law included as a
note to a section listed in such subsection, a
recommendation whether such provision

should be repealed because the provision
is no longer operative or is otherwise obsolete;

(b) should be codified as a title or
section, and

(2) any legislative proposals appropriate to
improve the intent and effect of the sections
listed in such subsection.

(c) TECHNICAL CORRECTIONS.—(1) Section
2322(a) of title 10, United States Code, is
amended by striking “Assistant Secretary
of Defense for Research and Engineering”
and inserting “Under Secretary of Defense for
Research and Engineer-
ing...”

(2) Section 804(c) of the Bob Stump Na-
tional Defense Authorization Act for Fiscal

SA 1880. Mr. BARRASSO (for him-
self, Mr. WHITEHOUSE, Mr. CARPER, Mrs.
CAPITO, Mr. CRAMER, Mr. COONS, Mr.
HOL用于, Mr. ROUNDS, and Mr. MANKIN)
submitted an amendment intended to
be proposed by him to the bill S. 4049,
to authorize appropriations for fiscal
year 2021 for military activities of the
Department of Defense, for military
construction, and for defense activities of the
Department of Energy, to pre-
scribe military personnel strengths for
such fiscal year, and for other pur-
poses; which was ordered to lie on the

At the appropriate place in subtitle G of
title X, insert the following:

SEC. 10... UTILIZING SIGNIFICANT EMISSIONS
WITH INNOVATIVE TECHNOLOGIES.

(a) SHORT TITLE.—Title X may be
cited as the “Utilizing Significant Emissions
with Innovative Technologies” or as the
“USE IT Act.”

(b) RESEARCH, INVESTIGATION, TRAINING,
AND OTHER ACTIVITIES.—Section 103 of the
Clean Air Act (42 U.S.C. 7403) is amended—

(1) in subsection (b)(3), in the first sentence of
the matter preceding subparagraph (A), by
striking “persons” and inserting “persons”;

(2) in subsection (g)—

(A) by redesignating paragraphs (1) through (4) as subparagraphs (A) through

(D), respectively, and indenting appro-
riate;

(c) T ECHNICAL CORRECTIONS.—(1) Section
31, Code of Federal Regulations (or any cor-
responding similar regulation or rule).

(3) RULE OF CONSTRUCTION.—For purposes
of this section, a transaction shall not be
considered to include—

(A) participation in an international standard-
setting body or the activities of such a body;
or

(B) a transaction involving existing third or
fourth generation telecommunications
networks.

(c) T ECHNICAL CORRECTIONS.—(1) Section
2322(a) of title 10, United States Code, is
amended by striking “Assistant Secretary
of Defense for Research and Engineering”
and inserting “Under Secretary of Defense for
Research and Engineer-
ing...”

(2) Section 804(c) of the Bob Stump Na-
tional Defense Authorization Act for Fiscal
(III) DIRECT AIR CAPTURE.—

(aa) IN GENERAL.—The term ‘direct air capture’, with respect to a facility, technology, or system, means that the facility, technology, or system can capture carbon dioxide equipment to capture carbon dioxide directly from the air.

(bb) EXCLUSION.—The term ‘direct air capture’ does not include any facility, technology, or system that captures carbon dioxide—

(AA) that is deliberately released from a naturally occurring subsurface spring; or

(BB) using natural photosynthesis.

(IV) INTELLECTUAL PROPERTY.—The term ‘intellectual property’ means—

(aa) intellectual property that is patented under title 35, United States Code; and

(bb) any patent on an invention described in item (aa).

(V) TECHNOLOGY PRIZES.—

(I) IN GENERAL.—Not later than 1 year after the date of enactment of the USE IT Act, the Administrator, in consultation with the Secretary of Energy, shall establish a program to provide, and shall provide, financial awards on a competitive basis for direct air capture from media in which the concentration of carbon dioxide is dilute.

(II) DUTIES.—In carrying out this clause, the Administrator shall—

(aa) subject to subclause (III), develop specific requirements for—

(AA) the competition process; and

(BB) the demonstration of performance of approved projects;

(bb) offer financial awards for a project designed—

(AA) to the maximum extent practicable, to capture more than 10,000 tons of carbon dioxide per year; and

(BB) to operate in a manner that would be commercially viable in the foreseeable future (as determined by the Board); and

(cc) to the maximum extent practicable, make financial awards to geographically diverse projects, including at least—

(AA) 1 project in a coastal State; and

(BB) 1 project in a rural State.

(III) PUBLIC PARTICIPATION.—In carrying out subclause (II)(aa), the Administrator shall—

(aa) provide notice of and, for a period of not less than 60 days, an opportunity for public comment on, any draft or proposed version of the requirements described in subclause (I);

(bb) take into account public comments received in developing the final version of those requirements.

(IV)直接 AIR CAPTURE TECHNOLOGY ADVISORY BOARD.—

(I) ESTABLISHMENT.—There is established an advisory board to be known as the ‘Direct Air Capture Technology Advisory Board’. 

(II) COMPOSITION.—The Board shall be composed of 9 members appointed by the Administrator, who shall provide expertise in—

(aa) physics;

(cc) chemistry;

(dd) biology;

(ee) geology;

(ff) economics;

(gg) business management; and

(hh) such other disciplines as the Administrator determines to be necessary to achieve the purposes of this subparagraph.

(III) TERM; VACANCIES.—

(aa) TERM.—A member of the Board shall serve for a term of 6 years.

(bb) VACANCIES.—A vacancy on the Board—

(AA) shall not affect the powers of the Board; and

(BB) shall be filled in the same manner as the original appointment was made.

(IV) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Board have been appointed, the Board shall hold the initial meeting of the Board.

(V) RECOGNITION.—At the initial meeting of the Board, the Administrator shall meet at the call of the Chairperson or on the request of the Administrator.

(VI) QUORUM.—A majority of the members of the Board shall constitute a quorum but a lesser number of members may hold hearings.

(VII) CHAIRPERSON AND VICE CHAIRPERSON.—The Board shall select a Chairperson and Vice Chairperson from among the members of the Board.

(VIII) VOTING.—Each member of the Board may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day during which the member is engaged in the actual performance of the duties of the Board.

(IX) DUTIES.—The Board shall advise the Administrator on carrying out the duties of the Administrator under this subparagraph.

(X) FEDERAL ADVISORY COMMITTEE.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Board.

(IX) INTELLECTUAL PROPERTY.—

(I) IN GENERAL.—As a condition of receiving a financial award under this subparagraph, an applicant shall—

(bb) agree, when the intellectual property is associated with a direct air capture project and the intellectual property is associated with a demonstration of the intellectual property, to the maximum extent practicable, make financial awards to geographically diverse projects, including at least—

(AA) 1 project in a coastal State; and

(BB) 1 project in a rural State.

(II) PUBLIC PARTICIPATION.—In carrying out subclause (I)(aa), the Administrator shall—

(aa) provide notice of and, for a period of not less than 60 days, an opportunity for public comment on, any draft or proposed version of the requirements described in subclause (I); and

(bb) take into account public comments received in developing the final version of those requirements.

(III) RESERVATION OF LICENSE.—The United States—

(aa) may reserve a nonexclusive, nontransferable, irrevocable, paid-up license, to be conveyed to any United States, in connection with any intellectual property described in subclause (I); but

(bb) shall not, in the exercise of a license reserved under item (aa), publicly disclose proprietary information relating to the license.

(IV) TRANSFER OF TITLE.—Title to any intellectual property described in subclause (I) shall not be transferred or passed, except to an entity that is incorporated in the United States, until the expiration of the first patent obtained in connection with the intellectual property.

(V) AUTHORIZATION OF APPROPRIATIONS.—

(I) IN GENERAL.—Of the amounts authorized to be appropriated for the Environmental Protection Agency, $50,000,000 shall be available to carry out this subparagraph, to remain available until expended.

(II) REQUIREMENT.—Research carried out using amounts made available under subclause (I) may not duplicate research funded by the Department of Energy.

(VI) Definition of 'Deep Saline Formation'—

(I) IN GENERAL.—In this subparagraph, the term ‘deep saline formation’ means—

(aa) a formation of subsurface geographically extensive sedimentary rock layers saturated with waters or brines that have a high total dissolved solids content and that are below the depth where carbon dioxide can exist in the formation as a supercritical fluid.

(CLARIFICATION.—In this subparagraph, the term ‘deep saline formation’ does not include oil and gas reservoirs.

(II) REQUIREMENT.—In consultation with the Secretary of Energy, and, as appropriate, with the head of any other relevant Federal agency and relevant stakeholders, not later than 1 year after the date of enactment of the USE IT Act, the Administrator shall prepare, submit to Congress, and make publicly available a report that includes—

(aa) a comprehensive identification of potential risks and benefits to projects and development program for carbon dioxide utilization to promote existing and new technologies that transform carbon dioxide generated by industrial processes into a commercial value, or as an input to products of commercial value.

(III) TECHNICAL AND FINANCIAL ASSISTANCE.—Not later than 2 years after the date of enactment of the USE IT Act, in carrying out this subsection, the Administrator, in consultation with the Secretary of Energy, shall support research and infrastructure activities related to carbon dioxide utilization by providing technical assistance and financial assistance in accordance with clause (iv).

(IV) ELIGIBILITY.—To be eligible to receive technical assistance and financial assistance under clause (ii), a carbon dioxide utilization project shall—

(aa) have access to an emissions stream generated by a stationary source within the United States that is emitting not less than 250 metric tons per day of carbon dioxide for research;

(bb) have access to adequate space for a laboratory and equipment for testing small-scale carbon dioxide utilization technologies, with onsite access to larger test beds for scale-up;

(cc) have access to intellectual property and other government entities.

(2) Coordination.—In supporting carbon dioxide utilization projects under this paragraph, the Administrator shall consult with the Secretary of Energy, and, as appropriate, with the head of any other relevant Federal agency, States, the private sector, and institutions of higher education to develop methods and technologies to account for the carbon dioxide emissions avoided by the carbon dioxide utilization projects.

(V) Authorization of Appropriations.—

(I) IN GENERAL.—Of the amounts authorized to be appropriated for the Environmental Protection Agency, $50,000,000 shall be available to carry out this subparagraph, to remain available until expended.

(II) REQUIREMENT.—Research carried out using amounts made available under subclause (I) may not duplicate research funded by the Department of Energy.

(III) DEEP SALINE FORMATION REPORT.—

(I) IN GENERAL.—In this subparagraph, the term ‘deep saline formation’ means a formation of subsurface geographically extensive sedimentary rock layers saturated with waters or brines that have a high total dissolved solids content and that are below the depth where carbon dioxide can exist in the formation as a supercritical fluid.

(II) REQUIREMENT.—In this subparagraph, the term ‘deep saline formation’ does not include oil and gas reservoirs.
subclause (I), including potential risks unique to public land; and

"(III) recommendations, if any, for Federal legislation or other policy changes to mitigate potential risks identified under subclause (I).

"(E) REPORT ON CARBON DIOXIDE NON-REGULATORY STRATEGIES AND TECHNOLOGIES.—

"(I) IN GENERAL.—Not less frequently than once every 2 years, the Administrator during the 5 most recent fiscal years have been used to carry out section 103(6) of the Clean Air Act (42 U.S.C. 7403(g)); and

"(II) a plan for supporting additional non-regulatory strategies and technologies that could significantly prevent carbon dioxide emissions or reduce carbon dioxide levels in the air, in conjunction with other Federal agencies

"(II) INCLUSIONS.—The plan submitted under clause (I) shall include—

"(i) a methodology for evaluating and ranking projects based on the ability of the technologies to cost effectively reduce carbon dioxide emissions or carbon dioxide levels in the air; and

"(III) definition of any non-air-related environmental or energy considerations regarding the technologies.

"(F) GAO REPORT.—The Comptroller General of the United States shall submit to Congress a report that—

"(i) identifies all Federal grant programs in which a purpose of a grant under the program is to direct air capture technologies; and

"(ii) inventories current or emerging activities that transform captured carbon dioxide into a product of commercial value, or as an input to products of commercial value;

"(III) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Chair shall—

"(B) REQUIREMENTS.—

"(I) compile all existing relevant Federal permitting and review information and resources for project applicants, agencies, and other stakeholders interested in the deployment of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines, including—

"(A) the appropriate points of interaction with Federal agencies;

"(II) the recipients of assistance under subparagraph (B) and (C); and

"(III) a method for evaluating and ranking projects based on the ability of the technologies to cost effectively reduce carbon dioxide emissions or carbon dioxide levels in the air,

"(III) INCLUSIONS.—The plan submitted under subparagraph (A) shall include—

"(II) the appropriate points of interaction with Federal agencies;

"(III) INCLUSIONS.—The plan submitted under subparagraph (A) shall include—

"(IV) the recipients of assistance under subparagraph (B) and (C); and

"(B) REQUIREMENTS.—

"(I) the amount of funds used to carry out specific provisions of that section; and

"(II) the amount of funds used to carry out other provisions of law.

"(I) identification of Federal grant programs that would address the issues identified by the task forces under paragraph (4)(E).

"(II) development of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines, including—

"(I) the appropriate points of interaction with Federal agencies;

"(II) the recipients of assistance under subparagraph (B) and (C); and

"(III) a method for evaluating and ranking projects based on the ability of the technologies to cost effectively reduce carbon dioxide emissions or carbon dioxide levels in the air,

"(III) INCLUSIONS.—The plan submitted under subparagraph (A) shall include—

"(II) the appropriate points of interaction with Federal agencies;

"(III) INCLUSIONS.—The plan submitted under subparagraph (A) shall include—

"(II) the recipients of assistance under subparagraph (B) and (C); and

"(III) a method for evaluating and ranking projects based on the ability of the technologies to cost effectively reduce carbon dioxide emissions or carbon dioxide levels in the air,

"(III) INCLUSIONS.—The plan submitted under subparagraph (A) shall include—

"(II) the appropriate points of interaction with Federal agencies;

"(III) INCLUSIONS.—The plan submitted under subparagraph (A) shall include—

"(II) the recipients of assistance under subparagraph (B) and (C); and

"(III) a method for evaluating and ranking projects based on the ability of the technologies to cost effectively reduce carbon dioxide emissions or carbon dioxide levels in the air,

"(III) INCLUSIONS.—The plan submitted under subparagraph (A) shall include—

"(II) the appropriate points of interaction with Federal agencies;

"(III) INCLUSIONS.—The plan submitted under subparagraph (A) shall include—

"(II) the recipients of assistance under subparagraph (B) and (C); and

"(III) a method for evaluating and ranking projects based on the ability of the technologies to cost effectively reduce carbon dioxide emissions or carbon dioxide levels in the air,

"(III) INCLUSIONS.—The plan submitted under subparagraph (A) shall include—

"(II) the appropriate points of interaction with Federal agencies;

"(III) INCLUSIONS.—The plan submitted under subparagraph (A) shall include—

"(II) the recipients of assistance under subparagraph (B) and (C); and

"(III) a method for evaluating and ranking projects based on the ability of the technologies to cost effectively reduce carbon dioxide emissions or carbon dioxide levels in the air,

"(III) INCLUSIONS.—The plan submitted under subparagraph (A) shall include—

"(II) the appropriate points of interaction with Federal agencies;

"(III) INCLUSIONS.—The plan submitted under subparagraph (A) shall include—

"(II) the recipients of assistance under subparagraph (B) and (C); and

"(III) a method for evaluating and ranking projects based on the ability of the technologies to cost effectively reduce carbon dioxide emissions or carbon dioxide levels in the air,

"(III) INCLUSIONS.—The plan submitted under subparagraph (A) shall include—

"(II) the appropriate points of interaction with Federal agencies;

"(III) INCLUSIONS.—The plan submitted under subparagraph (A) shall include—

"(II) the recipients of assistance under subparagraph (B) and (C); and

"(III) a method for evaluating and ranking projects based on the ability of the technologies to cost effectively reduce carbon dioxide emissions or carbon dioxide levels in the air,
(I) shall include not less than 1 representative of each of—
  (aa) the Environmental Protection Agency;
  (bb) the Department of Energy;
  (cc) the Department of Interior;
  (dd) any other Federal agency the Chair determines to be appropriate;
  (ee) any State that requests participation in the geographical area covered by the task force;
  (ff) developers or operators of carbon capture, utilization, and sequestration projects or carbon dioxide pipelines; and
  (gg) nongovernmental membership organizations, the primary mission of which concerns protection of the environment; and

(II) at the request of a Tribal or local government, may include a representative of
  (aa) not less than 1 local government in the geographical area covered by the task force; and
  (bb) not less than 1 Tribal government in the geographical area covered by the task force.

(C) MEETINGS.—
  (i) IN GENERAL.—Each task force shall meet not less than twice each year.
  (ii) JOINT MEETING.—To the maximum extent practicable, the task forces shall meet collectively not less than once each year.

(D) DUTIES.—Each task force shall—
  (i) inventory existing or potential Federal and State regulatory frameworks associated with the deployment of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines, including best practices that—
    (I) avoid duplicative reviews;
    (II) engage stakeholders early in the permitting process; and
    (III) make the permitting process efficient, orderly, and responsive;
  (ii) develop common models for State-level carbon dioxide pipeline regulation and oversight guidelines that can be shared with States in the geographical area covered by the task force;
  (iii) provide technical assistance to States in the geographical area covered by the task force in implementing regulatory requirements and any models developed under clause (I);
  (iv) work to identify current or emerging activities that transform captured carbon dioxide into a product of commercial value, or as an input to products of commercial value;
  (v) develop and disseminate carbon dioxide pipelines needed to enable efficient, orderly, and responsible development of carbon capture, utilization, and sequestration projects; and
  (vi) identify gaps in the current Federal and State regulatory framework and in existing data for the deployment of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines;

(E) REPORT.—Each task force shall submit to the Chair and to the other task forces a report that includes—
  (i) any recommendations for improvements in efficient, orderly, and responsible issuance or administration of Federal permits and other Federal authorizations required under a law described in paragraph (3)(B)(i); and
  (ii) any other nationally relevant information that the task force has collected in carrying out the duties under subparagraph (D).

(F) EVALUATION.—Not later than 5 years after the date of enactment of this Act, the Chair shall—
  (i) reevaluate the need for the task forces; and
  (ii) submit to Congress a recommendation as to whether the task forces should continue.

SA 1881. Mrs. HYDE-SMITH submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1085. SENSE OF SENATE ON GOLD STAR FAMILIES REMEMBRANCE WEEK.
  (a) FINDINGS.—The Senate makes the following findings:

  (1) The last Sunday in September—
    (A) is designated as “Gold Star Mother’s Day” under section 111 of title 36, United States Code; and
    (B) was first designated as “Gold Star Mother’s Day” under the Joint Resolution entitled “Gold Star Mother’s Day”, approved June 23, 1896 (49 Stat. 1866).

  (2) There is no date dedicated to families affected by the loss of a loved one who died in service to the United States.

  (3) A gold star symbolizes a family member who died in the line of duty while serving in the Armed Forces.

  (4) The members and veterans of the Armed Forces, through their service, bear the burden of protecting the freedom of the people of the United States.

  (5) The selfless example of the service of the members and veterans of the Armed Forces, as well as the sacrifices made by the families of those individuals, inspires all individuals in the United States to sacrifice and work diligently for the good of the United States.

  (6) The sacrifices of the families of the fallen members of the Armed Forces and the families of veterans of the Armed Forces should never be forgotten.

  (b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate—

  (1) designates the week of September 20 through September 26, 2020, as “Gold Star Families Remembrance Week”; and
  (2) honors and recognizes the sacrifices made by—
    (A) the families of members of the Armed Forces who made the ultimate sacrifice in order to defend freedom and protect the United States; and
    (B) the families of veterans of the Armed Forces;

  (c) requests the people of the United States to observe Gold Star Families Remembrance Week by—

  (1) performing acts of service and good will in their communities; and
  (2) honoring families in which loved ones made the ultimate sacrifice so that others could continue to enjoy life, liberty, and the pursuit of happiness.

SA 1882. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1262. STATEMENT OF POLICY ON COOPERATION IN THE INDO-PACIFIC REGION.

It is the policy of the United States—

  (1) to strengthen alliances and partnerships in the Indo-Pacific region and Europe and with like-minded countries around the globe to effectively compete with the People’s Republic of China; and
  (2) to work in collaboration with such allies and partners—

    (A) to address significant diplomatic, economic, and military challenges posed by the People’s Republic of China; and
    (B) to deter the People’s Republic of China from pursuing military aggression;

  (3) to promote the peaceful resolution of territorial disputes in accordance with international law;
  (4) to promote private-sector-led long-term economic development while countering efforts by the Government of the People’s Republic of China to leverage predatory economic practices as a means of political and economic coercion in the Indo-Pacific region and beyond;
  (5) to promote the values of democracy and human rights, including through efforts to end the repression by the Chinese Communist Party, in contravention of the aspirations of the people of Hong Kong; and
  (6) to counter the Chinese Communist Party’s efforts to spread disinformation in the People’s Republic of China and beyond with respect to the response of the Chinese Communist Party to COVID-19.

SEC. 1263. REPORT ON INVENTORY OF STOCK AND SURPLUS CH-46 PARTS.

Not later than September 1, 2021, the Defense Logistics Agency shall submit to the Congressional defense committees a report that includes the following:

  (1) A comprehensive catalog of excess, inventory, spare, and surplus CH-46 parts.
  (2) An explanation on how the Defense Logistics Agency disposes of excess, inventory, spare, and surplus CH-46 parts and the status of such dispositions.
  (3) An assessment of limiting factors for CH-46 spare and surplus parts for commercial use.

SA 1883. Mr. ROMNEY (for himself, Mr. COONS, Ms. HASSAN, and Ms. CORTEZ-MASTO) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XII, add the following:

SEC. 1262. STATEMENT OF POLICY ON COOPERATION IN THE INDO-PACIFIC REGION.

It is the policy of the United States—

  (1) to strengthen alliances and partnerships in the Indo-Pacific region and Europe and with like-minded countries around the globe to effectively compete with the People’s Republic of China; and
  (2) to work in collaboration with such allies and partners—

    (A) to address significant diplomatic, economic, and military challenges posed by the People’s Republic of China; and
    (B) to deter the People’s Republic of China from pursuing military aggression;

  (3) to promote the peaceful resolution of territorial disputes in accordance with international law;
  (4) to promote private-sector-led long-term economic development while countering efforts by the Government of the People’s Republic of China to leverage predatory economic practices as a means of political and economic coercion in the Indo-Pacific region and beyond;
  (5) to promote the values of democracy and human rights, including through efforts to end the repression by the Chinese Communist Party, in contravention of the aspirations of the people of Hong Kong; and
  (6) to counter the Chinese Communist Party’s efforts to spread disinformation in the People’s Republic of China and beyond with respect to the response of the Chinese Communist Party to COVID-19.
SA 1884. Mr. ROMNEY (for himself, Mr. KING, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title XII, add the following:

SEC. 12. COMPARATIVE STUDIES ON DEFENSE BUDGET TRANSPARENCY OF THE PEOPLE'S REPUBLIC OF CHINA, RUSSIAN FEDERATION, AND THE UNITED STATES.

(a) STUDIES REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense, acting through the Director of the Defense Intelligence Agency, in consultation with the Under Secretary of Defense (Comptroller), the Director of the Office of Cost Assessment and Program Evaluation, the Director of Net Assessment, the Assistant Secretary of Defense for Indo-Pacific Security Affairs, and the Assistant Secretary of Defense for International Security Affairs, shall complete a comparative study on the defense budgets of the People’s Republic of China, the Russian Federation, and the United States.

(b) INDEPENDENT STUDY.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall offer to enter into an agreement with not more than two entities independent of the Department to conduct a comparative study on the defense budgets of the People’s Republic of China, the Russian Federation, and the United States, to be completed not later than 270 days after the date of the enactment of this Act.

(B) FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER.—Not fewer than one entity described in subparagraph (A) shall be a federally funded research and development center.

(c) GOAL.—The goal of the studies required by subsection (a) shall be to develop a methodology that can be used to underpin a comparison of the defense spending of the People’s Republic of China, the Russian Federation, and the United States.

(d) ELEMENTS.—Each study required by subsection (a) shall do the following:

(1) Develop consistent functional categories for spending, including—

(A) defense-related research and development;
(B) weapons procurement;
(C) operations and maintenance; and
(D) pay and benefits.

(2) Consider the effects of purchasing power parity and market exchange rates, particularly on nontraded goods.

(3) Establish functional categories for spending in the relative prices of goods and labor within each subject country.

(4) Compare the costs of labor and benefits for the defense workforce of each subject country.

(5) Account for discrepancies in the manner in which each subject country accounts for certain functional types of defense-related spending.

(6) Explicitly estimate the magnitude of omitted spending from official defense budget information.

(7) Evaluate the adequacy of the United Nations database on military expenditures.

(8) Exclude spending related to veterans’ benefits.

(d) REPORT.—Not later than 30 days after the date on which the studies required by subsection (a) are completed, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the study ordered under paragraph (1) of this section.

(e) FORM.—The report required by subsection (d) shall be submitted in unclassified form, but may include a classified annex.

SA 1885. Mr. ROMNEY (for himself, Mr. GRAHAM, Mr. RUBIO, Mr. COONS, Mr. Kaine, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection D of title XII, add the following:

SEC. 1245. LIMITATION ON USE OF FUNDS TO REDUCE TOTAL NUMBER OF MEMBERS OF THE ARMED FORCES SERVING ON ACTIVE DUTY WHO ARE DEPLOYED TO THE FEDERAL REPUBLIC OF GERMANY.

(a) IN GENERAL.—None of the funds authorized to be appropriated by this Act, or authorized to be appropriated to the Department of Defense for fiscal year 2020, may be obligated or used to reduce the total number of members of the Armed Forces serving on active duty who are deployed to the Federal Republic of Germany below 34,500 until 30 days after the date on which the Secretary of Defense certifies, not less than 30 days after the submittal of the report required by subsection (b), to the appropriate committees of Congress, that—

(1) such a reduction—

(A) is in the national security interest of the United States;
(B) will not undermine the security of United States allies and partners in Europe;
(C) will not undermine the deterrence and defense posture of the North Atlantic Treaty Organization;
(D) will not pose an unacceptable risk to the ability of the Armed Forces to execute contingency plans of the Department of Defense;
(E) will not adversely impact ongoing operations of the Armed Forces, including operations in the areas of responsibility of the United States Central Command and the United States Africa Command;
(F) will not negatively impact military families; and
(G) will not result in significant additional costs for redeployment and relocation and associated infrastructure;

(2) the Secretary has appropriately consulted with allies of the United States, including the Federal Republic of Germany and other members of the North Atlantic Treaty Organization, and the Secretary General of the North Atlantic Treaty Organization.

(b) REPORT.—

(1) IN GENERAL.—Not later than 30 days before the certification under paragraph (a), the Secretary of Defense shall submit to the appropriate committees of Congress a report that includes the following:

(A) A description of any security factor that provides the basis for the decision to reduce the total number of members of the Armed Forces serving on active duty who are deployed to the Federal Republic of Germany.

(B) A description of the reduction in such members of the Armed Forces to be certified, including the number of active duty members of the Armed Forces and support personnel that will be reduced.

(C) An estimate of the number of active duty or rotational members of the Armed Forces present in the Federal Republic of Germany.

(D) A plan for the relocation and redeployment of members of the Armed Forces from the Federal Republic of Germany, and any estimated costs for military families, including the proposed numbers and locations of relocated or redeployed members of the Armed Forces and military families, and an estimate of the costs of such redeployment and relocation and associated infrastructure.

(E) An assessment of the impact of such reduction and redeployment on military families, including—

(i) an assessment of the impact on the availability of family support programs and services in new locations, including new locations specific to military spouse employment and quality of care for Exceptional Family Member Program enrollees;

(ii) an estimate of associated facilities costs necessary to support military families in new locations, such as housing, schools, childcare, direct or purchased medical care, commissaries, and exchanges; and

(iii) an estimate of the number of members of the Armed Forces who would transition from accompanied tours in the Federal Republic of Germany to unaccompanied tours in other locations;

(F) An assessment of the impact of family separation on the mental health and stabilization of military spouses and children;

(G) an estimate of associated facilities costs to support military families in new locations, including the proposed numbers and locations of relocated or redeployed members of the Armed Forces and military families, and an estimate of the costs of such redeployment and relocation and associated infrastructure.

(G) An assessment of the impact of such a reduction and redeployment on the ability of the United States to meet its commitments under the North Atlantic Treaty.

(H) An assessment of the impact of such reduction and redeployment on the ability of the Armed Forces—

(i) to execute contingency plans of the Department of Defense;

(ii) to conduct training and exercises with North Atlantic Treaty Organization allies and maintain a sufficient standard of alliance interoperability; and

(iii) to perform assigned missions and support of ongoing operations in the Middle East and Africa.

(2) FORM.—The report required by paragraph (1) shall be in classified form and shall include an unclassified summary.

APPROPRIATIONS ACT OF CONGRESS.—In this section, the term ‘‘appropriate committees of Congress’’ means—

(A) the Committee on Appropriations, the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives.

SA 1886. Mr. CRUZ (for himself, Mrs. SHAHEEN, Mr. BARRASSO, Mr. JOHNSON, and Mr. COTTON) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and
for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

**SEC. 1214. CLARIFICATION AND EXPANSION OF SANCTIONS RELATING TO CONSTRUCTION OF NORD STREAM 2 OR OTHER PIPELINE PROJECTS.**

(a) IN GENERAL.—Subsection (a)(1) of section 7503 of the Protecting Europe's Energy Security Act of 2019 (title LXXV of Public Law 116–92) is amended—

(1) in subparagraph (A), by inserting "or pipe-laying activities" after "pipe-laying"; and

(2) in subparagraph (B)—

(A) in clause (1)—

(i) by inserting "or, facilitated selling, leasing, or providing," after "provided"; and

(ii) by striking "or" and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:"

(iii) provided underwriting services or insurance or reinsurance for those vessels;

(iv) provided services or facilities for technologies used or required for the installation of welding equipment for, or retrofitting or tethering of, those vessels; or

(v) provided services for the testing, inspection, consultation necessary for, or associated with the operation of, the Nord Stream 2 pipeline.

(b) DEFINITIONS.—Subsection (i) of such section is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following:

"(5) PIPE-LAYING ACTIVITIES.—The term 'pipe-laying activities' means activities that facilitate pipe-laying, including site preparation, trenching, surveying, placing rocks, backfilling, stringing, bending, welding, coating, and lowering of pipe.

**SA 1887. Mrs. HYDE-SMITH submitted an amendment intended to be proposed by her to the bill S. 4094, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

**SEC. 156. LIMITATION ON AVAILABILITY OF FUNDS FOR RETIREMENT OF KC-135 TERMINAL AIRCRAFT.**

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2021 for the Air Force may be obligated or expended to reduce the number of KC-135 aircraft in the primary mission aircraft inventory of the Air Force until the date on which three air wings of KC-46 aircrafts are fully operational.

**SA 1888. Mr. PORTMAN (for himself and Mr. MURPHY) submitted an amendment intended to be proposed by him to the bill S. 4094, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

**SEC. 1210. MODIFICATION TO AND HIRING AUTHORITY FOR THE GLOBAL ENGAGEMENT CENTER.**

(a) ELIMINATION OF TERMINATION DATE FOR THE GLOBAL ENGAGEMENT CENTER.—Section 1287 of the National Defense Authorization Act for Fiscal Year 2017 (22 U.S.C. 2656 note) is amended—

(1) in subsection (h), by striking the second sentence; and

(2) by striking subsection (j).

(b) HIRING AUTHORITY FOR THE GLOBAL ENGAGEMENT CENTER.—Notwithstanding any other provision of law, the Secretary of State, on a time-limited basis and solely to carry out actions of the Global Engagement Center established by such section, may—

(1) appoint employees without regard to the provisions of title 5, United States Code, regarding appointments in the competitive service; and

(2) fix the basic compensation of such employees without regard to chapter 51 and subchapter III of chapter 53 of such title regarding classification and General Schedule pay rates.

**SA 1889. Mr. PORTMAN (for himself and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 4094, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In the funding table in section 401, in the item relating to Defense, strike the amount in the Senate Authorized column and insert "$1,222,000".

In the funding table in section 401, in the item relating to the Total Procurement of W&TCV, Army, strike the amount in the Senate Authorized column and insert "$4,016,028".

**SA 1890. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 4094, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection C of title II, add the following:

**SEC. 1210A. EXPANSION OF NATIONAL SECURITY STRATEGY FOR NATIONAL TECHNOLOGY IN THE NATIONAL INDUSTRIAL BASE TO INCLUDE SURGE CAPACITY.**

Section 2506a(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(11) Ensuring domestic manufacturing capacity of items, including goods compliant with the section 232(a) of title 10, United States Code (commonly referred to as the 'Berry Amendment'), in anticipation of periods necessitating surge in production.".

**SA 1891. Mr. PORTMAN (for himself, Mr. SCHATZ, Ms. EERNST, and Mr. PETERS) submitted an amendment intended to be proposed by him to the bill S. 4094, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. 1211. DEEPFAKE REPORT.**

(a) DEFINITIONS.—In this section:

(1) DIGITAL CONTENT FORGERY.—The term "digital content forgery" means the use of emerging technologies, including artificial intelligence and machine learning techniques, to fabricate or manipulate audio, visual, or text content with the intent to mislead.

(2) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

(b) REPORTS ON DIGITAL CONTENT FORGERY TECHNOLOGY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary, acting through the Under Secretary for Science and Technology, shall produce a report on the state of digital content forgery technology.

(2) CONTENTS.—Each report produced under paragraph (1) shall include—

A description of the underlying technologies used to create or propagate digital content forgeries, including the evolution of such technologies;

A description of the types of digital content forgeries, including those used to commit fraud, cause harm, or violate civil rights recognized under Federal law;

An assessment of how foreign governments, and the proxies and networks thereof, use, or could use, digital content forgeries to harm national security;

An assessment of how non-governmental entities in the United States use, or could use, digital content forgeries;

An assessment of the uses, applications, dangers, and benefits of deep learning technologies used to generate high fidelity artificial content of events that did not occur, including the impact on individuals;

An analysis of the technologies used to determine whether content is genuinely created by a human or through digital content forgery technology and an assessment of any future anesthetics used to make such determination, as well as recommendations on how to identify and address suspect content and elements to provide warnings to users of the content;

A description of the technological counter-measures that are, or could be, used to address concerns with digital content forgery technology; and

Any additional information the Secretary determines appropriate.

(3) CONSULTATION AND PUBLIC HEARINGS.—In producing each report required under paragraph (1), the Secretary may—

(A) consult with any other agency of the Federal Government that the Secretary considers necessary and

(B) conduct public hearings to gather, or otherwise allow interested parties an opportunity to present, information and advice relevant to the production of the report.

(4) FORM OF REPORT.—Each report required under paragraph (1) shall be produced in an unclassified form, but may contain a classified annex content.

(5) APPLICABILITY OF FOIA.—Nothing in this section, or in a report produced under this
section, shall be construed to allow the disclosure of information or a record that is exempt from public disclosure under section 552 of title 5, United States Code (commonly known as the “Freedom of Information Act”).

(6) APPLICABILITY OF THE PAPERWORK REDUCTION ACT.—Subchapter I of chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”), shall not apply to this section.

SA 1892. Mr. PORTMAN (for himself and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

SEC. 240. ELEMENT IN ANNUAL REPORTS ON CYBER SCIENCE AND TECHNOLOGY ACTIVITIES TO DEVELOP A STRATEGY TO SECURE EMBEDDED HARDWARE AND DEPARTMENT OF DEFENSE CAPABILITIES.

Section 255(b)(2) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 133 Stat. 1291) is amended by adding at the end the following new subparagraph:

“(J) Efforts to work with academic consortia to secure embedded hardware, in coordination with the Department of Defense labs,Lehman capabilities and research at universities for computer hardware that is affordable, assured, and reliable.”.

SA 1893. Mr. PORTMAN (for himself and Mr. HEINRICHI) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. 111. NATIONAL AI RESEARCH RESOURCE TASK FORCE.

(a) DEFINITIONS.—In this section:

(1) NATIONAL ARTIFICIAL INTELLIGENCE RESEARCH RESOURCE.—The term “national artificial intelligence research resource” means a system that provides researchers and students across scientific fields and disciplines with access to compute resources, co-located with publicly-available, artificial intelligence-ready government and non-government data sets and a research environment with appropriate educational tools and user support.

(2) OWNERSHIP.—The term “ownership”, with respect to a national artificial intelligence research resource, means responsibility and accountability for—

(A) the implementation, deployment, and ongoing development of the resource; and

(B) providing staff to support such implementation, deployment, and ongoing development.

(3) ESTABLISHMENT OF TASK FORCE.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—The Director of the National Science Foundation, in coordination with the Director of the Office of Science and Technology Policy, shall establish a task force:

(i) to investigate the feasibility and advisability of establishing a national artificial intelligence research resource; and

(ii) to propose a roadmap detailing how such resource should be established and sustained.

(B) DESIGNATION.—The task force established by subparagraph (A) shall be known as the “National Artificial Intelligence Research Resource Task Force” (in this section referred to as the “Task Force”).

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Task Force shall be comprised of 12 members selected by the co-chairpersons of the Task Force from among technical experts in artificial intelligence or related subjects, of whom:

(i) 4 shall be representatives from the Federal Government, including the co-chairpersons of the Task Force;

(ii) 4 shall be representatives from institutions of higher educations (as such term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)); and

(iii) 4 shall be representatives from private organizations.

(B) APPOINTMENT.—Not later than 120 days after enactment of this Act, the co-chairpersons of the Task Force shall appoint members to the Task Force pursuant to subparagraph (A).

(C) TERM OF APPOINTMENT.—Members of the Task Force shall be appointed for the life of the Task Force.

(D) VACANCY.—Any vacancy occurring in the membership of the Task Force shall be filled in the same manner in which the original appointment was made.

(E) CO-CHAIRPERSONS.—The Director of the Office of Science and Technology Policy and the Director of the National Science Foundation, or their designees, shall be the co-chairpersons of the Task Force. If the role of the Director of the National Science Foundation is vacant, the Chair of the National Science Board shall act as a co-chairperson of the Task Force in lieu of the Director of the National Science Foundation.

(F) EXPENSES FOR NON-FEDERAL MEMBERS.—Non-Federal Members of the Task Force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees under subsection (d) of section 575 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Task Force.

(G) ROADMAPPING.—The roadmap and implementation plan referred to in paragraphs (1) and (2) of subsection (b), the Task Force shall, at least annually, update and submit to Congress and the President a final report containing the findings, conclusions, and recommendations of the Task Force. The report shall include specific recommendations regarding steps the Task Force believes necessary for the establishment and sustainment of a national artificial intelligence research resource.

(H) TASK FORCE REPORTS.—

(1) INITIAL REPORT.—Not later than 6 months after the date on which all of the appointments have been made under subsection (b), the Task Force shall submit to Congress and the President an interim report containing the findings, conclusions, and recommendations of the Task Force.

(2) FINAL REPORT.—Not later than 3 months after the submittal of the interim report under paragraph (1), the Task Force shall submit to Congress and the President a final report containing the findings, conclusions, and recommendations of the Task Force, including the specific recommendations developed under subsection (c).

(3) TERMINATION.—

(A) IN GENERAL.—The Task Force shall terminate 90 days after the date on which it...
submits the final report under subsection (f)(2).

(2) RECORDS.—Upon termination of the Task Force, all of its records shall become the records of the National Archives and Records Administration.

SA 1894. Mr. FORTMAN (for himself and Mr. BENNET) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows: At the end of the title C of title II, add the following:

SEC. 1291. FINDINGS. Congress makes the following findings:

(1) On September 14, 2016, the United States submitted to the United Nations a 10-year Memorandum of Understanding to reaffirm the importance of continuing annual United States military assistance to Israel and cooperative missile defense arrangements in a way that enhances Israel’s security and strengthens the bilateral relationship between the 2 countries.

(2) The 2016 Memorandum of Understanding reflects United States support of Foreign Military Financing grant assistance to Israel over a 10-year period beginning in fiscal year 2017 and ending in fiscal year 2026.

(3) The 2016 Memorandum of Understanding also reflects United States support for funding for cooperative programs to develop, produce, and procure missile, rocket, and projectile defense capabilities during such 10-year period at an average funding level of $500,000,000 per year, totaling $5,000,000,000 for such period.

SEC. 1292. STATEMENT OF POLICY. It is the policy of the United States to provide assistance to the Government of Israel for the development of advanced capabilities that Israel requires to meet its security needs and to enhance United States capabilities.

SEC. 1293. SECURITY ASSISTANCE FOR ISRAEL. Section 531(c) of the Security Assistance Act of 2000 (Public Law 106-266; 114 Stat. 856) is amended—

(1) in paragraph (1), by striking “2002 and 2003” and inserting “2021, 2022, 2023, 2024, 2025, 2026, 2027, and 2028”;

(2) in paragraph (2), by striking “equal to” and all that follows and inserting “not less than $3,300,000,000.;”;

and by amending paragraph (3) to read as follows:

(3) DISBURSEMENT OF FUNDS.—Amounts authorized to be available for Israel under paragraph (1) and subsection (b)(1) for fiscal years 2021, 2022, 2023, 2024, 2025, 2026, 2027, and 2028 are available not later than 30 days after the date of the enactment of an Act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year, or October 31 of the respective fiscal year, whichever is later.

SEC. 1294. EXTENSION OF WAR RESERVES STOCKPILE AUTHORITY.

(a) DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005.—Section 12001(d) of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1111) is amended by striking “September 30, 2020” and inserting “September 30, 2025”.


SEC. 1295. EXTENSION OF LOAN GUARANTEES TO ISRAEL.

Chapter 4 of the 1 of the Emergency War-Time Supplemental Appropriations Act, 2003 (Public Law 108–117; 117 Stat. 576) is amended under the heading “LOAN GUARANTEES TO ISRAEL”:

(1) in the matter preceding the first proviso, by striking “September 30, 2023” and inserting “September 30, 2025”;

(2) in the second proviso, by striking “September 30, 2023” and inserting “September 30, 2025”.

Mr. RUBIO (for himself, Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 4049, to create a new chapter to specify United States support of Foreign Military Financing grant assistance to Israel over a 10-year period beginning in fiscal year 2017 and ending in fiscal year 2026.

In this subtitle, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services of the Senate;

(3) the Committee on Foreign Affairs of the House of Representatives; and

(4) the Committee on Armed Services of the House of Representatives.

CHAPTER 1—SECURITY ASSISTANCE FOR ISRAEL

SEC. 1296. TRANSFER OF PRECISION GUIDED MUNITIONS TO ISRAEL.

(a) IN GENERAL.—Notwithstanding section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321b), the President is authorized to transfer to Israel precision guided munitions from reserve stocks for Israel in such quantities as may be necessary for legitimate self-defense purposes and otherwise consistent with the purposes and conditions for such transfers under the Arms Export Control Act (22 U.S.C. 2751 et seq.).

(b) CERTIFICATIONS.—Except in case of emergency, as determined by the President, not later than 5 days before making a transfer under subsection (a), the President shall submit to the appropriate congressional committees that the transfer of the precision guided munitions—

(1) does not affect the ability of the United States to maintain a sufficient supply of precision guided munitions;

(2) does not harm the combat readiness of the United States or the ability of the United States to meet its commitment to allies for the transfer of such munitions;

(3) is necessary for Israel to counter the threat of rockets in a timely fashion; and

(4) is in the national security interest of the United States.

SEC. 1297. SENSE OF CONGRESS ON RAPID ACQUISITION AND DEPLOYMENT PROCEDURES.

It is the sense of Congress that the President should—

(1) prescribe procedures for the rapid acquisition and deployment of precision guided munitions for United States counterterrorism missions; or

(2) assist Israel, which is an ally of the United States, to protect itself against direct missile threats.

SEC. 1298. ELIGIBILITY OF ISRAEL FOR THE STRATEGIC TRADE AUTHORIZATION EXCLUSION—IMPORT CONTROL LICENSING REQUIREMENTS.

(a) FINDINGS.—Congress finds the following:

(1) Israel has adopted high standards in the field of weapons export controls.

(2) Israel has declared its unilateral adherence to the Missile Technology Regime, the Australia Group, and the Nuclear Suppliers Group.

(3) Israel is a party to—

(A) the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva June 17, 1925 (commonly known as the “Geneva Protocol”); and

(B) the Convention on the Physical Protection of Nuclear Material, signed at Vienna and New York March 3, 1980; and

(C) the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, signed at Geneva October 10, 1980.

(4) Section 6(b) of the United States-Israel Strategic Partnership Act of 2014 (22 U.S.C. 8603 note) directs the President, consistent with the commitments of the United States under international agreements, to take steps so that Israel may be included in the list of countries eligible for the strategic trade authorization exclusion under section 748(b)(c)(1) of title 15, Code of Federal Regulations, to the requirement for a license for the export, re-export, or in-country transfer of an item subject to controls under the Export Administration Regulations.

(b) BRIEFING ON ELIGIBILITY FOR STRATEGIC TRADE AUTHORIZATION EXCLUSION—IMPORT CONTROL LICENSING REQUIREMENTS.
of this Act, the President shall brief the appropriate congressional committees by describing the steps taken to include Israel in the list of countries eligible for the strategic trade regime. The report shall be made pursuant to section 746.20(c)(1) of title 15, Code of Federal Regulations, as required under section 6(b) of the United States-Israel Strategic Partnership Act of 2017.

CHAPTER 2—ENHANCED UNITED STATES-ISRAEL COOPERATION

SEC. 1299B. JOINT COOPERATIVE PROGRAM RELATED TO INNOVATION AND HIGH-TECH FOR THE MIDDLE EAST REGION

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

(1) the United States should help foster cooperation in the Middle East region by financing and, as appropriate, cooperating in projects related to innovation and advanced technologies; and

(2) projects referred to in paragraph (1) should—

(A) contribute to development and the quality of life in the Middle East region through the advancement of research and advanced technology; and

(B) contribute to Arab-Israeli cooperation by strengthening the peace process and contributing to the Security Council’s efforts to promote peace.

(b) CBAA.—The Secretary of State, acting through the Administrator of the United States Agency for International Development, is authorized to support programs and projects that are determined by the Secretary of State to advance common goals in the Middle East region by supporting projects related to innovation and advanced technologies.

(c) PROJECT REQUIREMENTS.—Each project carried out under this paragraph shall include:

(1) a description of what the funds have been used for and when funds were expended; and

(2) a certification that the memorandum of agreement referred to in subparagraph (A) includes:

(I) a description of what the funds have been used for and when funds were expended; and

(II) the identification of entities that expended such funds.

(d) REPORT.—The Secretary of Defense, with the concurrence of the Secretary of State, shall submit to the appropriate congressional committees a report to the appropriate congressional committees that describes in detail the support to be provided. The report shall include:

(1) the United States and its regional partners’ contributions to the development of technologies in the Middle East region.

(2) a description of what the funds have been used for and when funds were expended; and

(3) the identification of entities that expended such funds.

(e) SENSE OF CONGRESS ON UNITED STATES-ISRAEL ECONOMIC CO-OPERATION.

It is the sense of Congress that—

(1) the United States-Israel economic partnership—

(A) has achieved great tangible and intangible benefits to both countries; and

(B) is a foundational component of the strong alliance;

(2) science and technology innovations present promising new frontiers for United States-Israel economic cooperation, particularly in light of widespread drought, cyber security attacks, and other major challenges impacting the United States; and

(3) the President should regularize and expand the economic dialogue with Israel and foster both public and private sector participation.

SEC. 1299D. COOPERATION ON DIRECT ENERGY CAPABILITIES.

(a) AUTHORITY.

(1) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary of State, is authorized to carry out research, development, test, and evaluation activities, on a joint basis with Israel, to establish direct energy capabilities that address threats to energy security and support the interests of the United States, or Israel. Any activities carried out under this paragraph shall be conducted in a manner that appropriately protects United States and Israeli intellectual property, the national security interests of the United States, and the national security interests of Israel.

(b) REQUIREMENTS.—The activities described in paragraph (1) may be carried out after the Secretary of Defense has determined that the activities are consistent with the policies and goals of the United States, or Israel.

(c) AUTHORIZATION.—The Secretary of Defense, with the concurrence of the Secretary of State, is authorized to carry out research, development, test, and evaluation activities to develop and field advanced energy systems and technologies, and to support the development and fielding of energy systems and technologies that are necessary to enable the United States to achieve its national security objectives.

SEC. 1299E. PLANS TO PROVIDE ISRAEL WITH NECESSARY DEFENSE ARTICLES AND SERVICES IN A CONTINGENCY.

(a) IN GENERAL.—The President shall establish and update, as appropriate, plans to provide Israel with defense articles and services that are determined by the Secretary of Defense to be necessary for the defense of Israel in a contingency.

(b) CONGRESSIONAL BRIEFING.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the President shall brief the appropriate congressional committees regarding the status of the plans required under subsection (a).

SEC. 1299F. OTHER MATTERS OF COOPERATION.

(a) BENEFIT OF THE UNITED STATES TO ISRAEL.—The President is authorized under this section to provide Israel with such military equipment, defense articles, and other defense services as necessary for the self-defense of Israel.

(b) SECURITY FOR THE MIDDLE EAST REGION.

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary of Health and Human Services, the Department of Agriculture, the Department of Commerce, the Department of Transportation, the Department of State, the Department of Defense, the Department of Energy, and any successor agencies of those departments, and any other department or agency of the United States, or any equivalent or successor plans or agency, any funds necessary for the implementation of this Act.
Human Services $1,000,000 for each of the fiscal years 2021 through 2023 for a bilateral cooperative program with the Government of Israel that awards grants for the development of technologies described in paragraph (2), subject to paragraph (3), with an emphasis on collaboratively advancing the use of technology and personalized medicine in relation to COVID–19.

(2) TYPES OF HEALTH TECHNOLOGIES.—The health technologies described in this paragraph include technologies such as sensors, drugs and vaccinations, respiratory assist devices, diagnostic tests, and telemedicine.

(3) RESTRICTIONS ON FUNDING.—Amounts appropriated pursuant to paragraph (1) are subject to a matching contribution from the Government of Israel.

(4) OPTION FOR ESTABLISHING NEW PROGRAM.—Amounts appropriated pursuant to paragraph (1) may be expended for a bilateral program with the Government of Israel that—

(A) is in existence on the day before the date of the enactment of this Act for the purposes described in paragraph (1); or

(B) is in existence on the day before the date of the enactment of this Act for the purposes described in paragraph (1), and for which the Secretary of Health and Human Services, in consultation with the Secretary of State, in accordance with the Agreement between the Government of the United States of America and the Government of the State of Israel on Cooperation in Science and Technology for Homeland Security Matters, done at Jerusalem May 29, 2008 (or a successor agreement), for the purposes described in paragraph (1).

(c) COORDINATOR OF UNITED STATES–ISRAEL RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—The President may designate the Assistant Secretary of State for the Bureau of Oceans and International Environmental and Scientific Affairs, or another appropriate Department of State official, to act as Coordinator of United States-Israel Research and Development (referred to in this subsection as the ‘‘Coordinator’’).

(2) AUTHORITIES AND DUTIES.—The Coordinator, in conjunction with the heads of relevant agencies and entities and in coordination with the Israel Innovation Authority, may oversee civilian science and technology programs on a joint basis with Israel.

(d) OFFICE OF GLOBAL POLICY AND STRATEGY OF THE FOOD AND DRUG ADMINISTRATION.—

(1) IN GENERAL.—It is the sense of Congress that the Commissioner of the Food and Drug Administration should seek to explore collaboration with Israel through the Office of Global Policy and Strategy.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commissioner, acting through the head of the Office of Global Policy and Strategy, shall submit a report describing the benefits to the United States and to Israel of opening an office in Israel for the Office of Global Policy and Strategy to—

(A) the committee on Foreign Relations of the Senate;

(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Committee on Energy and Commerce of the House of Representatives.

(e) UNITED STATES–ISRAEL ENERGY CENTER.—There is authorized to be appropriated to the Secretary of Energy $1,000,000 for each of the fiscal years 2021 through 2023 to carry out the activities of the United States-Israel Energy Center established pursuant to section 917(d) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17337(d)).

(f) UNITED STATES–ISRAEL BINATIONAL INDUSTRIAL RESEARCH AND DEVELOPMENT FOUNDATION.—It is the sense of Congress that grants to promote covered energy projects conducted by, or in conjunction with, the United States-Israel Binational Industrial Research and Development Foundation should be funded at not less than $2,000,000 annually under section 917(b) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17337(b)).

(g) UNITED STATES–ISRAEL COOPERATION ON ENERGY, WATER, HOMELAND SECURITY, AGRICULTURE, AND ALTERNATIVE FUEL TECHNOLOGIES.—The United States-Israel Strategic Partnership Act of 2014 (22 U.S.C. 8606) is amended by adding at the end the following:

(4) May 1 is an appropriate date to designate as ‘‘Silver Star Service Banner Day’’.

(h) REQUIREMENTS RELATING TO SALE OR LEASE OF PARCELS WITHIN THE EGLIN WATER TEST AREAS OR WARNING AREAS IN THE GULF OF MEXICO.

In order to conduct any sale or lease of a parcel within the Eglin Water Test Areas or Warning Areas in the Gulf of Mexico on or after the date of the enactment of this Act—

(1) such sale or lease shall be authorized by the Secretary of Defense;

(2) the Secretary shall certify to Congress that the sale or lease will have no impact on any training, testing, or operations of the Armed Forces within the Eglin Water Test Areas or Warning Areas or degrade the readiness of the Armed Forces.

SEC. 4. REQUIREMENTS RELATING TO SALE OR LEASE OF PARCELS WITHIN THE EGLIN WATER TEST AREAS OR WARNING AREAS IN THE GULF OF MEXICO.

SA 1897. Mr. BLUMENTHAL (for himself, Mr. HAWLEY, and Mr. MANCHIN) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows: At the end of subtitle G of title X, add the following:

SEC. 3146. SILVER STAR SERVICE BANNER DAY.

(a) FINDINGS.—Congress finds the following:

(1) Congress is committed to honoring the sacrifices of wounded and ill members of the Armed Forces.

(b) DESIGNATION.—

(1) IN GENERAL.—Chapter 1 of title 36, United States Code, is amended by adding at the end the following:

‘‘146. Silver Star Service Banner Day.’’

‘‘(a) DESIGNATION.—May 1 is Silver Star Service Banner Day.

(b) PROCLAMATION.—The President is requested to issue each year a proclamation calling on the people of the United States to observe Silver Star Service Banner Day with appropriate programs, ceremonies, and activities.’’.

(2) CEREMONIES.—The table of sections at the beginning of chapter 1 of such title is amended by inserting after the item relating to ‘‘145. Memorial Day’’ the following:

‘‘146. Silver Star Service Banner Day.’’

SA 1898. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows: At the end of subtitle G of title X, add the following:

SEC. 3146. SILVER STAR SERVICE BANNER DAY.

(a) FINDINGS.—Congress finds the following:

"..."
(A) In general.—Section 1703(b) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)) is amended by inserting after the item relating to section 1106 the following:

```
(5) the term "return on investment" means—
(A) means an individual, animal, or object adopted by an agency as a symbolic figure to represent the agency or the mission of the agency; and
(B) includes a costumed character;
```

(2) IN GENERAL.—The President is requested to issue each year a proclamation through production, processing, recycling, while serving in combat for the United States.

SA 1901. Ms. ERNST submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

```
SEC. 1107. WIND TECHNICIAN TRAINING GRANT PROGRAM.

(a) Definition of Eligible Entity.—In this section, the term "eligible entity" means any community college or technical school that offers a wind training program.

(b) Grant Program.—The Secretary shall establish a program under the authority of the Secretary, the Secretary shall use to carry out this section $2,000,000 for each of fiscal years 2020 through 2025.
```

(Sec. 1107. Wind technician training grant program.)
(A) an agency or other entity of the Federal Government may not use Federal funds to purchase or otherwise acquire or distribute swag; and
(B) an agency or other entity of the Federal Government may not use Federal funds to manufacture or use a mascot to promote an agency, organization, program, or agenda.

(2) REGULATIONS AND ADVERTISING SPENDING.—Each agency shall, as part of the annual budget justification submitted to Congress, report on the public relations and advertising spending of the agency for the preceding fiscal year, which may include an estimate of the return on investment for the agency.

(3) EXCEPTIONS.—
(A) SWAG.—Paragraph (1)(A) shall not apply with respect to—
(i) an agency program that supports the mission and objectives of the agency that is initiating the public relations or advertising spending, provided that the spending generates a positive return on investment for the agency,
(ii) recruitment relating to—
(I) enlistment or employment with the Armed Forces; or
(ii) employment with the Federal Government;

(B) MASCOTS.—Paragraph (1)(B) shall not apply with respect to—
(i) a mascot that is declared the property of the United States under a provision of law, including under section 2 of Public Law 89–311 (16 U.S.C. 580p–1); or

(ii) a mascot relating to the Armed Forces of the United States.

(C) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall issue regulations to carry out this section.

SA 1902. Ms. ERNST (for herself and Ms. DUCKWORTH) submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1. ANNUAL REPORT ON PROJECTS THAT ARE OVER BUDGET AND BEHIND SCHEDULE. (a) DEFINITIONS.—In this section—
(1) the term ‘‘covered agency’’ means—
(A) an Executive agency, as defined in section 105 of title 5, United States Code; and
(B) an independent regulatory agency, as defined in section 3502 of title 44, United States Code;
(2) the term ‘‘covered project’’ means a project funded by a covered agency—
(A) that is more than 5 years behind schedule; or

(B) for which the amount spent on the project is not less than $500,000,000 more than the original cost estimate for the project; and

(3) the term ‘‘project’’ means a major acquisition, a major defense acquisition program (as defined in section 2403 of title 10, United States Code), a procurement, a construction project, a remediation or clean-up effort, or any federal endeavor that is not funded through direct spending (as defined in section 2503 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)));

(b) REQUIREMENT.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Management and Budget shall issue guidance requiring covered agencies to include, on an annual basis in a report describing in paragraph (2) of section 3516(a) of title 31, United States Code, or a consolidated report described in paragraph (1) of such section, information relating to each covered project of the covered agency, which shall include—

(1) a brief description of the covered project, including—
(A) the purpose of the covered project;

(B) each location in which the covered project is carried out;

(C) the contract or award number of the covered project;

(D) the year in which the covered project was initiated;

(E) the Federal share of the total cost of the covered project;

(F) each primary contractor, subcontractor, grant recipient, and subgrantee recipient of the covered project;

(2) an explanation for any change to the original scope of the covered project, including the addition or narrowing of the initial requirements of the covered project;

(3) the original expected date for completion of the covered project;

(4) the current expected date for completion of the covered project;

(5) the original cost estimate for the covered project, as adjusted to reflect increases in the Consumer Price Index for All Urban Consumers, as published by the Bureau of Labor Statistics;

(6) the current cost estimate for the covered project, as adjusted to reflect increases in the Consumer Price Index for All Urban Consumers, as published by the Bureau of Labor Statistics;

(7) an explanation for a delay in completion or an increase in the original cost estimate for the covered project, where applicable, any impact of insufficient or delayed appropriations; and

(8) the amount of and rationale for any award, incentive fee, or other type of bonus, if any, awarded for the covered project.

SA 1904. Ms. ERNST submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 2. DISCLOSURE OF PPP LOANS. (a) SHORT TITLE.—This section may be cited as the ‘‘Transparency Requirements Aimed at Congressional Expenditures Act’’ or the ‘‘TRACE Act’’.

(b) DISCLOSURE.—Section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)) is amended by adding at the end the following:

‘‘(T) DISCLOSURE OF RECEIPT.—
(1) DEFINITIONS.—In this subparagraph—
(A) any employee, contractor, or grant recipient of a covered loan who receives an employee compensation; and

(B) a Member of Congress, or employee of a Member of Congress, of a committee of Congress whose compensation is disbursed by the Secretary of the Senate; or

(bb) the Clerk of the House of Representatives, in the case of a Representative in Congress, a Delegate to Congress, the Resident Commissioner from Puerto Rico, the spouse of a Representative, or an employee of Congress whose compensation is disbursed by the Secretary of the Senate;

(bb) the Chief Administrative Officer of the House of Representatives;

(bb) the term ‘‘employee of Congress’’ means an employee of the personal office of a Member of Congress, of a committee of Congress, or of a joint committee of Congress; and

(bb) any other covered loan.

(II) IN GENERAL.—If an eligible recipient owned or controlled by a Member of Congress, spouse of a Member of Congress, or employee of Congress who received a covered loan, the Member of Congress, spouse of a Member of Congress, or employee of Congress, respectively, shall submit to the applicable officer a financial disclosure, which shall include—

(aa) the name and address of the principal place of business for the eligible recipient receiving the covered loan; and

(bb) the amount of the covered loan.

(II) DEADLINE.—A Member of Congress, spouse of a Member of Congress, or employee of Congress, respectively, shall submit a financial disclosure required under subclause (I)—

(aa) for a covered loan made on or before the date of enactment of the TRACE Act, not later than 15 days after the date on which the loan is made; and

(bb) for a covered loan made before such date of enactment, not later than 15 days after such date of enactment.

(III) AVAILABILITY.—Each applicable officer shall make available on a publicly available website each financial disclosure submitted to the applicable officer under clause (II).’’.

SA 1905. Ms. ERNST submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for
military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

SEC. 1. VETERANS’ HEALTH INITIATIVE.

(a) DEFINITIONS.—In this section:

(1) The term "Department" means the Department of Energy.

(b) NATIONAL LABORATORIES.—The term "National Laboratory" has the meaning given in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(c) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(b) PURPOSES.—The purposes of this section are to advance Department expertise in artificial intelligence and high-performance computing in order to improve health outcomes for veteran populations by—

(1) supporting basic research through the application of artificial intelligence, high-performance computing, modeling and simulation, machine learning, and large-scale data analytics to identify and solve outcome-defined challenges in the health sciences;

(2) maximizing the impact of the Department of Veterans Affairs’ health and genomic data sets with variable quality and scale, to improve artificial intelligence and high-performance computing capabilities of the Department;

(3) promoting collaborative research through the establishment of partnerships to improve artificial intelligence and high-performance computing, modeling and simulation, machine learning, and large-scale data analytics to identify and solve outcome-defined challenges in the health sciences;

(4) establishing multiple scientific computing user facilities to house and provision available data to foster transformational outcomes; and

(5) driving the development of technology to improve artificial intelligence, high-performance computing, and networking relevant to mission applications of the Department, including modeling, simulation, machine learning, and large-scale data analytics.

(c) VETERANS HEALTH RESEARCH AND DEVELOPMENT.

(1) IN GENERAL.—The Secretary shall establish and carry out a research program in artificial intelligence and high-performance computing, focused on the development of tools to enable large-scale data analytics and management challenges associated with veteran’s healthcare, and to support the efforts of the Department of Veterans Affairs to identify federal healthcare risks and challenges utilizing data on long-term healthcare, health risks, and genomic data collected from veteran populations. The Secretary shall carry out this program through a competitive, merit-reviewed process, and consider applications from National Laboratories, institutions of higher education, multi-institutional collaborations, and other appropriate entities.

(2) PROGRAM COMPONENTS.—In carrying out the program established under paragraph (1), the Secretary may—

(A) conduct basic research in modeling and simulation, machine learning, large-scale data analytics, and predictive analysis in order to develop novel or optimized algorithms for prediction of disease treatment and recovery;

(B) develop methods to accommodate large datasets of variable quality and scale, and to provide insight and models for complex systems;

(C) develop new approaches and maximize the use of algorithms developed through artificial intelligence, machine learning, data analytics, natural language processing, modeling and simulation, and develop algorithms suitable for high-performance computing systems and large biomedical data sets;

(D) advance existing and construct new data enclaves capable of securely storing data sets provided by the Department of Veterans Affairs, Department of Defense, and other sources.

(E) promote collaboration and data sharing between National Laboratories, research entities, and user facilities of the Department by providing the necessary access and secure data transfer capabilities.

(F) establish and carry out a research program in artificial intelligence and high-performance computing in order to improve health outcomes for veteran populations by—

(i) maximize the impact of the Department of Veterans Affairs’ health and genomic data sets with variable quality and scale, to improve artificial intelligence and high-performance computing capabilities of the Department;

(ii) promote collaborative research through the establishment of partnerships to improve artificial intelligence and high-performance computing, modeling and simulation, machine learning, and large-scale data analytics to identify and solve outcome-defined challenges in the health sciences;

(iii) establish multiple scientific computing user facilities to house and provision available data to foster transformational outcomes; and

(iv) driving the development of technology to improve artificial intelligence, high-performance computing, and networking relevant to mission applications of the Department, including modeling, simulation, machine learning, and large-scale data analytics.

(2) PROGRAM COMPONENTS.—In carrying out the program established under paragraph (1), the Secretary may—

(A) enter into memoranda of understanding in order to carry out reimbursable agreements with the Department of Veterans Affairs and other entities in order to maximize the effectiveness of Department research and development to improve veterans’ healthcare;

(B) to consult with the Department of Veterans Affairs and other Federal agencies as appropriate; and

(C) to ensure that data storage meets all privacy and security requirements established by the Department of Veterans Affairs, and that access to data is provided in accordance with relevant Department of Veterans Affairs data access policies, including informed consent.

(4) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources and the Committee on Science, Space, and Technology of the House of Representatives a report detailing the effectiveness of—

(A) the interagency coordination between each Federal agency involved in the research program carried out under this subsection; and

(B) collaborative research achievements of the program; and

(C) potential opportunities to expand the technical capabilities of the Department.

(5) FUNDING.—There is authorized to be appropriated to the Secretary to carry out this subsection $72,000,000 for each of fiscal years 2021 through 2025.

(b) INTERAGENCY COLLABORATION.

(1) IN GENERAL.—The Secretary is authorized to carry out research, development, and demonstration activities to develop tools to apply big data that enable Federal agencies, institutions of higher education, non-profit research organizations, and industry to better leverage the capabilities of the Department to solve complex, big data challenges.

(2) PROGRAM COMPONENTS.—In carrying out the research, development, and demonstration activities authorized under paragraph (1), the Secretary may—

(A) utilize all available mechanisms to prevent duplication and coordinate research efforts across Federal agencies; and

(B) establish multiple user facilities to serve as data enclaves capable of securely storing data sets created by Federal agencies, institutions of higher education, non-profit organizations, and industry at National Laboratories; and

(C) promote collaboration and data sharing between National Laboratories, research entities, and user facilities of the Department by providing the necessary access and secure data transfer capabilities.

(3) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources and the Committee on Science, Space, and Technology of the House of Representatives a report evaluating the effectiveness of the activities authorized under paragraph (1).

(4) FUNDING.—There are authorized to be appropriated to the Secretary to carry out this subsection $15,000,000 for each of fiscal years 2021 through 2025.

SA 1906. Ms. ERNST submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

Subtitle C—Presidential Allowance Modernization

SEC. 1121. SHORT TITLE.

This subtitle may be cited as the “Presidential Allowance Modernization Act of 2020”.

SEC. 1122. AMENDMENTS.

(a) IN GENERAL.—The Act entitled “An Act to provide retirement, clerical assistants, and for other purposes; which was ordered to lie on the table; as follows:

SECTION 1. FORMER PRESIDENTS LEAVING OFFICE BEFORE PRESIDENTIAL ALLOWANCE MODERNIZATION ACT OF 2020.

(1) by striking “That (a) each” and inserting the following:

SEC. 1. FORMER PRESIDENTS LEAVING OFFICE BEFORE PRESIDENTIAL ALLOWANCE MODERNIZATION ACT OF 2020.

(2) by redesignating subsection (g) as section 3 and adjusting the margin accordingly; and

(3) by inserting after section 1, as so designated, the following:

SEC. 2. FORMER PRESIDENTS LEAVING OFFICE AFTER PRESIDENTIAL ALLOWANCE MODERNIZATION ACT OF 2020.

(3) ANNUITIES AND ALLOWANCES.

(1) ANNUTY.—Each modern former President shall be entitled for the remainder of his or her life to receive from the United States an annuity at the rate of $200,000 per year, subject to subsections (b)(2) and (c), to be paid by the Secretary of the Treasury.

(2) BE PAYABLE.—The Administrator of General Services is authorized to provide each modern former President a monetary allowance at the rate of $200,000 per year, subject to the availability of appropriations and subsections (b)(2), (c), and (d).

(3) DURATION; FREQUENCY.—

(1) IN GENERAL.—The annuity and allowance under subsection (a) shall each—

(A) commence on the day after the date on which an individual becomes a modern former President; and

(B) terminate on the date on which the modern former President dies; and

(C) be payable on a monthly basis.

(4) APPROPRIATE OR ELECTIVE POSITIONS.—The annuity and allowance authorized under paragraph (a) shall not be payable for any period during which a modern former President holds an
appointive or elective position in or under the Federal Government to which is attached a rate of pay other than a nominal rate.

(‘c) Cost-of-Living Increases.—Effective December 1 of each year, each annuity and allowance under subsection (a) that commenced before that date shall be increased by the change, if any, in the consumer price index for all urban consumers (as defined in section 7 of the Bureau of Labor Statistics) for the current fiscal year, expressed as a percentage of the applicable reduction amount under section 112 of the Internal Revenue Code of 1986 (42 U.S.C. 401 et seq.) is increased, effective as of that date, as a result of a determination made under section 215(b) of that Act (42 U.S.C. 415(d)).

(‘d) Limitation on Monetary Allowance.—

(1) In General.—Notwithstanding any other provision of this section, the monetary allowance payable under subsection (a)(2) to a modern former President for any 12-month period—

(A) except as provided in subparagraph (B), may not exceed the amount by which—

(i) the monetary allowance that but for this subsection would otherwise be so payable for such 12-month period, exceeds (if at all) 

(ii) the applicable reduction amount for such 12-month period; and

(B) shall not be less than the amount determined under paragraph (4).

(2) Definition.—

(A) In General.—For purposes of paragraph (1), the term ‘applicable reduction amount’ means, with respect to any modern former President and in connection with any 12-month period, the amount by which—

(i) the sum of—

(I) the adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) of the modern former President for the most recent taxable year for which a tax return is available; and

(II) any interest excluded from the gross income of the modern former President under section 103 of such Code for such taxable year, exceeds (if at all)

(ii) $100,000, subject to subparagraph (C).

(B) Joint Returns.—In the case of a joint return, subclauses (I) and (II) of subparagraph (A)(i) shall be applied by taking into account both the amounts properly allocable to the modern former President and the amounts properly allocable to the spouse of the modern former President.

(3) Cost-of-Living Increases.—The dollar amount under subparagraph (A)(i) shall be adjusted at the same time that, and by the same percentage by which the monetary allowance of the modern former President under section 103 of such Code for such taxable year, exceeds (if at all)

(ii) $100,000, subject to subparagraph (C).

(4) applicability of law, the Secretary may not, with respect to a return or return information disclosed to the Secretary under subparagraph (B)—

(i) disclose the return or return information to any entity or person; or

(ii) use or return information for any purpose other than to calculate the applicable reduction amount under paragraph (2).

(‘d) Increased Costs Due to Security Needs.—With respect to the monetary allowance that would be payable to a modern former President under subsection (a)(2) for any 12-month period but for the limitation under paragraph (1)(A) of this subsection, the Administrator of General Services, in coordination with the Director of the United States Secret Service, shall determine the amount of the allowance that is needed to pay the increased cost of doing business that is attributable to the security needs of the modern former President.

(‘e) Widows and Widowers.—The widow or widower of each modern former President shall be entitled to receive from the United States a monetary allowance at a rate of $100,000 per year (subject to paragraph (4)), payable monthly by the Secretary of the Treasury, if such widow or widower—

(1) who shall have held the office of President of the United States of America;

(2) whose service in such office shall have terminated—

(A) other than by removal pursuant to section 4 of article II of the Constitution of the United States; or

(B) after the date of enactment of the Presidential Allowance Modernization Act of 2020 and

(3) who does not then currently hold such office.

(‘f) Definition.—In this section, the term ‘modern former President’ means a person—

(1) who shall have held the office of President of the United States of America;

(2) whose service in such office shall have terminated—

(A) other than by removal pursuant to section 4 of article II of the Constitution of the United States; or

(B) after the date of enactment of the Presidential Allowance Modernization Act of 2020 and

(3) who does not then currently hold such office.

(‘g) Technical and Conforming Amendments.—The Former Presidents Act of 1958 is amended—

(1) in section 1(f)(2), by designating this section—

(A) by striking ‘terminated other than’ and inserting the following: ‘terminated’—

(‘h) other than”; and

(B) by adding at the end the following: ‘(B) on or before the date of enactment of the Presidential Allowance Modernization Act of 2020; and

(2) in section 3, as redesignated by this section—

(A) by inserting after the section ennumerator the following: ‘AUTHORIZATION OF APPROPRIATIONS.’; and

(B) by inserting ‘or modern former President’ after ‘modern Former President’ each place that term appears.

SEC. 1125. RULE OF CONSTRUCTION.

Nothing in this subtitle or an amendment made by this subtitle shall be construed to affect—

(1) any provision of law relating to the security or protection of a former President or modern former President, or a member of the family of a former President or modern former President; or

(2) funding, under the Former Presidents Act of 1958 or any other Act or any provision of law described in paragraph (1).

SEC. 1124. APPLICABILITY.

Section 2 of the Former Presidents Act of 1958 is amended by section 2122(a)(3) of this title, shall not apply to—

(1) any individual who is a former President on the date of enactment of this Act; or

(2) the widow or widower of an individual described in paragraph (1).

SA 1908. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1. REPORT BY COMPTROLLER GENERAL OF THE UNITED STATES ON DIVERSITY AND INCLUSION WITHIN THE CIVILIAN WORKFORCE OF THE DEPARTMENT OF DEFENSE.

(a) In General.—Not later than 1 year after enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on issues related to diversity and inclusion within the civilian workforce of the Department of Defense.

(b) Elements.—The report required by subsection (a) shall include the following:

(1) A description of the demographic composition of the civilian workforce of the Department.

(2) An assessment of any differences in promotion outcomes among demographic groups of the civilian workforce of the Department.

(3) An assessment of the extent to which the Department has identified barriers to diversity in its civilian workforce.

SEC. 2. NATIONAL INFORMATION AND COMMUNICATIONS TECHNOLOGY INDUSTRIAL BASE STRATEGY.

(a) Strategy.—

(1) In General.—Not later than 180 days after the date of the enactment of this Act, and once every 4 years thereafter, the President shall coordinate with the Secretary of Defense, the Secretary of Homeland Security, the Secretary of Commerce, the Secretary of State, and the Director of National Intelligence, and consult with private sector entities, to develop a comprehensive national strategy for the information and communications technology (ICT) industrial base for the following 4-year period, or a longer period, if appropriate.

(2) Elements.—The strategy required under paragraph (1) shall—

(A) delineate a national ICT industrial base strategy consistent with—
(i) the most recent national security strategy report submitted pursuant to section 108 of the National Security Act of 1947 (50 U.S.C. 3045);
(ii) the strategic plans of other relevant departments and agencies of the United States; and
(iii) other relevant national-level strategic plans.
(B) assess the ICT industrial base, to include identifying—
(i) critical technologies, trusted components, products, and materials that comprise or support the ICT industrial base;
(ii) industrial capacity of the United States, as well as its allied and partner nations; and
(iii) areas of supply risk to ICT critical technologies, trusted components, products, and materials that comprise or support the ICT industrial base;
(C) identify national ICT strategic priorities and estimate Federal monetary and human resources necessary to fulfill such priorities and areas where strategic financial investment in ICT research and development is necessary for national and economic security; and
(D) assess the Federal government’s structure, ranging, and authorities for evaluating ICT components, products, and materials and promoting availability and integrity of trusted technologies.

(2) REPORT. —
(I) IN GENERAL.—Within 90 days after developing the strategy under subsection (a), the Secretary shall submit a report to the appropriate congressional committees with the strategy.

(A) GENERAL.—The report required under paragraph (1) shall include the following:

(B) PURPOSE.—The purpose of the pilot program is to collect information on the following:

(I) Risk and cost reduction in information gathering in both permissive and nonpermissive environments.
(II) Risk and cost reduction in program or project monitoring and evaluation in both permissive and nonpermissive environments.

(III) Reducing the risk of malicious visual disinformation created by artificial intelligence on United States and global security interests, including global disinformation dissemination.

(C) EVALUATION METRICS.—In establishing the pilot program under subsection (a), the Secretary shall, in consultation with the Director, establish metrics to evaluate the effectiveness of the pilot program.

(D) TERMINATION OF PILOT PROGRAM.—The pilot program established under subsection (a) shall terminate not later than the date that is 2 years after the date of the commencement of the pilot program.

(2) ELEMENTS.—The report required by subsection (a) shall include the following:

(A) A description of the pilot program.
(B) A description of the evaluation metrics established under subsection (c).
(C) An assessment of the effectiveness of the pilot program, including risk and cost reduction in—

(I) information gathering in both permissive and nonpermissive environments;
(II) program or project monitoring and evaluation in both permissive and nonpermissive environments;
(III) malicious synthetic media on United States and global security interests, including global disinformation dissemination; and
(iv) evaluation of costs of, or alternatives to, this specific technology and protection of personal information.

(D) An assessment of the cost of the pilot program and an estimate of the cost of making the pilot program a permanent part of the budget of the Department of Defense.

(E) Such recommendations for legislative or administrative action that the Secretary considers appropriate in light of the pilot program, including recommendations for extending or making permanent the authority for the pilot program.

(3) SECURE HOSTING AND ACCESS TO DEVELOPMENT ENVIRONMENTS AND DATA.—Consideration of a global security operations center—

(A) GLOBAL SECURITY OPERATIONS CENTER. —

(I) Delegation of a global security operations center, including the following:

(A) Assessment of the feasibility (technical, policy, cost, and etcetera) of offering voluntary defense industrial base protection via or managed global security operations center model. Options considered shall include Department and private industry or managed security services devoted exclusively to the defense industrial base.

(B) Determination of minimum functions to be provided and whether those functions are either met by existing defense industrial base entities or not. Possible functions considered shall include threat intelligence, cyber situation monitoring, development and testing of advanced analytics, alerting and incident response, and coordination with other U.S. government and computer incident response teams (CSIRTs).

Definition and analysis of options for global security operations center management and oversight (such as public entity, private entity, cleared defense contractor, Department entity, or joint venture), operations and support to defense industrial base entities, staffing, and funding.

(D) Evaluation of the current state of managed security services to determine their suitability for this role.

(B) REDUCED-RATE LICENSING FOR COMMERCIAL CYBER SECURITY PRODUCTS THAT MEET MINIMUM COMPLIANCE STANDARDS.—Consideration of a reduced-rate licensing for commercial cyber security products that meet minimum compliance with National Institute of Standards and Technology special publication 800-171, including the following:

(A) Estimation of the cost and identification of the advantages and disadvantages of having the Department subsidize the cost of advanced cybersecurity tools to protect the unclassified networks of defense industrial base entities, including consideration of and etcetera) of offering voluntary defense industrial base.

(C) Minimum compliance with National Institute of Standards and Technology special publication 800-171, including the following:

(B) Analysis of any economies of scale cost benefits and reduced compliance barriers for the defense industrial base by using reduced-rate licensing to improve cybersecurity posture.

(C) SECURE HOSTING AND ACCESS TO DEVELOPMENT ENVIRONMENTS AND DATA.—Consideration of secure hosting and access to development environments and data, including secure cloud environments and software development offerings, including the following:

(A) Requirements concerning secure systems and connectivity to all subcontractors.
(B) Department development and provision of secure systems and connectivity to eligible defense industrial base contractors, including secure cloud services.

(C) Department securing a development environment as a service by negotiating with commercial providers to offer consistent, low-priced options to eligible defense industrial base contractors (with possible incentives to commercial providers).

(D) Such other options as may be worthy.

(4) DEPARTMENT DEVELOP SECURE CLOUD COMPUTING ENVIRONMENT.—Consideration of a Department developed secure cloud computing environment providing secure cloud services to eligible Department contractors at reasonable affordable rates.

(d) ADDITIONAL REQUIREMENTS.—In carrying out the study, the Secretary shall—

(1) define the trade-space for options, the evaluation of cyber risk for each proposed capability and option, and determination of Department member eligibility for participating in any program resulting from benefit; 

(2) assess key matters (such as protections for participating defense industrial base companies) and contractual (such as Defense Acquisition Regulations System) ramifications; and 

(3) use experts from across the Department, the defense industrial base, and commercial sectors as part of the study team.

SA 1911. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle B of title XVI, insert the following:

SEC. 1297. BREVITY ON UNITED STATES-INDIA JOINT DEFENSE AND RELATED INDUSTRIAL AND TECHNOLOGY RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall provide a briefing on joint defense and related industrial and technology research and development and personnel exchange opportunities between the United States and India.

(b) MATTERS TO BE INCLUDED.—The briefing under subsection (a) shall include the following:

(1) A status update on the Defense Technology and Trade Initiative and its efforts to increase private sector industrial cooperation.

(2) An assessment of whether additional funds are necessary for activities of the Defense Technology and Trade Initiative for seed funding and personnel exchanges.

(3) An assessment of whether the Israel-U.S. Biennial Industrial Research and Development Foundation and Fund provides a model for United States and India private sector collaboration on defense and critical technologies.

(4) A status update on the collaboration between the Department of Defense Innovation Unit and the Innovations for Defense Excellence program of the Ministry of Defence of India to enhance the capacity of the Department of Defense and Ministry of Defence of India to identify and source solutions to military requirements by accessing cutting-edge commercial technology through nontraditional processes.

SA 1915. Mr. HEINRICH submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title XVI, insert the following:

SEC. 873. STUDY AND REPORT ON CONTRACTS AWARDED TO MINORITY-OWNED AND WOMEN-OWNED SMALL BUSINESSES.

(a) STUDY.—The Comptroller General of the United States shall carry out a study on the number and types of contracts for the procurement of goods or services for the Department of Defense awarded to minority-owned and women-owned small businesses during fiscal years 2019 and 2020. In conducting the study, the Comptroller General shall identify minority-owned businesses according to the categories identified in the Federal Procurement Data System (described in section 1122(a)(4)(A) of title 41, United States Code). The study shall include an assessment of the success of government programs aimed at increasing diversity contracting among minority-owned and women-owned small businesses.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the results of the study under subsection (a).

SA 1914. Mr. WARNER (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle B of title XVI, insert the following:

SEC. 1297. ASSESSMENT OF MAJOR THEATER OPERATIONAL PLANS FOR CYBER RESILIENCE.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense shall conduct an assessment of major theater operational plans for cyber risk to mission areas that degrade, deny, or destroy United States capabilities.

(b) REQUIREMENTS.—

(1) MISSION IMPACT.—The assessment under subsection (a) shall include an assessment of the mission impact to the nation's interests that degrade, deny, or destroy United States capabilities.

(2) MANNER CONDUCTED.—Assessments under paragraph (1) shall be conducted by the commanders of the combatant commands and acquisition organizations together, and include the Deputy Assistant Secretary of Defense for Defense Continuity and Mission Assurance for assessing mission risk in relation to the cyber resilience of the infrastructure on which force generation and projection depend.

(3) SUSTAINABLE ANALYSIS AND METHODS.—The Secretary shall ensure that assessments under this section utilize sustainable analyses and methods of determining cyber risk and mission assurance to the mission plans of the combatant command.

(4) USE OF INTELLIGENCE AND ASSESSMENTS.—The assessments under this section may build upon existing cyber table-top and other exercises and assessments.

(b) COORDINATING.—The Secretary shall ensure that assessments under this section are coordinated with the Commander of the United States Cyber Command.

(c) INSTRUCTION.—The Secretary shall ensure that the analyses under this section are institutionalized as part of continuing plans, preparations, and exercises.
SA 1916. Mr. HEINRICH (for himself and Mrs. BLACKBURN) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1. INCREASING HUMAN RESOURCES WORKFORCE LITERACY IN ARTIFICIAL INTELLIGENCE.

(a) FINDING.—Congress finds that the National Science on Artificial Intelligence made the following recommendation in their March 2020 Report to Congress:  

The program course required shall:

(A) provide a generalist’s introduction to software development and business processes, data management practices relating to machine learning, deep learning, artificial intelligence, and artificial intelligence workforce roles; and  

(B) address hiring options and processes available for software developers, data scientists, and artificial intelligence professionals, including direct hiring authorities, excepted service authorities, the Intergovernmental Personnel Act of 1970, U.S.C. 4701 et seq.), and authorities for hiring special government employees and highly qualified experts.

(3) OBJECTIVE.—It shall be the objective of the Department to provide the training under the program developed pursuant to paragraph (1) to the covered human resources workforce in such a manner that:

(A) in the first year, 20 percent of the workforce is certified as having successfully completed the training; and  

(B) in each year thereafter, an additional 10 percent of the workforce is certified, until the Department achieves and maintains a status in which 80 percent of the covered human resources workforce is so certified.

(c) COVERED HUMAN RESOURCES WORKFORCE.—In this section, the term ‘‘covered human resources workforce’’ means human resources professionals, hiring managers, and recruiters who are or will be responsible for hiring software developers, data scientists, or artificial intelligence professionals.

SA 1917. Ms. HASSAN (for herself, Mr. CORNYN, Mr. PORTMAN, and Mr. PETERS) submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 2215. CYBERSECURITY STATE COORDINATOR.

(a) APPOINTMENT.—The Director shall appoint a Cybersecurity State Coordinator in each State, as described in section 2215; and  

(b) by adding at the end the following:

SEC. 2215. CYBERSECURITY STATE COORDINATOR.

(a) APPOINTMENT.—The Director shall appoint a Cybersecurity State Coordinator in each State, as described in section 2215; and  

(b) DUTIES.—The duties of a Cybersecurity State Coordinator appointed under subsection (a) shall include:

(1) building strategic relationships across Federal and, on a voluntary basis, non-Federal entities, by advising and coordinating with relevant government agencies to facilitate the development and maintenance of secure and resilient infrastructure;  

(2) serving as a Federal cybersecurity risk advisor and coordinating between Federal and, on a voluntary basis, non-Federal entities to support preparation, response, and remediation efforts relating to cybersecurity risks and incidents;  

(3) facilitating the sharing of cyber threat information between Federal and, on a voluntary basis, non-Federal entities to improve situational awareness of cybersecurity incidents;  

(4) raising awareness of the financial, technical, and operational resources available from the Federal Government to non-Federal entities to increase resilience against cyber threats;  

(5) supporting, training, exercises, and planning for continuity of operations to expedite recovery from cybersecurity incidents, including ransomware;  

(6) managing an authority point of contact for non-Federal entities to engage, on a voluntary basis, with the Federal Government on preparing, managing, and responding to cybersecurity incidents;  

(7) assisting non-Federal entities in developing and coordinating vulnerability disclosure programs consistent with Federal and information security industry standards; and  

(8) performing such other duties as determined necessary by the Director to achieve the objectives of managing and reducing risks in the United States and reducing the impact of cyber threats to non-Federal entities.

(6) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to affect or otherwise modify the authority of Federal law enforcement agencies with respect to investigations relating to cybersecurity incidents.

(4) TECHNICAL AND CONFORMING AMENDMENTS.—The table of contents in title 1b of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 2214 the following:

“Sec. 2215. Cybersecurity State Coordinator.”

SA 1918. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

SEC. 1003. MANDATORY TRANSFER.

Notwithstanding any other provision of law, the Secretary of the Treasury shall transfer 0.1 percent of the funds authorized by this Act may be made available to the Department of Defense for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

SEC. 2215. CYBERSECURITY STATE COORDINATOR.

(a) APPOINTMENT.—The Director shall appoint a Cybersecurity State Coordinator in each State, as described in section 2215; and  

(b) DUTIES.—The duties of a Cybersecurity State Coordinator appointed under subsection (a) shall include:

(1) building strategic relationships across Federal and, on a voluntary basis, non-Federal entities, by advising and coordinating between Federal and, on a voluntary basis, non-Federal entities to support preparation, response, and remediation efforts relating to cybersecurity risks and incidents;  

(3) raising awareness of the financial, technical, and operational resources available from the Federal Government to non-Federal entities to increase resilience against cyber threats;  

(4) facilitating the sharing of cyber threat information between Federal and, on a voluntary basis, non-Federal entities to improve situational awareness of cybersecurity incidents;  

(5) supporting, training, exercises, and planning for continuity of operations to expedite recovery from cybersecurity incidents, including ransomware;  

(6) managing an authority point of contact for non-Federal entities to engage, on a voluntary basis, with the Federal Government on preparing, managing, and responding to cybersecurity incidents;  

(7) assisting non-Federal entities in developing and coordinating vulnerability disclosure programs consistent with Federal and information security industry standards; and  

(8) performing such other duties as determined necessary by the Director to achieve the objectives of managing and reducing risks in the United States and reducing the impact of cyber threats to non-Federal entities.

(6) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to affect or otherwise modify the authority of Federal law enforcement agencies with respect to investigations relating to cybersecurity incidents.

(4) TECHNICAL AND CONFORMING AMENDMENTS.—The table of contents in title 1b of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 2214 the following:

“Sec. 2215. Cybersecurity State Coordinator.”

SA 1919. Mr. SANDERS (for himself, Mr. LEE, and Mr. MURPHY) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

SEC. 1003. MANDATORY TRANSFER.

Notwithstanding any other provision of law, the Secretary of the Treasury shall transfer 0.1 percent of the funds authorized by this Act may be made available to the Department of Defense for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

SEC. 1003. MANDATORY TRANSFER.

Notwithstanding any other provision of law, the Secretary of the Treasury shall transfer 0.1 percent of the funds authorized by this Act may be made available to the Department of Defense for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

SEC. 1003. MANDATORY TRANSFER.

Notwithstanding any other provision of law, the Secretary of the Treasury shall transfer 0.1 percent of the funds authorized by this Act may be made available to the Department of Defense for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

SEC. 1003. MANDATORY TRANSFER.

Notwithstanding any other provision of law, the Secretary of the Treasury shall transfer 0.1 percent of the funds authorized by this Act may be made available to the Department of Defense for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

SEC. 1003. MANDATORY TRANSFER.

Notwithstanding any other provision of law, the Secretary of the Treasury shall transfer 0.1 percent of the funds authorized by this Act may be made available to the Department of Defense for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:
provide United States support for Saudi-led or United Arab Emirates-led coalition forces against the Houthis in Yemen, including for any of the following:

(1) Intensive engineering or logistical support activities for coalition airstrike missions.

(2) Maintenance and spare parts transfers to warplanes engaged in anti-Houthi bombings.

(b) Prohibition relating to Military Participation.—None of the funds authorized to be appropriated by this Act may be made available for any uniformed member of the United States Armed Forces to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of the Saudi-led and United Arab Emirates-led coalition forces in hostilities against the Houthis in Yemen or in situations in which there exists an imminent threat that such coalition forces become engaged in such hostilities, unless and until the President has obtained specific statutory authorization, in accordance with section 8(a) of the War Powers Resolution (50 U.S.C. 1547(a)).

SA 1920. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to provide military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1262. CERTIFICATION REQUIRED FOR TERMINATION OF PROHIBITION ON COMMERCIAL EXPORT OF CERTAIN MEDICAL ITEMS TO HONG KONG POLICE FORCE.

Section 3 of the Act entitled “An Act to prohibit the commercial export of covered medical items to the Hong Kong Police Force”, approved November 27, 2019 (Public Law 116-77; 133 Stat. 1174), is amended to read as follows:

“SEC. 3. CERTIFICATION REQUIRED FOR TERMINATION.

“The prohibition under section 2 shall remain in effect until the date on which the Secretary of State submits to Congress under section 205 of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5725) a certification that indicates that Hong Kong continues to warrant treatment under United States laws in the same manner as United States laws were applied to Hong Kong before July 1, 1997.”

SA 1922. Mr. MERKLEY (for himself, Mr. CORNYN, Mr. MARKET, Mr. SCOTT of Florida, Mr. CARDIN, Mr. GARDNER, and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XII, add the following:

SEC. 3. CERTIFICATION REQUIRED FOR TERMINATION.

“The prohibition under section 2 shall remain in effect until the date on which the Secretary of State submits to Congress under section 205 of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5725) a certification that indicates that Hong Kong continues to warrant treatment under United States laws in the same manner as United States laws were applied to Hong Kong before July 1, 1997.”
personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitile G of title XII, add the following:

SEC. 1287. PREVENTING SAUDI ARABIAN DIPLOMATS FROM AIDING AND ABETTING FLIGHTS FROM JUSTICE.

(a) DETERMINATION ON FLIGHTS FROM JUSTICE.—The President shall determine whether any citizen of Saudi Arabia who enjoys diplomatic immunity from prosecution, or a national of Saudi Arabia in the United States for the purposes of evading criminal prosecution or otherwise evading a criminal sentence in the United States, or a national of Saudi Arabia in the United States for the purpose of avoiding criminal prosecution or evading law enforcement authorities, any such official shall be subject to the following:

(1) The submission of a request for a waiver of immunity from the United States to Saudi Arabia for the purposes of pursuing criminal prosecution or extraditing such official.

(2) A declaration that such official is persona non grata and is expelled from the United States, without replacement of that position.

(b) PENALTIES.—If the determination required under subsection (a) concludes that one or more officials of the Government of Saudi Arabia has aided, abetted, or assisted in the unlawful removal of a national of Saudi Arabia from the United States or has harbored a national of Saudi Arabia in the United States for the purpose of avoiding criminal prosecution or evading law enforcement authorities, any such official shall be subject to the following:

(1) The revocation of any existing visa or other relevant entry documentation, which may include denial of future visa requests.

(c) ADDITIONAL PENALTIES IMPOSED BY PRESIDENT.—If the determination required under subsection (a) concludes that one or more officials of the Government of Saudi Arabia has aided, abetted, or assisted in the unlawful removal of a national of Saudi Arabia from the United States or has harbored a national of Saudi Arabia in the United States for the purpose of avoiding criminal prosecution or evading law enforcement authorities, the President may enforce any of the following penalties:

(i) DENIAL OF USE OF CERTAIN DIPLOMATIC FACILITIES.—Notwithstanding any other provision of law, the President may deny access to, and the use of, any of the diplomatic facilities of, the Saudi-owned diplomatic facilities and properties located at the following addresses:

(A) 2845 Sawtelle Boulevard, Los Angeles, California.

(B) 650 Hilltop Road, Fairfax, Virginia.

(2) SUSPENSION OF FLIGHTS TO AND FROM THE UNITED STATES BY SAUDI ARABIAN AIRCARRIERS.—

(A) SUSPENSION OF OPERATING PERMIT.—

(i) IN GENERAL.—Notwithstanding any agreement with the United States and Saudi Arabia relating to air services, the President may suspend the permit of a foreign air carrier owned or controlled, directly or indirectly, by the Government of Saudi Arabia to operate in foreign air transportation under chapter 413 of title 49, United States Code.

(ii) PENALTIES.—The penalties under subsection (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1706) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of subparagraph (A), or any regulation, license, or order issued to carry out that subparagraph, unless the same actions are applied to a person that commits an unlawful act described in subsection (a) of such section.

(b) SUSPENSION OF AIR SERVICE AGREEMENT.—

(i) IN GENERAL.—The President may direct the Secretary of State to terminate any agreement between the United States and Saudi Arabia relating to air services in accordance with the provisions of the agreement.

(ii) SUSPENSION OF OPERATING PERMIT.—

Upon termination of an agreement under clause (i), the Secretary of Transportation may take such measures as may be necessary to restructure the air services provided by the Government of Saudi Arabia to operate in foreign air transportation under chapter 413 of title 49, United States Code.

(C) EXCEPTIONS.—The Secretary of Transportation may provide for exceptions to such measures.

D) FOREIGN AIR CARRIERS AND FOREIGN AIR TRANSPORTATION DEFINED.—In this paragraph, the terms ‘foreign carrier’ and ‘foreign air transportation’ have the meanings given in section 40102(A) of title 49, United States Code.

(3) IMPOSITION OF SANCTIONS.—

(A) IN GENERAL.—The President may exercise all of the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions, in property and interests in property of a foreign official described in subsection (a) if such property and interests in property are in the United States, come within the United States, or are or are destined for the United States, or are or are held within the possession or control of a United States person.


(C) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(i) IN GENERAL.—The authority to block and prohibit all transactions in property and interests in property under subparagraph (A) shall not include the authority to impose sanctions on the importation of goods.

(ii) GOOD DEFINED.—In this subparagraph, the term ‘good’ means any article, natural or manmade substance, material, supply, or commodity, including machinery, equipment, and test equipment, and excluding technical data.

(2) IMPLEMENTATION; PENALTIES.—

(i) IMPLEMENTATION.—The President may exercise all authorities provided to the President under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) for purposes of carrying out the provisions of this paragraph.

(ii) PENALTIES.—The penalties under sections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1706) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of subparagraph (A), or any regulation, license, or order issued to carry out that subparagraph, unless the same actions are applied to a person that commits an unlawful act described in subsection (a) of such section.

SA 1924. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitile G of title XII, add the following:

SEC. 1287. AGREEMENT FOR NATO MEMBERS NOT TO ACQUIRE DEFENSE TECHNOLOGY INCOMPATIBLE WITH THE SECURITY OF NATO SYSTEMS.

The U.S. Mission to NATO shall pursue an agreement that members will not acquire defense technology incompatible with the security of NATO systems.

SA 1925. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitile E of title XII, add the following:

SEC. 1262. UNITED STATES STRATEGY WITH RESPECT TO THE NUCLEAR FORCES OF PEOPLE’S REPUBLIC OF CHINA.

(a) STATEMENT OF POLICY.—The policy declared in this section shall be consistent with the policy set forth in the National Security Strategy and shall include measures to:

(1) A statement of policy in the People’s Republic of China.

(b) STRATEGY REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a strategy with respect to the nuclear forces of the People’s Republic of China.

(2) ELEMENTS OF STRATEGY.—The strategy required by paragraph (1) shall include the following:

(A) Updates to the tailored strategy for the People’s Republic of China articulated in the 2018 Nuclear Posture Review.

(B) Objectives of strategic stability and arms control dialogues with the People’s Republic of China.

Determination of actions that could be interpreted by the United States or the People’s Republic of China as provocative or requiring a strategic response.

Military measures to avoid inadvertent escalation of conflict between the United States and the People’s Republic of China.
(E) Consideration of actions the United States anticipates the People's Republic of China seeking in bilateral or multilateral arms control negotiations.

(F) Description of engagements with the People's Republic of China on issues related to strategic stability.

(G) An assessment of whether sufficient personnel strengths are dedicated to strategic stability and arms control with the People's Republic of China.

(H) A description of the steps required to negotiate a bilateral or multilateral arms control agreement with the People's Republic of China.

(3) STUDY.—The strategy required by paragraph (1) shall be submitted in unclassified form but may include a classified annex.

(c) STUDY REQUIRED.—

(1) Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with a federally funded research and development center to conduct a study on avoiding inadvertent nuclear war with the People's Republic of China.

(2) ELEMENTS OF STUDY.—The study required by paragraph (1) shall, at a minimum—

(A) provide a detailed description of the current structure of the nuclear forces of the People's Republic of China, including the quantity of nuclear warheads and nuclear-capable delivery systems, as well as anticipated changes in the nuclear force structure through fiscal year 2030;

(B) assess the nuclear doctrine of the People's Republic of China; and

(C) identify potential pathways to inadvertent escalation to nuclear war.

(3) SUBMISSION TO DEPARTMENT OF DEFENSE.—Not later than 240 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees the results of the study conducted under that paragraph.

(4) SUBMISSION TO CONGRESS.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees the report required by paragraph (3), without making any changes.

(d) NEW AND REVISED CONGRESSIONAL COMMITTEE DEFINITIONS.—In this section, the term ‘appropriate congressional committees’ means the following:

(1) The congressional defense committees.

(2) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SA 1926. Mr. MERRICK submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 354. REPORT ON NON-PERMISSIBLE, GLOBAL POSITIONING SYSTEM DENIED AIRFIELD CAPABILITIES.

(a) IN GENERAL.—Not later than January 1, 2021, the Secretary shall submit to the congressional defense committees a report assessing the ability of each combatant command to conduct all-weather, daylight airfield operations in a non-permissive, global positioning system denied environment.

(b) ELEMENTS.—The report required under subsection (a) shall include, at a minimum, the following:

(1) An assessment of current air traffic control and landing systems at existing airfields and contingency airfields.

(2) An assessment of the ability of each combatant command to conduct all-weather, daylight airfield flight operations in a non-permissive, global positioning system denied environment, including the ability to receive and deploy forces in a non-permissive, global positioning system denied environment.

(3) A list of backup systems in place or pre-positioned to be able to reconstitute operations after an attack.

SA 1930. Mr. MERRICK submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title XII, add the following:

SEC. 1287. REQUIREMENTS FOR CIVILIAN NUCLEAR COOPERATION AGREEMENT WITH SAUDI ARABIA.

The United States may not enter into a civilian nuclear cooperation agreement under section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153), commonly known as a ‘‘123 Agreement’’, unless the agreement—

(1) prohibits the Kingdom of Saudi Arabia from enriching uranium or separating plutonium on Saudi Arabian territory in keeping with the strongest possible nonproliferation ‘‘gold standard’’; and

(2) requires the Kingdom of Saudi Arabia to bring into force the Additional Protocol with the International Atomic Energy Agency.

SA 1929. Mr. MERRICK submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

SEC. 355. REPORT ON NON-PERMISSIBLE, GLOBAL POSITIONING SYSTEM DENIED AIRFIELD CAPABILITIES.

(a) IN GENERAL.—Not later than January 1, 2021, the Secretary shall submit to the congressional defense committees a report assessing the ability of each combatant command to conduct all-weather, daylight airfield operations in a non-permissive, global positioning system denied environment.

(b) ELEMENTS.—The report required under subsection (a) shall include, at a minimum, the following:

(1) An assessment of current air traffic control and landing systems at existing airfields and contingency airfields.

(2) An assessment of the ability of each combatant command to conduct all-weather, daylight airfield flight operations in a non-permissive, global positioning system denied environment, including the ability to receive and deploy forces in a non-permissive, global positioning system denied environment.

(3) A list of backup systems in place or pre-positioned to be able to reconstitute operations after an attack.

SA 1931. Mrs. SHAHEEN (for herself, Mr. BENNET, Mr. BLUMENTHAL, Mr. BOOKER, Mr. CARPER, Mr. CASEY, Mr. DURBIN, Mrs. GILLIBRAND, Ms. HASSAN, Mr. HINCHCLIFFE, Mr. LEAHY, Mr. SANDERS,
SEC. 539A. IMPROVEMENT OF DETERMINATIONS ON DISPOSITION OF CHARGES FOR CERTAIN UCJM OFFENSES WITH AUTHORIZED MAXIMUM SENTENCE OF CONFINEMENT OF MORE THAN ONE YEAR.

(a) IMPROVEMENT OF DETERMINATIONS.—

(1) MILITARY DEPARTMENTS.—With respect to charges under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that allege an offense specified in subsection (b) and not excluded under subsection (c), the Secretary of Defense shall require the Secretaries of the military departments to provide as described in subsection (d) for the determinations as follows:

(A) Determinations under section 830 of such chapter (article 30 of the Uniform Code of Military Justice) on the preferal of charges.

(B) Determinations under section 830 of such chapter (article 30 of the Uniform Code of Military Justice) on the disposition of charges.

(C) Determinations under section 834 of such chapter (article 34 of the Uniform Code of Military Justice) on the referral of charges.

(2) HOMELAND SECURITY.—With respect to charges under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that allege an offense specified in subsection (b) and not excluded under subsection (c) against a member of the Coast Guard (when it is not operating as a service in the Navy), the Secretary of Homeland Security shall provide as described in subsection (d) for the determinations as follows:

(A) Determinations under section 830 of such chapter (article 30(a) of the Uniform Code of Military Justice) on the preferal of charges.

(B) Determinations under section 830 of such chapter (article 30 of the Uniform Code of Military Justice) on the disposition of charges.

(C) Determinations under section 834 of such chapter (article 34 of the Uniform Code of Military Justice) on the referral of charges.

(b) COVERED OFFENSES.—An offense specified in this subsection is an offense as follows:

(1) An offense under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), for which the maximum punishment authorized under that chapter includes confinement for more than one year.

(2) A conspiracy to commit an offense specified in paragraphs (1) through (3) as punishable under section 882 of title 10, United States Code (article 81 of the Uniform Code of Military Justice).

(3) A solicitation to commit an offense specified in paragraph (1) as punishable under section 880 of title 10, United States Code (article 80 of the Uniform Code of Military Justice).

(c) EXCLUDED OFFENSES.—Subsection (a) does not apply to an offense as follows:

(1) An offense under chapter 47 of title 10, United States Code (articles 83 and 87 of the Uniform Code of Military Justice), for which the maximum punishment authorized under that chapter includes confinement for more than one year.

(2) An offense under section 882 of title 10, United States Code (article 81 of the Uniform Code of Military Justice).

(3) A conspiracy to commit an offense specified in paragraphs (1) through (3) as punishable under section 882 of title 10, United States Code (article 82 of the Uniform Code of Military Justice).

(4) An attempt to commit an offense specified in paragraphs (1) through (3) as punishable under section 882 of title 10, United States Code (article 82 of the Uniform Code of Military Justice).

(5) The actions of an officer described in paragraph (1) not to refer charges to a court-martial for trial, as applicable, shall be free of unlawful or unauthorized influence or coercion.

(6) The determination under paragraph (1) not to refer charges to a general or special court-martial for trial shall not operate to terminate or otherwise affect the authority of commanding officers to refer charges for trial by summary court-martial convened under section 824 of title 10, United States Code (article 21 of the Uniform Code of Military Justice), or to impose non-judicial punishment in connection with the conduct covered by such charges as authorized by section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice).

(d) POLICIES AND PROCEDURES.—

(1) IN GENERAL.—The Secretary of Homeland Security (with respect to the Coast Guard when it is not operating as a service in the Navy) shall revise policies and procedures as necessary to comply with this section.

(2) UNIFORMITY.—The General Counsel of the Department of Defense and the Secretary of Homeland Security shall jointly promulgate policies and procedures revised under this subsection in order to ensure that any lack of uniformity in policies and procedures, as so revised, among the military departments and the Department of Homeland Security does not render unconstitutional any policy or procedure, as so revised.

(e) MANUAL FOR COURTS-MARTIAL.—The Secretary of Defense shall ensure that such changes to the Manual for Courts-Martial as are necessary to ensure compliance with this section.
(a) In GENERAL.—Subsection (a) of section 822 of title 10, United States Code (article 22 of the Uniform Code of Military Justice), is amended—

(1) by redesigning paragraphs (8) and (9) as paragraphs (9) and (10), respectively; and

(2) by inserting after paragraph (7) the following paragraph (11):—

‘‘(11) such members of the Armed Forces of the United States who have not completed 2 years of service and—

‘‘(A) are at least 17 years of age;

‘‘(B) are determined by the Secretary of Defense, the Secretaries of the military departments, or the Commandant of the Marine Corps to have the moral, physical, and mental qualifications needed to function as a member of the Armed Forces.’’.

(b) Regulations.—The Secretary of Defense, in consultation with the Secretaries of the military departments, the Commandant of the Marine Corps, and the Secretary of the Army, shall—

(1) by adding at the end of the following new subparagraph:

‘‘(b)’’; and

(2) by redesigning paragraph (8) as paragraph (9).
SA 1934. Mr. PETERS submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 7. LIST OF CRITICAL DRUGS FOR DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a list of critical drugs for the Department of Defense compiled by the Director of the Defense Logistics Agency, in coordination with the Director of the Defense Health Agency.

(b) DEFINITIONS.—In this section, the term ‘‘critical drug’’ means a drug that is critical to the military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 7. STUDY ON HEALTH READINESS CON-TRACTS OF DEPARTMENT OF DEFENSE TO ASSESS RELIANCE ON FOREIGN SOURCES OF ACTIVE PHARMACEUTICAL INGREDIENTS, DRUGS, AND MEDICAL DEVICES.

(a) STUDY REQUIREMENTS.—Not later than 18 months after the date of the enactment of this Act, the Director of the Defense Logistics Agency shall submit to the Committees on Armed Services of the Senate and the House of Representatives the results of a study on contracts entered into by the Director relating to health readiness of the Armed Forces to assess—

(1) the reliance by the Department of Defense on foreign sources of active pharmaceutical ingredients, drugs, and medical devices; and

(2) the redundancy planning of the Department to mitigate shortages of drugs and medical devices.

(b) DEFINITIONS.—In this section:

(1) DRUG.—The term ‘‘drug’’ has the meaning given that term in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(2) MEDICAL DEVICE.—The term ‘‘medical device’’ has the meaning given the term ‘‘device’’ in such section 201.

SA 1935. Mr. PETERS submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 7. STUDY ON HEALTH READINESS CON-TRACTS OF DEPARTMENT OF DEFENSE TO ASSESS RELIANCE ON FOREIGN SOURCES OF ACTIVE PHARMACEUTICAL INGREDIENTS, DRUGS, AND MEDICAL DEVICES.

(a) STUDY REQUIREMENTS.—Not later than 18 months after the date of the enactment of this Act, the Director of the Defense Logistics Agency shall submit to the Committees on Armed Services of the Senate and the House of Representatives the results of a study on contracts entered into by the Director relating to health readiness of the Armed Forces to assess—

(1) the reliance by the Department of Defense on foreign sources of active pharmaceutical ingredients, drugs, and medical devices; and

(2) the redundancy planning of the Department to mitigate shortages of drugs and medical devices.

(b) DEFINITIONS.—In this section:

(1) DRUG.—The term ‘‘drug’’ has the meaning given that term in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(2) MEDICAL DEVICE.—The term ‘‘medical device’’ has the meaning given the term ‘‘device’’ in such section 201.

SA 1936. Mr. PETERS submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 7. PILOT PROGRAMS ON REMOTE PROVIDING NATIONAL GUARD TO STATE GOVERNMENTS AND NATIONAL GUARDS OF OTHER STATES OF TECHNICAL ASSISTANCE IN TRAINING, PREPARATION, AND RESPONSE TO CYBER IN- CIDENTS.

(a) PILOT PROGRAMS AUTHORIZED.—The Secretary of the Army and the Secretary of the Air Force, in coordination with the Secretary of Homeland Security and in consultation with the Chief of the National Guard Bureau, conduct a pilot program to assess the feasibility and advisability of the development of a capability within the National Guard through which a National Guard of a State remotely provides cybersecurity technical assistance to State governments and their National Guards with respect to the incident.

(b) REQUIREMENTS.—An administering Secretary shall, in consultation with the Chief of the National Guard Bureau, establish requirements with respect to eligibility and participation of State governments and their National Guards in the pilot program.

(c) ELIGIBILITY AND PARTICIPATION RE-QUIREMENTS.—An administering Secretary shall, in consultation with the Chief of the National Guard Bureau, establish requirements with respect to eligibility and participation of State governments and their National Guards in the pilot program.

(d) CONSTRUCTION WITH CERTAIN CUR-RENT AUTHORITIES.—

(1) COMMAND AUTHORITIES.—Nothing in a pilot program under subsection (a) may be construed as affecting or altering the command authorities otherwise applicable to any unit of the National Guard unit participating in the pilot program.

(2) EMERGENCY MANAGEMENT ASSISTANCE COMPACT.—Nothing in a pilot program may be construed as affecting or altering any current agreement under the Emergency Management Assistance Compact, or any other State agreements, or as determinative of the future content of any such agreement.

(e) EVALUATION METRICS.—An administering Secretary, in consultation with the Chief of the National Guard Bureau and the Secretary of Homeland Security, shall establish metrics to evaluate the effectiveness of the pilot program.

(f) TERMINATION.—A pilot program under subsection (a) shall terminate on the date that is three years after the date of the commencement of the pilot program.

(g) REPORTS.—

(1) INITIAL REPORT.—Not later than 180 days after the date of the commencement of the pilot program, the administering Secretary, in coordination with the Secretary of Homeland Security, shall submit to the appropriate committees of Congress a report setting forth a description of the pilot program, including such partnerships as are entered into in connection with the pilot program as the Secretary considers appropriate.

(2) FINAL REPORT.—Not later than 180 days after the termination of the pilot program, the administering Secretary, in coordination with the Secretary of Homeland Security, shall submit to the appropriate committees of Congress a report on the pilot program. The report shall include the following:

(A) A description of the pilot program, including any partnerships entered into by the Chief of the National Guard Bureau under the pilot program.

(B) A summary of the assessment performed prior to the commencement of the pilot program in accordance with subsection (b).

(C) A summary of the evaluation metrics established in accordance with subsection (g).

(D) An assessment of the effectiveness of the pilot program, and of the capability described in subsection (a) under the pilot program.

(E) A description of costs associated with such partnerships.

(F) A recommendation as to the termination or extension of the pilot program, or
the making of the pilot program permanent with an expansion nationwide.

(G) An estimate of the costs of making the pilot program permanent and expanding it nationwide, with the recommendation in subparagraph (F).

(H) Such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the pilot program.

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Armed Services and the Committee on Homeland Security of the House of Representatives.

(i) STATE DEFINED.—In this section, the term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

SA 1937. Mr. PETERS (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___ AMENDMENTS TO THE PANDEMIC RESPONSE ACCOUNTABILITY COMMITTEE.

(a) APPROPRIATIONS.—Title V of division B of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) is amended, in the matter under the heading “PANDEMIC RESPONSE ACCOUNTABILITY COMMITTEE” under the heading “INDEPENDENT AGENCIES”, by striking “funds provided in this Act” and inserting “covered funds and the Commonwealth of the Northern Mariana Islands.”

(b) APPOINTMENT OF CHAIRPERSON.—Section 15010(c) of division B of the Coronavirus, Relief, and Economic Security Act (Public Law 116–136) is amended—

(1) in paragraph (1), by striking “and (D)” and inserting “(D), and (E)”;

(2) in paragraph (2), by inserting “of the Council” after “Chairperson”;

(c) DEFINITION OF COVERED FUNDS.—Section 15010(a)(6) of division B of the CARES Act (Public Law 116–136) relating to large covered funds under division A of such Act that have been expended or obligated under division A or B of such Act on or after the date of enactment of this Act.

SA 1938. Mr. PETERS submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___ OFFICE OF GOVERNMENT ETHICS INFORMATION.

Section 406 of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended to read as follows:

SEC. 406. TRANSMITTAL OF INFORMATION TO CONGRESS.

“(a) In General.—Notwithstanding any other provision of law, including any regulation, upon the request of any committee or subcommittee of Congress, the Director shall transmit written information and views on the functions of responsibilities of, or other matters relating to the Office of Government Ethics.

“(b) FOIA.—The Director may transmit information and views to Congress under subsection (a) without review, clearance, or approval by any administrative authority.”.

SA 1939. Mr. PETERS submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___ GUIDANCE ON HOW TO PREVENT EXPOSURE TO AND RELEASE OF PFAS.

(a) IN GENERAL.—Not later than 14 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency, in consultation with the Administrator of the United States Fire Administration, the Administrator of the Environmental Protection Agency, the Director of the National Institute for Occupational Safety and Health, and the heads of any other relevant agencies, shall—

(1) develop and publish guidance for firefighters and other emergency response personnel on training, education programs, and best practices to—

(A) reduce the exposure to per- and polyfluoroalkyl substances (commonly referred to as “PFAS”) from firefighting foam and personal protective equipment; and

(B) limit or prevent the release of PFAS from firefighting foam into the environment;

(2) develop and issue guidance for firefighters and other emergency response personnel on alternative foams, personal protective equipment, and other firefighting tools and equipment that do not contain PFAS; and

(3) create an online public repository, which shall be updated on a regular basis, on tools and best practices for firefighters and other emergency response personnel to reduce, limit, and prevent the release of and exposure to PFAS.

(b) REQUIRED CONSULTATION.—In developing the guidance required under subsection (a), the Administrator of the Federal Emergency Management Agency shall consult with appropriate interested entities, including—

(1) firefighters and other emergency response personnel, including national fire service and emergency response organizations;

(2) impacted communities dealing with PFAS contamination;

(3) scientists, including public and occupational health and safety experts, who are studying PFAS and PFAS alternatives in firefighting foam;

(4) voluntary standards organizations engaged in developing standards for firefighter and firefighting equipment;

(5) State fire training academies;

(6) State fire marshals;

(7) manufacturers of firefighting tools and equipment; and

(8) any other relevant entities, as determined by the Administrator of the Federal Emergency Management Agency, the Administrator of the United States Fire Administration, and the Administrator of the Environmental Protection Agency.

(c) REVIEW OF GUIDANCE.—Not later than 3 years after the date on which the guidance is issued under subsection (a), and not less frequently than once every 2 years thereafter, the Administrator of the Federal Emergency Management Agency, in consultation with the Administrator of the United States Fire Administration, the Administrator of the Environmental Protection Agency, and the Director of the National Institute for Occupational Safety and Health, shall review the guidance and, as appropriate, issue updates to the guidance.

SEC. ___ OFFICE OF GOVERNMENT ETHICS FORMATION.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to this section.

SA 1940. Ms. ROSEN (for herself and Ms. ERNST) submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:
service in the Armed Forces, including an evaluation of any information recorded as part of the Airborne Hazards and Open Burn Pit Registry.

(b) Inclusion of Individuals in Registry.—If an evaluation conducted under subsection (a) with respect to an individual establishes that the individual was located or stationed at a location where an open burn pit was used, or that the individual was exposed to toxic airborne chemicals or other airborne contaminants, the individual shall be enrolled in the Airborne Hazards and Open Burn Pit Registry unless the member elects not to enroll in such registry.

(c) Rule of Construction.—Nothing in this section may be construed to preclude eligibility of a veteran for benefits under the laws administered by the Secretary of Veterans Affairs by reason of the history of exposure of the veteran to an open burn pit not being recorded in an evaluation conducted under subsection (a).

Sec. 8. Study on Impact of Viral Pandemics on Members of Armed Forces and Veterans Who Have Experienced Toxic Exposure.

(a) In general.—The Secretary of Veterans Affairs shall conduct a study, through the Airborne Hazards and Open Burn Pit Registry, of the Centers of Excellence (in this section referred to as the “Centers”), on the health impacts of infection with a virus designated as a global pandemic, including a coronavirus, to members of the Armed Forces and veterans who have been exposed to open burn pits and other toxic exposures for the purposes of understanding the health impacts of the virus and whether individuals infected with the virus are at increased risk of severe symptoms due to previous conditions linked to toxic exposure.

(b) Preparation for future pandemic.—The Secretary shall analyze potential lessons learned through the study conducted under subsection (a) to assist in preparing the Department of Veterans Affairs for future pandemics.

(c) Definitions.—In this section:

(1) Coronavirus.—The term “coronavirus” has the meaning given that term in section 505 of the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (Public Law 116–123).

(2) Open burn pit.—The term “open burn pit” has the meaning given the term in section 201(c) of the Dignified Burial and Other Veterans’ Benefits Improvement Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note).

Sec. 9. Comprehensive Study on Employment of Members of the Armed Forces and Veterans.

(a) In general.—The Secretary of Defense shall conduct a comprehensive study of the Department of Defense to identify barriers to employment of members of the Armed Forces and veterans.

(b) Data collection.—The Secretary shall collect data from members of the Armed Forces and veterans who have experienced toxic exposure.

(c) Report.—The Secretary shall submit a report to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives on the results of the study conducted under this section.

Sec. 10. Authorization of Appropriations for Airborne Hazards and Open Burn Pits Center of Excellence of Department of Veterans Affairs.

There is authorized to be appropriated to the Secretary of Veterans Affairs to carry out the Airborne Hazards and Burn Pits Center of Excellence of the Department of Veterans Affairs $5,000,000 for each of fiscal years 2021 through 2025.

Sec. 11. Decrease in Required Distance Away from Home for Above-the-Line Deduction for Travel Expenses of Members of the Reserve Component of the Armed Forces.

(a) In general.—Section 62(a)(2)(E) of the Internal Revenue Code of 1986 is amended by striking “100 miles” and inserting “50 miles”;

(b) Effective date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2019.
of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DIVISION I—SAFE ACT PROVISIONS

SEC. 100. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This division may be cited as the “Securing America’s Federal Elections Act” or the “SAFE Act”.

(b) Table of Contents.—The table of contents of this division is as follows:

DIVISION I—SAFE ACT PROVISIONS

Sec. 100. Short title.
Sec. 101. Title I—Financial Support for Encryption Requirements
Sec. 102. Title I—Financial Support for Voting System Security Improvement Grants
Sec. 103. Title I—Financial Support for Voting System Security Improvement Grants
 Sec. 104. Title II—Promoting Accuracy, Integrity, and Security Through Voter-Verifiable Permanent Paper Ballot
Sec. 105. Title II—Promoting Accuracy, Integrity, and Security Through Voter-Verifiable Permanent Paper Ballot
Sec. 106. Title II—Promoting Accuracy, Integrity, and Security Through Voter-Verifiable Permanent Paper Ballot
Sec. 107. Title II—Promoting Accuracy, Integrity, and Security Through Voter-Verifiable Permanent Paper Ballot
Sec. 108. Title II—Promoting Accuracy, Integrity, and Security Through Voter-Verifiable Permanent Paper Ballot
Sec. 109. Title II—Promoting Accuracy, Integrity, and Security Through Voter-Verifiable Permanent Paper Ballot
Sec. 110. Title II—Promoting Accuracy, Integrity, and Security Through Voter-Verifiable Permanent Paper Ballot
Sec. 111. Title II—Promoting Accuracy, Integrity, and Security Through Voter-Verifiable Permanent Paper Ballot
Sec. 112. Title II—Promoting Accuracy, Integrity, and Security Through Voter-Verifiable Permanent Paper Ballot
Sec. 113. Title II—Promoting Accuracy, Integrity, and Security Through Voter-Verifiable Permanent Paper Ballot
Sec. 114. Title II—Promoting Accuracy, Integrity, and Security Through Voter-Verifiable Permanent Paper Ballot
Sec. 115. Title II—Promoting Accuracy, Integrity, and Security Through Voter-Verifiable Permanent Paper Ballot
Sec. 116. Title II—Promoting Accuracy, Integrity, and Security Through Voter-Verifiable Permanent Paper Ballot
Sec. 117. Title II—Promoting Accuracy, Integrity, and Security Through Voter-Verifiable Permanent Paper Ballot
Sec. 118. Title II—Promoting Accuracy, Integrity, and Security Through Voter-Verifiable Permanent Paper Ballot
Sec. 119. Title II—Promoting Accuracy, Integrity, and Security Through Voter-Verifiable Permanent Paper Ballot
Sec. 120. Title II—Promoting Accuracy, Integrity, and Security Through Voter-Verifiable Permanent Paper Ballot
Sec. 121. Title II—Promoting Accuracy, Integrity, and Security Through Voter-Verifiable Permanent Paper Ballot
Sec. 122. Title II—Promoting Accuracy, Integrity, and Security Through Voter-Verifiable Permanent Paper Ballot
Sec. 123. Title II—Promoting Accuracy, Integrity, and Security Through Voter-Verifiable Permanent Paper Ballot

TITLE II—PROMOTING CYBERSECURITY THROUGH IMPROVEMENTS IN ELECTION ADMINISTRATION

Sec. 201. Cybersecurity requirements for and testing and certification of voting systems.
Sec. 202. Voting system cybersecurity requirements.
Sec. 203. Testing of existing voting systems to ensure compliance with election cybersecurity guidelines and other guidelines.
Sec. 204. Requiring use of software and hardware for which information is disclosed to manufacturers.
Sec. 205. Treatment of electronic poll books as part of voting systems.
Sec. 206. Pre-election reports on voting system usage.
Sec. 207. Streamlining collection of election information.

TITLE III—USE OF VOTING MACHINES MANUFACTURED IN THE UNITED STATES

Sec. 301. Use of voting machines manufactured in the United States.

TITLE IV—SEVERABILITY

Sec. 401. Severability.
marking devices at each polling place as necessary (but not less than 1) to reasonably accommodate the number of voters with accessibility needs expected to vote at the polling place.

(1) is equipped for individuals with disabilities, including nonvisual and enhanced visual accessibility for the blind and visually impaired individual and enhanced manual accessibility for the mobility and dexterity impaired;

(2) in the case of any election for Federal office occurring after the date that is 6 years after the date of the enactment of the Securing America’s Federal Elections Act—

(a) tracks ballots that are identical in size, ink, and paper stock to those ballots that would either be marked by hand or be marked by a ballot marking device made generally available to voters; and

(b) combines ballots produced by any ballot marking devices reserved for individuals with disabilities with ballots that have either been marked by voters by hand or marked by ballot marking devices made generally available to voters, in a way that prevents identification of the ballots that were cast using ballot marking devices that was reserved for individuals with disabilities; and

(3) is made available for use by any voter who requests to use it; and

(iii) in the case of any election for Federal office occurring after the date that is 6 years after the date of the enactment of the Securing America’s Federal Elections Act, meet the requirements of subparagraph (A) and paragraph (2)(A) by using a system that—

(1) allows the voter to privately and independently verify the accuracy of the permanent paper ballot through the presentation, in accessible form, of the printed or marked vote on the same printed or marked information that would be used for any vote tabulation or auditing; and

(2) allows the voter to privately and independently verify and cast the permanent paper ballot without requiring the voter to manually handle the paper ballot; and

(2) CLERICAL AMENDMENT.—The table of contents for such Act (§ 2 U.S.C. 21111) is amended by striking “sections 301, 302, and 303” and inserting “subsections 1 through 3”.

(b) SPECIFIC REQUIREMENT OF STUDY, TEST, AND DEVELOPMENT FOR PAPER BALLOT VERIFICATION MECHANISMS.—

(1) STUDY AND REPORTING.—Subtitle C of title II of such Act (52 U.S.C. 21081 et seq.) is amended by striking—

(A) by redesigning section 247 as section 248; and

(B) by inserting after section 246 the following new section:

"SEC. 247. STUDY AND REPORT ON ACCESSIBLE PAPER BALLOT VERIFICATION MECHANISMS.—

(a) STUDY AND REPORT.—The Director of the National Science Foundation shall make grants to not fewer than three eligible entities to study, test, and develop accessible paper ballot voting, verification, and casting mechanisms and devices and best practices to enhance the accessibility of paper ballot voting and verification mechanisms for individuals with disabilities, for voters whose primary language is not English, and for voters with disabilities in literacy, including best practices for the mechanisms themselves and the ballots through which the mechanisms are used.

(b) ELIGIBILITY.—An entity is eligible to receive a grant under this part if it submits to the Director a proposal that includes in such form as the Director may require an application containing—

(1) certifications that the entity shall specifically investigate enhanced methods or devices, including non-electronic devices, that will assist such individuals and voters in marking voter-verifiable paper ballots and shall include whether the information is printed or marked on such ballots back to such individuals and voters, and casting such ballots;

(2) a certification that the entity shall complete the activities carried out with the grant not later than December 31, 2021; and

(3) such other information and certifications as the Director may require.

(c) AVAILABILITY OF TECHNOLOGY.—Any technology developed with the grants made under this section shall be treated as nonproprietary and shall be made available to the public, including to manufacturers of voting systems.

(d) COORDINATION WITH GRANTS FOR TECHNOLOGY IMPROVEMENTS.—The Director shall carry out this section so that the activities carried out with the grants made under subsection (a) are coordinated with the research conducted under the grant program carried out by the Commission under section 271, to the extent that the Director and Commission determine necessary to provide for the advancement of accessible voting technology.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (a) $5,000,000, to remain available until expended.

(f) CURRENT AUTHORIZATION OF APPROPRIATIONS.—

"SEC. 248. STUDY AND REPORT ON ACCESSIBLE PAPER BALLOT VERIFICATION MECHANISMS.—

(a) STUDY.—The Election Assistance Commission shall update and extend all that follows and inserting a period.

(i) PERMITTING USE OF FUNDS FOR PROTECTIVE MEASURES AGAINST ACTS TO ENFORCE ELECTION-RELATED DISABILITY ACCESS.—Section 232(a) of the Help America Vote Act of 2002 (52 U.S.C. 21062(a)) is amended by striking” and all that follows and inserting a period.

(2) DURABILITY AND READABILITY REQUIREMENTS FOR BALLOTS.—Section 301(a) of the Help America Vote Act of 2002 (52 U.S.C. 21081(a)) is amended by adding at the end the following new paragraph:

"(7) DURABILITY AND READABILITY REQUIREMENTS FOR BALLOTS.—

"(A) DURABILITY REQUIREMENTS FOR PAPER BALLOTS.—

(1) IN GENERAL.—All voter-verifiable paper ballots required to be used under this Act shall be marked or printed on durable paper.

(ii) DEFINITION.—For purposes of this Act, paper is ‘durable’ if it is capable of withstand- ing multiple counts and recounts by hand without compromising the fundamental integrity of the ballots, and capable of re- maining legible and being counted and verified on them for the full duration of a retention and preservation period of 22 months.

(3) ELIGIBILITY.—An entity is eligible to receive a grant under this part if it submits to the Commission a proposal that includes in such form as the Director may require an application containing—

(1) certifications that the entity shall specifically investigate enhanced methods or devices, including non-electronic devices, that will assist such individuals and voters in marking voter-verifiable paper ballots and shall include whether the information is printed or marked on such ballots back to such individuals and voters, and casting such ballots;

(2) a certification that the entity shall complete the activities carried out with the grant not later than December 31, 2021; and

(3) such other information and certifications as the Director may require.

(c) AVAILABILITY OF TECHNOLOGY.—Any technology developed with the grants made under this section shall be treated as nonproprietary and shall be made available to the public, including to manufacturers of voting systems.

(d) COORDINATION WITH GRANTS FOR TECHNOLOGY IMPROVEMENTS.—The Commission shall carry out this section so that the activities carried out with the grants made under subsection (a) are coordinated with the research conducted under the grant program carried out by the Commission under section 271, to the extent that the Commission and Election Assistance Commission determine necessary to provide for the advancement of accessible voting technology.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (a) $5,000,000, to remain available until expended.

(f) CURRENT AUTHORIZATION OF APPROPRIATIONS.—
(2) designs to minimize confusion and user errors.

(b) Report.—Not later than January 1, 2021, the Commission shall submit the report required by this subsection to the Chief State Election Official or the head of an appropriate State agency, as determined by the Secretary of the State, for implementation, and to the Secretary of the State for implementing the provisions of this subsection in the State. The Commission shall submit the report not later than January 1, 2021, to the Senate and House of Representatives of the United States, for implementation, and to the Senate for implementing the provisions of this section on and after January 1, 2022.

(2) Special Rule for Certain Requirements.—

(a) In General.—Except as provided in section 105(b) of the Help America Vote Act of 2002 (52 U.S.C. 21001 et seq.), the following provisions of this title for an election official to fail to make such pro rata reductions in such amounts as may be necessary to ensure that the entire amount appropriated under this part is distributed to the States.

(b) Delay for Jurisdictions Using Certain Paper Ballot Printers or Systems for the Administration of Elec-

(c) Pro Rata Reductions.—If the amount of funds appropriated for grants authorized under section 297A(a)(2) exceed the amount of funds necessary to carry out the requirements of subsection (b), the Commission shall consider the following in making a determination to award remaining funds to a State:

(1) The record of the State in carrying out the following with respect to the administration of elections for Federal office:

(A) Providing voting machines that are less than 10 years old.

(B) Implementing strong chain of custody procedures for the physical security of voting equipment and paper records at all stages of the process.

(C) Conducting pre-election testing on every voting machine and ensuring that paper ballots are available wherever electronic machines are used.

(D) Maintaining offline backups of voter registration lists.

(E) Providing a secure voter registration database that logs requests submitted to the database.

(F) Publishing and enforcing a policy detailing use limitations and the security safeguards for technology used in the administration of elections in the voter registration process.

(G) Providing secure processes and procedures for reporting vote tallies.

(h) Providing a secure platform for disseminating vote totals.

(2) Evidence of established conditions of innovation and reform in providing voting systems security and the lack of evidence of the State for implementing additional conditions.

(3) Evidence of collaboration between relevant stakeholders, including local election officials, in developing the grant implementation plan described in section 297B.

(4) The plan of the State to conduct a rigorous evaluation of the effectiveness of the activities carried out with the grant.

(5) Providing increased technical support for qualified election infrastructure vendors by purchase, lease, or such other arrangements as may be appropriate.

(6) Cyber and risk mitigation training.

(7) A security risk and vulnerability assessment of the State’s election infrastructure which is carried out by a provider of cybersecurity services under a contract entered into between the chief State election official and the provider.

(8) The maintenance of election infrastructure, including addressing risks and vulnerabilities which are identified under either of the security risk and vulnerability assessments described in paragraph (3), except that none of the funds provided under this part may be used to replace a building or facility which is used primarily for purposes other than the administration of elections for public office.

(i) Providing additional technical support for any information technology infrastructure that the chief State election official makes such pro rata reductions in such amounts as may be necessary to ensure that the entire amount appropriated under this part is distributed to the States.

6. Effective Date for New Requirements.—


(b) Permitted Uses.—A voting system security improvement described in this section is any of the following:

(1) The acquisition of goods and services from qualified election infrastructure vendors by purchase, lease, or such other arrangements as may be appropriate.

(2) Cyber and risk mitigation training.

(3) A security risk and vulnerability assessment of the State’s election infrastructure which is carried out by a provider of cybersecurity services under a contract entered into between the chief State election official and the provider.

(4) The maintenance of election infrastructure, including addressing risks and vulnerabilities which are identified under either of the security risk and vulnerability assessments described in paragraph (3), except that none of the funds provided under this part may be used to replace a building or facility which is used primarily for purposes other than the administration of elections for public office.

SEC. 297A. VOTING SYSTEM SECURITY IMPROVEMENTS DESCRIBED.

SEC. 107. EFFECTIVE DATE FOR NEW REQUIREMENTS.—

Section 301(d) of the Help America Vote Act of 2002 (52 U.S.C. 21081(d)) is amended to read as follows:

(1) IN GENERAL.—Except as provided in paragraph (2), each State and jurisdiction shall be required to comply with the requirements of this section on and after January 1, 2006.

(2) SPECIAL RULE FOR CERTAIN REQUIREMENTS.—

(A) IN GENERAL.—Except as provided in section 105(b) of the Security America’s Federal Elections Act, clauses (ii)(I) and (ii)(II) of subsection (a), and subsections (a)(2)(B) and (C), the requirements of this section which are first imposed on a State and jurisdiction pursuant to the amendments made by such Act shall apply with respect to voting systems used for any election for Federal office held in 2021 or any succeeding year.

(B) DELAY FOR JURISDICTIONS USING CERTAIN PAPER BALLOT PRINTERS OR SYSTEMS FOR THE ADMINISTRATION OF ELECTORAL OFFICES.—Any paper ballot which is cast by an individual under this subsection or otherwise treated as a regular ballot for all purposes (including by incorporating it into the final unofﬁcial vote count (as deﬁned by the State for purposes other than as a provi-

(C) POSTING OF NOTICE.—The appropriate election ofﬁcial shall ensure that the waiting period for the individual to cast a vote using a blank paper ballot.

(D) PERSONAL SECURITY.—The require-

(E) Provide a secure platform for disseminating vote totals.

(F) Publishing and enforcing a policy detailing use limitations and the security safeguards for technology used in the administration of elections in the voter registration process.

(G) Providing secure processes and procedures for reporting vote tallies.

(T) Providing a secure platform for disseminating vote totals.

(2) to carry out voting system security improvements described in section 297A with respect to elections for Federal office held in 2021 and each succeeding year.

(b) AMOUNT OF GRANT.—The amount of a grant made to a State under this section shall be such amount as the Commission determines to be appropriate, except that such amount may not be less than the product of $1 and the average of the number of individuals who cast votes in any of the two most recent regular general elections for Federal office held in the State.

(c) PRO RATA REDUCTIONS.—If the amount of funds appropriated for grants authorized under section 297A is less than the amount of funds necessary to carry out the requirements of subsection (b), the Commission shall ensure (to the greatest extent practicable) that election officials at polling places in the State are aware of the requirements of this clause, including the requirement to display a notice under clause (II), and are aware that it is a violation of the requirements of this title for an election ofﬁcial to fail to offer an individual the opportunity to cast a vote using a blank paper ballot.

(1) IN GENERAL.—The requirements of this clause apply only during the period in which the delay is in effect under clause (1).

SEC. 297. GRANTS FOR OBTAINING COMPLIANT PAPER BALLOT VOTING SYSTEMS AND CARRYING OUT VOTING SYSTEM SECURITY IMPROVEMENTS.

SEC. 111. GRANTS FOR OBTAINING COMPLIANT PAPER BALLOT VOTING SYSTEMS AND CARRYING OUT VOTING SYSTEM SECURITY IMPROVEMENTS.

(3) This title of the Help America Vote Act of 2002 (52 U.S.C. 21081) is amended by adding at the end of the following new part:

PART 7—GRANTS FOR OBTAINING COMPLIANT PAPER BALLOT VOTING SYSTEMS AND CARRYING OUT VOTING SYSTEM SECURITY IMPROVEMENTS.
deems to be part of the State's election infrastructure or designates as critical to the operation of the State's election infrastructure.

(b) Enhancing the cybersecurity and operations of the information technology infrastructure described in paragraph (4).

(c) Enhancing the cybersecurity of voter registration systems.

(d) Qualified Election Infrastructure Vendors Disclosed.

(1) In general.—For purposes of this part, a 'qualified election infrastructure vendor' is any person who provides, supports, or maintains, or who seeks to provide, support, or maintain, election infrastructure on behalf of a State, unit of local government, or election agency, who meets the criteria described in paragraph (2).

(2) Criteria.—The criteria described in this paragraph are such criteria as the Chairman, in coordination with the Secretary of Homeland Security, shall establish and publish, and shall include each of the following requirements:

(A) The vendor must be owned and controlled by a citizen or permanent resident of the United States.

(B) The vendor must disclose to the Chairman and the Secretary, and to the chief election official of each State to which the vendor provides any goods and services with funds provided under this part, any sourcing outside the United States for parts of the cybersecurity incident systems.

(C) The vendor agrees to ensure that the election infrastructure will be developed and maintained in a manner that is consistent with the cybersecurity best practices issued by the Technical Guidelines Development Committee.

(D) The vendor agrees to maintain its information technology infrastructure in a manner that is consistent with the cybersecurity best practices issued by the Technical Guidelines Development Committee.

(E) The vendor agrees to meet the requirements of paragraph (3) with respect to any known or suspected cybersecurity incidents involving any of the goods and services provided by the vendor pursuant to a grant under this part.

(F) The vendor agrees to permit independent audits by the Commission (in accordance with section 231(a)) and by the Secretary of the goods and services provided by the vendor pursuant to a grant under this part.

(3) Cybersecurity Incident Reporting Requirements.—

(A) In general.—A vendor meets the requirements of this paragraph if, upon becoming aware of the possibility that an election cybersecurity incident has occurred involving any of the goods and services provided by the vendor pursuant to a grant under this part—

(i) the vendor promptly assesses whether or not such an incident occurred, and submits a report containing the requirements of subparagraph (B) to the Secretary and the Chairman of the assessment as soon as practicable (but in no case later than 3 days after the vendor first becomes aware of the possibility that the incident occurred); and

(ii) if the incident involves goods or services provided to an election agency, the vendor promptly notifies the election agency of the requirements of subparagraph (B) to the agency as soon as practicable (but in no case later than 3 days after the vendor first becomes aware of the possibility that the incident occurred), and cooperates with the agency in providing any other necessary notifications relating to the incident; and

(B) CONTENTS OF NOTIFICATIONS.—Each notification submitted under clause (i) or clause (ii) shall contain the following information with respect to any election cybersecurity incident covered by the notification:

(i) The date, time, and time zone when the election cybersecurity incident began, if known.

(ii) The date, time, and time zone when the election cybersecurity incident was detected.

(iii) The date, time, and duration of the election cybersecurity incident.

(iv) The circumstances of the election cybersecurity incident, including the specific election infrastructure systems believed to have been accessed and information acquired, if any.

(v) Any planned and implemented technical measures to respond to and recover from the incident.

(vi) In the case of any notification which is an update to a prior notification, any additional material information relating to the incident, including technical data, as it becomes available.

(B) In general.—For purposes of this section, the term 'qualified election infrastructure vendor' means a vendor of election goods and services that is responsible for implementing and maintaining a cybersecurity best practices program that is designed to comply with the requirements of this section.

(VENDORS DESCRIBED.—

(1) IN GENERAL.—For purposes of this section, the term 'voter assistance' means assistance to the extent permitted under section 21001 et seq., as amended by section 111(a), and shall include assistance, if any, provided to a State by an election agency, the Secretary, or the Chairman as soon as practicable (but in no case later than 3 days after the vendor first becomes aware of the possibility that the incident occurred), and cooperates with the agency in providing any other necessary notifications relating to the incident; and

(B) CONTENTS OF NOTIFICATIONS.—Each notification submitted under clause (i) or clause (ii) shall contain the following information with respect to any election cybersecurity incident covered by the notification:

(i) The date, time, and time zone when the election cybersecurity incident began, if known.

(ii) The date, time, and time zone when the election cybersecurity incident was detected.

(iii) The date, time, and duration of the election cybersecurity incident.

(iv) The circumstances of the election cybersecurity incident, including the specific election infrastructure systems believed to have been accessed and information acquired, if any.

(v) Any planned and implemented technical measures to respond to and recover from the incident.

(vi) In the case of any notification which is an update to a prior notification, any additional material information relating to the incident, including technical data, as it becomes available.
PART B—FUNDING FOR ACCESSIBLE BALLOT MARKING DEVICES

"Sec. 298. Acquisition of accessible ballot marking devices for voters with disabilities."

SEC. 113. GRANTS FOR BALLOT DESIGN AND PRINTING.

(a) IN GENERAL.—Subtitle D of title II of the Help America Vote Act of 2002 (52 U.S.C. 21001 et seq.), as amended by sections 111(a) and 112(a), is amended by adding at the end the following new part:

"PART B—FUNDING FOR BALLOT DESIGN AND PRINTING."

"(a) IN GENERAL.—The Commission shall pay to States the amount of eligible ballot design and printing printing costs for payments under this section.

"(b) ELIGIBLE DESIGN AND PRINTING COSTS.—For purposes of this section, the term 'eligible ballot design and printing costs' means, with respect to any State, the amount which would be paid to such State, costs paid or incurred by the State or any local government within the State for the design and printing of any ballot that—

  (1) is used in an election for Federal office occurring after the date of the enactment of this part, and

  (2) meet such minimum standards for usability and accessibility as established by the Commission, in consultation with the Director of the National Institute of Standards and Technology, for purposes of this section.

"(c) SPECIAL RULES.—

  (1) RULES AND PROCEDURES.—The Commission shall establish rules and procedures for submission of eligible ballot design and printing costs for payments under this section.

  (2) INSUFFICIENT FUNDS.—In any case in which there are insufficient appropriated funds under subsection (d) are insufficient to pay all eligible ballot design and printing costs submitted by States with respect to any Federal election, the amount of such costs paid under subsection (a) to any State shall be equal to the amount that bears the same ratio to the amount which would be paid to such State (determined without regard to this paragraph) as—

    (A) the number of individuals who voted in such Federal election in such State; bears to

    (B) the total number of individuals who voted in such Federal election in all States submitting a claim for eligible ballot design and printing costs.

"(d) AUTHORIZATION OF APPROPRIATIONS.—

  (1) IN GENERAL.—There is hereby authorized to be appropriated to the Commission such sums as are necessary to carry out this part.

  (2) AVAILABILITY.—Any amounts appropriated pursuant to paragraph (1) shall remain available without fiscal year limitation until expended."

(b) CLERICAL AMENDMENT.—The table of contents of the Help America Vote Act of 2002 (52 U.S.C. 21001 et seq.), as amended by sections 111(b) and 112(b), is amended by adding at the end of the items relating to subtitle D of title II the following:

"PART B—FUNDING FOR BALLOT DESIGN AND PRINTING

"Sec. 299. Payments for ballot design and printing."

SEC. 114. COORDINATION OF VOTING SYSTEM SECURITY ACTIVITIES WITH USE OF REQUIREMENTS PAYMENTS AND ELIGIBILITY FOR FUNDING: REQUIRMENTS UNDER HELP AMERICA VOTE ACT OF 2002.

(a) DUTIES OF ELECTION ASSISTANCE COMMISSION.—Section 210(b) of the Help America Vote Act of 2002 (52 U.S.C. 21001 et seq.) is amended by inserting after section 211(a) the following new section:

"Sec. 299. Payments for ballot design and printing.

"(a) IN GENERAL.—The Commission shall pay to States the amount of eligible ballot design and printing costs for payments under this section.

"(b) ELIGIBLE DESIGN AND PRINTING COSTS.—For purposes of this section, the term 'eligible ballot design and printing costs' means, with respect to any State, the amount which would be paid to such State, costs paid or incurred by the State or any local government within the State for the design and printing of any ballot that—

  (1) is used in an election for Federal office occurring after the date of the enactment of this part, and

  (2) meet such minimum standards for usability and accessibility as established by the Commission, in consultation with the Director of the National Institute of Standards and Technology, for purposes of this section.

"(c) SPECIAL RULES.—

  (1) RULES AND PROCEDURES.—The Commission shall establish rules and procedures for submission of eligible ballot design and printing costs for payments under this section.

  (2) INSUFFICIENT FUNDS.—In any case in which there are insufficient appropriated funds under subsection (d) are insufficient to pay all eligible ballot design and printing costs submitted by States with respect to any Federal election, the amount of such costs paid under subsection (a) to any State shall be equal to the amount that bears the same ratio to the amount which would be paid to such State (determined without regard to this paragraph) as—

    (A) the number of individuals who voted in such Federal election in such State; bears to

    (B) the total number of individuals who voted in such Federal election in all States submitting a claim for eligible ballot design and printing costs.

"(d) AUTHORIZATION OF APPROPRIATIONS.—

  (1) IN GENERAL.—There is hereby authorized to be appropriated to the Commission such sums as are necessary to carry out this part.

  (2) AVAILABILITY.—Any amounts appropriated pursuant to paragraph (1) shall remain available without fiscal year limitation until expended."

(b) CLERICAL AMENDMENT.—The table of contents of the Help America Vote Act of 2002 (52 U.S.C. 21001 et seq.) is amended by inserting after section 211(a) the following new section:

"Sec. 299. Payments for ballot design and printing.

"(a) IN GENERAL.—The Commission shall pay to States the amount of eligible ballot design and printing costs for payments under this section.

"(b) ELIGIBLE DESIGN AND PRINTING COSTS.—For purposes of this section, the term 'eligible ballot design and printing costs' means, with respect to any State, the amount which would be paid to such State, costs paid or incurred by the State or any local government within the State for the design and printing of any ballot that—

  (1) is used in an election for Federal office occurring after the date of the enactment of this part, and

  (2) meet such minimum standards for usability and accessibility as established by the Commission, in consultation with the Director of the National Institute of Standards and Technology, for purposes of this section.

"(c) SPECIAL RULES.—

  (1) RULES AND PROCEDURES.—The Commission shall establish rules and procedures for submission of eligible ballot design and printing costs for payments under this section.

  (2) INSUFFICIENT FUNDS.—In any case in which there are insufficient appropriated funds under subsection (d) are insufficient to pay all eligible ballot design and printing costs submitted by States with respect to any Federal election, the amount of such costs paid under subsection (a) to any State shall be equal to the amount that bears the same ratio to the amount which would be paid to such State (determined without regard to this paragraph) as—

    (A) the number of individuals who voted in such Federal election in such State; bears to

    (B) the total number of individuals who voted in such Federal election in all States submitting a claim for eligible ballot design and printing costs.

"(d) AUTHORIZATION OF APPROPRIATIONS.—

  (1) IN GENERAL.—There is hereby authorized to be appropriated to the Commission such sums as are necessary to carry out this part.

  (2) AVAILABILITY.—Any amounts appropriated pursuant to paragraph (1) shall remain available without fiscal year limitation until expended."

SECTION 115. INCORPORATION OF DEFINITIONS

(a) IN GENERAL.—Section 901 of the Help America Vote Act of 2002 (52 U.S.C. 21141) is amended to read as follows:

"Sec. 901. DEFINITIONS.

"In this Act, the following define:

"(1) The term 'cybersecurity incident has the meaning given in paragraph (1) of section 1214 of the Homeland Security Act of 2002 (6 U.S.C. 639).

"(2) The term 'election agency means any component of a State, or any component of a unit of local government in a State, which is responsible for the administration of elections for Federal office in the State.

"(3) The term 'election infrastructure' means storage facilities, polling places, and centralize voting tabulation locations used to support the administration of elections for public office, as well as related information communication technologies, including the technology used by or on behalf of election officials to produce and distribute voter guides to elections, including voter registration databases, voting machines, electronic mail and other communications systems (including electronic mail and other systems of vendors who have entered into contracts with election agencies to provide the administration of elections, manage the election process, and report and display election results), and other systems used to manage the election process, and to report and display election results on behalf of an election agency.

"(4) The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

(b) CLERICAL AMENDMENT.—The table of contents of such Act is amended by amending the item relating to section 901 to read as follows:

"Sec. 901. Definitions."

Subtitle B—Risk-Limiting Audits

SEC. 121. RISK-LIMITING AUDITS.

(a) IN GENERAL.—Title III of the Help America Vote Act of 2002 (52 U.S.C. 21001 et seq.) is amended by adding after section 303 the following new section:

"Sec. 303A. RISK-LIMITING AUDITS.

"(a) DEFINITIONS.—In this section:

"(1) RISK-LIMITING AUDIT.—The term 'risk-limiting audit' means, with respect to any election contest, a post-election process that—

  (A) has a probability of at least 95 percent of correcting the reported outcome if the reported outcome is not the correct outcome; and

  (B) will not change the outcome if the reported outcome is the correct outcome; and

  (C) involves a manual adjudication of voter intent from some or all of the ballots validly cast in the election contest.

"(2) REPORTED OUTCOME; CORRECT OUTCOME.—

  (A) REPORTED OUTCOME.—The term 'reported outcome' means the outcome of an election contest which is determined according to the canvass and which will become the validly cast in the election contest.

  (B) REPORTED OUTCOME; CORRECT OUTCOME.—

"(A) REPORTED OUTCOME.—The term 'reported outcome' means the outcome of an election contest which is determined according to the canvass and which will become the
voter intent for all votes validly cast in the election contest.

"(C) OUTCOME.—The term ‘outcome’ means the winner or set of winners of an election contest.

"(3) MANUAL ADJUDICATION OF VOTER INTENT.—The term ‘manual adjudication of voter intent’ means direct inspection and determination of voter intent without assistance from electronic or mechanical tabulation devices, of the ballot choices marked by voters on each voter-verifiable paper record.

"(4) RISK-LIMITING AUDIT.—The term ‘ballot manifest’ means a record maintained by each jurisdiction that—

"(A) is created without reliance on any part of the voting system used to tabulate votes;

"(B) functions as a sampling frame for conducting a risk-limiting audit; and

"(C) accounts for all ballots validly cast regardless of how they were tabulated and includes a precise description of the manner in which the ballots are physically stored, including the total number of physical groups of ballots, the numbering system for each group, a unique label for each group, and the number of ballots in each such group.

"(b) REQUIREMENTS.—

"(I) IN GENERAL.—

"(A) AUDITS.—Each State and jurisdiction shall administer risk-limiting audits of the results of all election contests for Federal elections held in the State in accordance with the requirements of paragraph (2).

"(B) EXCEPTION.—Clause (i) shall not apply to any election contest for which the State or jurisdiction conducts a full recount through a manual adjudication of voter intent.

"(B) FULL MANUAL TABULATION.—If a risk-limiting audit conducted under subparagraph (A) complies with the requirements of an election contest, the State or jurisdiction shall use the results of the manual adjudication of voter intent conducted as part of the risk-limiting audit as the official results of the election contest.

"(2) AUDIT REQUIREMENTS.—

"(A) RULES AND PROCEDURES.—Not later than 1 year after the date of the enactment of this section, the chief State election official of the State shall establish rules and procedures for conducting risk-limiting audits.

"(B) MATTERS INCLUDED.—The rules and procedures established under clause (i) shall include the following:

"(i) Procedures for ensuring the security of ballots and documenting that prescribed procedures were followed.

"(ii) Rules and procedures for ensuring the accuracy of ballot manifests produced by jurisdictions.

"(III) Rules and procedures for governing the format of ballot manifests and other data used in risk-limiting audits.

"(IV) Methods to ensure that any cast vote records used in a risk-limiting audit are those used by the voting system to tally the results of the election contest sent to the chief State election official of the State and made public.

"(V) Rules and procedures for the random selection of ballots to be inspected manually during each audit.

"(VI) Rules and procedures for the calculations and other methods to be used in the audit system to determine whether and when the audit of each election contest is complete.

"(VII) Rules and procedures for testing any software used to conduct risk-limiting audits.

"(B) PUBLIC REPORT.—

"(I) IN GENERAL.—After the completion of the risk-limiting audit and at least 5 days before the election contest is certified by the State, the State shall make public and submit to the Commission, if any Federal election the results of the audit, together with such information as necessary to confirm that the audit was conducted properly.

"(II) Printed Report.—Any data published with the report under clause (i) shall be published in machine-readable, open data formats.

"(III) PROTECTION OF ANONYMITY OF VOTES.—Information and data published by the State under this subparagraph shall not compromise voter privacy.

"(IV) REPORT MADE AVAILABLE BY COMMISSION.—After receiving any report submitted under clause (i), the Commission shall make such report available on its website.

"(C) EFFECTIVE DATE.—

"(1) IN GENERAL.—Each State and jurisdiction shall be required to comply with the requirements of this section for the first regularly scheduled election for Federal office held more than 1 year after the date of the enactment of the Securing America’s Federal Elections Act and for each subsequent election for Federal office.

"(2) WAIVER.—If a State or jurisdiction certifies to Commission not later than 1 year after the date of the enactment of the Securing America’s Federal Elections Act that the State or jurisdiction will not meet the deadline described in paragraph (1) for good cause shown and includes a reasonable reason for the inability to meet such deadline, paragraph (1) shall be applied by as if the reference in such paragraph to ‘1 year’ were a reference to ‘3 years’.

"(b) CLERICAL AMENDMENT.—The table of contents for such Act is amended by inserting at the end the following new part:

"(Sec. 390A. Risk-limiting audits.)

SEC. 122. FUNDING FOR CONDUCTING POST-ELECTION RISK-LIMITING AUDITS.

(a) PAYMENTS TO STATES.—Subtitle D of title II of the Help America Vote Act of 2002 (52 U.S.C. 20010 et seq.), as amended by sections 111(a), 112(a), and 113(a), is amended by adding at the end the following new part:

"(Part 10—FUNDING FOR POST-ELECTION RISK-LIMITING AUDITS)

"(Sec. 299A. Payments for post-election risk-limiting audits.)

SEC. 123. GAO ANALYSIS OF EFFECTS OF AUDITS.

(a) ANALYSIS.—Not later than 6 months after the first elections for Federal office is held for which States must conduct risk-limiting audits under section 303A of the Help America Vote Act of 2002 (as added by section 121), the Comptroller General of the United States shall conduct and report on an analysis of the extent to which—

"(1) the methods used to conduct risk-limiting audits have improved the administration of such elections and the security of election infrastructure in the States receiving such grants;

"(2) the cost to States of conducting risk-limiting audits, including those costs used—

"(A) to configure ballot tabulation devices and ballot marking devices;

"(B) to aggregate election results; and

"(C) to design paper ballots.

"(3) Any government database, website, or other data created or obtained with funds from such Act (as defined in section 303A) are used by States in conducting risk-limiting audits.

"(b) CLERICAL AMENDMENT.—The table of contents of such Act, as amended by sections 111(b), 112(b), and 113(b), is further amended by adding at the end the following new item:

"Title I—Promoting Cybersecurity through Improvements in Election Administration

SEC. 201. CYBERSECURITY REQUIREMENTS FOR AND TESTING AND CERTIFICATION OF VOTING SYSTEMS.

(a) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 112 et seq.) is amended by adding at the end the following new part:

"(Part 2215—Mandatory Cybersecurity Requirements for Systems Used in Federal Elections)

"Not later than 180 days after the date of enactment of Securing America’s Federal Elections Act, the Secretary, acting through the Director and in consultation with the Director of the National Institute of Standards and Technology and the Technical Guidelines Development Committee established under section 121 of the Help America Vote Act of 2002 (52 U.S.C. 20961), shall establish mandatory cybersecurity standards for the use in Federal elections of the following:

"(1) Ballot tabulation devices (within the meaning of section 301(a)(12) of such Act).

"(2) Any government database, website, or associated information system used by voters or government agencies for voter registration (including the management of voter registration and voting recordation).

"(3) Any system used to deliver or publish election results.

"(4) Electronic poll books.

"(5) Any government database, website, or associated information system used by voters or government agencies for voter registration (including the management of voter registration and voting recordation).

"(6) Systems used to deliver or publish election results.

"(7) Any government database, website, or associated information system used by voters or government agencies for voter registration (including the management of voter registration and voting recordation).
"(7) Such other components of voting systems (as defined in section 301(b) of such Act) as is determined appropriate by the Director.

SEC. 2216. TESTING AND CERTIFICATION OF BALLOT MARKING AND BALLOT TABULATION DEVICES CYBERSECURITY.

(a) In General.—Any State or jurisdiction that uses a ballot marking device or a ballot tabulation device in an election for Federal office may submit an application to the Director for cybersecurity testing of such device. The Director, in consultation with the National Institute of Standards and Technology, shall contract with a qualified laboratory for the testing of whether—

(i) in the case of a ballot tabulation device—

(A) the device is designed and built in a manner in which it is mechanismaly impossible for the device to add or change the vote selections on a printed or marked ballot.

(B) the device is capable of exporting its data (including voting and cast vote records) in a machine-readable, open data standard format required by the Commission, in consultation with the Director of the National Institute of Standards and Technology.

(C) the device, with testing and certification under this section, the Director shall—

(1) assign a unique identifier to the device.

(2) require that the unique identifier be used in conjunction with the device.

(3) submit to the Director for approval the protocol for the simulated election scenario used for testing the security of the ballot marking device or ballot tabulation device, as the case may be.

(4) use only protocols approved by the Director in conducting such security testing.

(5) submit a report on the results of the security testing.

(b) Research Laboratory.—For purposes of this section, the term "qualified research laboratory" means a laboratory accredited by the Director, in consultation with the Director of the National Institute of Standards and Technology.

(c) Reporting and Certification.—The Director shall—

(1) publish on the website of the Cybersecurity and Infrastructure Security Agency the results of the testing conducted under subsection (b); and

(2) certify—

(A) a ballot tabulation device if the ballot tabulation device is determined by the qualified research laboratory to meet the requirements of section 301(a)(9)(B) of the Help America Vote Act of 2002; and

(B) a ballot marking device if the ballot marking device is determined by the qualified research laboratory to meet the requirements of section 301(a)(9)(B) of such Act.

(ii) the case of ballot marking device intended to be used by the State or jurisdiction, the device meets the requirements of section 301(a)(12)(A) of such Act.

(b) Other Cybersecurity Requirements.—Section 301(a) of such Act (52 U.S.C. 21081(a)), as amended by section 104, section 105, and subsection (a), is further amended by adding at the end the following new paragraphs:

"(D) EFFECTIVE DATE.—Each State and jurisdiction shall be required to comply with the requirements of this paragraph for elections for Federal office held in 2021 or any subsequent year.

"(E) OTHER CYBERSECURITY REQUIREMENTS.—A system or device upon which ballot marking devices or ballot tabulation devices are configured, upon which ballots are marked by voters (except as necessary for individuals with disabilities to use ballot marking devices that meet the accessibility requirements of paragraph (3)), or upon which votes are cast, tabulated, or aggregated shall contain, use, or be accessible by any wireless, power-line, or cellular communication device.

"(F) EFFECTIVE DATE.—Each State and jurisdiction shall be required to comply with the requirements of this paragraph for elections for Federal office held in 2021 or any subsequent year.

"(G) PROHIBITION OF USE OF WIRELESS COMMUNICATIONS DEVICES IN SYSTEMS OR DEVICES.—

"(A) IN GENERAL.—No system or device upon which ballot marking devices or ballot tabulation devices are configured, upon which ballots are marked by voters, or upon which ballots are counted or aggregated shall be connected to the internet or any non-local computer system via telephone or other communication network at any time.

"(B) EFFECTIVE DATE.—Each State and jurisdiction shall be required to comply with the requirements of this paragraph for elections for Federal office held in 2021 or any subsequent year.

(c) Ballot Marking Devices.—Section 301(a) of such Act (52 U.S.C. 21081(a)), as amended by section 104, section 105, subsection (a) and (b), is further amended by adding at the end the following new paragraph:

"(G) OTHER CYBERSECURITY REQUIREMENTS.—A ballot marking device, the ballot marking device shall be a device that—

(i) is not capable of tabulating votes; and

(ii) is certified under section 2216 of the Homeland Security Act as meeting the requirements of paragraphs (ii)(vii) through (viii) of section 301(a)(9)(B).

"(H) EFFECTIVE DATE.—Each State and jurisdiction shall be required to comply with the requirements of this paragraph for elections for Federal office held in 2021 or any subsequent year.

The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 2214 the following:

"Sec. 2215. Mandatory cybersecurity requirements for systems used in Federal elections.

Sec. 2216. Testing and certification of ballot marking and ballot tabulation devices cybersecurity.

Sec. 2217. Cybersecurity testing of voting systems.

Sec. 2218. Multiple voting systems testing.

Sec. 2219. Voting system cybersecurity requirements.

Sec. 2220. Multi-year voting system test, certification, and voting.

Sec. 2221. Voting system openness and requirements for manufacturers.
SEC. 203. TESTING OF EXISTING VOTING SYSTEMS TO ENSURE COMPLIANCE WITH ELECTION CYBERSECURITY GUIDELINES AND OTHER GUIDE-LINES.

(a) Requiring Testing of Existing Voting Systems.—

(1) IN GENERAL.—Section 231(a) of the Help America Vote Act of 2002 (52 U.S.C. 20971(a)) is amended by adding at the end the following new paragraph:

“(3) TESTING TO ENSURE COMPLIANCE WITH GUIDELINES.—

(A) TESTING.—Not later than 9 months before the date of a regularly scheduled general election for Federal office, the Commission shall provide for the testing by accredited laboratories under this section of the voting software and hardware which was certified for use in the most recent such election, on the basis of the most recent voting system guidelines applicable to such hardware or software (including election cybersecurity guidelines) issued under this Act.

(B) CERTIFICATION OF HARDWARE OR SOFTWARE FAILING TO MEET GUIDELINES.—If, on the basis of the testing described in subparagraph (A), the Commission determines that any voting system hardware or software does not meet the most recent guidelines applicable to such hardware or software issued under this Act, the Commission shall decertify such hardware or software.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to elections for Federal office held in 2021 or any subsequent year.

(b) Use of Election Cybersecurity Guidelines by Technical Guidelines Development Committee.—Section 221(b) of the Help America Vote Act of 2002 (52 U.S.C. 20961(b)) is amended by adding at the end the following new paragraph:

“(3) ELECTION CYBERSECURITY GUIDELINES.—

Not later than 6 months after the date of the enactment of the Securing America’s Future Elections Act, the Development Committee shall issue election cybersecurity guidelines, including standards and best practices for procuring, maintaining, testing, operating, and updating election systems to prevent and deter cybersecurity incidents.

SEC. 204. REQUIRING USE OF SOFTWARE AND HARDWARE FOR WHICH INFORMATION IS DISCLOSED BY MANUFACTURER.

(a) REQUIREMENT.—Section 301(a) of the Help America Vote Act of 2002 (52 U.S.C. 21081(a)), as amended by sections 104, 105, 202(a), 202(b), 202(c), and 204(a), is amended by adding at the end the following new paragraph:

“(13) Requiring use of software for which source code is disclosed by manufacturer.—

“(i) IN GENERAL.—In the operation of voting systems in an election for Federal office, a State may only use software for which the manufacturer makes the source code (in the form in which it is shipped at the time of the election) publicly available online under a license that grants a worldwide, royalty-free, non-exclusive, perpetual, sub-licensable license to all intellectual property rights in the design of the software or the component, except that the manufacturer may prohibit a person who obtains the design from using the design in a manner that is primarily intended for or directed toward commercial advantage or private monetary compensation that is unrelated to carrying out legitimate research or cybersecurity activity.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to elections for Federal office held in 2021 or any succeeding year.

SEC. 205. TREATMENT OF ELECTRONIC POLL BOOKS AS PART OF VOTING SYSTEMS.

(a) INCLUSION IN DEFINITION OF VOTING SYSTEM.—

Section 301(b) of the Help America Vote Act of 2002 (52 U.S.C. 21081(b)) is amended—

(1) in the matter preceding paragraph (1), by striking “this section” and inserting “this Act”;

(2) by striking “and” at the end of paragraph (1);

(3) by redesignating paragraph (2) as paragraph (3); and

(4) by inserting after paragraph (1) the following new paragraph:

“(2) any electronic poll book used with respect to the election; and”.

(b) DEFINITION.—Section 301 of such Act (52 U.S.C. 21081) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e); and

(2) by inserting after subsection (b) the following new subsection:

“(c) ELECTRONIC POLL BOOK DEFINED.—In this Act, the term ‘electronic poll book’ means the total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support the equipment) that is used—

(1) to retain a list of registered voters at a polling location, or vote center, or other location at which voters cast votes in an election for Federal office; and

(2) to identify registered voters who are eligible to vote in an election.”.

(c) EFFECTIVE DATE.—Section 301(e) of such Act (52 U.S.C. 21081(e)) is amended by redesignating subsection 107 and as redesignated by subsection (b), is amended—

(1) in paragraph (1), by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”; and

(2) by adding at the end the following new paragraph:

“(3) SPECIAL RULE FOR ELECTRONIC POLL BOOKS.—In the case of the requirements of subsection (c) (relating to electronic poll books), each State shall be required to comply with such requirements on or after January 1, 2021.”

SEC. 206. PRE-ELECTION REPORTS ON VOTING SYSTEM USE.

(a) Requiring States to Submit Reports.—Title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended by section 103(c), is amended by inserting after section 301A the following new section:

“SEC. 301B. PRE-ELECTION REPORTS ON VOTING SYSTEM USAGE.

“(a) Requiring States to Submit Reports.—Not later than 120 days before the date of each regularly scheduled general election for Federal office, the chief State election official of a State shall submit a report to the Commission containing a detailed voting system usage plan for each jurisdiction in the State which will administer the election, including a detailed plan for the usage of electronic poll books and other equipment and components of such systems.

“(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to the regularly scheduled general election for Federal office held in November 2022 and each succeeding regularly scheduled general election for Federal office.”.

(b) CLERICAL AMENDMENT.—The table of contents of such Act, as amended by section 103(c), is amended by inserting after the item relating to section 301A the following new item:

“Sec. 301B. Pre-election reports on voting system usage.”

SEC. 207. STREAMLINING COLLECTION OF ELECTION INFORMATION.

Section 202 of the Help America Vote Act of 2002 (52 U.S.C. 21082), as amended by sections 104, 105, 202(a), 202(b), 202(c), and 204(a), is further amended—

(1) by striking “The Commission” and inserting “(a) IN GENERAL.—The Commission”; and

(2) by adding at the end the following new subsection:

“(b) Waiver of Certain Requirements.—Subsection 1 of chapter 1 of subpart D of title 44, United States Code, shall not apply to the collection of information for purposes of maintaining the clearinghouse described in paragraph (1) of such subsection.”

TITLE III—USE OF VOTING MACHINES MANUFACTURED IN THE UNITED STATES

SEC. 301. USE OF VOTING MACHINES MANUFACTURED IN THE UNITED STATES.

Section 301(a) of the Help America Vote Act of 2002 (52 U.S.C. 21081(a)), as amended by sections 104, 105, 202(a), 202(b), 202(c), and 204(a), is further amended by adding at the end the following new paragraph:

“(14) Voting machine requirements.—Each State shall seek to ensure that any voting machine used in an election for Federal office held in 2021 or any subsequent year is manufactured in the United States.”.

TITLE IV—SEVERABILITY

SEC. 401. SEVERABILITY.

If any provision of this division or amendment by this division, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this division and amendments to this title and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

SA 1946. Ms. KLOBUCHAR submitted an amendment intended to be proposed
by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 8a. WAIVER OF MATCHING REQUIREMENTS.

The proviso under the heading “Electoral Assistance Commission, Election Security Grants” in the Financial Services and General Government Appropriations Act, 2020 (Public Law 116-93; 133 Stat. 2461) shall not apply with respect to any payment made to a State using funds appropriated or otherwise made available to the Election Assistance Commission under the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136).

SA 1947. Ms. KLOBUCHAR (for herself, Ms. WARREN, and Mr. BENNET) submitted a Senate amendment to the bill, proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part I of title G of title V, add the following:

SEC. 7. PROMOTION OF DIGITAL AND MEDIA LITERACY TO COMBAT FOREIGN INFLUENCE CAMPAIGNS.

(a) FINDINGS.—Congress finds the following:

(1) People in the United States rely on information from mass media, social media, and digital media to make decisions about all aspects of social, economic, and political life, including products and services consumed, career aspirations, academic development, family and leisure choices, health and wellness, and democratic engagement. Ensuring that people in the United States acquire the skills to evaluate these informed decisions based on media begins early in life.

(2) Adversaries from Russia, China, and Iran among others, use information warfare to influence democracies across the world, and terrorist organizations often use digital communications to recruit members. The United States can fight these influences by ensuring that citizens of the United States possess the necessary skills to discern disinformation and misinformation and think critically about their sources.

(3) Influence campaigns by foreign adversaries reached tens of millions of voters during the 2016 and 2018 elections with racially and divisively targeted messages. The Select Committee on Intelligence of the Senate found in its investigation of the interference in the 2016 election that social media posts by Russia’s Internet Research Agency (IRA) reached tens of millions of voters in 2016 and were meant to pit people of the United States against one another and sow discord. The preservation of elections free from foreign influence is of utmost importance, and therefore Congress must take steps to counter influence campaigns with digital and media literacy.

(4) Researchers have documented persistent, pervasive, and coordinated online targeting of members of the Armed Forces, veterans, and their families by foreign adversaries seeking to undermine the democracy of the United States. Veterans and the so-called military members of the intentionally targeted by the Internet Research Agency with at least 113 advertisements and posts during the 2016 election. This represents a fraction of the Russian activity that targeted this community with divisive propaganda.

(b) THE CYBERSPACE SOLARIUM COMMISSION, A bicameral and bipartisan commission, established in the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 116-99) in its finished report that the “U.S. government should promote digital literacy, civics education, and public awareness to build societal resilience to foreign, malign cyber-enabled information operations and that the U.S. government must ensure that individual Americans have both the digital literacy tools and the civics education they need to secure their networks and their democracy from cyber-enabled information operations.”

The report recommended that Congress authorize appropriations for military activities of the Department of Energy for fiscal year 2021 to include a program to promote digital literacy to combat foreign influence campaigns.

(c) DIGITAL AND MEDIA LITERACY EDUCATION.—The term “digital literacy” means the ability to—

(1) evaluate and critically analyze media content and the influences of different forms of media,

(2) understand the comprehensiveness, relevance, credibleness, authority, and accuracy of information and make informed decisions based on information obtained from media and digital sources;

(3) operate various forms of technology and digital tools; and

(4) reflect on how the use of media and technology may affect public and private life.

(2) ESTABLISHMENT.—The Director shall establish a program to promote digital and media literacy, through which the Director shall award grants to eligible entities to enable the Director to increase digital literacy among students beginning in kindergarten and through high school.

(c) APPLICATION.—An eligible entity that desires a grant under this subsection shall—

(1) submit a description of the activities the eligible entity intends to carry out with the grant funds;

(2) be able to demonstrate the benefits of the eligible entity’s program to PK-12 districts or schools in the State for which the eligible entity is seeking a grant; and

(3) submit a description of the activities the eligible entity intends to carry out with the grant funds.

(D) USE OF FUNDS.—

(1) IN GENERAL.—The Director may use the funds appropriated by this Act for the Digital and Media Literacy Education Grant Program to—

(a) provide recommendations about digital literacy curricula and best practices for PK-12 schools in the State for all students, including students who are children with disabilities;
(cc) identify best practices and effective models for media literacy education, including incorporating universal design for learning and providing additional accommodations to students who are children with disabilities when needed;

(dd) identify existing models of curriculum and existing policies in different States that are aimed at reducing the barriers identified in item (bb);

(ee) gather data or conduct research to assess the media literacy and digital citizenship needs of students, teachers, and other stakeholders of education for students who are children with disabilities, and individuals from nonprofit organizations, a professional association, and a union, an indigenous group, a charitable organization, a tribal foundation, and other entities.

(II) DIVERSITY OF REPRESENTATION.—Such entity shall include—

(a) representation from rural and urban local educational agencies, small and large schools, high- and low-resource schools, teachers of students with disabilities, and schools in communities from diverse racial and ethnic backgrounds;

(b) representation of individuals with disabilities, teachers, librarians, representatives from parent organizations, educators, administrators, students, and other stakeholders.

(III) GUIDELINES.—

(I) IN GENERAL.—A State educational agency that creates a media literacy advisory council under clause (i)(I) shall, only after consideration of the findings and recommendations described in clause (i)(I)(aa) and (bb), establish a media literacy advisory council described in clause (i)(I)(I).

(ii) The media literacy advisory council described in clause (i)(I)(I) shall include experts in media literacy, including academic experts, individuals from nonprofit organizations, a professional association, and a union, an indigenous group, a charitable organization, a tribal foundation, and other eligible entities.

(iii) The media literacy advisory council described in clause (i)(I)(I) shall include individuals from diverse racial and ethnic backgrounds.

(iv) The media literacy advisory council described in clause (i)(I)(I) shall include representatives from rural and urban local educational agencies, small and large schools, high- and low-resource schools, teachers of students with disabilities, and schools in communities from diverse racial and ethnic backgrounds.

(v) The media literacy advisory council described in clause (i)(I)(I) shall include individuals from rural and urban local educational agencies, small and large schools, high- and low-resource schools, teachers of students with disabilities, and schools in communities from diverse racial and ethnic backgrounds.

(IV) LOCAL EDUCATIONAL AGENCIES.—An eligible entity that is a local educational agency receiving a grant under this subsection shall use grant funds to carry out one or more of the following activities:

(a) Incorporating digital citizenship and media literacy in the curriculum, including core courses, professional development, teacher preparation, and curriculum improvement, including the use of technology to support student learning and the improvement of student assessment.

(b) Establishing new educational opportunities to incorporate digital citizenship and media literacy into the existing curriculum and instructional services in media literacy.

(V) REPORTING.—

(A) REPORTS BY ELIGIBLE ENTITIES.—Not later than 1 year after the date the eligible entity receives a grant under this subsection, each eligible entity shall prepare and submit to the Director a report describing the activities the eligible entity carried out using grant funds and the effectiveness of those activities.

(B) REPORT BY THE DIRECTOR.—Not later than 90 days after the date the Director receives the reports described in subparagraph (A), the Director shall provide a report to the Congress describing the activities carried out under this subsection and the effectiveness of those activities.

(VI) SENSE OF CONGRESS.—It is the sense of Congress that the Director should establish and maintain a list of eligible entities that receive a grant under this subsection, and individuals designated by those eligible entities as participating individuals. The Director should make that list available to those eligible entities and participating individuals in order to promote communication and further exchange of information regarding sound digital citizenship and media literacy practices among recipients of a grant under this subsection.

(VII) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2021 through 2025.

(VIII) VETERANS GRANT PROGRAM.—

(A) ELIGIBILITY.—An eligible entity that desires a grant under this subsection shall submit an application to the Secretary at such time and in such manner as the Secretary may require, including, at a minimum:

(i) a description of the activities the eligible entity intends to carry out with the grant funds;

(ii) an estimate of the costs associated with such activities; and

(iii) such other information and assurances as the Secretary may require.

(B) USE OF FUNDS.—An eligible entity receiving a grant under this subsection shall use the grant funds to carry out one or more of the following activities to increase digital and media literacy among veterans to develop media literacy and digital citizenship competencies and improve personal cybersecurity by promoting veterans'—

(i) research and information fluency;

(ii) critical thinking and problem solving skills;

(iii) technology operations and concepts; and

(iv) concepts of media and digital representation and stereotyping.

(C) UNDERSTANDING OF EXPLICIT AND IMPLICIT MEDIA AND DIGITAL CONTENT.

(i) understanding of explicit and implicit media and digital content;

(ii) understanding of how media and digital content may influence ideas and behaviors;

(iii) understanding of the importance of obtaining information from multiple media sources and evaluating sources for quality; and

(iv) understanding how information on digital platforms can be altered through algorithms, editing, and augmented reality;

(D) MEDIA LITERACY.—The term "media literacy" means the ability to—

(i) access relevant and accurate information through media in a variety of forms;

(ii) critically analyze media content and the influences of different forms of media;

(iii) evaluate the comprehensiveness, relevance, credibility, authority, and accuracy of information;

(iv) make educational decisions based on information obtained from media and digital sources;

(v) create, use, and evaluate various forms of technology and digital tools; and

(vi) reflect on how the use of media and technology may affect private and public life.

(2) IN GENERAL.—The Secretary shall establish a program to promote digital citizenship and media literacy, through which the Director shall award grants to eligible entities to enable those eligible entities to carry out the activities described in paragraph (4).

(3) APPLICATION.—An eligible entity that desires a grant under this subsection shall submit an application to the Secretary at such time and in such manner as the Secretary may require, including, at a minimum:

(A) a description of the activities the eligible entity intends to carry out with the grant funds;

(B) an estimate of the costs associated with such activities; and

(C) such other information and assurances as the Secretary may require.

(4) USE OF FUNDS.—An eligible entity receiving a grant under this subsection shall use the grant funds to carry out one or more of the following activities to increase digital and media literacy among veterans to develop media literacy and digital citizenship competencies and improve personal cybersecurity by promoting veterans':—

(A) research and information fluency;

(B) critical thinking and problem solving skills;

(C) technology operations and concepts;

(D) information and technological literacy;

(E) concepts of media and digital representation and stereotyping;

(F) understanding of explicit and implicit media and digital content;

(G) understanding of how media and digital content may influence ideas and behaviors;

(H) understanding of the importance of obtaining information from multiple media sources and evaluating sources for quality;

(I) understanding how information on digital platforms can be altered through algorithms, editing, and augmented reality;

(J) understanding how information on digital platforms can be altered through algorithms, editing, and augmented reality;

(K) understanding how information on digital platforms can be altered through algorithms, editing, and augmented reality;

(L) understanding the importance of obtaining information from multiple media sources and evaluating sources for quality;

(M) ability to implement and maintain safe cybersecurity practices;

(N) ability to mitigate cyber vulnerabilities;

(O) ability to recognize cyber threats; and

(P) ability to identify instances of online manipulation.

(5) REPORTING.—

(A) REPORTS BY ELIGIBLE ENTITIES.—Not later than 1 year after the date an eligible entity receives a grant under this subsection, each eligible entity shall prepare and submit to the Secretary a report describing the activities the eligible entity carried out using the grant funds and the effectiveness of those activities.

(B) REPORT BY THE DIRECTOR.—Not later than 90 days after the date the Director receives the reports described in subparagraph (A), the Director shall provide a report to the Congress describing the activities carried out under this subsection and the effectiveness of those activities.

(V) SENSE OF CONGRESS.—It is the sense of Congress that the Director should establish and maintain a list of eligible entities that receive a grant under this subsection, and individuals designated by those eligible entities as participating individuals. The Director should make that list available to those eligible entities and participating individuals in order to promote communication and further exchange of information regarding sound digital citizenship and media literacy practices among recipients of a grant under this subsection.

(VII) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2021 through 2025.

(VIII) VETERANS GRANT PROGRAM.—

(A) ELIGIBILITY.—An eligible entity that desires a grant under this subsection shall submit an application to the Secretary at such time and in such manner as the Secretary may require, including, at a minimum:

(i) a description of the activities the eligible entity intends to carry out with the grant funds;

(ii) an estimate of the costs associated with such activities; and

(iii) such other information and assurances as the Secretary may require.

(B) USE OF FUNDS.—An eligible entity receiving a grant under this subsection shall use the grant funds to carry out one or more of the following activities to increase digital and media literacy among veterans to develop media literacy and digital citizenship competencies and improve personal cybersecurity by promoting veterans:—

(i) research and information fluency;

(ii) critical thinking and problem solving skills;

(iii) technology operations and concepts;

(iv) concepts of media and digital representation and stereotyping;

(v) understanding of explicit and implicit media and digital content;

(vi) understanding of how media and digital content may influence ideas and behaviors;
SA 1948. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal years 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title H of title V, add the following:

SEC. 593. STUDY ON IMPROVEMENT OF ACCESS TO VOTING ASSISTANCE FOR MEMBERS OF THE ARMED FORCES OVERSEAS.

(a) STUDY REQUIRED.—The Director of the Federal Voting Assistance Program of the Department of Defense shall conduct a study on means of improving access to voting for members of the Armed Forces overseas.

(b) REPORT.—Not later than September 30, 2022, the Director shall submit to Congress a report on the results of the study conducted under subsection (a). The report shall include the following:

(1) The results of a survey, undertaken for purposes of the study, of Voting Assistance Officers and members of the Armed Forces overseas on means of improving access to voting for such members, including through the establishment of unit-level assistance mechanisms or permanent voting assistance offices.

(2) An estimate of the costs and requirements in connection with an expansion of the number of Voting Assistance Officers in order to fully meet the needs of members of the Armed Forces overseas for access to voting.

(3) A description and assessment of various actions to be undertaken under the Federal Voting Assistance Program in order to increase the capabilities of the Voting Assistance Program.

(c) FUNDING.—Of the amount authorized to be appropriated for fiscal year 2021 for the Department of Defense by section 301 and available for operation and maintenance, Department of Defense by section 301 and required to be available for operation and maintenance, Department of Defense by section 301 and required to submit a report under such subsection, the Secretary shall submit to Congress a report describing the activities carried out under this subsection and the effectiveness of those activities.

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

(A) the Secretary should establish and maintain a list of—

(i) eligible entities that receive a grant under this subsection; and

(ii) the individuals designated by those eligible entities as participating individuals; and

(B) the Secretary should make such list available to those eligible entities and participating individuals in order to promote communication and further exchange of information regarding sound digital citizenship and media literacy practices among recipients of a grant under this subsection.

(7) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There is authorized to be appropriated to carry out this subsection $20,000,000 for each of fiscal years 2020, 2022. and 2024.

(B) SUPPLEMENT, NOT SUPPLANT.—Amounts appropriated pursuant to subparagraph (A) shall supplement, not supplant, amounts otherwise appropriated for the Department of Veterans Affairs.

SEC. 117. Preventing contributions, expenditures, and disbursements.

There is authorized to be appropriated to carry out this subsection and the effectiveness of those activities.

Title IV—Miscellaneous Provisions

Sec. 401. Effective dates of provisions.

Sec. 402. Severability.

Title I—Enhanced Reporting Requirements

Subtitle A—Establishing Duty To Report Foreign Election Interference

Sec. 101. Federal campaign reporting of foreign contacts.

(a) SHORT TITLE.—This division may be cited as the 'Stopping Harmful Interference in Elections from一点的 Democracy Act' or the 'SHIELD Act'.

(b) TABLE OF CONTENTS.—The table of contents of this division is as follows:

DIVISION I—SHIELD ACT PROVISIONS

SEC. 100. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the 'Stopping Harmful Interference in Elections from一点的 Democracy Act' or the 'SHIELD Act'.

(b) TABLE OF CONTENTS.—The table of contents of this division is as follows:

DIVISION II—SHIELD ACT PROVISIONS

SEC. 101. Short title and table of contents.

TITLE I—ENHANCED REPORTING REQUIREMENTS

Subtitle A—Establishing Duty To Report Foreign Election Interference

Sec. 101. Federal campaign reporting of foreign contacts.

(a) SHORT TITLE.—This division may be cited as the ‘Stopping Harmful Interference in Elections from一点的 Democracy Act’ or the ‘SHIELD Act’.

(b) TABLE OF CONTENTS.—The table of contents of this division is as follows:

DIVISION I—SHIELD ACT PROVISIONS

Sec. 100. Short title and table of contents.

TITLE I—ENHANCED REPORTING REQUIREMENTS

Subtitle A—Establishing Duty To Report Foreign Election Interference

Sec. 101. Federal campaign reporting of foreign contacts.

(a) SHORT TITLE.—This division may be cited as the ‘Stopping Harmful Interference in Elections from一点的 Democracy Act’ or the ‘SHIELD Act’.

(b) TABLE OF CONTENTS.—The table of contents of this division is as follows:

DIVISION I—SHIELD ACT PROVISIONS

Sec. 100. Short title and table of contents.

Title I—Enhanced Reporting Requirements

Subtitle A—Establishing Duty To Report Foreign Election Interference

Sec. 101. Federal campaign reporting of foreign contacts.

(a) INITIAL NOTICE.—

(1) IN GENERAL.—Section 304 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30104) is amended by adding at the end the following new subsection:

(3) DISCLOSURE OF REPORTABLE FOREIGN CONTACTS.—

(A) COMMITTEE OBLIGATION TO NOTIFY.—Not later than 1 week after a reportable foreign contact, each political committee shall notify the Federal Bureau of Investigation and the Federal Election Commission of the foreign contact and provide a summary of the circumstances with respect to such reportable foreign contact.

(B) INDIVIDUAL OBLIGATION TO NOTIFY.—Not later than 3 days after a reportable foreign contact—

(1) each candidate shall notify the treasurer of the designated official of the principal campaign committee of such candidate of the reportable foreign contact and provide a summary of the circumstances with respect to such reportable foreign contact; and

(2) each official, employee, or agent of a political committee shall notify the treasurer of the designated official of the committee of the reportable foreign contact and provide a summary of the circumstances with respect to such reportable foreign contact.

(3) REPORTABLE FOREIGN CONTACT.—In this subsection:

(A) IN GENERAL.—The term ‘reportable foreign contact’ means any direct or indirect contact or communication that—

(i) involves—

(I) an offer or other proposal for a contribution, donation, expenditure, or disbursement to or from, or persistent and repeated contact with, a covered foreign national; and

(II) an individual that the person described in clause (i) knows, has reason to know, or reasonably believes is a covered foreign national; and

(ii) the person described in clause (i)(I) knows, has reason to know, or reasonably believes involves—

(A) an offer or other proposal for a contribution, donation, expenditure, or disbursement, or solicitation described in section 319; or

(B) coordination or collaboration with, an offer or provision of information or services to or from, or persistent and repeated contact with, a covered foreign national in connection with an election;

(3) DISCLOSURE OF REPORTABLE FOREIGN CONTACT.—In this subsection:

(A) IN GENERAL.—The term ‘reportable foreign contact’ shall not include any contact or communication with a covered foreign national by an elected official or an employee of an elected official solely in an official capacity as such an official or employee. For purposes of the previous sentence, a contact or communication by an elected official or an employee of an elected official shall not be considered to be made solely in an official capacity.
capacity if the contact or communication involves a contribution, donation, expenditure, disbursement, or solicitation described in section 109.

(C) COVERAGE OF FOREIGN NATIONALS.—

(1) In general.—In this paragraph, the term ‘covered foreign national’ means—

(A) a foreign principal described in section 303(a)(1) of the Federal Election Campaign Act of 1938 (22 U.S.C. 611b(b)) that is a government of a foreign country or a foreign political party;

(B) any person who acts as an agent, representative, employee, or servant, or any person who acts in any other capacity at the request, order, or under the direction or control, of a foreign principal described in subsection (I) or of a person of any of whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in part by a foreign principal described in subsection (I); or

(C) any person included in the list of specifically designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury pursuant to authorities relating to the imposition of sanctions relating to the conduct of a foreign principal described in subsection (I).

(2) Effective date.—The amendment made by paragraph (1) shall apply with respect to reports filed on or after the date of the enactment of this Act.

(b) INFORMATION INCLUDED ON REPORT.—

(1) in subsection (304)(b) of such Act (52 U.S.C. 30104(b)) is amended—

(A) by striking ‘‘and’’ at the end of paragraph (1); and

(B) by striking the period at the end of paragraph (4) and inserting ‘‘; and’’; and

(C) by adding at the end the following new paragraph:

(9) for any reportable foreign contact (as defined in subsection (j)(3))—

(1) the date, time, and location of the contact;

(2) the date and time of when a designated official of the committee was notified of the contact;

(3) the identity of individuals involved; and

(4) a description of the contact, including the nature of any contribution, donation, expenditure, disbursement, or solicitation involved and the nature of any activity described in subsection (j)(3)(A)(ii)(I) involved.

(2) Effective date.—The amendment made by paragraph (1) shall apply with respect to reports filed on or after the expiration of the 60-day period which begins on the date of the enactment of this Act.

SEC. 102. FEDERAL CAMPAIGN FOREIGN CONTACT REPORTING COMPLIANCE SYSTEM.

(a) In general.—Section 305 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30102) is amended by adding at the end the following new subsection:

(1) Reportable Foreign Contacts Compliance Policy.—

(1) Reporting.—Each political committee shall establish a policy that requires all officials, employees, and agents of such committee, the national committees of the United States, the appropriate designated official of the committee of any reportable foreign contact (as defined in section 304(a)) not later than 3 days after such contact was made.

(2) Retention and Preservation of Records.—Each political committee shall establish a policy that provides for the retention and preservation of records and information related to reportable foreign contacts (as so defined) for a period of not less than 3 years.

(b) Certifications.—

(1) In general.—Upon filing its statement of organization under section 303(a), and with respect to any foreign principal described in section 304(a), the treasurer of each political committee (other than an authorized committee) shall certify to the Federal Election Commission that—

(A) the committee has in place policies that meet the requirements of paragraphs (1) and (2); and

(B) the committee has designated an official to monitor compliance with such policies; and

(3) not later than 1 week after the beginning of any formal or informal affiliation with the committee, all officials, employees, and agents of such committee will—

(A) receive notice of such policies;

(B) be informed of the prohibitions under section 319; and

(C) sign a certification affirming their understanding of such policies and prohibitions.

(c) Authorized Committees.—With respect to an authorized committee, the candidate shall make the certification required under subparagraph (A).

(d) Effective date.—

(1) In general.—The amendment made by subsection (a) shall apply with respect to all political committees described in section 303(a) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30103a) on or after the date of the enactment of this Act.

(2) Transition Rule for Existing Committees.—Not later than 30 days after the date of the enactment of this Act, each political committee under the Federal Election Campaign Act of 1971 shall file a certification with the Federal Election Commission that the committee is in compliance with the requirements of section 306(a) of such Act (as added by subsection (a)).

SEC. 103. CRIMINAL PENALTIES.

(a) Section 399(d) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30109(d)(1)) is amended by adding at the end the following new subparagraph:

(E) Any person who knowingly and willfully commits a violation of subsection (j) or (b)(9) of section 304 or section 309(j) shall be fined not more than $500,000, imprisoned not more than 5 years, or both.

(b) Effective date.—The amendment made by paragraph (1) shall apply with respect to reports filed on or after the expiration of the 60-day period which begins on the date of the enactment of this Act.

SEC. 104. RULE OF CONSTRUCTION.

Nothing in this subtitle may be construed—

(1) to impede legitimate journalistic activities; or

(2) to impose any additional limitation on the right to express political views or to participate in public discourse of any individual who—

(A) resides in the United States; or

(B) is not a citizen of the United States or a national of a foreign political party, as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

(C) is not lawfully admitted for permanent residence, as defined by section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)).

SEC. 111. SHORT TITLE.

This subtitle may be cited as the ‘‘Honest Ads Act’’.

SEC. 112. PURPOSE.

The purpose of this subtitle is to enhance the integrity of American democracy and national security by improving disclosure requirements for online political advertisements in order to uphold the Supreme Court’s well-established standard that the electorate bears the right to be fully informed.

SEC. 113. EXPANSION OF DEFINITION OF PUBLIC COMMUNICATION.

(a) In General.—Paragraph (22) of section 301 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101(22)) is amended by striking ‘‘satellite communication’’ and inserting ‘‘satellite, paid internet, or paid digital communication’’.

(b) Treatment of Contributions and Expenditures.—Section 301 of such Act (52 U.S.C. 30101) is amended—

(1) in paragraph (8)(B)—

(A) by striking ‘‘on broadcasting stations, in newspapers, and on digital media or satellite communication’’ and inserting ‘‘in any public communication’’; and

(B) by striking ‘‘broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising’’ in clause (v) and inserting ‘‘in any public communication’’;

and

(2) in paragraph (9)(B)—

(A) by amending clause (1) to read as follows:

(1) any news story, commentary, or editorial distributed through the facilities of any broadcasting station or any print, online, or digital newspaper, magazine, blog, publication, or periodical, unless such broadcasting, print, online, or digital facilities are owned or controlled by any political party, political committee, or candidate; and

and

(b) by striking ‘‘in any public communication’’ and inserting ‘‘in any public communication’’;

and

(c) by striking ‘‘but not including the use of broadcasting, newspapers, magazines, billboards, direct mail, or similar types of general public communication or political advertising’’ in clause (x) and inserting ‘‘but not including any use in any public communication’’.

SEC. 114. EXPANSION OF DEFINITION OF ELECTRONIC TWEETING COMMUNICATION.

(a) Expansion to Online Communications.—

(1) Application to Qualified Internet and Digital Communications.

(A) In General.—Subparagraph (A) of section 304(f)(3) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30104(f)(3)(A)) is amended by striking ‘‘satellite communication’’ and inserting ‘‘satellite, paid internet or qualified digital communication’’. Subtitle B—Strengthening Oversight of Online Political Advertising SEC. 111. SHORT TITLE.

This subtitle may be cited as the ‘‘Honest Ads Act’’.

SEC. 112. PURPOSE.

The purpose of this subtitle is to enhance the integrity of American democracy and national security by improving disclosure requirements for online political advertisements in order to uphold the Supreme Court’s well-established standard that the electorate bears the right to be fully informed.

SEC. 113. EXPANSION OF DEFINITION OF PUBLIC COMMUNICATION.

(a) In General.—Paragraph (22) of section 301 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101(22)) is amended by striking ‘‘satellite communication’’ and inserting ‘‘satellite, paid internet, or paid digital communication’’.

(b) Treatment of Contributions and Expenditures.—Section 301 of such Act (52 U.S.C. 30101) is amended—

(1) in paragraph (8)(B)—

(A) by striking ‘‘on broadcasting stations, in newspapers, and on digital media or satellite communication’’ and inserting ‘‘in any public communication’’; and

(B) by striking ‘‘broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising’’ in clause (v) and inserting ‘‘in any public communication’’;

and

(2) in paragraph (9)(B)—

(A) by amending clause (1) to read as follows:

(1) any news story, commentary, or editorial distributed through the facilities of any broadcasting station or any print, online, or digital newspaper, magazine, blog, publication, or periodical, unless such broadcasting, print, online, or digital facilities are owned or controlled by any political party, political committee, or candidate; and

and

(b) by striking ‘‘in any public communication’’ and inserting ‘‘in any public communication’’;

and

(c) by striking ‘‘but not including the use of broadcasting, newspapers, magazines, billboards, direct mail, or similar types of general public communication or political advertising’’ in clause (x) and inserting ‘‘but not including any use in any public communication’’.

SEC. 114. EXPANSION OF DEFINITION OF ELECTRONIC TWEETING COMMUNICATION.

(a) Expansion to Online Communications.—

(1) Application to Qualified Internet and Digital Communications.

(A) In General.—Subparagraph (A) of section 304(f)(3) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30104(f)(3)(A)) is amended by striking ‘‘satellite communication’’ and inserting ‘‘satellite, paid internet or qualified digital communication’’.
(B) QUALIFIED INTERNET OR DIGITAL COMMUNICATION.—Paragraph (3) of section 304(f) of such Act (52 U.S.C. 30104(f)) is amended by adding at the end the following new sub-paragraph:

"(D) QUALIFIED INTERNET OR DIGITAL COMMUNICATION.—The term ‘qualified internet or digital communication’ means any communication offered or promoted for a fee on an online platform (as defined in section (k)(3))."

(2) NONAPPLICATION OF RELEVANT ELECTORAL RULES TO CANDIDATES.—Section 304(f)(3)(A)(i) of such Act (52 U.S.C. 30104(f)(3)(A)(i)(I)) is amended by inserting ‘any broadcast, cable, or satellite’ before ‘communication’.

(3) NEWS EXEMPTION.—Section 304(f)(3)(B)(1) of such Act (52 U.S.C. 30104(f)(3)(B)(1)) is amended to read as follows:

"(1) a communication appearing in a news story, commentary, or editorial distributed through the facilities of any broadcasting station or any online or digital newspaper, magazine, blog, publication, or periodical, unless such broadcasting, online, or digital facilities are owned or controlled by any political party, political committee, or candidate;"

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to communications made on or after January 1, 2022.

SEC. 115. APPLICATION OF DISCLAIMER STATEMENTS TO ONLINE COMMUNICATIONS.

(a) CLEAR AND CONSPICUOUS MANNER REQUIREMENT.—Subsection (a) of section 318 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30120(a)) is amended—

(1) by striking ‘‘shall clearly state’’ each place it appears in paragraphs (1), (2), and (3) and inserting ‘‘shall state in a clear and conspicuous manner’’; and

(2) by adding at the end the following flush sentence: ‘‘For purposes of this section, a communication does not make a statement in a clear and conspicuous manner if it is difficult to read or hear or if the placement is excessively overlooked.’’;

(b) SPECIAL RULES FOR QUALIFIED INTERNET OR DIGITAL COMMUNICATIONS.—

(1) IN GENERAL.—Section 318 of such Act (52 U.S.C. 30120) is amended by adding at the end the following new subsection:

"(3) ONLINE PLATFORM .—For purposes of this subsection, the term ‘online platform’ means any public facing website, web application, social networking site, data protection, or social networking service (including search engine marketing, display advertisements, video advertisements, native advertisements, and sponsorships) that—

(A) sells qualified political advertisements; and

(B) communicates a message relating to any political matter of national importance, including—

(1) a candidate; and

(2) any election to Federal office; or

(3) a national legislative issue of public importance.

(2) TIME TO MAINTAIN FILE.—The information required under this subsection shall be maintained by online platforms, and persons requesting to purchase a qualified political advertisement on online platforms, to comply with the requirements of this subsection, see section 309.

(c) MODIFICATION OF ADDITIONAL REQUIREMENTS FOR CERTAIN COMMUNICATIONS.—Section 318(b) of such Act (52 U.S.C. 30120(b)) is amended—

(1) by striking ‘‘BY RADIO’’, ‘‘BY TELEVISION’’, ‘‘BROADCASTING’’, ‘‘BY CABLE’’, and ‘‘SATELLITE’’ each place it appears and inserting ‘‘COMMUNICATIONS’’;

(2) by striking ‘‘transmitted by radio’’ or ‘‘television’’ each place it appears and inserting ‘‘via video format’’;

(3) by striking ‘‘audio, video’’ and inserting ‘‘video’’;

(4) by striking ‘‘audio or video’’ each place it appears and inserting ‘‘via video format’’; and

(5) by striking ‘‘in video format’’ and inserting ‘‘via video format’’;

(d) REQUIRED CONTENT OF STATEMENT.—Section 318 of such Act (52 U.S.C. 30120) is amended—

(1) by striking ‘‘clear and conspicuous manner’’; and

(2) by adding at the end the following subparagraph:

"(ii) a national legislative issue of public importance.

(2) CONTENTS OF RECORD.—A record maintained by online platforms shall include—

(A) a digital copy of the qualified political advertisement;

(B) a description of the advertisement targeted by the advertisement, the number of views associated with the advertisement, the date and time that the advertisement is first displayed and last displayed; and

(C) information regarding—

(1) the average rate charged for the advertisement;

(2) the name of the candidate to which the advertisement refers; and

(3) any political matter of national importance, including—

(a) a candidate; and

(b) any election to federal office; or

(c) the identification and location of the advertisement, the number of views associated with the advertisement, and the number of requests that resulted in the purchase of the advertisement.

SEC. 116. POLITICAL RECORD REQUIREMENTS FOR ONLINE PLATFORMS.

(a) IN GENERAL.—Section 309 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30909) is amended by adding at the end the following new subsection:

"(i) a requirement that—

(A) states the name of the person who paid for the advertisement; and

(B) a record of any request to purchase a qualified political advertisement on an online platform to comply with the requirements of this subsection, see section 309.

(b) RULEMAKING.—Not later than 90 days after the date of the enactment of this Act, the Federal Election Commission shall establish rules—

(1) requiring common data formats for the record required to be maintained under section 304(k) of the Federal Election Campaign Act of 1971 (as added by subsection (a)) so that all online platforms submit and maintain data online in a common, machine-readable and publicly accessible format; and

(2) establishing search interface requirements relating to such record, including search by candidate name, issue, purchaser, and date.

(c) REPORTING.—Not later than 2 years after the date of the enactment of this Act, the Chair of the Federal Election Commission shall submit a report to Congress on—
(1) matters relating to compliance with and the enforcement of the requirements of section 304(k) of the Federal Election Campaign Act of 1971, as added by subsection (a); (2) recommendations for any changes to such section to assist in carrying out its purposes; and (3) identifying ways to bring transparency and accountability to political advertisements distributed online for free.

SEC. 117. PREVENTING CONTRIBUTIONS, EXPENDITURES, AND DISBURSEMENTS FOR ELECTIONEERING COMMUNICATIONS BY FOREIGN NATIONALS IN THE FORM OF ONLINE ADVERTISING.

Section 319 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30212(a)(1)) is amended by adding at the end the following new subsection:

"(c) Each television or radio broadcast station, provider of cable or satellite television, or online platform (as defined in section 304(j)(3)) shall make reasonable efforts to ensure that communications described in section 318(a) and made available by such station, provider, or platform are not purchased by a foreign national, directly or indirectly."

TITLE II—CLOSING LOOPHOLES ALLOWING SPENDING BY FOREIGN NATIONALS IN ELECTIONS

SEC. 201. CLARIFICATION OF PROHIBITION ON PARTICIPATION BY FOREIGN NATIONALS IN ELECTION-RELATED ACTIVITIES.

(a) Clarification of Prohibition.—Section 319(a) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30212(a)(1)) is amended—

(1) by striking "or" at the end of paragraph (1); and

(2) by striking the period at the end of paragraph (2) and inserting "; or"; and

(3) by striking at the end the following new paragraph:

"(3) a foreign national to direct, dictate, control, or directly or indirectly participate in the decision-making process of any person (including a corporation, labor organization, political committee, or political organization) with regard to such person's Federal or non-Federal election-related activity, including any decision concerning the making of contributions, donations, expenditures, or disbursements in connection with an election for any Federal, State, or local office (or any decision concerning the administration of a political committee)."

(b) Certification of Compliance.—Section 319 of such Act (52 U.S.C. 30212), as amended by section 117, is further amended by adding at the end the following new subsection:

"(c) Certification of Compliance Required Prior to Carrying Out Activity.—

Prior to the making in connection with an election for Federal office of any contribution, expenditure, independent expenditure, independent expenditure, or disbursement for an electioneering communication by a corporation, limited liability corporation, or partnership during the period preceding the Federal election cycle, the corporation, limited liability corporation, or partnership (or, if the corporation, limited liability corporation, or partnership does not have a chief executive officer, the highest ranking official of the corporation, limited liability corporation, or partnership), shall file a certification with the Commission, in accordance with procedures established by the Commission, that the corporation, limited liability corporation, or partnership (or, if the corporation, limited liability corporation, or partnership does not have a chief executive officer, the highest ranking official of the corporation, limited liability corporation, or partnership) has not directed, dictated, or controlled, directly or indirectly or participated in the decision-making process of any person with regard to such person's Federal or non-Federal election-related activity, including any decision concerning the making of contributions, donations, expenditures, or disbursements in connection with an election for any Federal, State, or local office (or any decision concerning the administration of a political committee)."

SECTION 202. CLARIFICATION OF APPLICATION OF FOREIGN MONEY BAN TO CERTAIN DISBURSEMENTS AND ACTIVITIES.

(a) Application to Disbursements to Super PACs.—Section 318(a)(1)(A) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30212(a)(1)(A)) is amended by striking the semicolon and inserting the following: "(A) any disbursement to a political committee which accepts donations or contributions that do not comply with the limitations and prohibitions of this Act (or any disbursement to or on behalf of any account of a political committee which is established for the purpose of accepting such donations or contributions)."

(b) Conditions Under Which Corporate PACs May Make Contributions and Expenditures.—Section 318(b) of such Act (52 U.S.C. 30212(b)(1)(A)) is amended by adding at the end the following new paragraph:

"(8) A separate segregated fund established by a corporation may not make a contribution or expenditure during a year unless the fund has certified to the Commission the following during the prior year:

"(A) Each individual who manages the fund, and who is responsible for exercising decision-making authority for the fund, is a citizen of the United States or is lawfully admitted for permanent residence in the United States;"

"(B) The fund's certificate under subsection (a) of this section (a)(1); and"

"(C) Any member of the board of directors of the corporation who is a foreign national under section 319 abstains from voting on matters concerning the fund or its activities.""

SECTION 203. AUDIT AND REPORT ON ILlicit FOREIGN MONEY IN FEDERAL ELECTIONS.

(a) Audit.—

"(1) IN GENERAL.—The Commission shall conduct an audit of all disbursements made on or after the date of enactment of this Act, in accordance with procedures established by the Commission, to determine the occurrence of illicit foreign money in such Federal election cycle.

"(2) PROCEDURES.—In carrying out paragraph (1), the Commission shall conduct random audits of any disbursements required to be reported under this Act, in accordance with procedures established by the Commission.

"(3) REPORT.—Not later than 180 days after the end of each Federal election cycle, the Commission shall submit to Congress a report containing—

"(1) results of the audit required by subsection (a)(1); and

"(2) recommendations to address the presence of illicit foreign money in elections, as appropriate.

"(b) Definitions.—As used in this section:

"(1) The term 'Federal election cycle' means the period which begins on the day after the date of the most recently scheduled general election for Federal office and which ends on the date of the first regularly scheduled general election for Federal office held after such date.

"(2) The term 'illicit foreign money' means any disbursement by a foreign national (as defined in section 319(b)) prohibited under such section."

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to the Federal election cycle that began during November 2018, and each succeeding Federal election cycle.

SECTION 204. PROHIBITION ON CONTRIBUTIONS AND DONATIONS BY FOREIGN NATIONALS IN CONNECTIONS WITH BALLOT INITIATIVES AND REFERENDA.

(a) In General.—Section 319(a)(1)(A) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30212(a)(1)(A)) is amended by striking "election" and inserting the following: "election, including a State or local ballot initiative or referendum."

(b) Effective Date.—The amendment made by this section shall apply with respect to elections held in 2021 or any succeeding year.

SECTION 205. EXPANSION OF LIMITATIONS ON FOREIGN NATIONALS PARTICIPATING IN POLITICAL ADVERTISING.

(a) Disbursements Described.—Section 319(a)(1) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30212(a)(1)) is amended—

(1) by striking "or" at the end of subparagraph (B); and

(2) by striking subparagraph (C) and inserting the following:

"(C) an expenditure;"

"(D) an independent expenditure;"

"(E) a disbursement for an electioneering communication (within the meaning of section 304(f)(3));"

"(F) a disbursement for a communication which is placed or promoted for a fee on a website, web application, or digital application that refers to a clearly identified candidate for Federal office and is disseminated within 60 days before a general, special, or runoff election for the office sought by the candidate or 30 days before a primary or preference election, or a convention or caucus of a political party that has authority to nominate a candidate for the office sought by the candidate;"

"(G) a disbursement for a broadcast, cable or satellite communication, or for any communication which is placed or promoted for a fee on a website, web application, or digital application, that promotes, supports, or opposes the election of a clearly identified candidate for Federal, State, or local office (regardless of whether the communication contains express advocacy or the functional equivalent of express advocacy);"

"(H) a disbursement for a broadcast, cable, or satellite communication, or for any communication which is placed or promoted for a fee on an online platform (as defined in section 304(k)(3)), that discusses a national legislative issue of public importance in a year in which a regularly scheduled general election for Federal office is held, but only if the disbursement is made by a covered foreign national described in section 304(k)(3)(C); or"

"(1) a disbursement by a covered foreign national described in section 304(k)(3)(C) to compensate any person for internet activity that promotes, supports, attacks, or opposes the election of a clearly identified candidate for Federal, State, or local office (regardless of whether the activity communication contains express advocacy or the functional equivalent of express advocacy)."

(b) Effective Date.—The amendments made by this section shall apply with respect to disbursements made on or after the date of the enactment of this Act.
SEC. 310. RESTRICTIONS ON EXCHANGE OF CAMPAIGN MATERIAL AMONG FOREIGN CANDIDATES AND FOREIGN POWERS.

Section 319 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121), as amended by section 117 and section 203(b), is further amended by adding at the end the following new subsection:

"(e) Restrictions on Exchange of Information Between Candidates and Foreign Powers.—

"(1) Treatment of Offer to Share Nonpublic Campaign Material as Solicitation of Contribution from Foreign National.—If a candidate or an individual affiliated with the campaign of a candidate, or if a political committee or an individual affiliated with a political committee, provides or offers to provide nonpublic campaign material to a covered foreign national or to another person whom the candidate, committee, or individual knows or has reason to know will provide a covered foreign national, the candidate, committee, or individual (as the case may be) shall be considered for purposes of this section to have solicited a contribution or donation described in subsection (a)(1)(A) from a covered foreign national.

"(2) Definitions.—In this subsection, the following terms shall apply:

"(A) The term ‘candidate’ means an individual who seeks nomination for, or election to, any Federal, State, or local public office.

"(B) The term ‘covered foreign national’ has the meaning given such term in section 301(j)(3)(C).

"(C) The term ‘individual affiliated with a campaign or political committee’ means, with respect to a candidate or a political committee, an employee of any organization legally authorized under Federal, State, or local law to support the candidate’s campaign or political committee for nomination for, or election to, any Federal, State, or local public office, as well as any independent contractor of such an organization and any individual who performs services on behalf of the committee, whether paid or unpaid.

"(D) The term ‘individual affiliated with a political committee’ means, with respect to a political committee, an employee of the political committee as well as any independent contractor of the political committee and any individual who performs services on behalf of the committee, whether paid or unpaid.

"(E) The term ‘nonpublic campaign material’ means, with respect to a candidate or a political committee, a campaign material that is produced by the candidate or the committee or produced at the candidate or committee’s expense or request which is not distributed or made available to the general public or offered for sale to the public domain, including polling and focus group data and opposition research, except that such term does not include material produced for purposes of consultations relating solely to the candidate’s or committee’s position on a legislative or policy matter.

SEC. 311. SHORT TITLE.

This subtitle may be cited as the ‘Deceptive Practices and Voter Intimidation Prevention Act of 2020’.

SEC. 312. PROHIBITION ON DECEPTIVE PRACTICES IN FEDERAL ELECTIONS.

(a) Prohibition.—Subsection (b) of section 304 of the Revised Statutes (52 U.S.C. 10101(b)) is amended—

"(1) by striking ‘No person’ and inserting the following:

"(i) in General.—No person; and

"(ii) by inserting at the end the following new paragraph:

"(2) False Statements Regarding Federal Elections.—

"(A) Prohibition.—No person, whether acting under color of law or otherwise, shall, within 60 days before an election described in paragraph (5), by any means, including by means of written, electronic, or telephonic communications, communicate or cause to be communicated information described in subparagraph (B), or produce information described in subparagraph (B) with the intent that such information be communicated, if such person—

"(i) knows such information to be materially false; and

"(ii) has the intent to impede or prevent another person from exercising the right to vote in an election described in paragraph (5).

"(B) Information Described.—Information is described in this subparagraph if such information is regarding—

"(i) the time, place, or manner of holding any election described in paragraph (5); or

"(ii) the qualifications for or restrictions on voter eligibility for any such election, including—

"(A) any criminal penalties associated with voting in any such election; or

"(B) information regarding a voter’s registration status or eligibility.

"(C) False Statements Regarding Public Endorsements.—

"(A) Prohibition.—No person, whether acting under color of law or otherwise, shall, within 60 days before an election described in paragraph (5), by any means, including by means of written, electronic, or telephonic communications, communicate or cause to be communicated, a materially false statement about an endorsement, if such person—

"(i) knows such statement to be false; and

"(ii) has the intent to impede or prevent another person from exercising the right to vote in an election described in paragraph (5).

"(B) Definition of ‘Materially False’.—For purposes of subparagraph (A), a statement about an endorsement is ‘materially false’ if, with respect to an upcoming election described in paragraph (5)—

"(i) the statement states that a specifically named person, political party, or organization has endorsed the election of a specific candidate for a Federal office described in such paragraph; and

"(ii) such person, political party, or organization has not endorsed the election of such candidate.

"(D) Hindering, Interfering With, or Preventing Voting or Registering to Vote.—No person, whether acting under color of law or otherwise, shall, whether or not acting under color of law or otherwise, shall, intentionally hinder, interfere with, or prevent another person from voting, registering to vote, or aiding another person to vote or register to vote in an election described in paragraph (5).

"(E) Election Described.—An election described in this paragraph is any general, primary, run-off, or special election held solely or in part for the purpose of nominating or electing a candidate for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Delegate or Commissioner from a Territory or possession.

(b) Private Rights of Action.—

"(1) In General.—Subsection (c) of section 304 of the Revised Statutes (52 U.S.C. 10101(c)) is amended—

"(i) by striking ‘Whenever any person’ and inserting the following:

"(i) Whenever any person; and

"(ii) by adding at the end the following new paragraph:

"(2) Any person aggrieved by a violation of subsection (b), (b)(3), or (b)(4) may institute a civil action for preventive relief, including an application in a United States district court for a permanent or temporary injunction, restraining order, or other order. In any such action, the court, in its discretion, may allow the prevailing party a reasonable attorney’s fee as part of the costs.

(2) Conforming Amendments.—

"(A) Subsection (e) of section 304 of the Revised Statutes (52 U.S.C. 10101(e)) is amended by striking ‘subsection (c)’ and inserting ‘subsection (c)(1)’.

"(B) Subsection (g) of section 304 of the Revised Statutes (52 U.S.C. 10101(g)) is amended by striking ‘subsection (c)’ and inserting ‘subsection (c)(1)’.

(3) Criminal Penalties.—

"(1) Deceptive acts.—Section 594 of title 18, United States Code, is amended—

"(A) by striking ‘Whoever’ and inserting the following:

"(i) ‘Whenever’;

"(B) in subsection (a), as inserted by subparagraph (A), by striking ‘at any election’ and inserting ‘at any general, primary, run-off, or special election’; and

"(C) by adding at the end the following new subsections:

"(2) Deceptive acts.—

"(i) False statements regarding federal elections.—

"(A) Prohibition.—It shall be unlawful for any person, whether acting under color of law or otherwise, within 60 days before an election described in subsection (e), to use any means, including by means of written, electronic, or telephonic communications, to communicate or cause to be communicated information described in subparagraph (B), or produce information described in subparagraph (B) with the intent that such information be communicated, if such person—

"(i) knows such information to be materially false; and

"(ii) has the intent to mislead voters, or the intent to impede or prevent another person from exercising the right to vote in an election described in subsection (e).

"(B) Information described.—Information is described in this subparagraph if such information is regarding—

"(i) the time, place, or manner of holding any such election; or

"(ii) the qualifications for or restrictions on voter eligibility for any such election, including—

"(A) any criminal penalties associated with voting in any such election; or

"(B) information regarding a voter’s registration status or eligibility.

"(C) Hindering, interfering with, or preventing voting or registering to vote.—It shall be unlawful for any person, whether acting under color of law or otherwise, to intentionally hinder, interfere with, or prevent another person from voting, registering to vote, or aiding another person to vote or register to vote in an election described in subsection (e).

"(D) Election described.—An election described in this paragraph is any general, primary, run-off, or special election held solely or in part for the purpose of nominating or electing a candidate for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Delegate or Commissioner from a Territory or possession.

"(E) Private rights of action.—

"(1) In general.—Subsection (c) of section 2004 of the Revised Statutes (52 U.S.C. 10104(c)) is amended—

"(i) by striking ‘Whenever any person’ and inserting the following:

"(i) Whenever any person; and

"(ii) by adding at the end the following new paragraph:

"(2) Any person aggrieved by a violation of subsection (b)(2), (b)(3), or (b)(4) may institute a civil action for preventive relief, including an application in a United States district court for a permanent or temporary injunction, restraining order, or other order. In any such action, the court, in its discretion, may allow the prevailing party a reasonable attorney’s fee as part of the costs.

Suffix
from voting, registering to vote, or aiding another person to vote or register to vote in an election described in subsection (e)."

(2) PENALTY.—Any person who violates paragraph (1) shall be fined not more than $100,000, imprisoned for not more than 5 years, or both.

(d) ATTEMPT.—Any person who attempts to commit a deceptive practice described in section (a), (b)(1), or (c)(1) shall be subject to the same penalties as those prescribed for the offense that the person attempted to commit.

(e) ELECTION DESCRIBED.—An election described in this subsection is any general, primary, run-off, or special election held solely for the purpose of nominating or electing a candidate for Federal office and any primary, run-off, or special election for Federal office held in the 2 years preceding the general election.

(f) CORRECTIVE ACTION.—Subsection (c) of section 11 of the Voting Rights Act of 1965 (52 U.S.C. 10101(b)), as added by section 2(a), and subsection (d) of section 594 of title 18, United States Code, as amended by section 2(b), apply to—

(1) An election described in subsection (a), (b)(1), or (c)(1) that the Attorney General determines the disclosure of which could reasonably be expected to infringe on the rights of any individual or adversely affect the integrity of a pending or future criminal investigation.

(2) A report made publicly available through the internet and other appropriate means.

(m) MISCELLANEOUS PROVISIONS

SEC. 401. EFFECTIVE DATES OF PROVISIONS.

Each provision of this division and each amendment made by a provision of this division shall take effect on the effective date provided under this division for such provision or such amendment without regard to whether or not the Federal Election Commission, the Attorney General, or any other person has promulgated rules to carry out such provision or such amendment.

SEC. 402. SEVERABILITY.

If any provision of this division or any amendment made by the application of a provision of this division or an amendment made by this division to any person or circumstance, is held to be unconstitutional, the remaining provisions, and the application of the provisions to any person or circumstance, shall not be affected by the holding.

SA 1950. Ms. KLOBUCHAR (for herself and Mr. WYDEN) submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—NATIONAL DISASTER AND EMERGENCY BALLOT ACT

SEC. 101. SHORT TITLE.

This division may be cited as the "Natural Disaster and Emergency Ballot Act of 2020".

SEC. 102. REQUIREMENTS FOR FEDERAL ELECTION CONTINGENCY PLANS IN RESPONSE TO NATURAL DISASTERS AND EMERGENCIES.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—Not later than 30 days after the date of the enactment of this Act, each State and jurisdiction shall establish and make publicly available a contingency plan to enable qualified individuals (as defined in section 322(c)(1) of the Help America Vote Act of 2002, as added by section 105(a), to vote in elections for Federal office during a state of emergency, public health emergency, or other emergency or natural disaster that has been declared for reasons including, but not limited to—

(A) a natural disaster; or

(B) infectious diseases affecting the integrity of an election.

(2) UPDATING.—Each State and jurisdiction shall update the contingency plan established under this subsection not less frequently than every 3 years.

(b) REQUIREMENTS RELATING TO SAFETY.

(1) IN GENERAL.—The contingency plan established under subsection (a) shall include initiatives to provide public and resources needed to protect the health and safety of voters, pollworkers, and election administrators.

(ii) Any information concerning an ongoing investigation.

(III) Any information concerning a criminal or civil proceeding conducted under seal.

(IV) Any other information determined by the Attorney General to be material to the investigation.

(c) REPORT MADE PUBLIC.—On the date that the Attorney General submits the report described in paragraph (2), the Attorney General shall also make the report publicly available through the internet and other appropriate means.
workers when voting in person or by mail and throughout the election process, which shall include—

(A) the procurement and use of personal protective equipment, sanitizing supplies and equipment, disinfecting supplies and equipment, disposable voting equipment, and the implementation of personal distancing guidelines; and

(B) the use or implementation of any other equipment and protocols which health experts have determined will protect the health and safety of voters, pollworkers, and election workers.

(2) MINIMUM PROTOCOLS.—The contingency plan established under subsection (a) shall include initiatives by the chief State election official and local election officials to recruit poll workers for the November, 2020, general election and subsequent elections from resilient or unaffected populations, which may include—

(i) other State and local government offices;

(ii) high schools and colleges in the State for the November, 2020, general election and in subsequent elections for Federal office in the Commonwealth or possession that excludes diseases pose significant increased health risks to elderly individuals and affects an election for Federal office; and

(iii) eligible citizens to satisfy the need for bilingual poll workers, where language assistance is required by law.

(d) REQUIREMENTS RELATING TO PUBLIC EDUCATION AND INFORMATION CAMPAIGNS.—The contingency plan established under subsection (a) shall include initiatives by the chief State election official and official election officials to inform the public of all voting options and election dates and counter any misinformation about voting options and election dates.

(e) PLAN FOR VOTERS TO BE ABLE TO REQUEST ABSENTEE BALLOTS ONLINE AND VOTE BY MAIL.—The contingency plan established under subsection (a) shall permit all individuals who are registered to vote to—

(1) submit an online request for an absentee ballot, which requirement is satisfied if the local election or State election officials’ website allows an absentee ballot request application to be completed and submitted online upon request;

(2) submit an online request for an absentee ballot that will be printed for the voter to complete and mail; or

(3) a voter to submit an online request for a hard copy absentee ballot request application to be mailed or emailed to the voter to complete and mail.

(f) ELECTED OFFICERS TO PERMIT A VOTER TO DESIGNATE THE LATERAL SUPPORT OF AN ASSISTANT DUE TO MARK OR SIGNATURE STAMP OR BY PROVIDING A VOTER ATTENTION.

(g) REQUIREMENTS.—Title III of the Help America Vote Act of 2002 (52 U.S.C. 21081) is amended by adding at the end the following new subtitle:

Subtitle C—Additional Requirements

SEC. 103. REQUIREMENT TO ALLOW FOR EARLY VOTING AND NO-EXCUSE ABSENTEE VOTING.

(a) REQUIREMENTS.—Title III of the Help America Vote Act of 2002 (52 U.S.C. 21081) is amended by adding at the end the following new title:

Sec. 321. AVAILABILITY OF EARLY VOTING AND VOTING BY MAIL.

(1) IN GENERAL.—Early voting meets the requirements of this section if—

(B) voting by mail which meets the requirements of subsection (c);

(2) publicize the details of any voting allowed under paragraph (1); and

(c) comply with the absentee voting requirements of subsection (d);

(4) comply with the ballot processing and screening requirements of subsection (e); and

(5) when applicable, comply with the special rules in case of emergency periods under subsection (f).

(b) EARLY VOTING.—

(1) IN GENERAL.—Early voting meets the requirements of this section if—

(A) such voting occurs—

(i) for a 20-day period preceding the date of the election so that such days constitute a contiguous period of one weekend, which period may end on a date chosen by the chief election official of the State that is between the date of the election and 4 days preceding such date; and

(ii) for no less than 10 hours on each of the 20 days such early voting occurs; and

(B) each early voting location in the State meets ballot drop-off boxes available consistent with section 103(2)(C) for voters to submit their voted and sealed absentee ballots.

(b) EARLY VOTING.—

(1) IN GENERAL.—Early voting meets the requirements of this section if—

(A) such voting occurs—

(i) for a 20-day period preceding the date of the election so that such days constitute a contiguous period of one weekend, which period may end on a date chosen by the chief election official of the State that is between the date of the election and 4 days preceding such date; and

(ii) for no less than 10 hours on each of the 20 days such early voting occurs; and

(B) each early voting location in the State makes ballot drop-off boxes available consistent with section 103(2)(C) for voters to submit their voted and sealed absentee ballots.

(b) EARLY VOTING.—

(1) IN GENERAL.—The Election Assistance Commission shall issue standards for the adoption of voting in-person prior to the scheduled date of an election for Federal office.
and no individual, group, or organization shall provide compensation on this basis; or

"(b) does not put any limits on how many voted and sealed absentee ballots any designated election official may return to the central voter file after placing a ballot drop off location, trially designated building, or election office;

"(11) the State permits any eligible voter that submits a request for an absentee ballot to vote in such election, but does not receive their absentee ballot at least 2 days prior to election day to download and mark at home an absentee ballot provided by the State pursuant to section 103C of the Uniformed Overseas Citizens Absentee Voting Act or section 222 of such Act; and

"(12) the State ensures that any voting materials (as defined in section 203 of the Voting Rights Act of 1965 (52 U.S.C. 10503)) provided for purposes of voting by mail, including but not limited to ballots and voter education materials, meet the language requirements under such section 203.

"(13) DEADLINE REQUIREMENTS.—The requirements described in this subsection are that a State shall count a ballot submitted by an individual by mail with respect to an election for Federal office, as follows:

"(1) if it is postmarked, signed, or otherwise indicated by the United States Postal Service, is received on or before the close of polls on the date of the election; and

"(2) received by the appropriate State election official on or before the date that is 10 days before the election.

"(e) BALLOT PROCESSING AND SCANNING REQUIREMENTS.—

"(1) IN GENERAL.—The requirement described in this subsection is that the State begins processing and scanning ballots cast during early voting or through vote by mail for tabulation at least 14 days prior to election day.

"(2) LIMITATION.—Nothing in this subsection shall allow for the tabulation of ballots before the close of polls on the date of the election.

"(f) SPECIAL RULES IN CASE OF EMERGENCY PERIODS.—

"(1) AUTOMATIC MAILING OF ABSENTEE BALLOTS TO ALL VOTERS.—If the area in which an election is held is in an area in which an emergency or disaster which is described in subparagraph (b) of section 1136C(g)(1) of the Social Security Act (42 U.S.C. 1320b-5(g)(1)) is declared during the period described in paragraph (3) not later than 2 weeks before the date of the election, the appropriate State or local election official shall transmit by mail absentee ballots and ballots mailing materials for the election to all individuals who are registered to vote in such election or, in the case of any State that does not register voters, all individuals who are in the State’s central voter file (or if the State has a central voter file, to all individuals who are eligible to vote in such election) in a manner consistent with all applicable laws, including section 203 of the Voting Rights Act of 1965 (52 U.S.C. 10503).

"(2) AFFIRMATION.—If an individual receives an absentee ballot from a State or local election official pursuant to paragraph (1) and returns the voted ballot to the official, the ballot shall not be counted in the election unless the individual includes with the ballot the weight and size.

"(A) the individual has not and will not cast another ballot with respect to the election; and

"(B) acknowledges that a material misstatement of fact in completing the ballot may constitute grounds for conviction of perjury.

"(3) PERIOD DESCRIBED.—The period described in this paragraph with respect to an election is the period which begins 120 days before the date of the election and ends 30 days before the date of the election.

"(4) APPLICATION TO NOVEMBER 2020 GENERAL ELECTION.—Because of the public health emergency declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) resulting from the COVID-19 pandemic, the special rules set forth in this subsection shall apply in connection with the regularly scheduled general election for Federal office held in November 2020 in each State.

"(g) STATE.—For purposes of this section, the term \"State\" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

"(h) CONFORMING AMENDMENT RELATING TO ENFORCEMENT.—Section 401 of such Act (52 U.S.C. 21111) is amended by striking \"and\" and inserting \"and\" and \"title III\".

"(i) PRIVATE RIGHT OF ACTION.—Title IV of the Help America Vote Act of 2002 (52 U.S.C. 21111 et seq.) is amended by adding at the end the following new section:

"SEC. 405. RIGHT OF PRIVATE ACTION FOR VIOLATION OF NATURAL DISASTER AND EMERGENCY BALLOT ACT OF 2020.

"(a) IN GENERAL.—In the case of a violation of title III, section 402 shall not apply and any person who is aggrieved by such violation may provide written notice of the violation to the chief election official of the State involved.

"(b) RELIEF.—If the violation is not corrected within 20 days after receipt of a notice under subsection (a), or within 5 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may, in a civil action, obtain declaratory or injunctive relief to prevent the violation.

"(c) SPECIAL RULE.—If the violation occurred within 5 days before the date of an election for Federal office, the aggrieved person need not provide notice to the chief election official of the State involved under subsection (a) before bringing a civil action under subsection (b).

"(d) CONFORMING AMENDMENT RELATING TO VOLUNTARY GUIDANCE BY ELECTION ASSISTANCE COMMISSION.—Section 311(b) of such Act (52 U.S.C. 21101) is amended—

"(1) by inserting after the item relating to the Help America Vote Act of 2002 (52 U.S.C. 21103) the following:

"(2) in paragraph (3), by striking the period occurring after the 2006 General Election and the 2006 Special Election participating election occurring on November 7, 2006, and inserting the words \"and the 2020 General Election occurring on November 3, 2020\";

"(3) by adding at the end the following:

"(4) by adding to the end the following:

"(e) C LERICAL AMENDMENTS.—The table of contents of such Act is amended—

"(1) by inserting after the item relating to section 312 the following:

"Subtitle C—Additional Requirements

"Subtitle D—Availability of early voting and voting by mail.

"by inserting after the item relating to section 402 the following:

"(4) in the case of the recommendations with respect to subtitle C, 1 year after the date of enactment of the Natural Disaster and Emergency Ballot Act of 2020.

"(e) C LERICAL AMENDMENTS.—The table of contents of such Act is amended—

"(1) by inserting after the item relating to section 312 the following:

"Subtitle C—Additional Requirements

"Subtitle D—Availability of early voting and voting by mail.

"by inserting after the item relating to section 402 the following:

"(4) in the case of the recommendations with respect to subtitle C, 1 year after the date of enactment of the Natural Disaster and Emergency Ballot Act of 2020.

"SEC. 104. USE OF DOWNLOADABLE AND PRINTABLE ABSENTEE BALLOTS PROVIDED UNDER UCOVAA FOR VOTERS WITH DISABILITIES AND THOSE WHO HAVE NOT RECEIVED A BALLOT TO VOTE IN 2020 GENERAL ELECTION AND SUBSEQUENT FEDERAL ELECTIONS.

"(a) IN GENERAL.—

"(1) STATE RESPONSIBILITIES.—Each State shall, with respect to the 2020 general election occurring on November 3, 2020, and subsequent elections for Federal office (until such time as the Election Assistance Commission prescribes a domestic downloadable and printable ballot for use in elections for Federal office pursuant to section 297 of the Help America Vote Act of 2002), permit qualified individuals to use downloadable and printable absentee ballots transmitted by the State in the same manner and under the same terms and conditions under which the State transmits such ballots to absent uniform services voters and overseas voters under the provisions of section 102(f) to vote in such election.

"(2) REQUIREMENTS.—Such downloadable and printable absentee ballots—

"(A) must comply with the language requirements under section 203 of the Voting Rights Act of 1965 (52 U.S.C. 10503);

"(B) must comply with the disability requirements under section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794a);

"(C) Restrictions on requirements.—The provisions of section 103 shall apply with respect to the use of such downloadable and printable absentee ballots by qualified individuals pursuant to this section in the same manner as such provisions apply with respect to the use of such ballots by absent uniform services voters and overseas voters pursuant to section 103.

"(4) CLARIFICATION REGARDING FREE POSTAGE.—Such downloadable and printable absentee ballots of qualified individuals pursuant to this section shall be considered balloting materials as defined in section 107 for purposes of section 3406 of title 39, United States Code.

"(5) PROHIBITING REFUSAL TO ACCEPT BALLOT FOR FAILURE TO MEET CERTAIN REQUIREMENTS.—A State shall not refuse to accept and process any otherwise valid downloadable and printable absentee ballot submitted in any manner by a qualified individual solely on the basis of the following:

"(A) Notification or witness signature requirements.

"(B) Restrictions on envelope type, including weight and size.

"(C) Restrictions on envelope type, including weight and size.

"(D) Qualified individual.—For purposes of this section:

"(1) IN GENERAL.—Except as provided in paragraph (2), the term \"qualified individual\" means any individual who is otherwise qualified to vote in an election for Federal office and who—

"(A) has not requested an absentee ballot from the State or jurisdiction where such individual is registered to vote; and

"(B) has not submitted such absentee ballot at least 2 days before the date of the election;

"(E) expects to be absent from such individual’s jurisdiction on the date of the election for Federal office due to professional or volunteer service in response to a natural disaster or emergency as so declared;

"(F) has been hospitalized on the day of the election for Federal office; or
"(D) is an individual with a disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)) and resides in a state which does not offer voters the ability to use secure and accessible remote ballot marking.

For purposes of subparagraph (D), a State shall permit an individual to self-certify that the individual is an individual with a disability.

"(2) COORDINATION WITH FEDERAL WRITE-IN BALLOT FOR ABSENT UNIFORMED SERVICES AND OVERSEAS VOTERS.—The term ‘qualified individual’ shall not include an individual who—

"(A) is an absent uniformed services voter or an overseas voter; and

"(B) is entitled to vote using the Federal write-in absentee ballot prescribed under section 103.

"(c) STATE.—For purposes of this section, the term ‘State’ includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

"(b) CONFORMING AMENDMENT.—Section 102(a) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20302(a)) is amended by striking ‘and’ at the end of paragraph (10), by striking the period at the end of paragraph (11) and inserting ‘; and’, and by adding at the end the following new paragraph:

"(12) meet the requirements of section 103C with respect to use of downloadable and printable absentee ballots for qualified individuals to vote in the 2020 general election.”.

"(c) Clerical Amendments.—The table of contents of such Act is amended by inserting the following after section 103:

"Sec. 103A. Purposes for collection and delivery of marked absentee ballots of absent overseas uniformed services voters.

"Sec. 103B. Preparing for voting assistance program improvements.

"Sec. 103C. Use of downloadable and printable absentee ballots provided under nonvoter for qualified individuals to vote in 2020 general election.”.

SECT. 105. DOWNLOADABLE AND PRINTABLE ABSENTEE BALLOT FOR DOMESTIC USE BY VOTERS WITH DISABILITIES AND IN EMERGENCIES STARTING IN 2022.

(a) STATE REQUIREMENT.—

"(1) IN GENERAL.—Title II of the Help America Vote Act of 2002 (52 U.S.C. 20301 et seq.) is amended by striking ‘and’ at the end of subparagraph (C) of section 107(c) and inserting ‘; and’;

"(2) DEADLINE.—An otherwise eligible national Federal write-in absentee ballot to which this section applies shall be submittable and processed by law for absentee ballots in the State involved.

"(b) REQUIREMENTS.—The following rules shall apply with respect to downloading and printable absentee ballots to which this section applies;

"(1) IN GENERAL.—Except as otherwise provided in this section, a domestic downloadable and printable absentee ballot to which this section applies shall be submittable and processed by law for absentee ballots in the State involved.

"(2) SPECIAL RULES.—The following rules shall apply with respect to domestic printable and downloadable absentee ballots to which this section applies:

"(i) In completing the ballot, the voter may designate a candidate by writing in the name of the candidate or by writing in the name of a political party (in which case the ballot shall be counted for the candidate of that political party);

"(ii) In the case of the offices of President and Vice President, a vote for a named candidate or a vote by writing in the name of a political party shall be counted as a vote for the electors supporting the candidate involved;

"(iii) Any abbreviation, misspelling, or other variation in the form of the name of a candidate or a political party shall be disregarded in determining the validity of the ballot.

"(c) QUALIFIED INDIVIDUAL.—For purposes of this section:

"(1) IN GENERAL.—Except as provided in paragraph (2), an individual with a disability means any individual who is otherwise qualified to vote in an election for Federal office and who—

"(A) has requested an absentee ballot from the State or jurisdiction where such individual is registered to vote; and

"(ii) has not received such absentee ballot at least 2 days before the date of the election;

"(B) resides in an area of a State with respect to which a public health emergency has been declared by the Governor or chief government official of the State or chief government official of an area, 5 days before election day under the laws of the State due to reasons including, but not limited to—

"(I) a natural disaster, including severe weather;

"(II) an infectious disease; and

"(III) a known or expected act of terrorism;

"(C) expects to be absent from such individual’s jurisdiction on the day of the election for Federal office due to professional or volunteer service in response to a natural disaster or emergency as so declared;

"(D) is hospitalized or expects to be hospitalized on the day of the election for Federal office;

"(E) is an individual with a disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)) and resides in a state which does not offer voters the ability to use secure and accessible remote ballot marking.

"(2) Coordination with Federal Write-In Ballot for Absent Uniformed Services and Overseas Voters.—The term ‘qualified individual’ shall not include an individual who—

"(A) is an absent uniformed services voter or an overseas voter; and

"(B) is entitled to vote using the Federal write-in absentee ballot prescribed under section 103.

"(2) AFFIRMATION.—The ballot prescribed under paragraph (1) shall contain an affirmation, signed by the person submitting the ballot, that—

"(A) such individual is a qualified individual (as defined in section 322(b)); and

"(B) such individual will not cast another ballot with respect to the election for which the domestic downloadable and printable absentee ballot is cast; and

"(C) acknowledges that a material misstatement of fact in certifying the ballot may constitute grounds for conviction of perjury.

"(b) Availability.—The Commission shall make the domestic downloadable and printable absentee ballot available on the Internet in a printable format.

"(c) Requirements.—The domestic downloadable and printable absentee ballot shall be compliant with section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d) and shall not transmit the information contained in the ballot electronically.
SEC. 106. REQUIREMENT FOR PREPAID RETURN ENVELOPES FOR ABSENTEE BALLOTS: USE OF INTELLIGENT MAIL BARCODE.

(a) In General.—Subtitle C of title III of the Help America Vote Act of 2002, as added by section 103(a)(1), is amended by adding at the end the following new section:

"SEC. 232. USE OF PREPAID SELF-SEALING RETURN ENVELOPES.

"(a) In General.—Each State and local jurisdiction shall provide with any voter registration application, absentee ballot application, or by mail ballot service mail a self-sealing return envelope, where possible, with prepaid postage or subject to an arrangement whereby the State will reimburse the United States Postal Service for the postage of any such return envelope that is sent by mail.

"(b) USE OF INTELLIGENT MAIL BARCODE FOR THE 2020 GENERAL ELECTION AND UNTIL BALLOTING MATERIALS STATUS UPDATE SERVICE IMPLEMENTED.—For the 2020 general election and until, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands and the Commonwealth of the Northern Mariana Islands.

"(c) STATE.—For purposes of this section, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

"(d) EFFECTIVE DATE.—The requirements of this section shall apply to materials sent through the mail, each State and jurisdiction after the date that is 60 days after the date of the enactment of this Act."

(b) CEREDICAL AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to section 232, as added by section 105, the following new item:

"Sec. 232. Use of prepaid self-sealing return envelopes for absentee ballots."

SEC. 107. DEVELOPMENT OF A SECURE FEDERAL PORTAL TO ALLOW ELECTION OFFICIALS TO PROVIDE VOTERS WITH UPDATES ON THEIR BALLOTS.

(a) BALLOTING MATERIALS STATUS UPDATE SERVICE.

(1) IN GENERAL.—Not later than January 1, 2024, the Director of the Cybersecurity and Infrastructure Security Agency, in consultation with the Chair of the Election Assistance Commission, the Postmaster General, the Director of the General Services Administration, the Presidential designee, and State election officials, shall establish a balloting materials status update service to be used by States and local jurisdictions to inform voters on the status of voter registration applications, absentee ballot applications, and absentee ballots.

(2) INFORMATION TRACKED.—The balloting materials status update service established under paragraph (1) shall provide to a voter the following information with respect to that voter:

(A) In the case of balloting materials sent by mail, tracking information from the United States Postal Service and the Presidential designee on balloting materials sent to the voter and, to the extent feasible, returned by the voter.

(b) DURATION.—The period during which any request by the voter for an application for voter registration or an absentee ballot was received.

(c) The date on which any such requested application was sent to the voter.

(d) The date on which any such completed application was received from the voter and the status of such application.

(e) The date on which any absentee ballot was sent to the voter.

(f) The date on which any absentee ballot was received by the voter and the status of such absentee ballot.

(g) The date on which the post office processes the absentee ballot.

(h) The date on which post office delivered the absentee ballots to the election office.

(i) Whether such ballot was accepted and counted, and in the case of any ballot not counted, the reason why the ballot was not counted.

(3) METHOD OF PROVIDING INFORMATION.—The balloting materials status update service described in subsection (a) shall provide voters the option to receive the information described in paragraph (2) through email (or other electronic means) or through the mail.

(4) PROHIBITION ON FEES.—The Director may not charge any fee to a State or jurisdiction for use of the balloting materials status update service described in subsection (a) with any Federal, State, or local election.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director such sums as are necessary for purposes of carrying out this subsection.

(b) REQUIRED USE FOR ABSENTEE SELF-SEALING RETURN ENVELOPES FOR ABSENTEE BALLOT APPLICATIONS, AND ABSENTEE BALLOTS USED IN ELECTIONS FOR FEDERAL OFFICE.

(1) IN GENERAL.—Section 102(a) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20302(a)), as amended by section 105(b), is amended by striking ‘‘and’’ at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ‘‘; and’’; and by adding at the end the following new paragraph:

"(13) use the balloting materials status update service developed under section 107(a) of the Natural Disaster and Emergency Ballot Act of 2020 to inform absent uniformed services voters and overseas voters on the status of voter registration applications, absentee ballot applications, and absentee ballots used in elections for Federal office.

"(2) CONFORMING AMENDMENT.—Section 102 of such Act (52 U.S.C. 20302) is amended by striking paragraph (h).

"(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to elections for Federal office occurring after the date that is 1 year after the date on which the Director of the Cybersecurity and Infrastructure Security Agency certifies that the service described in subsection (a) is operational.

(c) REQUIRED USE UNDER HELP AMERICA VOTE ACT.—

(1) IN GENERAL.—Section 322(a) of the Help America Vote Act of 2002, as added by section 103, is amended by striking ‘‘and’’ at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting ‘‘; and’’; and by adding at the end the following new paragraph:

"(5) use the balloting materials status update service developed under section 107(a) of the Natural Disaster and Emergency Ballot Act of 2020 to provide eligible voters and qualified individuals (as defined in section 322(b) of this Act) information regarding the status of voter registration applications, absentee ballot applications, and absentee ballots used in elections for Federal office, except that any State or jurisdiction which has established a balloting materials status update system which meets the requirements of paragraph (2) of such section 107(a) (relating to information tracked) may continue to use such system.

"(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to elections for Federal office occurring after the date that is 1 year after the date on which the Director of the Cybersecurity and Infrastructure Security Agency certifies that the service described in subsection (a) is operational.

(d) AVAILABILITY TO DEPARTMENT OF DEFENSE.—The Cybersecurity and Infrastructure Security Agency shall develop a balloting materials status update service available to the Department of Defense to administer the one-time implementation of the absent uniformed services voters and overseas voters pursuant to the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.).

(e) REIMBURSEMENTS FOR USE.

(1) FOR USE WITH RESPECT TO BALLOTTING MATERIALS OF ABSENT UNIFORMED SERVICE VOTERS AND OVERSEAS VOTERS.

(A) IN GENERAL.—The Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.) is amended by inserting after section 103C, as added by section 104(a), the following new section:

"SEC. 103D. REIMBURSEMENTS FOR USE OF BALLOTTING MATERIALS STATUS UPDATE SERVICE.

"(a) IN GENERAL.—The Presidential designee shall make payments to each State and local jurisdiction equal to the costs to the State and local jurisdiction for which the State is eligible for payment under section 103D of the Natural Disaster and Emergency Ballot Act of 2020 with respect to balloting materials of absent uniformed services voters and overseas voters.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Presidential designee such sums as are necessary for carrying out this section, to remain available without fiscal year limitation.

(b) CONFORMING AMENDMENT.—Section 101(b) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20301(b)) is amended by striking the end of paragraph (19), by striking the period at the end of paragraph (11) and inserting ‘‘; and’’; and by adding at the end the following new paragraph:

"(12) make payments to States in accordance with section 103D.

(c) CEREDICAL AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to section 103, as added by section 104(c), the following new item:

"Sec. 103D. Reimbursements for use of balloting materials status update service."

(2) FOR USE WITH RESPECT TO BALLOTTING MATERIALS OF DOMESTIC VOTERS.

(A) IN GENERAL.—Subtitle D of title II of the Help America Vote Act of 2002 (52 U.S.C. 21001 et seq.) is amended by adding at the end the following:

"PART 8—REIMBURSEMENTS FOR USE OF BALLOTTING MATERIALS STATUS UPDATE SERVICE

"SEC. 298. REIMBURSEMENTS FOR USE OF BALLOTTING MATERIALS STATUS UPDATE SERVICE.

"(a) IN GENERAL.—The Commission shall make payments to each State and local jurisdiction equal to the costs to the State and local jurisdiction of using the ballot materials status update service under section 107(a) of the Natural Disaster and Emergency Ballot Act of 2020 with respect to balloting materials of absent uniformed services voters and overseas voters.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission such sums as are necessary for carrying out this section, to remain available without fiscal year limitation.

"(c) CONFORMING AMENDMENT.—Section 101(b) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20301(b)) is amended by striking the end of paragraph (19), by striking the period at the end of paragraph (11) and inserting ‘‘; and’’; and by adding at the end the following new paragraph:

"(12) make payments to States in accordance with section 103D."
the Commission such sums as are necessary for carrying out this section, to remain available without fiscal year limitation.”.

(B) CONFORMING AMENDMENTS.

(i) IN GENERAL.—Subtitle C of the Help America Vote Act of 2002 (52 U.S.C. 20922), as amended by section 105(b), is amended by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively, by inserting at the end the following new paragraph:

“(6) no effect on other notice requirements related to provisional ballots.—In the case of an individual who submits a provisional ballot under section 105(a)(8), such individual shall be in addition to the requirements applicable to such individual under section 302(a).”

(ii) The table of contents of such Act is amended by inserting after the item relating to section 302 the following:

“PART 8—LOTING MATERIALS STATUS UPDATE SERVICE”.

“§ 296. Reimbursements for use of balloting materials status update service.”

SEC. 108. NOTICE AND CURE PROCESS REQUIRED FOR MISMATCHED SIGNATURES ON MAIL-IN AND PROVISIONAL BALLOTS.

(a) IN GENERAL.—Subtitle C of title III of the Help America Vote Act of 2002, as added by section 103 and amended by sections 105 and 106, is amended by adding at the end the following new section:

“SEC. 324. SIGNATURE MISMATCH ON BALLOT SUBMITTED BY MAIL OR PROVISIONAL BALLOT.

‘‘(a) COVERED STATE DEFINED.—

‘‘(1) IN GENERAL.—Subject to paragraph (2), in this section, the term ‘covered State’ means a State in which—

(A) mail ballots submitted by mail or a provisional ballot is not counted as a vote in an election for Federal office unless the State verifies the signature of the individual who submitted such ballot by comparing the signature on the envelope containing such ballot or a document accompanying such ballot and the signature of such individual on the official list of registered voters in the State or other official record, or other document.

‘‘(2) EXCEPTION FOR CERTAIN STATES.—Such term shall not include a State which conducted a Federal election entirely through vote by mail prior to 2020.

‘‘(b) NOTICE REQUIRED.—

‘‘(1) IN GENERAL.—If an individual submits a ballot by mail or a provisional ballot in an election for Federal office in a covered State, and the appropriate State or local election official determines that a discrepancy between the signature on the envelope containing such ballot or a document accompanying such ballot used to verify the signature of such individual on the official list of registered voters in the State or other official record, or other document used by the State to verify the signatures of voters, such election official, prior to making a final determination as to the validity of such ballot, shall make a good faith effort to immediately notify such individual that a discrepancy exists between the signatures on the envelope containing such ballot or a document accompanying such ballot used to verify the signature of such individual on the official list of registered voters in the State or other official record, or other document used by the State to verify the signatures of voters.

‘‘(2) FORM OF NOTICE.—An election official shall provide notice as required by paragraph (1) within 10 calendar days of the determination that a discrepancy exists by mail and at least one of the following methods:

(A) Phone.

(B) Electronic mail.

(C) Text message.

‘‘(c) EXCEPTION TO CURE.—

‘‘(1) ESTABLISHMENT OF PROCEDURES.—A covered State shall establish uniform and non-discriminatory procedures—

(A) to send notice to an individual to whom notice is provided under subsection (b)(1); and

(B) if such confirmation or information is rejected, to appeal the rejection.

‘‘(2) TRAINING REQUIREMENT.—Election officials making such determinations must have completed training on signature verification.

‘‘(d) REPORT.—

‘‘(1) IN GENERAL.—A final determination with respect to the validity of a ballot in the case of a signature mismatch under this section shall be made by three election officials, at least one of whom is of an opposing party and, unless such election officials determine, taking into account any confirmation or information provided under the procedures established pursuant to subsection (a), to provide confirmation that the signature in question is their genuine signature. This confirmation can be provided orally, by writing, or electronically, including through any of the forms described in subsection (b)(2). No separate oath or affirmation is required.

‘‘(2) COUNTING OF VOTE.—

(A) IN GENERAL.—A final determination as to the validity of the ballot and whether the individual’s ballot was counted in the election.

(B) TRAINING REQUIREMENT.—Election officials making such determinations must have completed training on signature verification.

‘‘(e) EFFECTIVE DATE.—This section shall apply with respect to the Federal election for which the Act is in effect.
The address of a designated building that is a ballot pickup and collection location may serve as the residential address and mailing address for voters living on Indian lands where the designated building is in the same precinct as that voter. If there is no tribally designated building within a voter’s precinct, the voter may use another tribally designated building within the Indian lands where the voter is located. Voters using a tribally designated building outside of the voter’s precinct may use the tribally designated building as a mailing address and may separately designate the voter’s appropriate precinct through a description of the voter’s address, as specified in section 9429.4a(2) of title 11, Code of Federal Regulations.

(D) In the case of a State or political subdivision that is a covered State or political subdivision under section 303 of the Voting Rights Act of 1965 (52 U.S.C. 10503(c)), the State or political subdivision shall provide absentee or mail-in voting materials in the language of the applicable minority group as well as in the English language, including all voting materials, if the Tribal Government of that minority group meets the requirements of this subsection, including but not limited to:

(i) In the case of a minority group that is not American Indian or Alaska Native and the language of that minority group is oral or unwritten, the State or political subdivision shall only be required to furnish, in the covered language, oral instructions, assistance, translation of voting materials, or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable minority group as well as in the English language.

(ii) In the case of a minority group that is American Indian or Alaska Native, the State or political subdivision shall only be required to furnish, in the covered language, oral instructions, assistance, translation of voting materials, or other information relating to registration and voting.

(B) INDIAN LANDS.—The term ‘‘Indian lands’’ includes—

(i) any Indian country of an Indian Tribe, as defined under section 1151 of title 18, United States Code;

(ii) any land in Alaska owned, pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), by an Indian Tribe that is a Native village (as defined in section 3 of that Act (43 U.S.C. 1602)) or by a Village Corporation associated with an Indian Tribe (as defined in section 5 of that Act (43 U.S.C. 1602));

(iii) any land on which the seat of the Tribal Government is located; and

(iv) any land that is part or all of a Tribal designated statistical area associated with an Indian Tribe, or is part or all of an Alaska Native village, or is a statistical area associated with an Indian Tribe, as defined by the Census Bureau for the purposes of the most recent decennial census.

(C) TRIBAL GOVERNMENT.—The term ‘‘Tribal Government’’ means the recognized governing body of an Indian Tribe.

(D) ATTORNEY GENERAL.—The Attorney General may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to a violation of this subsection, if—

(i) that person or Tribal Government provides the notice described in clause (i) and (ii); and

(ii) in the case of a violation that occurs more than 120 days before the date of an election for Federal office, the violation remains and 20 days or more have passed since the date on which the chief election official of the State receives the notice under clause (i); or

(bb) in the case of a violation that occurs 120 days or more before the date of an election for Federal office, the violation remains and 20 days or more have passed since the date on which the chief election official of the State receives the notice under clause (i).

SEC. 299. PAYMENTS TO STATES.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of the National Disaster and Emergency Ballot Act of 2020, the Commission shall make a payment to each State.

(b) USE OF FUNDS.—

(i) IN GENERAL.—Subject to paragraphs (2) and (3), a State shall use the funds provided under this section—

(II)(aa) in the case of a violation that occurs 30 days or less before the date of an election for Federal office, an aggrieved person or Tribal Government may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to the violation without providing notice to the chief election official of the State under clause (i).

(II)(bb) in the case of a violation that occurs 30 days or less before the date of an election for Federal office, an aggrieved person or Tribal Government shall only be required to furnish, in the covered language, oral instructions, assistance, translation of voting materials, or information relating to registration and voting.

(II)(cc) in the case of a violation that occurs 30 days or less before the date of an election for Federal office, an aggrieved person or Tribal Government may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to a violation of this subsection, if—

(i) that person or Tribal Government provides the notice described in clause (i) and (ii); and

(ii) in the case of a violation that occurs 120 days or more before the date of an election for Federal office, the violation remains and 20 days or more have passed since the date on which the chief election official of the State receives the notice under clause (i).

SEC. 300. PAYMENTS TO STATES.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of the National Disaster and Emergency Ballot Act of 2020, with respect to the 2020 general election, the Commission shall make a payment to each State.

(b) USE OF FUNDS.—

(i) IN GENERAL.—Subject to paragraphs (2) and (3), a State shall use the funds provided under this section—

(II)(aa) in the case of a violation that occurs 30 days or less before the date of an election for Federal office, an aggrieved person or Tribal Government may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to a violation of this subsection, if—

(i) that person or Tribal Government provides the notice described in clause (i) and (ii); and

(ii) in the case of a violation that occurs 120 days or more before the date of an election for Federal office, the violation remains and 20 days or more have passed since the date on which the chief election official of the State receives the notice under clause (i).

(Sec. 9. Payments to States)

SEC. 301. GENERAL ELECTION.

(a) IN GENERAL.—Title II of the Help America Vote Act of 2002 (42 U.S.C. 15801 et seq.) as amended by section 107(e) of the Help America Vote Act of 2002, as amended by adding at the end the following new part:

(b) BILINGUAL ELECTION REQUIREMENTS.—

Section 303 of the Voting Rights Act of 1965 (52 U.S.C. 10503) is amended—

(1) in subsection (c), by striking ‘‘1990’’ and inserting ‘‘2010’’; and

(2) by striking subsection (c) and inserting the following:

(1) IN GENERAL.—Whenever any State or political subdivision subject to the prohibitions of this section provides any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable minority group as well as in the English language.

SEC. 302. PAYMENTS TO STATES.

(a) IN GENERAL.—The Attorney General may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to a violation of this subsection, if—

(ii) in the case of a violation that occurs 120 days or more before the date of an election for Federal office, the violation remains and 20 days or more have passed since the date on which the chief election official of the State receives the notice under clause (i).

(b) BILINGUAL ELECTION REQUIREMENTS.—

Section 303 of the Voting Rights Act of 1965 (52 U.S.C. 10503) is amended—

(1) in subsection (c), by striking ‘‘1990’’ and inserting ‘‘2010’’; and

(2) by striking subsection (c) and inserting the following:

(1) IN GENERAL.—Whenever any State or political subdivision subject to the prohibitions of this section provides any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable minority group as well as in the English language.

SEC. 303. GENERAL ELECTION.

(a) IN GENERAL.—Title II of the Help America Vote Act of 2002 (42 U.S.C. 15801 et seq.), as amended by section 107(e), is amended by adding at the end the following new part:
(B) to carry out one or more of the activities described in paragraph (1)(B) with respect to such primary elections; and
(C) to reimburse political parties for the costs of preparing ballots and return envelopes with prepaid postage to eligible voters participating in such primary elections.

3. LIMITATION.—A State may not use such funds for the electronic return of marked ballots by any voter.

4. AMOUNT OF PAYMENT.—
(a) In GENERAL.—The amount of payment made to a State under this section shall be the minimum payment amount described in paragraph (2) plus the voting age population proportion amount described in paragraph (3).

(b) MINIMUM PAYMENT AMOUNT.—The minimum payment amount described in this paragraph is—

(A) in the case of any of the several States or the District of Columbia, $5,000,000; and
(B) in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, or the United States Virgin Islands, $1,000,000.

5. VOTING AGE POPULATION PROPORTION AMOUNT.—
(A) IN GENERAL.—The voting age population proportion amount described in this paragraph is the product of—

(i) the aggregate amount made available for payments under this section minus the total of all of the minimum payment amounts described in paragraph (2); and
(ii) the voting age population proportion for the State (as defined in subparagraph (B)).

(B) VOTING AGE POPULATION PROPORTION DEFINED.—The term voting age population proportion means, with respect to a State, the amount equal to the quotient of—

(i) the voting age population of the State (as reported in the most recent decennial census); and
(ii) the total voting age population of all States (as reported in the most recent decennial census).

(d) PASS-THROUGH OF FUNDS TO LOCAL JURISDICTIONS.—

(1) IN GENERAL.—At least 80 percent of funds made available to a State under a payment under this section shall be passed through to local jurisdictions or Tribal governments to carry out activities described in subsection (b).

(2) TRIBAL GOVERNMENT.—The term Tribal Government means the recognized governing body of an Indian Tribe.

6. AUTHORIZATION OF APPROPRIATIONS.—
(A) IN GENERAL.—There are authorized to be appropriated $3,600,000,000 for fiscal year 2020 to carry out this section.

(B) TRIBAL GOVERNMENT.—The term Tribal Government means the recognized governing body of an Indian Tribe.

7. AUTHORIZATION OF APPROPRIATIONS.—
(A) IN GENERAL.—There are authorized to be appropriated $1,000,000,000.

(B) TRIBAL GOVERNMENT.—The term Tribal Government means the recognized governing body of an Indian Tribe.

8. AUTHORIZATION OF APPROPRIATIONS.—
(A) IN GENERAL.—There are authorized to be appropriated $5,000,000 for fiscal year 2020 to carry out this section.

(B) TRIBAL GOVERNMENT.—The term Tribal Government means the recognized governing body of an Indian Tribe.
At the appropriate place, insert the following:

SEC. 898. PROHIBITION ON PROCUREMENT OF COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

(a) IN GENERAL.—Except as provided under subsections (b) and (c), the head of an executive agency may not procure any covered unmanned aircraft system that are manufactured or assembled by a covered foreign entity, which includes associated elements (consisting of communication links and the components that control the unmanned aircraft) that are required for the operator to operate safely and efficiently in the national airspace.

(b) EXEMPTION.—The Secretary of Homeland Security, the Secretary of Defense, and the Attorney General are exempt from the restriction under subsection (a) if the operation or procurement—

(1) is for the sole purposes of research, evaluation, training, testing, or analysis for—

(A) electronic warfare;

(B) development of UAS or counter-UAS technology;

(C) counterterrorism or counterintelligence activities;

(D) Federal criminal investigations, including forensic examinations; and

(2) is required in the national interest of the United States.

(c) WAIVER.—The head of an executive agency may waive the prohibition under subsection (a) on a case-by-case basis with the approval of the Secretary of Homeland Security or the Secretary of Defense and notification to Congress.

SEC. 899. PROHIBITION ON OPERATION OF COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

(a) PROHIBITION.—

(1) IN GENERAL.—Beginning on the date that is 2 years after the date of the enactment of this Act, no Federal department or agency may operate a covered unmanned aircraft system manufactured or assembled by a covered foreign entity.

(2) APPLICABILITY TO CONTRACTED SERVICES.—The prohibition under paragraph (1) applies to any covered unmanned aircraft system procured by an executive agency through the method of contracting for the services of covered unmanned aircraft systems.

(b) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security, the Secretary of Defense, and the Attorney General shall prescribe regulations, as determined by the Secretary of Homeland Security, the Secretary of Defense, or the Attorney General, for—

(A) electronic warfare;

(B) development of UAS or counter-UAS technology;

(C) counterterrorism or counterintelligence activities; or

(D) Federal criminal investigations, including forensic examinations.

(c) REQUIREMENTS.—No later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall prescribe regulations or guidance, as determined by the Secretary of Homeland Security, the Secretary of Defense, or the Attorney General, for—

(1) electronic warfare; and

(2) development of UAS or counter-UAS technology.

SEC. 899A. PROHIBITION ON USE OF FEDERAL FUNDS FOR PURCHASES AND OPERATION OF COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

(a) IN GENERAL.—Beginning on the date that is 2 years after the date of the enactment of this Act, except as provided in subsection (b), no Federal funds awarded through a contract, grant, or cooperative agreement, or otherwise made available may be used—

(1) to purchase a covered unmanned aircraft system, or a system to counter unmanned aircraft systems, that is manufactured or assembled by a covered foreign entity; or

(2) in connection with the operation of such a drone or unmanned aircraft system.

(b) EXEMPTION.—A Federal department or agency is exempt from the restriction under subsection (a) if—

(1) the contract, grant or cooperative agreement was awarded prior to the date of the enactment of the bill; or

(2) the operation or procurement is for the sole purposes of research, evaluation, training, testing, or analysis, as determined by the Secretary of Homeland Security, the Secretary of Defense, or the Attorney General, for—

(A) electronic warfare;

(B) development of UAS or counter-UAS technology;

(C) counterterrorism or counterintelligence activities; or

(D) Federal criminal investigations, including forensic examinations.

(c) REQUIREMENTS.—No later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall prescribe regulations or guidance, as determined by the Secretary of Homeland Security, the Secretary of Defense, and the Attorney General, for—

(1) electronic warfare; and

(2) development of UAS or counter-UAS technology.

SEC. 899B. PROHIBITION ON USE OF GOVERNMENT-ISSUED PURCHASE CARDS TO PURCHASE COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

Effective immediately, Government-issued Purchase Cards may not be used to procure any covered unmanned aircraft system from a covered foreign entity.

SEC. 899C. MANAGEMENT OF EXISTING INVENTORIES OF COVERED UNMANNED AIRCRAFT SYSTEMS FROM COVERED FOREIGN ENTITIES.

(a) IN GENERAL.—Effective immediately, all executive agencies must account for existing inventories of covered unmanned aircraft systems manufactured or assembled by a covered foreign entity in their personal property accounting systems, regardless of the original procurement cost, or the purpose of procurement due to the special monitoring and accounting measures necessary to track the items’ capabilities.

(b) CLASSIFIED TRACKING.—Due to the sensitive nature of missions and operations conducted by the United States Government, inventory data related to covered unmanned aircraft systems manufactured or assembled by a covered foreign entity may be tracked at a classified level.

(c) EXCEPTIONS.—The Department of Defense and Department of Homeland Security may exclude from the full inventory process, covered unmanned aircraft systems that are deemed expendable due to mission risk such as recovery issues or that are one-time-use covered unmanned aircraft due to requiring equipment at a classified level.

SEC. 899D. COMPETITOR GENERAL REPORT.

Not later than 275 days after the date of the enactment of this Act, the Comptroller General.
General of the United States shall submit to Congress a report on the amount of commercial off-the-shelf drones and covered unmanned aircraft systems procured by Federal departments and agencies from covered foreign entities.

SEC. 899E. GOVERNMENT-WIDE POLICY FOR PROCUREMENT OF UNMANNED AIRCRAFT SYSTEMS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget, in coordination with the Department of Homeland Security, Department of Transportation, the Department of Justice, and other Federal agencies as determined by the Director of the Office of Management and Budget, and in consultation with the National Institute of Standards and Technology, shall establish a government-wide policy for the procurement of UAS—

(1) for non-Department of Defense and non-intelligence community operations; and

(2) through grants and cooperative agreements entered into with non-Federal entities.

(b) INFORMATION SECURITY.—The policy developed under subsection (a) shall include the following specifications, which to the extent practicable, shall be based on industry standards and technical guidance from the National Institute of Standards and Technology, to address the risks associated with processing, storing and transmitting Federal information in UAS:

(1) Protections to ensure controlled access of UAS.

(2) Protecting software, firmware, and hardware by ensuring changes to UAS are properly managed, including by ensuring UAS can be updated using a secure, controllable, and configurable mechanism.

(3) Ensuring, through appropriate safeguards, that data is not transmitted to or stored in foreign-made UAS for use across the Federal Government.

(4) Appropriate safeguards necessary to protect sensitive information, including during, after and use of UAS.

(5) Appropriate data security to ensure that data is not transmitted to or stored in non-approved locations.

(6) The ability to opt out of the uploading, downloading, or transmitting of data that is not required by law or regulation and an ability to choose with whom and where information is shared when it is required.

(c) REQUIREMENT.—The policy developed under subsection (a) shall reflect an appropriate risk-based approach to information security related to use of UAS.

(d) REVISION OF ACQUISITION REGULATIONS.—Not later than 180 days after the date on which the policy required under subsection (a) is issued—

(1) the Federal Acquisition Regulatory Council shall revise the Federal Acquisition Regulation, as necessary, to implement the policy; and

(2) the Federal department or agency or other Federal entity not subject to, or not subject solely to, the Federal Acquisition Regulation shall revise applicable policy, guidance, or regulations, as necessary, to implement the policy.

(e) EXEMPTION.—In developing the policy required under subsection (a), the Director of the Office of Management and Budget shall incorporate an exemption to the policy for the following reasons:

(1) In the case of procurement for the purposes of training, testing or analysis for—

(A) electronic warfare; or

(B) information warfare operations.

(2) In the case of researching UAS technology, including testing, evaluation, and after use of UAS.

(3) In the case of procuring for the purposes of fulfilling mission critical performance requirements, and such determination—

(A) may not be delegated below the level of the Deputy Secretary of the procuring department or agency;

(B) shall specify—

(i) the quantity and end items to which the waiver applies; the procurement value of which may not exceed $50,000 per waiver; and

(ii) the time period over which the waiver applies, which shall be less than 30 days.

(4) Appropriate safeguards necessary to protect sensitive information, including during, after and use of UAS.

SEC. 899F. STUDY.

(a) INDEPENDENT STUDY.—Not later than 3 years after the enactment of this Act, the Director of the Office of Management and Budget shall seek to enter into a contract with a federally funded research and development center under which the center will conduct a study of—

(1) the current and future unmanned aircraft system market and domestic market;

(2) the ability of the unmanned aircraft system domestic market to keep pace with technological advancements across the industry;

(3) the ability of domestically made unmanned aircraft systems to meet the network security and data protection requirements of the national security enterprise; and

(4) the extent to which unmanned aircraft system component parts, such as the parts described in subsection (b), are made domestically; and

(5) an assessment of the economic impact, including cost, of excluding the use of foreign-made UAS for use across the Federal Government.

(b) SUBMISSION TO OMB.—Upon completion of the study in subsection (a), the federally funded research and development center shall submit the study to the Director of the Office of Management and Budget.

(c) SUBMISSION TO CONGRESS.—Not later than 30 days after the date on which the Director of the Office of Management and Budget receives the study under subsection (b), the Director shall submit the study to—

(1) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Committee on Oversight and Reform of the House of Representatives.

SEC. 899G. SUNSET.

Sections 898, 899, and 899A shall cease to have effect on the date that is 5 years after the date of the enactment of this Act.

SEC. 899H. ENHANCED DOMESTIC CONTENT REQUIREMENT FOR MAJOR DEFENSE ACQUISITION PROGRAM PROCUREMENTS.

(a) ASSESSMENT REQUIRED.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall report to the congressional defense committees a report assessing the domestic source content of procurements carried out in connection with major defense acquisition program procurements.

(2) INFORMATION REPOSITORY.—The Secretary of Defense shall establish an information repository for major defense acquisition programs and an analysis of information related to domestic source content that can be used for continuous data analysis and program management activities.

(b) ENHANCED DOMESTIC CONTENT REQUIREMENT.—

(1) IN GENERAL.—For purposes of chapter 83 of title 41, United States Code, manufactured articles, materials, or supplies procured in connection with a major defense acquisition program are manufactured substantially all from articles, materials, or supplies mined, produced, or manufactured in the United States if such component articles, materials, or supplies comprise 100 percent of the manufactured articles, materials, or supplies.

(2) EFFECTIVE DATE.—The domestic content requirement under paragraph (1) applies to contracts entered into on or after October 1, 2021.

(c) MAJOR DEFENSE ACQUISITION PROGRAM DEFINED.—In this section, the term major defense acquisition program has the meaning given the term in section 2303 of title 10, United States Code.

SA 154. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1. CLIMATE SECURITY ENVOY.

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2551a) is amended—

(1) by redesigning subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

"(g) CLIMATE SECURITY ENVOY.—

"(1) IN GENERAL.—Not later than 120 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2021, the President shall appoint, by and with the advice and consent of the Senate, a Climate Security Envoy who shall serve in the Bureau of Oceans and International Environmental and Scientific Affairs of the Department of State.

"(2) DUTIES.—The Climate Security Envoy—

"(A) shall develop a climate security policy in accordance with paragraph (3); and

"(B) shall coordinate the implementation of scientific data on the current and anticipated effects of climate change into applied strategies across programmatic and regional bureaus of the Department to ensure that such strategies are considered into the Department’s decision making processes;"

"(C) shall serve as a key point of contact for other Federal agencies, including the Department of Defense, the Department of Homeland Security, and the Intelligence Community, on climate security issues;"
“(D) shall use the voice, vote, and influence of the United States to encourage other countries and international multilateral organizations to support the principles of the climate security policy developed under paragraph (3);”

“(E) shall perform such other duties and exercise such powers as the Secretary of State shall prescribe; and”

“(F) may not—

“(i) perform the functions of the Special Envoy for Climate Change to the United Nations;

“(ii) serve as the United States negotiator in any international forum to address climate change.

“(3) CLIMATE SECURITY POLICY.—The Climate Security Envoy shall develop and facilitate the implementation of a climate security policy that requires the Bureau of Conflict and Stabilization Operations, the Bureau of Political-Military Affairs, embassies, regional bureaus, and other offices with a role in conflict avoidance, prevention and security assistance, or humanitarian disaster response, prevention, and assistance to assess, develop, budget for, and, upon approval, implement plans, policies, and actions that—

“(A) to enhance the resilience capacities of foreign countries to the effects of climate change as a means of reducing the risk of conflict and instability;

“(B) to evaluate specific added risks to certain regions and countries that are—

“(i) vulnerable to the effects of climate change, and;

“(ii) strategically significant to the United States;

“(C) to account for the impacts on human health, safety, stresses, reliability, food production, fresh water and other critical natural resources, and economic activity;

“(D) to coordinate the integration of climate change risk and vulnerability assessments into the decision-making process for awarding foreign assistance;

“(E) to advance principles of good governance by encouraging foreign governments, particularly nations that are least capable of coping with the effects of climate change—

“(i) to conduct climate security evaluations; and

“(ii) to facilitate the development of climate security action plans to ensure stability and public safety in disaster situations in a predictable, sustainable, and socially responsible fashion;”

“(F) to evaluate the vulnerability, security, sustainability, and resiliency of United States interests and non-defense assets abroad;

“(4) REPORT.—The Climate Security Envoy shall regularly report to the Secretary of State regarding the activities described in paragraph (3);”

“(F) may not—

“(i) perform the functions of the Special Envoy for Climate Change to the United Nations;

“(ii) serve as the United States negotiator in any international forum to address climate change.

“(5) RANK AND STATUS OF AMBASSADOR.—The Climate Security Envoy shall have the rank and status of Ambassador-at-Large.

“(6) DEFINED TERM.—In this subsection, the term ‘climate security’ means the effects of climate change—

“(A) United States national security concerns and subnational, national, and regional political stability; and

“(B) climate security policies and activities relevant to climate change;

“(C) international migration of vulnerable and underserved populations;

“(D) the failure of national governments; and

“(E) gender-based violence; and

“(5) United States and allied military readiness, operations, and strategy.

“(4) PURPOSES.—The purposes of the evaluations conducted under subsection (a) are—

“(A) to conduct climate security evaluations;

“(B) to facilitate the development of climate security action plans to ensure stability and public safety in disaster situations in a predictable, sustainable, and socially responsible fashion;

“(C) to evaluate the vulnerability, security, sustainability, and resiliency of United States interests and non-defense assets abroad;

“(4) REPORT.—The Climate Security Envoy shall regularly report to the Secretary of State regarding the activities described in paragraph (3);”

“(F) may not—

“(i) perform the functions of the Special Envoy for Climate Change to the United Nations;

“(ii) serve as the United States negotiator in any international forum to address climate change.

“(5) RANK AND STATUS OF AMBASSADOR.—The Climate Security Envoy shall have the rank and status of Ambassador-at-Large.

“(6) DEFINED TERM.—In this subsection, the term ‘climate security’ means the effects of climate change—

“(A) United States national security concerns and subnational, national, and regional political stability; and

“(B) climate security policies and activities relevant to climate change;

“(C) international migration of vulnerable and underserved populations;

“(D) the failure of national governments; and

“(E) gender-based violence; and

“(5) United States and allied military readiness, operations, and strategy.

“(4) PURPOSES.—The purposes of the evaluations conducted under subsection (a) are—

“(A) to conduct climate security evaluations;

“(B) to facilitate the development of climate security action plans to ensure stability and public safety in disaster situations in a predictable, sustainable, and socially responsible fashion;

“(C) to evaluate the vulnerability, security, sustainability, and resiliency of United States interests and non-defense assets abroad;

“(4) REPORT.—The Climate Security Envoy shall regularly report to the Secretary of State regarding the activities described in paragraph (3);”

“(F) may not—

“(i) perform the functions of the Special Envoy for Climate Change to the United Nations;

“(ii) serve as the United States negotiator in any international forum to address climate change.

“(5) RANK AND STATUS OF AMBASSADOR.—The Climate Security Envoy shall have the rank and status of Ambassador-at-Large.

“(6) DEFINED TERM.—In this subsection, the term ‘climate security’ means the effects of climate change—

“(A) United States national security concerns and subnational, national, and regional political stability; and

“(B) climate security policies and activities relevant to climate change;

“(C) international migration of vulnerable and underserved populations;

“(D) the failure of national governments; and

“(E) gender-based violence; and

“(5) United States and allied military readiness, operations, and strategy.

“(4) PURPOSES.—The purposes of the evaluations conducted under subsection (a) are—

“(A) to conduct climate security evaluations;

“(B) to facilitate the development of climate security action plans to ensure stability and public safety in disaster situations in a predictable, sustainable, and socially responsible fashion;

“(C) to evaluate the vulnerability, security, sustainability, and resiliency of United States interests and non-defense assets abroad;

“(4) REPORT.—The Climate Security Envoy shall regularly report to the Secretary of State regarding the activities described in paragraph (3);”

“(F) may not—

“(i) perform the functions of the Special Envoy for Climate Change to the United Nations;

“(ii) serve as the United States negotiator in any international forum to address climate change.

“(5) RANK AND STATUS OF AMBASSADOR.—The Climate Security Envoy shall have the rank and status of Ambassador-at-Large.

“(6) DEFINED TERM.—In this subsection, the term ‘climate security’ means the effects of climate change—

“(A) United States national security concerns and subnational, national, and regional political stability; and

“(B) climate security policies and activities relevant to climate change;

“(C) international migration of vulnerable and underserved populations;

“(D) the failure of national governments; and

“(E) gender-based violence; and

“(5) United States and allied military readiness, operations, and strategy.

“(4) PURPOSES.—The purposes of the evaluations conducted under subsection (a) are—

“(A) to conduct climate security evaluations;

“(B) to facilitate the development of climate security action plans to ensure stability and public safety in disaster situations in a predictable, sustainable, and socially responsible fashion;

“(C) to evaluate the vulnerability, security, sustainability, and resiliency of United States interests and non-defense assets abroad;

“(4) REPORT.—The Climate Security Envoy shall regularly report to the Secretary of State regarding the activities described in paragraph (3);”

“(F) may not—

“(i) perform the functions of the Special Envoy for Climate Change to the United Nations;

“(ii) serve as the United States negotiator in any international forum to address climate change.

“(5) RANK AND STATUS OF AMBASSADOR.—The Climate Security Envoy shall have the rank and status of Ambassador-at-Large.

“(6) DEFINED TERM.—In this subsection, the term ‘climate security’ means the effects of climate change—

“(A) United States national security concerns and subnational, national, and regional political stability; and

“(B) climate security policies and activities relevant to climate change;

“(C) international migration of vulnerable and underserved populations;

“(D) the failure of national governments; and

“(E) gender-based violence; and

“(5) United States and allied military readiness, operations, and strategy.

“(4) PURPOSES.—The purposes of the evaluations conducted under subsection (a) are—

“(A) to conduct climate security evaluations;

“(B) to facilitate the development of climate security action plans to ensure stability and public safety in disaster situations in a predictable, sustainable, and socially responsible fashion;

“(C) to evaluate the vulnerability, security, sustainability, and resiliency of United States interests and non-defense assets abroad;

“(4) REPORT.—The Climate Security Envoy shall regularly report to the Secretary of State regarding the activities described in paragraph (3);”

“(F) may not—

“(i) perform the functions of the Special Envoy for Climate Change to the United Nations;

“(ii) serve as the United States negotiator in any international forum to address climate change.

“(5) RANK AND STATUS OF AMBASSADOR.—The Climate Security Envoy shall have the rank and status of Ambassador-at-Large.

“(6) DEFINED TERM.—In this subsection, the term ‘climate security’ means the effects of climate change—

“(A) United States national security concerns and subnational, national, and regional political stability; and

“(B) climate security policies and activities relevant to climate change;

“(C) international migration of vulnerable and underserved populations;

“(D) the failure of national governments; and

“(E) gender-based violence; and

“(5) United States and allied military readiness, operations, and strategy.

“(4) PURPOSES.—The purposes of the evaluations conducted under subsection (a) are—

“(A) to conduct climate security evaluations;

“(B) to facilitate the development of climate security action plans to ensure stability and public safety in disaster situations in a predictable, sustainable, and socially responsible fashion;

“(C) to evaluate the vulnerability, security, sustainability, and resiliency of United States interests and non-defense assets abroad;

“(4) REPORT.—The Climate Security Envoy shall regularly report to the Secretary of State regarding the activities described in paragraph (3);”

“(F) may not—

“(i) perform the functions of the Special Envoy for Climate Change to the United Nations;

“(ii) serve as the United States negoR

""(iii) the expansion of geographical ranges of droughts, floods, and wildfires into regions that had not regularly experienced such phenomena;""""(iv) global sea level rise patterns and the expansion of geographical ranges affected by drought;""""(v) changes in marine environments that effect critical geostrategic waterways, such as the Arctic Ocean, the South China Sea, the South Pacific Ocean, the Barents Sea, and the Beaufort Sea.""""}

""(D) increased intensity and frequency of extreme weather conditions and events, such as flooding, drought, and extreme storm events, including tropical cyclones.""
(a) Short Title.—This section may be cited as "Countering Global White Supremacist Terrorism Act".

(b) Findings.—Congress finds the following:

(1) "White Identity Terrorism" is the term used by the Department of State to encompass white nationalist and white supremacist terrorists. Individuals who adhere to white nationalist and white supremacist ideologies share a common belief that white people and "white identity" in western countries are under threat and pursue the destruction of pluralistic values intrinsic to the American way of life.

(2) The Global Terrorism Database and corresponding terrorism index have recorded a rise in the number and lethality of white identity terrorist incidents during the past decade, both domestically and internationally.

(3) Various individuals, networks, and organizations fall under the umbrella of the global white identity terrorist movement, whose adherents are becoming increasingly internationalized, with fighters and terrorist ideology moving across borders.

(4) Irresponsible social media sites are enabling the internationalization of the white identity terrorist movement in terms of organization and recruitment. State and non-state actors have helped to build a global, multinational terrorist network, including by translating terrorist manifestos and promoting other violent extremist content. This activity includes countries hosting "troll farms" to exacerbate fears of immigrants, Muslims, Jews, and other minorities in western countries among potently sympathetic audiences.

(5) Evidence is sufficient that adherents of the white identity movement in the United States are increasingly traveling overseas for training, further contributing to the internationalization of white identity terrorism. Jihadist experiences in Afghanistan, Iraq, and Syria highlight the dangers that such individuals can pose because of the connections and capabilities they bring with them when they return home.

(6) The global white identity terrorist movement has manifested a decentralized organizational structure, with non-state actors helping individuals to operate independently from one another and execute terrorist attacks on their own. This approach poses challenges to law enforcement to track, monitor, and disrupt planned violence. In the same way that Islamist terrorists have looked to figures in al-Qaeda and the Islamic State, white identity terrorists draw on one another for inspiration.

(7) The growing global interconnectivity of the white identity terrorist movement means that the United States must confront this threat as part of an integrated, whole-of-government approach.

(c) Counteracting White Identity Terrorism Globally.

(1) Strategy and Coordination.—Not later than 6 months after the date of the enactment of this Act, the Secretary of State shall—

(A) develop and submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a Department of State-wide strategy entitled the "Department of State Strategy for Countering White Identity Terrorism Globally" (in this subsection referred to as the "strategy").

(B) designate the Coordinator for Counterterrorism of the Department of State to coordinate implementation of the strategy.

(C) consult with the Director of the National Counterterrorism Center, the Attorney General, the Director of National Intelligence, and the Secretary of Homeland Security, and if necessary, the Director of the Federal Bureau of Investigation, the Attorney General, and the Secretary of Homeland Security, the Director of the Federal Intelligence Center and in coordination with relevant Federal departments and agencies, and other relevant Federal departments and agencies, including the Department of Justice, the Department of Homeland Security, the Department of State, the Department of Defense, and other entities.

(2) Annual Strategy Reports.—The Coordinator shall, not later than 1 year after the date of the enactment of this Act, and annually thereafter, submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report describing the development and implementation of the strategy.

(3) Strategy and Coordination.—The Secretary of State shall develop the strategy in coordination with the Director of the National Counterterrorism Center and in consultation with the Director of the Central Intelligence Agency, the Director of National Intelligence, the Director of Homeland Security, the Director of the Federal Bureau of Investigation, and the Director of National Intelligence, in coordination with the heads of relevant Federal departments and agencies, and other relevant Federal departments and agencies.

(4) Interagency Coordination.—The Secretary of State shall, in consultation with the Director of the National Counterterrorism Center, the Attorney General, and the Secretary of Homeland Security, in consultation with the heads of relevant Federal departments and agencies, and other relevant Federal departments and agencies, develop and implement a strategy to counter the threat of white identity terrorism.

(5) Annual Strategy Reports.—The Coordinator shall, not later than 1 year after the date of the enactment of this Act, and annually thereafter, submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report describing the development and implementation of the strategy.

(6) Implementation.—Not later than 3 months after the submission of the strategy, the Secretary of State shall begin implementing the strategy.

(7) Consultation.—Not later than 3 months after the date of the enactment of this Act, the Secretary of State shall consult with the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives regarding the development and implementation of the strategy.
SEC. 01. SHORT TITLE.

This title may be cited as the “Advancing Competitiveness, Transparency, and Security in the Western Hemisphere Act of 2020.”

SEC. 02. FINDINGS.

Congress makes the following findings:

(1) The People’s Republic of China has dramatically increased engagement with Latin America and the Caribbean since 2004. Latin America is the second largest destination for Chinese foreign direct investment. China has become the top trading partner of Brazil, Chile, Peru, and Uruguay. China’s trade with Latin America has grown from $17,000,000,000 in 2002 to $306,000,000,000 in 2018.

(2) Between 2005 and 2018, the People’s Republic of China provided Latin America with an estimated $41,000,000,000 in development loans and other assistance. The annual amount of such loans and assistance consistently surpasses the annual sovereign lending to Latin America and the Caribbean from either the World Bank or the Inter-American Development Bank.

(3) The People’s Republic of China—

(A) is investing extensively across the region’s extractive sector and agricultural supply chains to more effectively control raw materials supply and pricing;

(B) has acquired and built new port facilities and other transport and energy infrastructure in Brazil, Panama, Cuba, and Salvador, and elsewhere in the region to expand its footprint in Latin America; and

(C) has developed strong partnerships and engaged in extensive deal-making in telecommunications and other technology-intensive sectors in the Latin American and Caribbean region.

(4) In 2015, the People’s Republic of China and countries of the Community of Latin American and Caribbean States (CELAC) held the first meeting of the China-CELAC Ministers Forum. They agreed to a 5-year cooperation plan regarding politics, security, trade, investment, finance, infrastructure, energy, resources, industry, agriculture, culture, people-to-people exchanges. China is also active in other regional institutions, including multilateral development banks.

(5) The United States Southern Command has warned that China’s space and telecommunications ventures in Latin America and the Caribbean have created United States obligations. It is essential to addressing initiatives by rival powers, such as China, to increase their presence and influence over governments in Latin America and the Caribbean at the expense of strategic United States’ economic and security interests.

(6) China isальная с wrestler in relations with countries in the Western Hemisphere as it seeks to strengthen its military presence in the region, and against the backdrop of competition with the United States. China is also expanding its economic presence in the region, providing other forms of economic support; China has established partnerships with countries in the Western Hemisphere to promote the rule of law and support the competitiveness, transparency, and security in the region.

(7) China promotes the repressive use of technology—

(A) by selling crowd control weapons and riot gear used against demonstrators; and

(B) by developing tracking systems that can be used by governments to surveil and monitor their populations.

(8) Although China did not originally include the Latin America and Caribbean region in its Belt and Road Initiative—

(A) at a summit of the Community of Latin American and Caribbean States in January 2018, China invited Latin America and the Caribbean to participate in the Belt and Road Initiative, referring to the region as a natural fit for a program that aims to improve connectivity between land and sea through jointly-built ports, projects, and infrastructure investments, and the provision of technical assistance and knowledge-sharing programs that strengthen regional governments’ and businesses’ capacity for engaging in sound negotiations and competitive economic interests, and protect the economic interests of their citizens;
S3446
CONGRESSIONAL RECORD — SENATE
June 25, 2020

(C) engaging in development investments that strengthen United States public and private sector ties to Western Hemisphere governments and businesses, promote shared conventions that open markets and fair competition are critical to sustained economic growth, enhance regional businesses’ ability to move up the value chain, and are environmentally sustainable; and
(D) raising awareness regarding how the proliferation of Chinese economic largesse and the increased adoption of Chinese surveillance technology can harm Western Hemisphere economies and undermine democratic institutions;
(E) empowering local and international media to detect and to carefully monitor investment activity in Latin America and the Caribbean to ensure accountability and uncover the malign affects of greater Chinese engagement, including a lack of transparency, facilitation of corruption, unsustainable debt, environmental damage, opaque labor and business practices of Chinese firms, and the increased likelihood of projects that leave host countries in unsustainable debt; and
(F) promoting greater economic engagement between the United States and other countries of the Western Hemisphere to spur economic development in the region and increase economic opportunities for the United States private sector.
SEC. 04. STATEMENT OF POLICY.
It is the policy of the United States—
(1) to expand United States’ engagement in the Western Hemisphere through economic and public diplomacy that strengthens political and economic relations, reinforces shared democratic values, and facilitates economic development in the Western Hemisphere; and
(2) to promote United States economic prosperity through increased engagement with Latin America and the Caribbean.
SEC. 05. DEFINITIONS.
In this title:
(1) CARIBBEAN.—The term “Caribbean” does not include Cuba, unless it is specifically named.
(2) LATIN AMERICA AND THE CARIBBEAN.—The term “Latin America and the Caribbean” does not include Cuba, unless Cuba is specifically named.
(3) RULE OF LAW.—The term “rule of law” refers to a durable system of institutions and processes founded on the universal principles of—
(A) accountability;
(B) just laws that protect fundamental freedoms;
(C) open and transparent government processes; and
(D) accessible and impartial dispute resolution.
SEC. 06. ASSESSING THE INTENTIONS OF THE PEOPLE’S REPUBLIC OF CHINA IN THE WESTERN HEMISPHERE.
(a) DEFINITION.—In this section, the term “appropriate congressional committees” means—
(1) the Committee on Foreign Relations of the Senate;
(2) the Select Committee on Intelligence of the Senate;
(3) the Committee on Foreign Affairs of the House of Representatives; and
(4) the Permanent Select Committee on Intelligence of the House of Representatives.
(b) REPORTING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Director of National Intelligence and the Director of the Central Intelligence Agency, shall submit a report to the appropriate congressional committees that assesses the nature, intent, and impact to United States strategic interests of—
(1) Chinese economic activity in Latin America and the Caribbean, such as foreign direct investment, development financing, oil-for-jobs deals, other preferential trading arrangements, and investments related to China’s Belt and Road Initiative;
(2) the involvement of Chinese government entities and state-owned enterprises in infrastructure projects in Latin America and the Caribbean, such as—
(A) the building, renovating, and operating of port facilities, including the Margarita Port in Venezuela, the Port of Guayaquil in Ecuador, and the Port of Paranaguá in Brazil;
(B) the building and maintenance of the region’s telecom infrastructure, including the installation of 5G technologies, by Chinese companies, including Huawei, ZTE, and possibly others, and the likelihood that these companies will be the dominant providers of telecommunications infrastructure and associated products and services in the region, with great influence over Latin American governments;
(C) the building of Ministry of Foreign Affairs and Foreign Trade in Kingston, Jamaica, and other government facilities in the region;
(D) the building of Ecuador’s Coca Codo Sinclair Dam and other energy infrastructure projects in the region;
(E) Chinese military activity in the region, including military education and training programs, weapons sales, and space-related activities in the military or civilian spheres, such as the Chinese government’s installation of space control station China recently constructed in Argentina;
(F) Chinese security activity in Latin America and the Caribbean, including sales of surveillance and monitoring technology to regional governments such as Venezuela, Cuba, and Ecuador, and the potential use of such technology as tools of Chinese intelligence;
(G) Chinese intelligence engagement in Latin America and the Caribbean, and the development of new models;
(H) the nature of the People’s Republic of China’s presence in the region, and whether it is constituting a threatening, or benign to the United States, national interests; and
(I) Chinese diplomatic activity aimed at influencing the decisions, procedures, and programs of multilateral organizations, including the Organization of American States (OAS) and the Inter-American Development Bank (IDB), as well as the World Bank in Latin America and the Caribbean of the World Bank and International Monetary Fund (IMF).
(c) FORM.—The report required under subsection (b) shall be submitted in unclassified form and shall include classified annexes.
Subtitle A—Increasing Competitiveness in Latin America and the Caribbean
SEC. 11. DEVELOPING AND IMPLEMENTING A STRATEGY TO INCREASE ECONOMIC COMPETITIVENESS AND PROMOTE THE RULE OF LAW.
(a) STRATEGY REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of the Treasury, the Secretary of Commerce, the Attorney General, the United States Trade Representative, and the leadership of the United States International Development Finance Corporation, shall submit a multi-year strategy for increasing United States economic competitiveness and promoting the rule of law in Latin American and Caribbean countries, particularly in the areas of investment, sustainable development, commercial relations, anti-corruption activities, and infrastructure projects.
(1) the Committee on Foreign Relations of the Senate;
(2) the Committee on Finance of the Senate;
(3) the Committee on Foreign Affairs of the House of Representatives; and
(4) the Committee on Ways and Means of the House of Representatives.
(b) ADDITIONAL ELEMENTS.—The strategy submitted pursuant to subsection (a) shall include a plan of action to—
(1) identify and mitigate obstacles to economic growth in Latin America and the Caribbean;
(2) promote the rule of law as a means to ensure fair competition, combat corruption, and strengthen legal structures critical to robust democratic governance;
(3) identify and mitigate obstacles to economic growth in Latin America and the Caribbean;
(4) maintain free and transparent access to the Internet and digital infrastructure in the Western Hemisphere; and
(5) facilitate a more competitive environment for United States’ businesses in Latin America and the Caribbean.
(c) REPORTING REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of State, in consultation with the Secretary of the Treasury, the Secretary of Commerce, the Attorney General, the United States Trade Representative, and the leadership of the United States International Development Finance Corporation, shall brief the congressional committees listed in subsection (a) on the implementation of this subtitle, including examples of successes and challenges.
SEC. 12. STRENGTHENING UNITED STATES INTERNATIONAL DEVELOPMENT FINANCE CORPORATION ENGAGEMENT IN THE CARIBBEAN AND THE WESTERN HEMISPHERE.
(a) SENSE OF CONGRESS.—It is the sense of Congress that—
(1) United States support for the development of competitive industries in Latin America and the Caribbean is necessary for workforce development, increased wages, and further economic development, will provide an opportunity to strengthen United States competitiveness; and
(2) the reliance of the BUILD Act of 2018 on the Gini coefficient to measure eligibility for development financing from the United States International Development Finance Corporation would exclude the Caribbean’s 12 countries from qualifying for development financing.
(b) ELIGIBILITY OF CARIBBEAN COUNTRIES FOR FINANCING THROUGH THE UNITED STATES INTERNATIONAL DEVELOPMENT FINANCE CORPORATION.—Section 1412(c) of the BUILD Act of 2018 (division F of Public Law 115–254) is amended by adding at the end the following:
“(3) INCLUSION OF CARIBBEAN COUNTRIES.—In addition to each country included among the countries receiving support as required by section 1412(c) of the BUILD Act of 2018, the United States International Development Finance Corporation shall include among the countries receiving support, the Caribbean countries (excluding Cuba) in a 10-year period beginning on the date of the enactment of the Advancing Competitiveness, Transparency, and Security in the Americas Act of 2020.”
June 25, 2020

Act of 2018, as amended by subsection (c), is further amended by adding at the end the following:

‘‘(d) FOREIGN POLICY GUIDANCE.—The Secretary of State, in accordance with the priorities identified in subsection (c), shall provide foreign policy guidance to the Corporation for Development Financing and Investment regarding the development of Latin American and Caribbean countries (excluding Cuba) by dedicating not less than 40 percent of development financing and equity investments to countries in Latin America and the Caribbean during the 10-year period beginning on the date of the enactment of the Act.’’.

SEC. 13. ADVANCING REGULATION OF FOREIGN INVESTMENT IN INFRASTRUCTURE PROJECTS TO PROTECT HOST COUNTRIES’ NATIONAL INTERESTS.

(a) FINDINGS.—Congress finds that the Committee on Foreign Investment in the United States (referred to in this subsection as ‘‘CFIUS’’), as set forth in section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565)—

(1) protects United States national security interests that are related to foreign direct investment in the United States economy; and

(2) provides a mechanism by which the United States Government can respond to concerns that foreign direct investment is contrary to the national interests of the United States (referred to in this subsection as the ‘‘national interests of the United States’’).

(b) ENGAGEMENT INITIATIVES.—The Secretary of State, in coordination with CFIUS, shall provide assistance to partner governments in Latin America and the Caribbean in developing their national narratives on foreign direct investment (FDI) and in establishing mechanisms to engage with legislators, financial regulators, and tax authorities to establish and strengthen regulatory frameworks, including those that could provide assurance that investments are not directed towards activities that undermine or conflict with the national interests of the United States.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary of State $10,000,000 for fiscal year 2020 to carry out the assistance described in paragraphs (b) and (c) and the strategy submitted under subsection (E) to—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(D) the Committee on Appropriations of the House of Representatives;

(E) the Committee on Foreign Affairs of the House of Representatives.

(2) IN GENERAL.—There is authorized to be appropriated to the Secretary of State $10,000,000 for each of the fiscal years 2021 through 2026 to carry out the assistance described in paragraphs (b) and (c) and the strategy submitted under subsection (E) to—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Appropriations of the House of Representatives;

(D) the Committee on Foreign Affairs of the House of Representatives.

(3) IN GENERAL.—There is authorized to be appropriated to the Secretary of State $10,000,000 for each of the fiscal years 2021 through 2026 to carry out the assistance described in paragraphs (b) and (c) and the strategy submitted under subsection (E) to—

(A) the Committee on Appropriations of the Senate;

(B) the Committee on Appropriations of the House of Representatives;

(C) the Committee on Foreign Relations of the Senate;

(D) the Committee on Appropriations of the Senate;

(E) the Committee on Appropriations of the House of Representatives.

(d) BRIEFING REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate committees in Congress a report on the activities set forth in subsection (c) to—

(1) the Committee on Foreign Relations of the Senate; and

(2) the Committee on Appropriations of the House of Representatives.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary of State $10,000,000 for fiscal year 2020 to carry out the activities described in subsections (b) and (c) and the strategy submitted under subsection (E) to—

(A) protect their respective country’s national interests; and

(B) provide technical assistance, including through—

(i) the development and implementation of project selection processes and procurement agreements, including—

(I) discussing, devising, and disseminating best practices, frameworks, and tools that—

(aa) ensure greater adherence to the rule of law;

(bb) promote greater transparency in infrastructure, trade, and development projects; and

(cc) more effectively regulate tender processes to minimize opportunities for corrupt practices;

(ii) strengthening legal structures as needed to ensure businesses agree to transparent, clear, and enforceable terms, cost overruns, and quality assurance, subject to the notification requirements applicable to expenditures from the Economic Support Fund under section 531(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2346(c)) to the extent that such funds are expended.

SEC. 14. STRENGTHENING INFRASTRUCTURE PROJECT SELECTION AND PROCUREMENT PROCESSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Persuasive corruption, as evidenced by the Odebrecht construction scandal and the Panama Papers, is an ingrained and longstanding challenge to doing business in Latin America and the Caribbean.

(2) China further exacerbates the levels of corruption in the region by engaging in corrupt practices when pursuing secure infrastructure contracts and procurement agreements.

(3) Procurement agreements not based exclusively on need, but also on capacity to pay or benefit from projects, can lead to projects that do not serve the best interests of the public.

(b) ENGAGEMENT INITIATIVES.—The Secretary of State, in coordination with the Administrator of the United States Agency for International Development, the Chief Executive Officer of the United States International Development Finance Corporation, the Director of the United States Trade Development Agency’s Global Procurement Initiative, and representatives of the Department of the Treasury’s Office of Technical Assistance, shall consult with representatives of the private sector and nongovernmental organizations in the United States, Latin America, and the Caribbean to engage with legislators, financial regulators, and tax authorities to establish and strengthen regulatory frameworks, including those that could provide assurance that investments are not directed towards activities that undermine or conflict with the national interests of the United States.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary of State $10,000,000 for fiscal year 2020 to carry out the assistance described in subsections (b), (c), and (d) to—

(A) the Committee on Appropriations of the Senate;

(B) the Committee on Appropriations of the House of Representatives.

(d) BRIEFING REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate committees in Congress a report on the activities set forth in subsections (b), (c), and (d) to—

(1) the Committee on Foreign Relations of the Senate; and

(2) the Committee on Appropriations of the House of Representatives.

(e) BASELINE ASSESSMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the congressional committees referred to in subsection (d) that assesses, based on credible indices of the performance of the rule of law (including the World Justice Project’s Rule of Law Index), the progress made by Latin American and Caribbean governments toward strengthening the rule of law, reducing corruption, and creating greater transparency in business practices, including through—

(1) standardizing and regulating procurement practices; and

(2) streamlining, modernizing, and digitizing records for public procurement and customs duties.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary of State for fiscal year 2020, $5,000,000 to carry out the activities set forth in subsections (b), (c), and (d) to—

(a) the Committee on Appropriations of the Senate;

(b) the Committee on Appropriations of the House of Representatives.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary of State $10,000,000 for fiscal year 2020 to carry out the activities described in subsections (b), (c), and (d) and the strategy submitted under subsection (E) to—

(A) protect their respective country’s national interests; and

(B) provide technical assistance, including through—

(i) the development and implementation of project selection processes and procurement agreements, including—

(ii) discussing, devising, and disseminating best practices, frameworks, and tools that that—

(aa) ensure greater adherence to the rule of law;

(bb) promote greater transparency in infrastructure, trade, and development projects; and

(cc) more effectively regulate tender processes to minimize opportunities for corrupt practices;

(iii) strengthening legal structures as needed to ensure businesses agree to transparent, clear, and enforceable terms, cost overruns, and quality assurance, subject to the notification requirements applicable to expenditures from the Economic Support Fund under section 531(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2346(c)) to the extent that such funds are expended.

SEC. 15. PROMOTING THE RULE OF LAW IN DIGITAL GOVERNANCE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that United States engagement with Latin America and the Caribbean regarding digital infrastructure and security should—

(1) help protect privacy, civil liberties, and human rights; and

(2) strengthen institutions aimed at fighting cybercrimes.

(b) IN GENERAL.—The Secretary of State, in coordination with the Department of Justice, shall conduct diplomatic engagement to support the adoption and facilitation by Latin American and Caribbean governments’ adoption of standards to address cybercrimes, such as institutionalizing the recommendations of the Organization of American States’ Meeting of Ministers of Justice or other Ministers or Attorneys General of the Americas.
S3448

CONGRESSIONAL RECORD — SENATE June 25, 2020

Working Group on Cybercrime (December 2016: OEA/Ser. KXXXIV), including—

(1) adopting or updating procedural measures and legislation necessary to ensure the collection and preservation of all forms of electronic evidence and their admissibility in criminal proceedings and trials and to enable States to assist one another in matters involving electronic evidence with due regard for rights to privacy and due process;

(2) developing and implementing national strategies to deter, investigate, and prosecute cybercrime as part of a broader and more coordinated effort to protect the information technology systems and networks of citizens, businesses, and governments;

(3) developing partnerships among Latin American and Caribbean officials responsible for preventing, investigating, and prosecuting such crimes, and the private sector, in order to streamline and improve the procurement of information in the context of mutual assistance proceedings; and

(4) working, in cooperation with like-minded democracies in international organizations, to advance standards for digital governance and promote a free and open Internet.

(c) SEMIANNUAL BRIEFING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter until the date that is 5 years after such date of enactment, the Secretary of State shall brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives regarding the implementation of the strategy described in subsection (b).

SEC. 16. INVESTING IN PROJECTS THAT STRENGTHEN THE REGION’S DIGITAL INFRASTRUCTURE.

(a) FINDINGS.—Congress makes the following findings:


(A) the digital economy fosters growth and productivity and supports inclusive development by improving accessibility by previously marginalized groups;

(B) access to digital infrastructure can provide these groups with a whole range of markets and services, including education, peer-to-peer interrogations, the sharing economy, crowdfunding, and online job matching services; and

(C) adoption and usage of digital technologies, with the productivity of capital and labor, enables the participation in global value chains, and contributes to greater inclusion by lowering transaction costs and expanding access to information.

(2) According to the Inter-American Development Bank, the combination of high rates of financial exclusion and high mobile penetration of mobile telephones represents a great opportunity to use technology to enable financial services to reach a part of the population in Latin America that has been underserved by traditional financial services.

(b) DIGITAL INFRASTRUCTURE ACCESS AND SECURITY STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with relevant Federal agencies, shall submit to Congress a strategy and implementation plan for increasing United States expertise and access to help Latin American and Caribbean governments—

(1) develop and secure their digital infrastructure;

(2) protect technological assets, including data privacy;

(3) advance cybersecurity to protect against cybercrime and cyberespionage; and

(4) create more equal access to economic opportunities for their citizens.

(c) STRATEGIES.—The strategy described in subsection (b) shall address—

(1) the severe digital divides between more wealthy urban centers and rural districts;

(2) the need for protection of citizens’ privacy; and

(3) the need to expand existing initiatives to allow public-private partnerships to increase access to mobile and decentralized electronic systems.

(d) CONSULTATION.—In creating the strategy described in subsection (b), the Secretary of State shall consult with—

(1) leaders of the United States telecommunications industry;

(2) other technology experts from non-governmental organizations and academia; and

(3) representatives from relevant United States Government agencies.

(e) SEMIANNUAL BRIEFING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter until the date that is 5 years after such date of enactment, the Secretary of State shall brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives regarding the implementation of the strategy described in subsection (b).

SEC. 17. COUNTERING FOREIGN CORRUPTION PRACTICES.

(a) IN GENERAL.—The Secretary of State, working through the Assistant Secretary of State for Economic and Business Affairs and the Assistant Secretary of State for International Narcotics and Law Enforcement Affairs, shall offer to provide technical assistance to governments in Latin America and the Caribbean; and the Secretary of State, in cooperation with the Assistant Secretary of State for International Narcotics and Law Enforcement Activities, shall offer to provide technical assistance to governments in Latin America and the Caribbean to assist members of their national legislatures and executive branch officials in establishing legislative and regulatory frameworks that are similar to those set forth in—

(1) section 30A of the Securities Exchange Act of 1934 (15 U.S.C. 78dd–1); and


(b) PURPOSES.—In carrying out subsection (a), the Secretary of State shall actively encourage partners to—

(1) adopt standards that deter fraudulent business practices and increase government and private sector accountability in Latin America and the Caribbean;

(2) to strengthen the investigative and prosecutorial capacity of government institutions in Latin America and the Caribbean to combat fraudulent business practices involving public officials;

(c) STRATEGY REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit a strategy for carrying out the activities described in subsections (a) and (b) to—

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Appropriations of the Senate;

(3) the Committee on Foreign Affairs of the House of Representatives; and

(4) the Committee on Appropriations of the House of Representatives.

(d) CONSULTATION.—In formulating the strategy described in subsection (c), the Secretary of State shall consult with the Secretary of the Treasury and the Attorney General.

(e) SEMIANNUAL BRIEFING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter until the date that is 5 years after such date of enactment, the Secretary of State shall provide a briefing regarding the activities described in subsections (a) and (b) and the strategy submitted under subsection (c) to—

(1) the Committee on Foreign Relations of the Senate; and

(2) the Committee on Foreign Affairs of the House of Representatives.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated—

(A) $10,000,000 to the Department of State for fiscal year 2021; and

(B) to carry out the activities set forth in subsections (a) and (b); and

(2) to develop the strategy submitted under subsection (c).

(g) APPROPRIATION REQUIREMENTS.—Amounts appropriated pursuant to paragraph (1) are subject to the notification requirements applicable to expenditures from the Economic Support Fund under section 531(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2346(c)) and the International Narcotics and Law Enforcement Fund under section 699 of the Foreign Assistance Act of 1961 (22 U.S.C. 2346(e)), to the extent that such funds are expended.

SEC. 18. COUNTERING MALIGN MALIGNANT BUSINESS PRACTICES.

(a) FINDINGS.—Congress makes the following findings:

(1) China has demonstrated a pattern of exploiting international economic laws in foreign states to its benefit, while ignoring such laws and norms when they interfere with China’s perceived national interest.

(2) China frequently relies on bribes to foreign government officials to ensure that it receives favorable terms on infrastructure deals and overstates the benefits or underplays the risks of proposed infrastructure projects.

(b) ALIENS INELIGIBLE FOR VISAS, ADMISSION, OR PAROLE.—An alien described in this subsection is an alien whom the Secretary of State or the Secretary of Homeland Security certifies that, in any of the following circumstances, the alien has reason to believe, is engaging or has engaged in acts of significant corruption in a country in Latin America or the Caribbean; and the Secretary of State or the Secretary of Homeland Security certifies that, in any of the following circumstances, the alien has reason to believe, is engaging or has engaged in acts of significant corruption in a country in Latin America or the Caribbean:

(1) has engaged in significant corruption in a country in Latin America or the Caribbean or other activities that would be criminal under United States law;

(2) has reason to believe, is engaging or has engaged in acts of significant corruption in a country in Latin America or the Caribbean; or

(3) otherwise ineligible to be admitted or paroled into the United States or to receive any benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(c) CURRENT VISAS REVOKED.—

(1) IN GENERAL.—An alien described in subsection (b) is subject to revocation of any visa or other entry documentation regardless of when the visa or other entry documentation is or was issued.

(2) IMMEDIATE EFFECT.—A revocation under paragraph (1)—

(A) shall take effect immediately; and

(B) shall automatically cancel any other valid visa or entry documentation that is in the alien’s possession.

(e) EXCEPTIONS.—Sanctions under subsections (c) and (d) shall not apply with respect to an alien if admitting or paroling the alien into the United States is necessary—

(1) to permit the United States to comply with relevant international agreements, including any international agreement the Secretary of State has reason to believe is engaging or has engaged in acts of significant corruption in a country in Latin America or the Caribbean;

(2) with respect to an alien if the President—

(A) shall take effect immediately; and

(B) shall automatically cancel any other valid visa or entry documentation that is in the alien’s possession.

(e) EXCEPTIONS.—Sanctions under subsections (c) and (d) shall not apply with respect to an alien if admitting or paroling the alien into the United States is necessary—

(1) to permit the United States to comply with relevant international agreements, including any international agreement the Secretary of State has reason to believe is engaging or has engaged in acts of significant corruption in a country in Latin America or the Caribbean;
(1) determines that such a waiver is in the national interest of the United States; and
(2) submits a notice of, and justification for, such waiver to the appropriate congressional committees.

SEC. 19. PROMOTING GREATER ENERGY SECURITY AND LESSER DEPENDENCE ON OIL IN THE CARIBBEAN.

(a) POLICY STATEMENT.—It is the policy of the United States to help Caribbean countries—
(1) achieve greater energy security;
(2) lower their dependence on imported fuels; and
(3) eliminate the use of petroleum products for the production of electricity.

(b) STRATEGY REQUIREMENT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State shall submit a multi-year strategy to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives for regional cooperation with Caribbean countries—
(1) to lower the region’s dependence on imported fuels, grow the region’s domestic energy production for the generation of electricity, and strengthen regional energy security;
(2) to lower the region’s dependence on oil in the transportation sector;
(3) to increase the region’s energy efficiency, energy conservation, and investment in alternatives to imported fuels;
(4) to improve grid reliability and modernize electricity transmission networks;
(5) to advance deployment of innovative solutions to expand community and individuals’ access to electricity; and
(6) to help reform the region’s energy markets to encourage good regulatory governance and to promote a climate of private sector investment.

(c) ELEMENTS.—The strategy required under subsection (b) shall include—
(1) a thorough review and inventory of United States Government activities to promote energy security in the Caribbean region and to reduce the region’s reliance on oil for electricity generation that are being carried out bilaterally, regionally, and in coordination with multilateral institutions;
(2) opportunities for marshaling regional cooperation—
(A) to overcome market barriers resulting from the small size of Caribbean energy markets;
(B) to address the high transportation and infrastructure costs faced by Caribbean countries;
(C) to ensure greater donor coordination between governments, multilateral institutions, multilateral banks, and private investors; and
(D) to expand regional financing opportunities to allow for lower cost energy entrepreneurship;
(3) measures to encourage each Caribbean government to ensure that it has—
(A) an independent utility regulator or equivalent;
(B) affordable access by third party investors to its electrical grid with minimal regulatory interference;
(C) effective energy efficiency and energy conservation;
(D) programs to address technical and non-technical issues;
(E) a plan to eliminate major market distortions;
(F) cost-reflective tariffs; and
(G) transitional efforts to reduce other taxes on clean energy solutions; and
(4) recommendations for how United States policy, technical, and economic assistance can be used in the region—
(A) to advance renewable energy development and the incorporation of renewable technologies into existing energy grids and the development and deployment of microgrids where appropriate and feasible;
(B) to create regional financing opportunities to allow for lower cost energy entrepreneurship;
(C) to deploy transaction advisors in the region to help attract private investment and break down any market or regulatory barriers; and
(D) to establish a mechanism for each host government to have access to independent legal advisors—
(i) to speed the development of energy-related contracts; and
(ii) to better protect the interests of Caribbean governments.

Subtitle B—Promoting Regional Security and Digital Security, and Protecting Human Rights in the Americas

SEC. 21. ENSURING THE INTEGRITY OF TELECOM AND DATA NETWORKS AND CRITICAL INFRASTRUCTURE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—
(1) allegations of espionage, intellectual property theft, hacking, and unscrupulous business practices, such as bribery and kickbacks, often accompany the entrance of Chinese companies into a region;
(2) the United States Government should assist Latin American and Caribbean governments and businesses to develop their own digital telecommunications networks to render them less susceptible to Chinese malfeasance; and
(3) strengthening and implementing intellectual property and cyber governance laws will boost innovation in the Latin America and the Caribbean.

(b) TECHNICAL ASSISTANCE.—The Secretary of State, working through the Office of the Coordinator for Cyber Issues of the Department of State, and in consultation with the Attorney General, the Director of the Federal Bureau of Investigation, and the Chief of the International Bureau of the Federal Communications Commission shall offer to provide technical assistance to partner governments in Latin America and the Caribbean to strengthen their capacity to promote digital security, including—
(1) defending the integrity of digital infrastructure and digital assets, including data storage systems, such as Cloud computing, proprietary data and personal information, and proprietary technologies;
(2) detecting, identifying, and investigating cybercrimes, including the collection of digital forensics; and
(3) developing appropriate enforcement mechanisms for cybercrimes;
(4) detecting and identifying perpetrators; and
(5) prosecuting cybercrimes and holding perpetrators accountable for such crimes.

(c) PROCUREMENT.—The Secretary of State, in providing the technical assistance described in subsection (b), shall prioritize working with national and regional law enforcement agencies, including—
(1) police forces;
(2) public prosecutors;
(3) attorneys general;
(4) courts; and
(5) other law enforcement and civilian intelligence entities, as appropriate.

(d) CYBER INTELLIGENCE.—The Secretary of State, in coordination with the Commander of the United States Cyber Command and the Director of National Intelligence, shall, as necessary, take steps to provide technical assistance to strengthen the capacity of partner governments in Latin America and the Caribbean—
(1) to protect the integrity of their telecom and data networks and their critical infrastructure; and
(2) to build and monitor secure telecom and data networks;
(3) to identify cyber threats and detect and deter cyber attacks; and
(4) to investigate cyber crimes, including the collection of digital forensic evidence;
(5) to protect the integrity of digital infrastructure and digital assets, including data systems (including Cloud computing), proprietary data, personal information, and proprietary technologies;
(6) to plan maintenance, improvements, and modernizations in a coordinated and regular fashion so as to ensure continuity and safety; and
(7) to protect the digital systems that manage roads, bridges, ports, and transportation hubs.

(e) BRIEFING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of State shall provide a briefing regarding the technical assistance described in subsection (b) and (d) to—
(1) the Committee on Foreign Relations of the Senate;
(2) the Committee on the Judiciary of the Senate;
(3) the Committee on Armed Services of the Senate;
(4) the Committee on Foreign Affairs of the House of Representatives;
(5) the Committee on the Judiciary of the House of Representatives; and
(6) the Committee on Armed Services of the House of Representatives.

SEC. 22. ADDRESSING THE RISKS THAT PERVASIVE SURVEILLANCE AND MONITORING TECHNOLOGIES POSE TO HUMAN RIGHTS.

(a) FINDINGS.—Congress makes the following findings:
(1) According to a 2018 report by Freedom House—
(A) China has stepped up efforts to use digital media to increase its own power, both inside and outside of China;
(B) in 2018, for the second year in a row, China was the worst abuser of Internet freedom, and during that year, the Government of China hosted media officials from dozens of countries for 2- and 3-week seminars on its sprawling system of censorship and surveillance;
(C) Chinese companies have supplied telecommunications hardware, advanced facial-recognition technology, and data analytics tools to a variety of governments with poor human rights records to benefit Chinese intelligence services and repressive local authorities;
(D) China’s Belt and Road Initiative includes a “Digital Silk Road” of Chinese-built fiber-optic networks that could expose Internet traffic to greater monitoring by local and Chinese intelligence agencies, given that China has determined to set the technical standards for how the next generation of traffic is coded and transmitted.

(2) As part of its engagement with Latin American and Caribbean governments, China has begun promoting the installation of pervasive surveillance camera systems, under the pretext of citizen security. In Bolivia, Ecuador, and Venezuela, to be financed, designed, installed, and maintained by companies linked to the Government of China.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—
(1) China is exporting its model for internal security and state control of society through advanced technology and artificial intelligence; and
(2) the adoption of surveillance systems can lead to breaches of citizens’ private information, increased censorship, violations of civil rights, and harassment of political opponents.
(c) Diplomatic Engagement.—The Secretary of State shall conduct diplomatic engagement with governments in Latin America and the Caribbean; and

(1) to help identify and mitigate the risks to civil liberties posed by pervasive surveillance and monitoring technologies; and

(2) to offer recommendations on ways to mitigate such risks.

(d) Internet Freedom Programs.—The Chief Foreign Officer of the United States Agency for Global Media, working through the Open Technology Fund, and the Secretary of State, working through the Bureau of Democracy, Human Rights, and Labor’s office of Internet Freedom and Business and Human Rights, shall expand and prioritize efforts to provide anti-censorship technology and advice to legal citizens in Latin America, in order to enhance their ability to safely access or share digital news and information without fear of repercussions or surveillance.

(e) Support for Civil Society.—The Secretary of State, in coordination with the Assistant Secretary of State for Democracy, Human Rights, and Labor and the Administrator of the United States Agency for International Development, shall work through nongovernmental organizations—

(1) to support and promote programs that support Internet freedom and the free flow of information online in Latin America and the Caribbean;

(2) to protect open, secure, and reliable access to the Internet in Latin America and the Caribbean;

(3) to provide integrated support to civil society for technology, digital safety, policy and advocacy, and applied research programs in Latin America and the Caribbean;

(4) to train journalists and civil society leaders in Latin America and the Caribbean on investigative techniques necessary to ensure press freedom and prevent government overreach in the digital sphere; and

(5) to assist independent media outlets and journalists in Latin America and the Caribbean to build their own capacity and develop high-impact, in-depth news reports covering governance and human rights topics.

(f) Briefing Requirement.—Not more than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of State, the Administrator of the United States Agency for International Development, and the Chief Executive Officer of the United States Agency for Global Media shall provide a briefing regarding the efforts described in subsections (c), (d), and (e) to—

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Appropriations of the Senate;

(3) the Committee on Foreign Affairs of the House of Representatives; and

(4) the Committee on Ways and Means of the House of Representatives.

SEC. 31. COUNTERACTING GROWING CHINESE EDUCATIONAL AND CULTURAL INFUENCE IN LATIN AMERICA AND THE CARIBBEAN.

(a) Finding.—According to a report by the National Endowment for Democracy—

(1) China has spent the equivalent of billions of dollars to shape public opinion and perceptions around the world through thousands of people-to-people exchanges, cultural activities, educational programs, and the development of official and information initiatives with global reach;

(2) the aim of Chinese influence efforts is intended to distract and manipulate the political and information environments in targeted countries; and

(3) the countries most vulnerable to Chinese efforts are those in which democratic institutions and rule of law are less developed.

(b) Sense of Congress.—It is the sense of Congress that China’s efforts to mold public opinion on the issues described in subsection (a) undermine influence in Latin America and the Caribbean and threaten democratic institutions and practices in the region.

(c) Strategy.—The Secretary of State, in coordination with the Assistant Secretary of State for Educational and Cultural Affairs, shall devise a strategy—

(1) to expand existing programs and, as necessary, design and implement educational, professional, and cultural exchanges and other programs to create and sustain multiple understanding with other countries necessary to advance United States foreign policy goals by cultivating people-to-people ties among current and future leaders that build enduring networks and personal relationships and promote United States national security and values;

(2) that includes the exchange of exchange visitor programs, including international visitor leadership programs and professional capacity building programs that prioritize building skills in entrepreneurship, promoting transparency, and technology; and

(3) to dedicate not less than 18 percent of the amounts appropriated to bilateral and multilateral military education programs, such as the International Military Education and Training program, for Latin America and the Caribbean during the 5-year period beginning on the date of the enactment of this Act.

(d) Modernization.—The Secretary of State shall take steps to modernize and strengthen existing programs receiving funding under subsection (a)—

(1) to ensure that such programs are vigorous, substantive, and the preeminent choice for educating, training and for Latin American and Caribbean partners;

(c) Required Elements.—The programs referred to under subsection (a) shall—

(1) provide training and capacity-building opportunities to Latin American and Caribbean security services;

(2) provide practical skills and frameworks for—

(A) improving the functioning and organization of security services in Latin America and the Caribbean;

(B) creating a better understanding of the United States and its values; and

(C) using technology for maximum efficiency and organization of security services in Latin America and the Caribbean;

(d) Internet Freedom Programs.—The Secretary of State, working through the Open Technology Fund, and the Secretary of State, the Administrator of the United States Agency for Global Media, working through the Bureau of Democracy, Human Rights, and Labor’s office of Internet Freedom and Business and Human Rights, shall expand and prioritize efforts to provide anti-censorship technology and advice to legal citizens in Latin America, in order to enhance their ability to safely access or share digital news and information without fear of repercussions or surveillance.

(e) Support for Civil Society.—The Secretary of State, in coordination with the Assistant Secretary of State for Democracy, Human Rights, and Labor and the Administrator of the United States Agency for International Development, shall work through nongovernmental organizations—

(1) to support and promote programs that support Internet freedom and the free flow of information online in Latin America and the Caribbean;

(2) to protect open, secure, and reliable access to the Internet in Latin America and the Caribbean;

(3) to provide integrated support to civil society for technology, digital safety, policy and advocacy, and applied research programs in Latin America and the Caribbean;

(4) to train journalists and civil society leaders in Latin America and the Caribbean on investigative techniques necessary to ensure press freedom and prevent government overreach in the digital sphere; and

(5) to assist independent media outlets and journalists in Latin America and the Caribbean to build their own capacity and develop high-impact, in-depth news reports covering governance and human rights topics.

(f) Briefing Requirement.—Not more than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of State, the Administrator of the United States Agency for International Development, and the Chief Executive Officer of the United States Agency for Global Media shall provide a briefing regarding the efforts described in subsections (c), (d), and (e) to—

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Appropriations of the Senate;

(3) the Committee on Foreign Affairs of the House of Representatives; and

(4) the Committee on Ways and Means of the House of Representatives.
(1) training for journalists and civil society leaders on investigative techniques necessary to improve transparency and accountability in government and the private sector; (2) training on investigative reporting relating to incidents of corruption and unfair trade, business and commercial practices, including the role of the Government of China in such activities; (3) training on investigative reporting relating to efforts the Government of China’s use of misinformation, disinformation, and state propaganda to influence public opinion in Latin America and the Caribbean; and (4) assistance for nongovernmental organizations to strengthen their capacity to monitor the activities described in paragraphs (2) and (3).

(c) Consultation.—In developing and implementing the initiatives under subsection (a), the Secretary of State shall consult with—

(1) nongovernmental organizations focused on transparency and combating corruption, such as Transparency International, the Latin American and Caribbean chapters of Transparency International, and similar organizations; and

(2) media organizations that promote investigative journalism and train organizations in investigative techniques necessary to ensure accountability, such as ProPublica, the Center for Public Integrity, and the International Consortium of Investigative Journalists.

(d) Annual Briefing Requirement.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit a written assessment to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that—

(1) in general.—The Secretary of State and the Secretary of Commerce shall prepare a written assessment of the economy and the role of the Government of China in the region.

(2) to identify trends in Chinese activities in the region.

(3) to determine whether the current staffing levels of the United States Foreign Commercial Service at all United States embassies and diplomatic offices in Latin America and the Caribbean are sufficient to successfully advance United States economic policy in Latin America and the Caribbean; and

(4) to include in the assessment a timeline and strategy for increasing such staffing levels.

(e) Authorization of Appropriations.—Amounts appropriated pursuant to paragraph (1) are subject to the notification requirements applicable to expenditures from the Economic Support Fund (section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2346(c)) and the International Narcotics and Law Enforcement Fund under section 409 of the Foreign Assistance Act of 1961 (22 U.S.C. 2289)), to the extent that such funds are expended.

Subtitle D—Resourcing for Success

SEC. 41. APPOINTMENT OF CHINA WATCH OFFICERS AT UNITED STATES EMBASSIES IN LATIN AMERICA AND THE CARIBBEAN.

(a) In General.—The Secretary of State shall direct the Chiefs of Mission at United States embassies and diplomatic missions in Latin America and the Caribbean, including Cuba, to designate a China Watch Officer, from among existing staff at the Post, to monitor and report on Chinese influence in the respective countries.

(b) Annual Meeting.—The Assistant Secretary for Western Hemisphere Affairs shall convene an annual meeting (either in person or by video conference call) of all of the China Watch Officers designated pursuant to subsection (a) to—

(1) discuss and compare developments in their individual countries;

(2) identify trends in Chinese activities in Latin America and the Caribbean and its subregions; and

(3) recommend potential strategies to mitigate or compete with Chinese activities in the region.

(c) Briefing Requirement.—Concurrent with the annual meeting described in subsection (b), China Watch Officers serving in Latin America and the Caribbean, including Cuba, shall brief—

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Foreign Affairs of the House of Representatives;

(3) the Assistant Secretary for Western Hemisphere Affairs and the China Watch Officers designated pursuant to subsection (a) shall be available for consultations with the staff of the congressional committees referred to in subsection (c).

SEC. 42. ASSESSING STAFFING NEEDS AT UNITED STATES EMBASSIES IN LATIN AMERICA AND THE CARIBBEAN.

(a) Staffing Assessment.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit the assessments and accompanying reports, if necessary, described in subsections (b) and (c) to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(b) Foreign Commercial Service Assessment.—

(1) in general.—The Secretary of State and the Secretary of Commerce shall prepare a written assessment of the economy and the role of the Government of China in the region.

(2) to identify trends in Chinese activities in the region.

(3) to determine whether the current staffing levels of the United States Foreign Commercial Service at all United States embassies and diplomatic offices in Latin America and the Caribbean are sufficient to successfully advance United States economic policy in Latin America and the Caribbean; and

(4) to include in the assessment a timeline and strategy for increasing such staffing levels.

(c) Public Diplomacy Assessment.—

(1) in general.—The Secretary of State shall prepare a written assessment of public diplomacy efforts by the Government of China in the region.

(2) to identify trends in Chinese activities in the region.

(3) to determine whether the current staffing levels of Foreign Service public diplomacy officers at all United States embassies and diplomatic offices in Latin America and the Caribbean are sufficient to—

(i) increase the overseas presence of United States Foreign Commercial Service officers in Latin America and the Caribbean; and

(ii) counter misinformation and disinformation efforts by the Government of China and the Government of Russia; and

(4) to include in the assessment a timeline and strategy for increasing such staffing levels.

(d) annual Reporting.—The Secretary of State shall submit a written report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that—

(1) determines whether the current staffing levels of the United States Foreign Commercial Service at all United States embassies and diplomatic missions in Latin America and the Caribbean are sufficient to—

(i) increase the overseas presence of United States Foreign Commercial Service officers in Latin America and the Caribbean; and

(ii) counter misinformation and disinformation efforts by the Government of China and the Government of Russia; and

(2) to identify trends in Chinese activities in the region.

(e) Authorization of Appropriations.—Amounts appropriated pursuant to paragraph (1) are subject to the notification requirements applicable to expenditures from the Economic Support Fund (section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2346(c)) and the International Narcotics and Law Enforcement Fund under section 409 of the Foreign Assistance Act of 1961 (22 U.S.C. 2289)), to the extent that such funds are expended.

(f) China Watch Officer; Limitation on Corporate Leadership.—Section 1004 (22 U.S.C. 6204) is amended—

(1) to state that—

(A) as used in this section, the term ‘China Watch Officer’ means a China Watch Officer designated pursuant to subsection (a);

(B) any reference to the China Watch Officer designated pursuant to subsection (a) shall be treated as referring to the China Watch Officer designated pursuant to subsection (a) together with the other China Watch Officers designated under subsection (a) as a group; and

(2) to prohibit the designated China Watch Officer from being a registered or corporate entity.

(g) Limitation on Membership.—Section 1004 (22 U.S.C. 6204) is amended—

(1) to state that—

(A) as used in this section, the term ‘China Watch Officer’ means a China Watch Officer designated pursuant to subsection (a);

(B) any reference to the China Watch Officer designated pursuant to subsection (a) shall be treated as referring to the China Watch Officer designated pursuant to subsection (a) together with the other China Watch Officers designated under subsection (a) as a group; and

(2) to prohibit any registered entity from being designated as a China Watch Officer.
(1) In subsection (a)—
(2) in paragraphs (20), by striking “authority to determine membership of their respective boards, and”;
(3) in paragraph (21), by striking “including authority to name and replace the board of any grantee authorized under this chapter, including with Federal officials,”; and
(4) in the section heading, by striking at the end the following: “(2) To—”.

“(A) require semi-annual content reviews of each language service of each surrogate network, consisting of a review of at least 10 percent of available weekly content, by fluent language speakers and experts without direct affiliation to the language service being evaluated who are seeking any evidence of inappropriate or unprofessional content, which shall be submitted to the Office of Policy and Research and the Chief Executive Officer; and

“(B) submit a list of anomalous reports to the appropriate congressional committees, including status updates on anomalous services during the 3-year period commencing on the date of receipt of the first report of biased, unprofessional, or otherwise problematic content, and grants in aid of the programs described in paragraphs (a) and (b) of subsection (f);”.

“(2) by inserting at the end the following:

“(c) LIMITATION ON CORPORATE LEADERSHIP OF GRANTEES.—

“(1) EXECUTIVE.—The Chief Executive Officer may not award any grant under subsection (a) to RFE/RL, Inc., Radio Free Asia, the Middle East Broadcasting Networks, the Open Technology Fund, or any other corporately authorized grantee (collectively referred to as the ‘Agency Grantees’) unless the corporation documents of the grantee require that the corporate leadership and Board of Directors of the grantee be selected in accordance with this Act.

“(2) CONFLICTS OF INTEREST.—

“(A) OFFICE OF THE CHIEF EXECUTIVE OFFICER.—The Chief Executive Officer may not serve on any of the corporate boards of any grantee under subsection (a), consistent with Federal law and the law of the State in which any such grantee is incorporated.

“(B) FEDERAL EMPLOYEES.—A full-time employee of a Federal agency may not serve on a corporate board of any grantee under subsection (a).”;

(d) INTERNATIONAL BROADCASTING ADVISORY BOARD.—The United States International Broadcast Act of 1994 (22 U.S.C. 6205) is amended—

“(1) in subsection (a)—

“(A) in general.—The International Broadcasting Advisory Board (referred to in this section as the ‘Advisory Board’) shall advise the Chief Executive Officer of the United States Agency for Global Media, as appropriate.

“(B) composition of the advisory board.—

“(1) in general.—The Advisory Board shall consist of 7 members, of whom—

“(A) 4 shall be appointed by the President, by and with the advice and consent of the Senate, in accordance with subsection (c); and

“(B) 1 shall be the Secretary of State.

“(2) chair.—The President shall designate, with the advice and consent of the Senate, the member appointed under paragraph (1)(A) to serve as chair of the Advisory Board.

“(3) party limitation.—Not more than 3 members of the Advisory Board appointed under paragraph (1)(A) may be affiliated with the same political party, except that, of the first group of members appointed under paragraph (1)(A)—

“(1) 2 members who are not affiliated with the same political party, shall be appointed for terms ending on the date that is 2 years after the date of the enactment of the United States Agency for Global Media Reform Act; and

“(ii) 2 members who are not affiliated with the same political party, shall be appointed for terms ending on the date that is 4 years after the date of the enactment of the United States Agency for Global Media Reform Act; and

“(ii) 2 members who are not affiliated with the same political party, shall be appointed for terms ending on the date that is 6 years after the date of the enactment of the United States Agency for Global Media Reform Act.

“(B) SECRETARY OF STATE.—The Secretary of State shall serve as a member of the Advisory Board for the duration of his or her tenure as Secretary of State.

“(C) OTHER FEDERAL AGENCIES.—No other representatives from any other Federal agencies may serve on the Advisory Board or corporate grantee boards or exert any influence on its members, consistent with firewall protections under section 305(b) and section 305.3 of title 22, Code of Federal Regulations.

“(D) SOLE CORPORATE BOARD.—The Advisory Board, consistent with applicable Federal and State laws, shall also serve as the sole corporate boards of Agency Grantee Networks (as defined in section 305(c)(1)).

“(2) VACANCY.—

“(A) IN GENERAL.—The President shall appoint, with the advice and consent of the Senate, additional members to fill vacancies on the Advisory Board occurring before the expiration of a term.

“(B) TERM.—Any members appointed pursuant to subparagraph (A) shall serve for the remainder of a term.

“(C) SERVICE BEYOND TERM.—Any member whose term has expired shall continue to serve as a member of the Advisory Board up to a term until a qualified successor has been appointed and confirmed by the Senate.

“(D) SECRETARY OF STATE.—When there is a vacancy in the office of Secretary of State, the Acting Secretary of State shall serve as a member of the Advisory Board until a new Secretary of State is appointed.”;

“(2) by redesignating subsection (d) as subsection (c);

“(3) by amending subsection (c), as redesignated—

“(A) in the subsection heading, by inserting “ADVISORY” before “BOARD”; and

“(B) in paragraph (2), by inserting “who are” before “distinguished”;

“(4) by striking subsections (e) and (f) and inserting the following:

“(d) FUNCTIONS OF THE ADVISORY BOARD.—

“The members of the Advisory Board shall—

“(1) provide the Chief Executive Officer of the United States Agency for Global Media, with advice and recommendations for improving the effectiveness and efficiency of the Agency and its programming;

“(2) meet with the Chief Executive Officer at least twice annually and at additional meetings at the request of the Chief Executive Officer or the Chair of the Advisory Board;

“(3) report periodically, or upon request, to the congressional committees specified in subsection (c)(2) regarding its advice and recommendations for improving the effectiveness and efficiency of the United States Agency for Global Media and its programming;

“(4) obtain information from the Chief Executive Officer, as needed, for the purposes of fulfilling the functions described in this subsection;

“(5) consult with the Chief Executive Officer regarding budget submissions and strategic plans before they are submitted to the Office of Management and Budget or to Congress;

“(6) advise the Chief Executive Officer to ensure that the Chief Executive Officer fully respects the professional integrity and editorial independence of United States Agency for Global Media broadcasters, networks, and granting agencies;

“(7) provide other strategic input to the Chief Executive Officer.

“(e) APPOINTMENT OF HEADS OF NETWORKS.—

“(1) IN GENERAL.—The head of Voice of America, of the Office of Cuba Broadcasting, of RFE/RL, Inc., of Radio Free Asia, of the Middle East Broadcasting Networks, of the Open Technology Fund, or of any other corporately authorized grantee may only be appointed or removed if such appointment or removal is approved by a majority vote of the Advisory Board.

“(2) REMOVAL.—After consulting with the Chief Executive Officer, the President may remove any member of the Advisory Board if the President determines that the member is no longer qualified to serve.

“(f) CLOSED SESSIONS.—The Advisory Board may meet in closed sessions in accordance with section 552b of title 5, United States Code.

“(g) COMPENSATION.—

“(1) IN GENERAL.—Members of the Advisory Board, while attending meetings of the Advisory Board or while engaged in duties relating to such meetings or in other activities of the Advisory Board under this section (including travel time) shall be entitled to receive compensation equal to the daily equivalent of the annual pay level IV of the Executive Schedule under section 5315 of title 5, United States Code.

“(2) TRAVEL EXPENSES.—While away from their homes or regular places of business, members of the Board may be allowed travel expenses, including per diem in lieu of subsistence, as authorized under section 5703 of such title for persons in the Government service employed intermittently.

“(3) SECRETARY OF STATE.—The Secretary of State shall not be entitled to any compensation under this title, but may be allowed travel expenses in accordance with paragraph (2).

“(h) SUPPORT STAFF.—The Chief Executive Officer, shall, from within the United States Agency for Global Media personnel, provide the Advisory Board with an Executive Secretary and such administrative staff as may be necessary to enable the Advisory Board to carry out subsection (d) and (e).

“(i) CONFORMING AMENDMENTS.—The United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.) is amended—

“(1) in section 304—

“(A) in the section heading, by striking “BROADCASTING BOARD OF GOVERNORS” and inserting “UNITED STATES AGENCY FOR GLOBAL MEDIA”;

“(B) in subsection (a), by striking “Broadcasting Board of Governors” and inserting “United States Agency for Global Media”;

“(2) by adding at the end the following:

“(23) To—
(C) in subsection (b)(1), by striking “Broadcasting Board of Governors” and inserting “United States Agency for Global Media”; and

(D) in subsection (c), by striking “Board” each place such term appears and inserting “Agency”;

(2) in section 305—

(A) in paragraph (a)—

(i) in paragraph (6), by striking “Board” and inserting “Agency”;

(ii) in paragraph (13), by striking “Board” and inserting “Agency”;

(iii) in paragraph (20), by striking “Board” and inserting “Agency”;

and

(iv) in paragraph (22), by striking “Board” and inserting “Agency”;

(B) in subsection (b), by striking “Board” each place such term appears and inserting “Agency”;

(C) in subsection (d), by striking “Board” and inserting “Agency”;

and

(D) in subsection (g), by striking “Board” each place such term appears and inserting “Agency”;

(3) in section 308—

(A) in subsection (a), by striking “Board” each place such term appears and inserting “Agency”;

(B) in subsection (b), by striking “Board” each place such term appears and inserting “Agency”;

(C) in subsection (d), by striking “Board” and inserting “Agency”;

and

(D) in subsection (g), by striking “Board” each place such term appears and inserting “Agency”;

(4) in section 309—

(A) in subsection (c)(1), by striking “Board” each place such term appears and inserting “Agency”;

(B) in subsection (e), in the matter preceding paragraph (1), by striking “Board” and inserting “Agency”;

(C) in subsection (f), by striking “Board” each place such term appears and inserting “Agency”;

and

(D) in subsection (g), by striking “Board” and inserting “Agency”;

(5) in section 310(a), by striking “Broadcasting Board of Governors” and inserting “United States Agency for Global Media”;

(6) in section 310(b), by striking “Board” and inserting “Agency”;

(7) in section 310(d), by striking “Board” and inserting “Agency”;

(8) in section 311(a), in the matter preceding paragraph (1), strike “Board” and insert “Agency”;

(9) in section 314, by striking “(4) the terms ‘Board’ and the Chief Executive Officer of the Board of Directors of Broadcasting Board of Governors” and inserting the following:

“(2) the terms ‘Agency’ and ‘Chief Executive Officer of the Agency’ mean the United States Agency for Global Media and the Chief Executive Officer of the United States Agency for Global Media, respectively”; and

(10) in section 315—

(A) in subsection (a)(1), by striking “Broadcasting Board of Governors” and inserting “United States Agency for Global Media”;

and

(B) in subsection (c), by striking “Broadcasting Board of Governors” and inserting “United States Agency for Global Media”;

(11) in section 316—

(A) Notwithstanding any other provision of law, the United States Agency for Global Media may not revise Part 331 of title 22, Code of Federal Regulations, which is in effect on June 11, 2020, without explicit authorization by an Act of Congress.

SA 1961. Mr. MENENDEZ (for himself and Mr. YOUNG) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitile B of title XII, add the following:

SEC. 1216. CONGRESSIONAL OVERSIGHT OF UNRESTRICTED TALKS WITH TALIBAN OFFICIALS AND AFGHANISTAN’S COMPREHENSIVE PEACE PROCESS

(a) Definitions.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate;

and

(B) the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence of the House of Representatives.

(2) GOVERNMENT OF AFGHANISTAN.—The term “Government of Afghanistan” means the Government of the Islamic Republic of Afghanistan and its instrumentalities, and controlled entities.

(3) THE TALIBAN.—The term “the Taliban”—

(A) refers to the organization that refers to itself as the “Islamic Emirate of Afghanistan”, that was founded by Mohammed Omar, and that is currently led by Mawlawi Hibatullah Akhundzada; and

(B) includes subordinate organizations, such as the Haqqani Network, and any successor organization.

(4) FEBRUARY 29 AGREEMENT.—The term “February 29 Agreement” refers to the political arrangement between the United States and the Taliban titled “Agreement for Bringing Peace to Afghanistan Between the Islamic Emirate of Afghanistan which is not recognized by the United States as a state and is known as the Taliban and the United States of America” signed at Doha, Qatar February 29, 2020.

(b) OVERSIGHT OF PEACE PROCESS AND OTHER AGREEMENTS.—

(1) TRANSMISSION TO CONGRESS OF MATERIAIS RELVANT TO THE FEBRUARY 29 AGREEMENT.—The Secretary of State, in consultation with the appropriate congressional committees materials relevant to the February 29 Agreement.

(2) SUBMISSION TO CONGRESS OF ANY FUTURE DEALS INVOLVING THE TALIBAN.—The Secretary of State shall submit to the appropriate congressional committees materials relevant to the February 29 Agreement.

(c) REPORT AND BRIEFING ON VERIFICATION AND COMPLIANCE.—

(1) IN GENERAL.—

(A) REPORT.—Not later than 90 days after the date of the enactment of this Act and not less frequently than once every 120 days thereafter, the President shall submit to the appropriate congressional committees a report verifying whether the key tenets of the February 29 Agreement, or future agreements, and accompanying implementing frameworks are being preserved and honored.

(B) BRIEFING.—At the time of each report submitted under subparagraph (A), the Secretary of State shall direct a Senate-convened appropriations subcommittee and other appropriate officials to brief the appropriate congressional committees on the contents of the report. The Director of National Intelligence shall also direct an appropriate official to participate in the briefing.

(2) ELEMENTS.—The report and briefing required under paragraph (1) shall include—

(A) an assessment of the Taliban’s compliance with counterterrorism guarantees, including guarantees to deny safe haven and freedom of movement to al-Qaeda and other terrorist threats from operating on territory under its influence; and

(B) an assessment of whether the United States intelligence community has collected any intelligence indicating the Taliban does not intend to uphold its commitments;

(C) an assessment of whether the Taliban are engaged in human rights abuses, including the Taliban’s actions against Afghans; and

(D) an assessment of whether the Taliban are engaged in human rights abuses, including the Taliban’s actions against Afghans;

(3) OTHER REQUIREMENTS.—In addition to the requirements for the reports and briefings under this section, the Secretary of State shall—

(A) in consultation with the appropriate congressional committees, submit a report to the Senate providing an overview of how the United States and its allies have provided support to the Afghan government and its security forces;

(B) in consultation with the appropriate congressional committees, submit a report to the Senate describing the role of the Taliban in the Afghan conflict and the implications for United States policy;

(C) in consultation with the appropriate congressional committees, submit a report to the Senate describing the Taliban’s efforts to advance their agenda, including any changes in their behavior since the February 29 Agreement;

(D) in consultation with the appropriate congressional committees, submit a report to the Senate describing the Taliban’s efforts to advance their agenda, including any changes in their behavior since the February 29 Agreement;
(Q) an assessment of corruption in Government of Afghanistan institutions at the district, provincial, and central levels of government;

(R) an assessment of the number of Taliban and Afghan prisoners and any plans for the release of such prisoners from either side;

(S) an assessment of any malign Iranian, Chinese, and Russian influence in Afghanistan;

(T) an assessment of how other regional actors, such as Pakistan, are engaging with Afghanistan;

(U) a detailed overview of national-level efforts to promote transitional justice, including forensic efforts and documentation of war crimes, economic sanctions, or criminal investigations against humanity, redress to victims, and reconciliation activities;

(V) A detailed overview of United States support for Government of Afghanistan and civil society efforts to promote peace and justice at the local level and how these efforts are informing government-level policies and negotiations;

(W) an assessment of the progress made by the Afghanistan Ministry of Interior and the Office of the Attorney General to address gross violations of human rights (GVHRs) by civilian security forces, Taliban, and non-government armed groups, including:

(i) a breakdown of resources provided by the Government of Afghanistan towards these efforts and

(ii) a summary of assistance provided by the United States Government to support these efforts;

(X) an overview of civilian casualties caused by the Taliban, non-government armed groups, and Afghan National Defense and Security Forces including:

(i) an estimate of the number of destroyed or severely damaged civilian structures;

(ii) a description of steps taken by the Government of Afghanistan to minimize civilian casualties and other harm to civilians and civilian infrastructure;

(iii) an assessment of the Government of Afghanistan’s capacity and mechanisms for investigating reports of civilian casualties; and

(iv) an assessment of the Government of Afghanistan’s efforts to hold local military accountable for civilian casualties.

(3) COUNTERTERRORISM STRATEGY.—In the event a nation does not meet its counterrorism obligations under the February 29 Agreement, the report and briefing required under this subsection shall include information detailing the United States’ counterrorism strategy in Afghanistan and Pakistan.

(4) FORM.—The report required under subparagraph (A) of paragraph (1) shall be submitted in unclassified form, but may include a classified annex, and the briefing required under subparagraph (B) of such paragraph shall be conducted at the appropriate classification level.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall prejudice whether a future counterterrorism strategy in Afghanistan’s capacity and mechanisms for investigating reports of civilian casualties; and

(e) for subsections (a) and (d), the provisions of this section shall cease to be effective on the date that is 5 years after the date of the enactment of this Act.

SA 1962. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill S. 409, to authorize appropriations for fiscal year 2021 for military construction and Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 10.

DESIGNATION OF NATIONAL HERITAGE AREAS.

(a) DEFINITIONS.—In this section:

(1) LOCAL COORDINATING ENTITY.—The term ‘local coordinating entity’ means the entity designated by Congress—

(A) to carry out, in partnership with other individuals and entities, the management plan for a National Heritage Area; and

(B) to operate the National Heritage Area, including through the implementation of projects and programs among diverse partners in the area.

(2) NATIONAL HERITAGE AREA.—The term ‘National Heritage Area’ means a component of the National Heritage Area System described in subsection (b)(2).

(3) NATIONAL HERITAGE AREA SYSTEM.—The term ‘National Heritage Area System’ means the system established by subsection (b)(1).

(d) RULE OF CONSTRUCTION.—Nothing in this section shall prejudice whether a future counterterrorism strategy in Afghanistan’s capacity and mechanisms for investigating reports of civilian casualties; and

(e) for subsections (a) and (d), the provisions of this section shall cease to be effective on the date that is 5 years after the date of the enactment of this Act.

SA June 25, 2020

(i) considered to be a unit of the National Park System; or

(ii) subject to the authorities applicable to units of the National Park System.

(4) DIRECTS.—Under the National Heritage Area System, the Secretary shall—

(A) review and approve or disapprove the management plan for a National Heritage Area in accordance with subsection (c)(3); and

(B) submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives reports describing the activities conducted with respect to National Heritage Areas in accordance with this section.

(5) AUTHORITY.—In carrying out this section, the Secretary may—

(i) conduct or review as applicable, feasibility studies in accordance with subsection (c)(1);

(ii) conduct an evaluation of the accomplishments of, and submit to Congress a report that includes recommendations regarding the role of National Park Service with respect to, each National Heritage Area, in accordance with subsection (c)(1);

(iii) use amounts made available under subsection (f) to provide technical and financial assistance, on a reimbursable or nonreimbursable basis, as determined by the Secretary,

(A) the development and implementation of management plans for National Heritage Areas; and

(B) the administration of National Heritage Areas;

(iii) enter into cooperative agreements with other Federal agencies, States, Tribal governments, local governments, local coordinating entities, and other interested individuals and entities to achieve the purposes of the National Heritage Area System;

(iv) provide information, promote understanding, and encourage research regarding National Heritage Areas, in partnership with local coordinating entities; and

(v) provide national oversight, analysis, coordination, technical and financial assistance, and support to ensure consistency and accountability of the National Heritage Area System.

(1) STUDIES.—

(A) IN GENERAL.—The Secretary may carry out a study to assess the suitability and feasibility of each proposed National Heritage Area for designation as a National Heritage Area.

(B) PREPARATION.—

(A) IN GENERAL.—A study under subparagraph (A) may be carried out—

(i) by the Secretary, in consultation with State and local historic preservation officers, State and local historical societies, State and local tourism offices, and other appropriate organizations and governmental agencies; or

(ii) by interested individuals or entities, if the Secretary certifies that the completed study meets the requirements of subparagraph (C).

(B) REQUIREMENTS.—A study under subparagraph (A) shall include analysis, documentation, and determinations on whether the proposed National Heritage Area—

(i) has an assemblage of natural, historic, and cultural resources that—

(ii) represents distinctive aspects of the heritage of the United States;
(II) are worthy of recognition, conservation, interpretation, and continuing use; and
(III) would be best managed—
(aa) through partnerships among public and private entities; and
(bb) by linking diverse and sometimes non-
contiguous resources and active commu-
nities.
(ii) reflects traditions, customs, beliefs, and folklore that are a valuable part of the story of the United States;
(iii) provides outstanding opportunities—
(I) demonstrating the heritage represented
by the Secretary, the Secretary may—
(A) conduct an evaluation of the accom-
plishments of a National Heritage Area in the National Heritage Area System through a spe-
cific reference to this section.
(3) MANAGEMENT PLAN.—
(A) In general.—The applicable local co-
ordinating entity shall develop a manage-
ment plan for a National Heritage Area in accordance with subparagraph (B).
(B) Requirements.—The management plan for a National Heritage Area shall—
(i) be developed using a comprehensive planning approach that includes—
(I) the roles of all participants (such as community members, local and regional gov-
ernments, Tribal governments, businesses, nonprofit organizations, and others)—
(aa) to be involved in the planning process; and
(bb) to review and comment on the draft plan; and
(ii) documentation of the planning and public participation processes, including a description of—
(aa) the means by which the management plan was prepared; and
(bb) the stakeholders involved in the process; and
(iii) the timing and method of stakeholder involvement;
(iv) include an inventory of the natural, historic, cultural, and scenic resources of the National Heritage Area relating to the na-
tionally significant events and activities that should be protected, enhanced, interpreted, managed, or developed;
(v) identify comprehensive goals, strate-
gies, policies, and recommendations for—
(I) demonstrating the heritage represented
by the National Heritage Area; and
(II) encouraging long-term resource protec-
tion, enhancement, interpretation, and de-
development;
(vi) include recommendations for ways in which Federal, State, Tribal government, and local entities may best be coordinated, including the role of the National Park Serv-
cice and other Federal agencies associated
with the National Heritage Area, to advance the purposes of this section; and
(vii) describe a strategy by which the local coordinating entity will achieve financial sustainability;
(viii) include an implementation program that identifies, with respect to the National Heritage Area—
(I) prioritized actions and criteria for se-
lecting future projects;
(II) existing and potential sources of funding;
(III) performance goals;
(iv) the means by which stakeholders will be involved; and
(V) the manner in which the management plan will be evaluated and updated;
(vii) include a business plan for the local coordinating entity that, at a minimum, ad-
dresses management and operation, products or services offered, the target market for
those products and services, and revenue streams; and
(viii) be submitted to the Secretary for ap-
proval by not later than 3 years after the date on which the Secretary certifies under
paragraph (1)(A) that the management plan meets the requirements of subparagraph (C).
(2) DESIGNATION.—
(A) IN GENERAL.—An area may be des-
ignated as a National Heritage Area only by
an Act of Congress.
(B) DESIGNATION.—On receipt of a report under paragraph (3)(A) recommending the designation of a proposed National Heritage Area as a National Heritage Area, Congress may designate
(i) a National Heritage Area the pro-
posed National Heritage Area that is the subject of the relevant feasibility study; and
(ii) a local coordinating entity to operate the National Heritage Area.
(C) TREATMENT AS COMPONENT OF NATIONAL HERITAGE AREA SYSTEM.—A National Her-
itage Area designated under subparagraph (B)(i) shall be a component of the National Heritage Area System, unless the law design-
ating the National Heritage Area exempts
the National Heritage Area from the Na-
tional Heritage Area System through a spe-
cific reference to this section.
(3) MANAGEMENT PLAN.—
(A) In general.—The applicable local co-
ordinating entity shall develop a manage-
ment plan for a National Heritage Area in accordance with subparagraph (B).
(B) Requirements.—The management plan for a National Heritage Area shall—
(i) be developed using a comprehensive planning approach that includes—
(I) the roles of all participants (such as community members, local and regional gov-
ernments, Tribal governments, businesses, nonprofit organizations, and others)—
(aa) to be involved in the planning process; and
(bb) to review and comment on the draft plan; and
(ii) documentation of the planning and public participation processes, including a description of—
(aa) the means by which the management plan was prepared; and
(bb) the stakeholders involved in the process; and
(iii) the timing and method of stakeholder involvement;
(iv) include an inventory of the natural, historic, cultural, and scenic resources of the National Heritage Area relating to the na-
tionally significant events and activities that should be protected, enhanced, interpreted, managed, or developed;
(v) identify comprehensive goals, strate-
gies, policies, and recommendations for—
(I) demonstrating the heritage represented
by the National Heritage Area; and
(II) encouraging long-term resource protec-
tion, enhancement, interpretation, and de-
development;
(vi) include recommendations for ways in which Federal, State, Tribal government, and local entities may best be coordinated, including the role of the National Park Serv-
cice and other Federal agencies associated
with the National Heritage Area, to advance the purposes of this section; and
(vii) describe a strategy by which the local coordinating entity will achieve financial sustainability;
(viii) include an implementation program that identifies, with respect to the National Heritage Area—
(I) prioritized actions and criteria for se-
lecting future projects;
(II) existing and potential sources of funding;
(III) performance goals;
(iv) the means by which stakeholders will be involved; and
(V) the manner in which the management plan will be evaluated and updated;
(vii) include a business plan for the local coordinating entity that, at a minimum, ad-
dresses management and operation, products or services offered, the target market for
those products and services, and revenue streams; and
(viii) be submitted to the Secretary for ap-
proval by not later than 3 years after the date on which the Secretary certifies under
paragraph (1)(A) that the management plan meets the requirements of subparagraph (C).
(D) EVALUATION.—
(1) IN GENERAL.—At reasonable and appro-
priate intervals, as determined by the Sec-
retary, the Secretary may—
(A) conduct an evaluation of the accom-
plishments of a National Heritage Area in the National Heritage Area System through a spe-
cific reference to this section.
(2) CONFORMING AMENDMENT.—Section 3652a(a) of Public Law 113–291 (54 U.S.C. 320101
note) is amended by striking paragraph (2).
(a) Federal share.—Except as otherwise provided in applicable law, any appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII, insert the following:

SEC. 8. REPORT ON USE OF DOMESTIC NON-AVAILABILITY DETERMINATIONS.

Not later than September 30, 2021, and annually thereafter, the Secretary of Defense shall submit a report to congressional defense committees: (1) describing in detail the use of any waiver or exception to the requirements of section 2533a of title 10, United States Code, relating to domestic nonavailability determinations; (2) providing reasoning for the use of each such waiver or exception; and (3) providing an assessment of the impact on the use of such waivers or exceptions due to the COVID–19 pandemic and associated challenges with investments in domestic sources.

SA 1963. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII, insert the following:

SEC. 3159. SENSE OF THE SENATE ON EXTENSION OF THE AGREEMENT SUSPENDING URANIUM IMPORTATION LIMITATIONS ON IMPORTATION OF URANIUM FROM RUSSIAN FEDERATION.

It is the sense of the Senate that—

(1) a secure nuclear fuel supply chain is essential to the economic and national security of the United States;

(2) the United States should—

(A) expeditiously complete negotiation of an extension of the Agreement Suspending the Antidumping Investigation on Uranium from the Russian Federation (commonly referred to as the “Russian Suspension Agreement”); or

(B) if an agreement to extend the Russian Suspension Agreement cannot be reached, impose antidumping duties under section VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) on imports of uranium from the Russian Federation—

(i) to maintain a nuclear fuel supply chain in the United States, consistent with the national security and nonproliferation goals of the United States; and

(ii) to protect the United States nuclear fuel supply chain from the continued manipulation by the Russian Federation and Russian-influenced competitors;

(3) a renegotiated, long-term extension of the Russian Suspension Agreement is an important component of a broader strategy to prevent adversaries of the United States from monopolizing the nuclear fuel supply chain;

(4) as was done in 2008, upon completion of a new negotiated long-term extension of the Russian Suspension Agreement, Congress should adopt a contract or other form of a long-term arrangement; and

(5) if the negotiations to extend the Russian Suspension Agreement prove unsuccessful, Congress should enact legislation to codify the terms following new paragraph (3):

(A) Duty under section 502 of title 32.

(B) Active duty for training as described in section 101(2)(A) of title 10.

(C) Full-time National Guard duty as defined in section 101(2)(B) of title 10.

(D) Full-time National Guard duty as defined in section 101(2)(B) of title 10.

SA 1965. Mr. TESTER (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. 10. ADDITION OF OTHER DUTY STATUTORY TO QUALIFY FOR POST-9/11 EDUCATIONAL ASSISTANCE PROGRAM.

(a) QUALIFYING DUTY.—Section 3311(b) of title 38, United States Code, is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by striking “excluding” each place it appears and inserting “including other qualifying duty and”;

(b) OTHER QUALIFYING DUTY DEFINED.—Section 3301 of such title is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following new paragraph (3):

“(3) The term ‘other qualifying duty’ means the following:

“(A) Duty under section 502 of title 32.

“(B) Duty for which a member is eligible to receive pay under section 204, 206, or 372 of title 37.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on August 1, 2021, and shall apply with respect to—

(1) academic years beginning on or after August 1, 2021; and

(2) service performed before, on, or after the date of the enactment of this Act by a person who was a member of the Armed Forces on or after the date of the enactment of this Act.

(a) IN GENERAL.—Paragraph (1) of section 3301 of title 38, United States Code, is amended—

(1) by striking “The term ‘active duty’ has the meanings as follows (subject to the limitations specified in sections 302(6) and 311(b) of this title):”;

“(A) Active duty as described in section 101(21)(A) of this title.

“(B) Active duty for training as described in section 101(22)(A), (C), and (E) of this title.

“(C) Active duty as defined in section 101(12) of title 32.

“(D) Full-time National Guard duty as defined in section 101(19) of title 32.”;

(2) by striking “For purposes of this section—” and inserting “For purposes of this Act—”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on August 1, 2021, and shall apply with respect to—

(1) academic years beginning on or after August 1, 2021; and

(2) service performed before, on, or after the date of the enactment of this Act by a person who was a member of the Armed Forces on or after the date of the enactment of this Act.

SA 1966. Mr. TESTER (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. 1. ASSISTANCE FOR FARMER AND RANCHER STRESS AND MENTAL HEALTH OF INDIVIDUALS IN RURAL AREAS.

(a) DEFINITION OF SECRETARY.—In this section, the term “Secretary” means the Secretary of Agriculture.

(b) FINDINGS.—Congress finds that—

(1) according to the Centers for Disease Control and Prevention, the suicide rate is 45 percent greater in rural areas of the United States than the suicide rate in urban areas of the United States;

(2) farmers face social isolation, the potential for financial loss, barriers to seeking mental health services, and access to lethal means to commit suicide; and

(3) as commodity prices fall and farmers face uncertainty, reports of farmer suicides are increasing.

(c) PUBLIC SERVICE ANNOUNCEMENT CAMPAIGN TO ADDRESS FARM AND RANCH MENTAL HEALTH.

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Health and Human Services, shall carry out a public service announcement campaign to address the mental health of farmers and ranchers.

(2) REQUIREMENTS.—The public service announcement campaign under paragraph (1) shall—

(A) include television, radio, print, outdoor, and digital public service announcements.

(3) CONTRACTOR.—The Secretary may enter into a contract or other agreement with a third party to carry out the public service announcement campaign under paragraph (1).

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection

SEC...
$3,000,000, to remain available until expended.

(d) Employee Training Program to Manage Farmer and Rancher Stress.—

(1) In General.—Subtitle A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6921 et seq.) is amended by adding at the end the following:

``SEC. 224B. EMPLOYEE TRAINING PROGRAM TO MANAGE FARMER AND RANCHER STRESS.

(a) In General.—The Secretary shall establish a voluntary program to train employees of Service Agencies, the Risk Management Agency, and the Natural Resources Conservation Service in the management of stress experienced by farmers and ranchers, including the detection of stress and suicide prevention.

(b) Requirement.—Not later than 180 days after the date on which the Secretary submits a report on the results of the pilot program being carried out by the Secretary as of the date of enactment of this section to train employees of the Department in the management of stress experienced by farmers and ranchers, and based on the recommendations contained in that report, the Secretary shall develop a training program to carry out section 224B.''

SA 1968. Mr. TESTER (for himself and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 224B. EMPLOYEE TRAINING PROGRAM TO MANAGE FARMER AND RANCHER STRESS.

(a) In General.—The Secretary shall develop a training program to carry out section 224B.''

SEC. 7. INCLUSION OF MEMBERS OF RESERVE COMPONENTS IN MENTAL HEALTH PROGRAMS OF DEPARTMENT OF VETERANS AFFAIRS.

(a) Suicide Prevention Program.—

(1) In General.—Section 1720K of title 38, United States Code, is amended by striking the annual report under subsection (a)(1) of section 1720K and inserting the annual report under this subparagraph.

(2) Conforming Amendments.—

(A) In subsection (d), in paragraph (2), by striking ''veteran'' and inserting ''covered individual''.

(B) In subsection (e), in the matter preceding paragraph (2), by striking ''veterans'' and inserting ''covered individuals''.

(C) In subsection (f), in the first sentence, by striking ''veterans'' and inserting ''covered individuals''.

(D) in paragraph (2), by striking ''veterans'' and inserting ''covered individuals''.

(E) in paragraph (3), in the matter preceding paragraph (2), by striking ''veterans'' and inserting ''covered individuals''.

(F) in paragraph (4), in the matter preceding paragraph (3), by striking ''veterans'' and inserting ''covered individuals''.

(G) in paragraph (5), in the matter preceding paragraph (4), by striking ''veterans'' and inserting ''covered individuals''.

(H) in paragraph (6), in the matter preceding paragraph (5), by striking ''veterans'' and inserting ''covered individuals''.

(I) in paragraph (8), in the matter preceding paragraph (7), by striking ''veterans'' and inserting ''covered individuals''.

(j) in paragraph (9), in the matter preceding paragraph (8), by striking ''veterans'' and inserting ''covered individuals''.

(k) in paragraph (10), in the matter preceding paragraph (9), by striking ''veterans'' and inserting ''covered individuals''.

(l) in paragraph (11), in the matter preceding paragraph (10), by striking ''veterans'' and inserting ''covered individuals''.

(m) in paragraph (12), in the matter preceding paragraph (11), by striking ''veterans'' and inserting ''covered individuals''.
SA 1969. Mr. TESTER (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 7. EXPANSION OF COVERAGE BY THE DEPARTMENT OF VETERANS AFFAIRS OF COUNSELING AND TREATMENT FOR SEXUAL TRAUMA TO INCLUDE FORMER MEMBERS OF THE ARMED FORCES.

Section 1414 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “active duty, active duty for training, or inactive duty training” and inserting “duty, regardless of duty status or line of duty determination (as that term is used in section 12323 of title 10)”;

(B) in paragraph (2), by striking subparagraph (C), and inserting—

“(C) the term ‘eligible individual’ means a veteran or a member of the reserve components of the Armed Forces; and

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) in general.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans’ Affairs and the Committee on Appropriations of the Senate and the Committee on Veterans’ Affairs and the Committee on Appropriations of the House of Representatives a report that includes an assessment of the following:

(1) the increase, as compared to the day before the date of the enactment of this Act, of the number of members of the Armed Forces that use readjustment counseling or outpatient mental health care from the Department of Veterans Affairs, disaggregated by State, Vet Center location, and clinical care site of the Department, as appropriate.

(2) the number of members of the reserve components of the Armed Forces receiving telehealth medical care from the Department.

(3) the increase, as compared to the day before the date of the enactment of this Act, of the number of members of the Armed Forces that use readjustment counseling and outpatient mental health care provided by the Department to members of the reserve components of the Armed Forces.

(4) the changes, as compared to the day before the date of the enactment of this Act, in staffing, training, and other resources required for the Department to offer readjustment counseling and outpatient mental health care to members of the reserve components of the Armed Forces.

(5) any challenges the Department has encountered in providing readjustment counseling and outpatient mental health care to members of the reserve components of the Armed Forces.

(B) VET CENTER DEFINED.—In this section, the term “Vet Center” means the meaning given to that term in section 1721A(b) of title 38, United States Code.

SA 1970. Mr. TESTER (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 7. ELIGIBILITY OF DISABILITY RETIREE WITH FEWER THAN 20 YEARS OF SERVICE AND A COMBAT-RELATED DISABILITY FOR CONCURRENT RECEIPT OF VETERANS’ DISABILITY COMPENSATION.

(a) CONCURRENT RECEIPT IN CONNECTION WITH CSRC.—Section 1413a(b) of title 10, United States Code, is amended by striking “creditable service,” and all that follows and inserting the following:—

“(i) the retired pay of the retiree is not subject to reduction under sections 5304 and 5305 of title 38; and

“(ii) no monthly amount shall be paid to the retiree under subsection (a).”.

(b) CONCURRENT RECEIPT GENERALLY.—Section 1414(b)(2) of title 10, United States Code, is amended by striking “Subsection (a)” and all that follows and inserting the following:—

“Subsection (a).”.

“(A) applies to a member described in paragraph (1) of that subsection who is retired under chapter 61 of this title with less than 20 years of service creditable under chapter 1405 of this title, or with less than 20 years of service computed under section 12732 of this title, at the time of the member’s retirement, if the member has a combat-related disability (as that term is defined in section 1413a(e) of this title), except that in the application of subsection (a) to such a member, any reference in that subsection to a qualifying service-connected disability shall be deemed to be a reference to that combat-related disability; but

“(B) does not apply to any member so retired if the member does not have a combat-related disability.”.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) AMENDMENTS REFLECTING END OF CONCURRENT RECEIPT PHASE-IN PERIOD.—Section 1414 of title 10, United States Code, is further amended—

(A) in subsection (a)(1)—

(i) by striking the second sentence; and

(ii) by striking subparagraphs (A) and (B); and

(B) by striking subsection (c) and redesignating subsections (d) and (e) as subsections (d) and (e), respectively; and

(2) SECTION HEADING.—The heading of such section 1414 is amended to read as follows:

“§ 1414. Members eligible for retired pay who are also eligible for veterans’ disability compensation: concurrent receipt”.

(3) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 71 of such title is amended by striking the item relating to section 1414 and inserting the following new item:

“§ 1414. Members eligible for retired pay who are also eligible for veterans’ disability compensation: concurrent receipt.”.

(4) CONFORMING AMENDMENT.—Section 1413a(f) of such title is amended by striking “subsection (d)” and inserting “Subsection (c)”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month beginning after the date of the enactment of this Act and shall apply to payments for months beginning on or after that date.

SA 1971. Mr. TESTER (for himself and Mr. ROUNDS) submitted an amendment intended to be proposed by him
to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for such other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 752. ACCESS OF VETERANS TO INDIVIDUAL LONGITUDINAL EXPOSURE RECORD.

The Secretary of Veterans Affairs, in consultation with the Secretary of Defense, shall provide to a veteran read-only access to the documents of the veteran contained in the Individual Longitudinal Exposure Record in a printable format through a portal accessible through a website of the Department of Veterans Affairs and a website of the Department of Defense.

SA 1972. Mr. TESTER (for himself, Mr. BROWN, Mr. SCHATZ, Mr. MARRInKE, Ms. HASSELBROCK, Ms. LELLOUCH, Mr. Kaine, Mr. BENNETT, Mr. SCHUMER, Mr. BLMUMENTHAL, Mr. WHITEHOUSE, Mrs. SHAHEEN, Ms. Warren, Ms. Smith, Mr. Menendez, Ms. Cortez Masto, Ms. Rosen, Mr. COURTS, Mr. WARNER, Ms. BALKISSET, Mr. BUCKE) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. Additional diseases associated with exposure to certain herbicide agents for which there is a presumption of service connection for veterans who served in the Republic of Vietnam.

Section 1116(a)(2) of title 38, United States Code, is amended by adding at the end the following new subparagraphs:

"(i) Parkinsonism.

"(J) Bladder cancer.

"(K) Hypertension.

"(L) Hypothyroidism."
regulations described in item (aa) as a barrier to implementation of the Program; and

"(cc) proposed alternative legislation or regulations developed by the Secretary in consultation with recipients of grants provided under the Program to allow the use of formula current assisted stock within the Program.".

SA 1974. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1262. REVIEW OF PORT AND INFRASTRUCTURE PURCHASES AND INVESTMENTS BY THE DEPARTMENT OF THE PEOPLE'S REPUBLIC OF CHINA AND ENTITIES DIRECTED OR BACKED BY THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) In general.—The Secretary of Defense shall conduct an analysis and infrastructure purchases and investments by—

(1) the Government of the People's Republic of China;

(2) entities directed or backed by the Government of the People's Republic of China; and

(3) entities with beneficial owners that include the People's Republic of China or a private company controlled by the Government of the People's Republic of China.

(b) Elements.—The review required by subsection (a) shall include the following:

(1) A list of port and infrastructure purchases and investments described in that subsection, prioritized in order of the purchases or investments that pose the greatest threat to United States defense and foreign policy interests;

(2) An analysis of the effects the consolidation of such investments, or the assertion of control by the Government of the People's Republic of China over entities described in paragraph (2) or (3) of that subsection, would have on Department of Defense contingency plans

(c) Coordination with other Federal agencies.—In conducting the review under subsection (a), the Secretary may coordinate with the head of any other Federal agency, as the Secretary considers appropriate.

(d) Report.—

(1) In general.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress and the Commission a report on the results of the review under subsection (a).

(2) Form.—The report required by paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

(3) Appropriate committees of Congress.—In conducting the review under subsection (a), the Secretary may coordinate with the head of any other Federal agency. as the Secretary considers appropriate.

SA 1975. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 592, add the following:

(3) The extent, if any, to which the test will affect retention in the Army National Guard and the Army Reserve of members who do not have access to the necessary training on a frequent and sustained basis.

(4) In consultation with obstetrician-gynecologists, the extent, if any, to which requiring women to take the test for record within 18 months of delivery would affect retention of female soldiers in the Army.

SA 1976. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title IX, add the following:

SEC. 320. PAYMENTS TO STATES FOR THE TREATMENT OF PERFLUOROANILINE AND PERFLUOROACETIC ACID IN DRINKING WATER.

(a) In general.—The Secretary of the Air Force shall pay to the State water authority is located, for the treatment of perfluorooctane sulfonic acid and perfluorooctanoic acid in drinking water from the wells owned and operated by the local water authority that is responsible for setting health advisory level for such acids established by the Environmental Protection Agency and in effect on October 1, 2017.

(b) Eligibility for payment.—To be eligible to receive payment under this section, a State—

(1) must demonstrate that the President has reasonably determined that the State has used funds the State has received under this Act to carry out the activities described in this section; and

(2) shall use funds received under this Act to carry out activities under this section;

the current status of assigning members of the Armed Forces on active duty to the Joint Artificial Intelligence Center (JAIC) of the Department of Defense. The briefing shall include an assessment of such assignment on each of the following:

(1) The strengthening of ties between the Joint Artificial Intelligence Center and operational forces for purposes of identifying and operational use cases for artificial intelligence (AI);

(2) improving data collection; and

(3) establishing effective liaison between the Center and operational forces for identification and clarification of concerns in the widespread adoption and dissemination of artificial intelligence.

(2) The creation of opportunities for additional non-traditional broadening assignments for members on active duty.

(3) The career trajectory for active duty members so assigned, including potential negative effects on career trajectory.

(4) The improvement and enhancement of the capacity of the Center to influence Department-wide policies that affect the adoption of artificial intelligence.

SA 1978. Mr. BENNET (for himself and Mr. GARDNER) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, insert the following:

SEC. 1230. BRIEFING ON ASSIGNMENT OF MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY TO THE JOINT ARTIFICIAL INTELLIGENCE CENTER OF THE DEPARTMENT OF DEFENSE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, with appropriate representatives of the Armed Forces, shall brief the Committees on Armed Services of the Senate and the House of Representatives on the feasibility and the current status of assigning members of the Armed Forces on active duty to the Joint Artificial Intelligence Center (JAIC) of the Department of Defense. The briefing shall include an assessment of such assignment on each of the following:

(1) The strengthening of ties between the Joint Artificial Intelligence Center and operational forces for purposes of identifying and operational use cases for artificial intelligence (AI);

(2) improving data collection; and

(3) establishing effective liaison between the Center and operational forces for identification and clarification of concerns in the widespread adoption and dissemination of artificial intelligence.
conducted by or paid for by the Department of the Air Force; and
(3) treatment or mitigation of such acids must have taken place during the period beginning on January 1, 2016, and ending on the day before the date of the enactment of this Act.
(c) AGREEMENTS.—
(d) IN GENERAL.—The Secretary of the Air Force may enter into such agreements with a local water authority or State as the Secretary considers necessary to implement this section.
(2) USE OF MEMORANDUM OF AGREEMENT.—The Secretary of the Air Force may use the applicable Defense State Memorandum of Agreement under subsection (a) that would otherwise be eligible for payment under that agreement were those costs paid using amounts appropriated to the Environmental Restoration Account, Air Force, established under section 2703(a)(4) of title 10, United States Code.
(3) PAYMENT WITHOUT REGARD TO EXISTING AGREEMENTS.—Payment made under subsection (a) to a State or a local water authority in that State without regard to existing agreements relating to environmental restoration shall be authorized by the Department of the Air Force and that State.
(d) LIMITATION.—Any payment made under subsection (a) may not exceed the actual cost of treatment of perfluorooctane sulfonic acid and perfluorooctanoic acid resulting from activities conducted by or paid for by the Department of the Air Force.
(e) AVAILABILITY OF AMOUNTS.—Of the amounts authorized to be appropriated to the Department of Defense for Operation and Maintenance, Air Force, up to $10,000,000 shall be available to carry out this section.

SA 1979. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:
At the appropriate place in title VIII, insert the following:

At the appropriate place in title VIII, insert the following:

SEC. 1085. REQUIREMENT TO USE DEFENSE PRODUCTION ACT AUTHORITIES TO INCREASE ALUMINUM PRODUCTION CAPACITY IN UNITED STATES.

If aluminum production capacity in the United States falls below 856,000 tons in a year, as determined by the United States Geological Survey, the Secretary of Defense shall, without the need for the authorization of the President under paragraph (1) of section 501(l) of the Defense Production Act of 1950 (50 U.S.C. 4511(l)) or a determination by the President described in paragraph (2) of that section, use the authorities provided by title III of that Act (50 U.S.C. 4531 et seq.) to expand the production capacity of the aluminum industry in the United States.

SA 1980. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:
At the appropriate place in title VIII, insert the following:

SEC. 1085. REQUIREMENT TO USE DEFENSE PRODUCTION ACT AUTHORITIES TO INCREASE ALUMINUM PRODUCTION CAPACITY IN UNITED STATES.

If aluminum production capacity in the United States falls below 856,000 tons in a year, as determined by the United States Geological Survey, the Secretary of Defense shall, without the need for the authorization of the President under paragraph (1) of section 501(l) of the Defense Production Act of 1950 (50 U.S.C. 4511(l)) or a determination by the President described in paragraph (2) of that section, use the authorities provided by title III of that Act (50 U.S.C. 4531 et seq.) to expand the production capacity of the aluminum industry in the United States.

SA 1981. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:
At the appropriate place in title VIII, insert the following:

SEC. 1085. REQUIREMENT TO USE DEFENSE PRODUCTION ACT AUTHORITIES TO INCREASE ALUMINUM PRODUCTION CAPACITY IN UNITED STATES.

If aluminum production capacity in the United States falls below 856,000 tons in a year, as determined by the United States Geological Survey, the Secretary of Defense shall, without the need for the authorization of the President under paragraph (1) of section 501(l) of the Defense Production Act of 1950 (50 U.S.C. 4511(l)) or a determination by the President described in paragraph (2) of that section, use the authorities provided by title III of that Act (50 U.S.C. 4531 et seq.) to expand the production capacity of the aluminum industry in the United States.

SA 1982. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:
At the end of subtitle G of title XII, add the following:

SEC. 1087. INVESTIGATION AND REPORT ON ISSUANCE OF PASSPORTS AND TRAVEL DOCUMENTS TO CITIZENS OF SAUDI ARABIA IN THE UNITED STATES.

(a) INVESTIGATION.—The Secretary of State shall conduct an investigation on the issuance by the Government of Saudi Arabia of passports and other travel documents to citizens of Saudi Arabia in the United States.

(b) REPORT.—
(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the results of the investigation under subsection (a).

(2) MATTER TO BE INCLUDED.—The report required by paragraph (1) shall include, with respect to the manner in which passports and travel documents are issued to citizens of Saudi Arabia and to other nationals, an assessment whether the Government of Saudi Arabia is in compliance with its obligations under the Vienna Convention on Diplomatic Relations, done at Vienna April 18, 1961, and the Vienna Convention on Consular Relations, done at Vienna April 24, 1963.

SA 1983. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:
At the appropriate place, insert the following:

SEC. 1087. INVESTIGATION AND REPORT ON ISSUANCE OF PASSPORTS AND TRAVEL DOCUMENTS TO CITIZENS OF SAUDI ARABIA IN THE UNITED STATES.

(a) INVESTIGATION.—The Secretary of State shall conduct an investigation on the issuance by the Government of Saudi Arabia of passports and other travel documents to citizens of Saudi Arabia in the United States.

(b) REPORT.—
(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the results of the investigation under subsection (a).

(2) MATTER TO BE INCLUDED.—The report required by paragraph (1) shall include, with respect to the manner in which passports and travel documents are issued to citizens of Saudi Arabia and to other nationals, an assessment whether the Government of Saudi Arabia is in compliance with its obligations under the Vienna Convention on Diplomatic Relations, done at Vienna April 18, 1961, and the Vienna Convention on Consular Relations, done at Vienna April 24, 1963.
Attorney General shall complete an investigation of whether the Government of Saudi Arabia materially assisted or facilitated any citizen or national of Saudi Arabia, including Abdulkarim Al Da'wys, Waleed Ali Alharthi, Suliman Ali Algalwai, and Ali Hussain Alhambou, in departing from the United States while the citizen or national of Saudi Arabia was awaiting trial or sentencing for a criminal offense committed in the United States.

(2) REPORT.—The Attorney General determines that the Government of Saudi Arabia did materially assist or facilitate a citizen or national of Saudi Arabia as described in paragraph (1), the Attorney General shall submit a written report to Congress and the Secretary of State detailing the findings of the investigation.

(3) PROHIBITION ON ISSUANCE AND REVOCATION OF CERTAIN VISAS.—

(A) IN GENERAL.—Except as provided under subparagraph (B), if the Secretary of State receives a report under paragraph (2), the Secretary of State may not issue a visa, and shall revoke any visa issued, to a Member of the Council of Ministers of Saudi Arabia, an immediate family member of a Member of the Council of Ministers of Saudi Arabia, a descendant of the King of Saudi Arabia, or an immediate family member of such a descendant, on or after the date described in subparagraph (B), if the report is extricated to the United States for completion of the trial or sentencing.

(B) EXCEPTION.—The Secretary of State may issue a visa otherwise prohibited under subparagraph (A), or not revoke a visa otherwise required to be revoked under such subparagraph, if the Secretary determines that it is necessary:

(i) to enable the President to receive an Ambassador to the United States as provided by Article II, section 3, of the Constitution in a manner consistent with the Vienna Conventions on Diplomatic and Consular Relations; or

(ii) to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or with any other applicable international obligations.

(C) VIENNA CONVENTIONS ON DIPLOMATIC AND CONSULAR RELATIONS DEFINED.—In this paragraph, the term ‘Vienna Conventions on Diplomatic and Consular Relations’ means—

(i) the Vienna Convention on Diplomatic Relations, done at Vienna April 24, 1962, and

(ii) the Vienna Convention on Consular Relations, done at Vienna April 24, 1962. 

(D) TREATMENT OF FOREIGN NATIONALS FLEETING THE UNITED STATES DURING CRIMINAL PROCEEDINGS.—

(FOR A FOREIGN NATIONAL DEFINED.—In this subsection, the term ‘foreign national’ means an individual in the United States who is not a citizen of the United States.

(G) TREATMENT OF FOREIGN NATIONALS FLEETING THE UNITED STATES DURING CRIMINAL PROCEEDINGS.—

(I) FOR A FOREIGN NATIONAL DEFINED.—In this subsection, the term ‘foreign national’ means an individual in the United States who is not a citizen of the United States.

(II)onesia has, during the reporting period, departed from the United States while awaiting trial or sentencing for a criminal offense committed in the United States; and

(III) regardless of whether the information collected under subparagraph (A)

(3) LIST OF COUNTRIES.—

(A) IN GENERAL.—The Attorney General, in coordination with the Director of National Intelligence, shall establish and maintain a list of countries the governments of which

have, in the determination of the Attorney General, materially assisted or facilitated the departure of any foreign national included in the report required under paragraph (2).

(B) DETERMINATION.—In establishing and maintaining the list required under subparagraph (A), the Attorney General—

(i) shall include any country as the Attorney General determines appropriate;

(ii) shall maintain a list of countries the governments of which are on the list maintained under subparagraph (A).

SA 1984. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. .. REPORT ON THE DEMILITARIZATION ABOUND OF UNSERVICEABLE MUNITIONS LOCATED OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth an assessment of the feasibility and advisability of demilitarizing abandoned unserviceable munitions that are located outside the United States in order to reduce the costs of transporting such munitions to the United States for demilitarization.

(b) CONSIDERATIONS.—In preparing the evaluation required for the report, the Secretary shall take into account the following:

(1) The need for mitigation of adverse environmental impacts, or impacts to the health and safety of local populations, in the demilitarization of unserviceable munitions.

(2) The need for use of munitions demilitarization technologies and mechanisms abroad.

(3) Any costs savings achievable through demilitarization of unserviceable munitions abroad.

(c) TECHNOLOGIES.—If the Secretary determines for purposes of the report that the demilitarization of unserviceable munitions located outside the United States is feasible and advisable, the report shall include a description and assessment of various technologies and other mechanisms that would be suitable for such demilitarization.

SA 1985. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. .. SECRETARY OF DEFENSE CONSIDERATION OF POWERED EXOSKELETONS AND HUMAN CONTROLLED ROBOTS FOR LIGHT SUSTAINMENT TASKS

Whenever the Secretary of Defense evaluates the research and development of emerg- ing war-fighting technologies, the Secretary shall consider the use of full-body, autonomously powered exoskeletons and semi-autonomous or tele-operated single or dual-armed, human controlled robots used for light sustainment tasks.

SA 1986. Mr. KENNEDY (for himself and Ms. BALDWIN) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. .. SBIR AND STTR PILOT PROGRAM FOR UNDERPERFORMING STATES

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

DEPARTMENT OF DEFENSE PILOT PROGRAM FOR UNDERPERFORMING STATES.

(1) DEFINITIONS.—In this section:

(A) DEPARTMENT.—The term ‘Department’ means the Department of Defense.

(B) UNDERPERFORMING STATE.—The term ‘underperforming State’ means any State participating in the SBIR or STTR program that is in the bottom 68 percent of all States historically receiving SBIR or STTR program funding.

(2) ESTABLISHMENT.—The Secretary of Defense shall establish a pilot program to provide small business concerns located in underperforming States an increased level of assistance under the SBIR and STTR programs of the Department.

(3) ACTIVITIES.—Under the pilot program, the Department, and any component agency thereof, may:

(A) in any case in which the Department seeks to make a Phase II SBIR or STTR award to a small business concern based on the results of a Phase I SBIR or STTR award, sub- divide the award between small business concerns located in underperforming States.

(B) provide an additional Phase II SBIR or STTR award to a small business concern located in an underperforming State that received a Phase I SBIR or STTR award, subject to an increase in the allocation percentage.

(C) establish a program to make Phase 1.5 SBIR or STTR awards to small business concerns located in underperforming States in order to provide funding for 12 to 24 months to continue the development of technology, and

(D) conduct carry out subparagraph (C) along with other mentorship programs.

(4) DURATION.—The pilot program established under this section shall terminate 5 years after the date on which the pilot program is established.

(5) REPORT.—The Department shall submit to Congress an annual report on the status of the pilot program established under this subsection, including the improvement in funding under the SBIR and STTR programs of the Department and the small business concerns located in underperforming States.”
SA 1987. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 333. INCLUSION OF CERTAIN MILITARY INSTALLATIONS IN MQ–25 STINGRAY PROGRAM.

(a) In General.—Section 104 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7214) is amended by adding at the end the following:

``(a)(1)

(b) the term ‘non-inspection year’ means, with respect to a covered issuer, a year—

(i) during which the Commission identifies the covered issuer under paragraph (2)(A) with respect to a report described in subparagraph (A) filed by the covered issuer during that year; and

(ii) that begins after the date of enactment of this subsection.

(b) Disclosure to Commission. —The Commission shall—

(A) identify each covered issuer that, with respect to the audit report required by paragraph (a) filed by the covered issuer during the period during which the Commission identifies the covered issuer under paragraph (a)(1), the covered issuer shall submit to the Commission documentation that—

(i) is located in a foreign jurisdiction; and

(ii) the Board is unable to inspect or investigate completely because of a position taken by an authority in the foreign jurisdiction described in clause (i), as determined by the Board; and

(B) require each covered issuer identified under paragraph (a) to, in accordance with the rules issued by the Commission that are consistent with the Commissions of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) or rules issued under that Act;

(C) trading prohibition after 3 years of non-inspection years. —If, after the Commission imposes a prohibition under subparagraph (A), the covered issuer certifies to the Commission that the covered issuer has retained a registered public accounting firm that the Board has determined, with respect to a covered issuer, a year—

(i) after the Commission imposes a prohibition described in paragraph (2)(A), the Commission shall prohibit the securities of the covered issuer from being traded—

(ii) on a national securities exchange; or

(iii) by any other method that is within the jurisdiction of the Commission to regulate, including through the method of regulation that is referred to as the ‘over-the-counter’ trading of securities.

(D) removal of initial prohibition. —If, after the Commission imposes a prohibition under subparagraph (B) or (D) with respect to a covered issuer, the Commission determines that the covered issuer has a non-inspection year, the Commission shall prohibit the securities of the covered issuer from being traded—

(i) on a national securities exchange; or

(ii) through any other method that is within the jurisdiction of the Commission to regulate, including through the method of regulation that is referred to as the ‘over-the-counter’ trading of securities.

(E) removal of subsequent prohibition. —If, after the end of the 5-year period beginning on the date on which the Commission imposes a prohibition on a covered issuer under subparagraph (C), the covered issuer certifies to the Commission that the covered issuer shall retain a registered public accounting firm that the Board is able to inspect under this section, the Commission shall end that prohibition.

(F) requirement for non-inspection years. —If, after the Commission ends a prohibition under subparagraph (B) or (D) with respect to a covered issuer, the Commission determines that the covered issuer has a non-inspection year, the Commission shall prohibit the securities of the covered issuer from being traded—

(i) on a national securities exchange; or

(ii) through any other method that is within the jurisdiction of the Commission to regulate, including through the method of regulation that is commonly referred to as the ‘over-the-counter’ trading of securities.

(G) removal of subsequent prohibition. —If, after the end of the 5-year period beginning on the date on which the Commission imposes a prohibition on a covered issuer under subparagraph (C), the covered issuer certifies to the Commission that the covered issuer shall retain a registered public accounting firm that the Board is able to inspect under this section, the Commission shall end that prohibition.

(H) rules. —Notwithstanding any other law to the contrary, the Secretary shall provide each State, as digital or other electronically searchable forms become available (including digital images), with sufficient information to identify the registered owner of any applicable savings bond with a registration address that is within such State, including the name and registered address of such owner, and any registered beneficiaries.

(2) The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection, including rules to—

(A) protect the privacy of the owners of applicable savings bonds;

(B) require that any information provided to a State under this subsection shall be used solely to locate such owners and assist them in redeeming bonds with the United States Treasury; and

(C) ensure that owners of applicable savings bonds seeking to redeem such bonds with the United States Treasury are able to do so in an expeditious manner.

(3) Not later than 12 months after the date of enactment of this subsection, and annually thereafter, the Secretary shall submit to the Committee on Appropriations and the Committee on Finance of the Senate a report assessing all efforts to satisfy the requirements of subsection (2).

(4) For purposes of this subsection, the term ‘applicable savings bond’ means a matured and unredeemed savings bond.

SA 1988. Mr. KENNEDY (for himself, Mr. VAN HOLLEN, Mr. RUBIO, Mr. COTTON, Mr. MENENDEZ, Mr. CRAMER, and Mr. MENendez) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 333. DISCLOSURE REQUIREMENTS FOR CERTAIN PUBLICLY TRADED COVERED ISSUERS.

(a) In General.—Section 104 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7214) is amended by adding at the end the following:

``(1)Definitions.—In this subsection—

(A) the term ‘covered issuer’ means an issuer identified by the Commission under section 13 or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m, 78o(d)); and

(B) the term ‘non-inspection year’ means, with respect to a covered issuer, a year—

(i) during which the Commission identifies the covered issuer under paragraph (2)(A) with respect to a report described in subparagraph (A) filed by the covered issuer during that year; and

(ii) that begins after the date of enactment of this subsection.

(2) Disclosure to Commission. —The Commission shall—

(A) identify each covered issuer that, with respect to the audit report required by paragraph (a) filed by the covered issuer during the period during which the Commission identifies the covered issuer under paragraph (1), the covered issuer shall submit to the Commission documentation that—

(i) is located in a foreign jurisdiction; and

(ii) the Board is unable to inspect or investigate completely because of a position taken by an authority in the foreign jurisdiction described in clause (i), as determined by the Board; and

(B) require each covered issuer identified under paragraph (1) to, in accordance with the rules issued by the Commission that are consistent with the Commissions of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) or rules issued under that Act;

(C) trading prohibition after 3 years of non-inspection years. —If, after the Commission imposes a prohibition under subparagraph (A), the covered issuer certifies to the Commission that the covered issuer has retained a registered public accounting firm that the Board has determined, with respect to a covered issuer, a year—

(i) after the Commission imposes a prohibition described in paragraph (1)(A), the Commission shall prohibit the securities of the covered issuer from being traded—

(ii) on a national securities exchange; or

(iii) through any other method that is within the jurisdiction of the Commission to regulate, including through the method of regulation that is referred to as the ‘over-the-counter’ trading of securities.

(D) removal of initial prohibition. —If, after the Commission imposes a prohibition under subparagraph (B) or (D) with respect to a covered issuer, the Commission determines that the covered issuer has a non-inspection year, the Commission shall prohibit the securities of the covered issuer from being traded—

(i) on a national securities exchange; or

(ii) through any other method that is within the jurisdiction of the Commission to regulate, including through the method of regulation that is commonly referred to as the ‘over-the-counter’ trading of securities.

(E) removal of subsequent prohibition. —If, after the end of the 5-year period beginning on the date on which the Commission imposes a prohibition on a covered issuer under subparagraph (C), the covered issuer certifies to the Commission that the covered issuer shall retain a registered public accounting firm that the Board is able to inspect under this section, the Commission shall end that prohibition.

(3) Reporting requirements. —Each covered issuer that is a foreign issuer and for which, during a non-inspection year with respect to the covered issuer, a registered public accounting firm described in paragraph (1)(A) of section 104 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7214), as added by subsection (a) of this section, has prepared an audit report shall disclose in each covered form filed by that issuer that covers such a non-inspection year—

(A) that, during the period covered by the covered form, such a registered public accounting firm has prepared an audit report for the issuer;

(B) the percentage of the shares of the issuer owned by governmental entities in the foreign jurisdiction in which the issuer is incorporated or otherwise organized;

(C) whether governmental entities in the applicable foreign jurisdiction with respect to that registered public accounting firm have a controlling financial interest with respect to the issuer; and

(D) the name of each official of the Chinese Communist Party who is a member of the board of directors of—

(i) the issuer; or

(ii) the operating entity with respect to the issuer; and

(E) whether the articles of incorporation of the issuer (or equivalent organizing document) contains any charter of the Chinese Communist Party, including the text of any such charter.

SA 1989. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title III, add the following:

SEC. 333. INCLUSION OF CERTAIN MILITARY INSTALLATIONS IN MQ–25 STINGRAY PROGRAM.

The Secretary of the Navy shall include in the MQ–25 Stingray program as many military installations under the jurisdiction of the Secretary as feasible that—
congressional record — senate

June 25, 2020

S3464

(1) have a joint air sovereignty and homeland defense requirements;
(2) fly aircraft from multiple service branches;
(3) fly in large bodies of water within their jurisdiction; and
(4) do not currently have air-refueling capabilities.

SA 1990. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 333. USE OF COST SAVINGS REALIZED FROM INTEGROVERNMENTAL SERVICES AGREEMENTS FOR INSTALLATION-SUPPORT SERVICES.

(a) REQUIREMENT.—Section 2679 of title 10, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and
(2) by inserting after subsection (e) the following new subsection (d):

"(d) USE OF COST SAVINGS REALIZED.—(1) With respect to a fiscal year in which cost savings are realized as a result of entering into an intergovernmental support agreement under this section for a military installation, the Secretary concerned shall make not less than 25 percent of the amount of such savings available for use by the commander of the installation solely for sustainment restoration and modernization requirements that have been approved by the major subordinate command or equivalent component.

(2) Not less frequently than annually, the Secretary concerned shall certify to the congressional defense committee the amount of the cost savings achieved, the source and type of intergovernmental support agreement that achieved the savings, and the manner in which those savings were deployed, disaggregated by installation.";

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fiscal year 2021 and each subsequent fiscal year.

SA 1991. Mr. KENNEDY (for himself and Mr. JONES) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. XIII—RESTRICTIONS ON CONFUCIUS INSTITUTES.

(a) DEFINITION.—In this section, the term "Confucius Institute" means a cultural institute directly or indirectly funded by the Government of the People’s Republic of China.

(b) RESTRICTIONS ON CONFUCIUS INSTITUTES.—An institution of higher education or other postsecondary educational institution (which shall not be defined as "institution of higher education or other postsecondary educational institution of the People’s Republic of China") shall not be eligible to receive Federal funds from the Department of Education (except funds under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) or other Department of Education funds that are provided directly to students) unless the institution agrees to the following:

(1) protect academic freedom at the institution;
(2) prohibit the application of any foreign law on any campus of the institution; and
(3) grant full managerial authority of the Confucius Institute to the institution, including full control over what is being taught, the activities carried out, the research grants that are made, and who is employed at the Confucius Institute.

SA 1992. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 12. EXPANSION OF AVAILABILITY OF FINANCIAL ASSETS OF IRAN TO VICTIMS OF TERRORISM.

Section 362 of the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8772) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (f), respectively; and
(2) by inserting after subsection (b) the following new subsection (c):

"(c) VICTIMS OF 1983 ATTACK ON MARINE BARRACKS.—Any United States person with a final judgement issued by a district court of the United States against Iran for a claim relating to the attack on the Marine Corps barracks in Beirut, Lebanon, on October 23, 1983, and who not later than January 31, 2021, submits a motion to intervene in Peterson et al. v. Jalameh et al. v. Iran et al, Case No. 13 Civ. 9195 (LAP) shall—

(1) have a legal right to intervene in that matter; and
(2) be entitled to a pro-rated share of the financial assets described in subsection (b)."

SA 1993. Mr. HAWLEY submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XIII, add the following:

(h) SENSE OF CONGRESS ON MITIGATING RISKS OF RELIANCE ON CERTAIN SOURCES OF SUPPLY AND MANUFACTURING FOR PRINTED CIRCUIT BOARDS.—It is the sense of Congress that—

(1) the Department of Defense must take steps to reduce and mitigate risks of reliance on certain sources of supply and manufacturing for printed circuit boards; and
(2) the provisions of this section are intended not merely to reduce or supplant, but to persevere, current efforts to reduce and mitigate such risks.

SA 1994. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1601. REPORT ON SUPPLY CHAIN ISSUES FOR RARE EARTH MATERIALS.

Not later than 180 days after the date of the enactment of this Act, the Administrator of the Defense Logistics Agency, in coordination with the Deputy Assistant Secretary of Defense for Industrial Policy, shall submit a report to Congress assessing issues relating to the supply chain for rare earth materials. Such report shall include the following:

(1) An assessment of the rare earth materials in the reserves held by the United States.

(2) A estimate of the needs of the United States for rare earth materials—

(A) in general; and

(B) to support a major near-peer conflict as described in war game scenarios in the 2018 National Defense Strategy.

An assessment of the extent to which substitutes for rare earth materials are available.

(4) A strategy or plan to encourage the use of rare earth materials mined, refined, processed, melted, or sintered in the United States, or from trusted allies, including an assessment of the best acquisition practices (which shall include an analysis of best value contracting methods) to ensure the viability of trusted suppliers of rare earth materials to meet national security needs.

SA 1995. Mr. TOOMEY (for himself and Mr. VAN HOLLEN) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

After title XVI, insert the following:

TITLE XVIII—HONG KONG AUTONOMY ACT

SEC. 1701. SHORT TITLE.

This title may be cited as the “Hong Kong Autonomy Act”.

SEC. 1702. DEFINITIONS.

In this title:

(1) ALIEN; NATIONAL; NATIONAL OF THE UNITED STATES.—The terms “alien”, “national”, and “national of the United States” have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES AND LEADERSHIP.—The term “appropriate congressional committees and leadership” means—

(A) the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, the Committee on Intelligence, the Senate Majority Leader, the minority leader of the Senate; and

(B) the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, the Committee on Intelligence, the Senate Majority Leader, the minority leader of the Senate; and...
Congress makes the following findings:

(1) The Joint Declaration and the Basic Law make clear that the Government of China has made with respect to the future of Hong Kong.

(2) The obligations of the Government of China under the Joint Declaration were fulfilled in a legally-binding treaty, signed by the Government of the United Kingdom of Great Britain and Northern Ireland and registered with the United Nations.

(3) The obligations of the Government of China under the Basic Law originate from the Joint Declaration, were passed into the domestic law of China by the National People's Congress of China, and are widely considered by citizens of Hong Kong as part of the de facto legal constitution of Hong Kong.

(4) Foremost among the obligations of the Government of China to Hong Kong is the promise that, pursuant to Paragraph 3b of the Joint Declaration, “the Hong Kong Special Administrative Region will enjoy a high degree of autonomy, except in foreign and defence affairs which are the responsibilities of the Central People's Government.”

(5) In Paragraph 3b of the Joint Declaration is referred, re-inforced, and extrapolated on in several portions of the Basic Law, including Articles 2, 12, 13, 22, 23.

(6) Article 22 of the Basic Law establishes that “No department of the Central People's Government and no province, autonomous region, or municipality directly under the Central Government may interfere in the affairs which the Hong Kong Special Administrative Region shall regulate for itself on its own in accordance with this Law.”.

(7) The Joint Declaration and the Basic Law make clear that additional obligations shall be required to ensure the “high degree of autonomy” of Hong Kong.

(8) Paragraph 3c of the Joint Declaration states, as reinforced by Articles 2, 16, 17, 18, 19, and 22 of the Basic Law, that the Central Government shall be vested with executive, legislative and independent judicial power, including that of final adjudication.

(9) On multiple occasions, the Government of China has undertaken actions that have contravened the letter or intent of the obligation described in paragraph (8) of this section, including the following:

(A) In 1999, the Standing Committee of the National People’s Congress oversaw a decision by the Hong Kong Court of Final Appeal on the right of abode.

(B) On multiple occasions, the Government of Hong Kong, at the advice of the Government of China, has not allowed persons into Hong Kong allegedly because of their support for democracy and human rights in Hong Kong and China.

(C) The Liaison Office of China in Hong Kong has, despite restrictions on interference in the affairs of Hong Kong as detailed in Article 22 of the Basic Law, (i) openly expressed support for candidates in Hong Kong for Chief Executive and Legislative Council elections, (ii) expressed views on various policies for the Government of Hong Kong and other internal matters relating to Hong Kong, and (iii) on April 17, 2020, asserted that both the Liaison Office and the Hong Kong and Macau Affairs Office of the State Council “have the right to exercise supervision . . . on affairs regarding Hong Kong”.

(D) The Government of Hong Kong has, despite restrictions on interference in the affairs of Hong Kong as detailed in Article 22 of the Basic Law, (i) openly expressed support for candidates in Hong Kong for Chief Executive and Legislative Council elections, (ii) expressed views on various policies for the Government of Hong Kong and other internal matters relating to Hong Kong, and (iii) on April 17, 2020, asserted that both the Liaison Office and the Hong Kong and Macau Affairs Office of the State Council “have the right to exercise supervision . . . on affairs regarding Hong Kong”.

(E) The National People’s Congress has passed laws requiring Hong Kong to pass laws banning disrespect treatment of the national flag and national anthem of China.

(F) The Government of Hong Kong has directed operatives to kidnap and bring to the mainland, or is otherwise responsible for the kidnaping and disappearance of people in Hong Kong, includ-ing businessman Xiao Jianhua and book-seller Gui Minhai.

(G) The Government of Hong Kong, acting with the approval of the Liaison Office of China, introduced an extradition bill that would have permitted the Government of China to request and enforce extradition requests on behalf of Hong Kong, regardless of the legality of the request or the degree to which it compromised the judicial independence of Hong Kong.

(H) The spokesman for the Standing Committee of the National People’s Congress stated, “Whether Hong Kong’s laws are consistent with the Basic Law can only be judged and decided by the National People’s Congress Standing Committee. No other authority has the right to make judgments and decisions.”

(10) Paragraph 3c of the Joint Declaration states, as reinforced by Article 5 of the Basic Law, that the “current social and economic systems in Hong Kong will remain unchanged, and shall be protected.”

(11) On multiple occasions, the Government of Hong Kong has undertaken actions that have contravened the letter or intent of the obligation described in paragraph (10) of this section, including the following:

(A) In 2002, the Government of China presented a draft Basic Law that would introduce “patriotic” curriculum in primary and secondary schools.

(B) The governments of China and Hong Kong proposed legislation aimed at restricting the publication and discussion of Hong Kong independence and self-determination in primary and secondary schools, which infringes on freedom of speech.

(C) The Government of China and Hong Kong agreed to a daily quota of mainland immigrants to Hong Kong, which is widely believed by citizens of Hong Kong to be part of an effort to “mainlandize” Hong Kong.

(12) Paragraph 3e of the Joint Declaration states, as reinforced by Articles 4, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 39 of the Basic Law, that the “rights and freedoms, including those of person, of speech, of the press, of assembly, of association, of travel, of movement of persons across boundaries of Hong Kong. The Government of Hong Kong has undertaken actions that have contravened the letter or intent of the obligation described in paragraph (12) of this section, including the following:

(A) On February 26, 2003, the Government of Hong Kong introduced a national security bill that would have placed restrictions on freedom of speech and other protected rights.

(B) The Liaison Office of China in Hong Kong has pressured businesses in Hong Kong to stop advertising in magazines critical of the governments of China and Hong Kong.

(C) The Hong Kong Police Force selectively blocked demonstrations and protests expressing opposition to the governments of China and Hong Kong or the policies of those governments.

(D) The Government of Hong Kong refused to renew work visa for a foreign journalist, allegedly for hosting a speaker from the banned Hong Kong National Party.

(E) The Justice Department of Hong Kong selectively prosecuted cases against leaders of the Umbrella Movement, while failing to prosecute those responsible for the excessive force during the protests in 2014.

(F) On April 18, 2020, the Hong Kong Police Force arrested 14 high-profile democracy activists on charges of organizing a protest which took place on August 18, 2019, in which almost 2,000,000 people rallied against a proposed extradition bill.

(13) Articles 45 and 68 of the Basic Law assert that the selection of Chief Executive and all members of the Legislative Council of Hong Kong should be by “universal suffrage.”

(14) On multiple occasions, the Government of China has undertaken actions that have contravened the letter or intent of the obligation described in paragraph (13) of this section, including the following:

(A) In 2004, the National People’s Congress created new, antidemocratic procedures restricting the adoption of universal suffrage for the election of the Chief Executive of Hong Kong.

(B) The decision by the National People’s Congress on December 29, 2007, which ruled out universal suffrage in 2012 elections and set restrictions on when and if universal suffrage could be implemented.

(C) The decision by the National People’s Congress on August 31, 2014, which placed
limits on the nomination process for the Chief Executive of Hong Kong as a condition for adoption of universal suffrage.

(D) On November 7, 2016, the National People's Congress Standing Committee of the People's Republic of China stated in an official interpretation Article 45 of the Basic Law in such a way as to disqualify 6 elected members of the Legislative Council.

(E) In 2016, the Government of Hong Kong banned the Hong Kong National Party and blocked the candidacy of pro-democracy candidates.

(16) The ways in which the Government of China, at times with the support of a subservient Government of Hong Kong, has acted in contravention of its obligations under the Joint Declaration and the Basic Law, as set forth in this section, are deeply concerning to the people of Hong Kong, the United States, and members of the international community who support the autonomy of Hong Kong.

SEC. 1704. SENSE OF CONGRESS REGARDING HONG KONG.

It is the sense of Congress that—

(1) the United States continues to uphold the principles and policy established in the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5701 et seq.), and the Hong Kong Human Rights and Democracy Act of 2019 (Public Law 116-76; 22 U.S.C. 5701 et seq.), which, while maintaining Hong Kong’s confidence and prosperity, Hong Kong’s role as an international financial center, and the mutually beneficial ties between the people of the United States and the people of Hong Kong; and

(B) as set forth in section 2(5) of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5711(1)), “The United States should play an active role, before, on, and after July 1, 1997, in maintaining Hong Kong’s confidence and prosperity, Hong Kong’s role as an international financial center, and the mutually beneficial ties between the people of the United States and the people of Hong Kong.”;

(2) although the United States recognizes that the People’s Republic of China “resumed the exercise of sovereignty over Hong Kong with effect on 1 July 1997”, the United States supports the autonomy of Hong Kong in furtherance of the United States-Hong Kong Policy Act of 1992 and the Hong Kong Human Rights and Democracy Act of 2019 and advances the desire of Hong Kong to continue the “one country, two systems” regime, in addition to other obligations promulgated by China under the Joint Declaration and the Basic Law;

(3) in order to support the benefits and protections that Hong Kong has been afforded by the Government of China under the Joint Declaration and the Basic Law, the United States shall establish a clear and unambiguous set of penalties with respect to foreign persons determined by the Secretary of State, in consultation with the Secretary of the Treasury, to be involved in the contravention of the obligations of China under the Joint Declaration and the Basic Law and the Basic Law, including transactions with those foreign persons;

(4) the Secretary of State shall provide an unclassified assessment of the reason for imposition of economic penalties on entities, so as to permit a clear path for the removal of economic penalties if the sanctioned behavior is reversed and verified by the Secretary of State;

(5) relevant Federal agencies should establish a multilaterial sanctions regime with respect to foreign persons involved in the contravention of the obligations of China under the Joint Declaration and the Basic Law; and

(6) in addition to the penalties on foreign persons, and financial institutions transacting with those foreign persons, for the contravention of the obligations of China under the Joint Declaration and the Basic Law, the United States should take steps, in a time of crisis, to assist permanent residents of Hong Kong who are persecuted or fear persecution as a result of the contravention by China of its obligations under the Joint Declaration and the Basic Law to become eligible to obtain lawful entry into the United States.

SEC. 1705. IDENTIFICATION OF FOREIGN PERSONS INVOLVED IN THE EROSION OF LIBERTIES IN HONG KONG, AND METHODS THAT CONTRIBUTE TO, OR ATTEMPTS TO CONTRIBUTE TO, THE EROSION OF LIBERTIES IN HONG KONG.

(A) as set forth in section 101(1) of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5711(1)), “The United States should play an active role, before, on, and after July 1, 1997, in maintaining Hong Kong’s confidence and prosperity, Hong Kong’s role as an international financial center, the mutually beneficial ties between the people of the United States and the people of Hong Kong.”;

(B) as set forth in section 2(5) of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5711(1)), “The United States should play an active role, before, on, and after July 1, 1997, in maintaining Hong Kong’s confidence and prosperity, Hong Kong’s role as an international financial center, the mutually beneficial ties between the people of the United States and the people of Hong Kong.”;

(C) as set forth in section 101(1) of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5711(1)), “The United States should play an active role, before, on, and after July 1, 1997, in maintaining Hong Kong’s confidence and prosperity, Hong Kong’s role as an international financial center, the mutually beneficial ties between the people of the United States and the people of Hong Kong.”;

on the Secretary of State, shall submit to the appropriate congressional committees and leadership a report that includes—

(1) an identification of the foreign person; and

(2) a clear explanation for why the foreign person was identified and a description of the activity that contributed to the identification;

(3) a description of the activity that contributed to, or attempts to materially contribute to, the failure of the Government of China to meet its obligations under the Joint Declaration or the Basic Law; and

(4) a description of the activity that contributed to, or attempts to materially contribute to, the failure of the Government of China to meet its obligations under the Joint Declaration or the Basic Law.

SEC. 1706. IDENTIFICATION OF FOREIGN PERSONS AND FOREIGN FINANCIAL INSTITUTIONS WHO CONTRIBUTE TO, OR ATTEMPTS TO CONTRIBUTE TO, THE CONTRAVENTION OF CHINA’S OBLIGATIONS UNDER THE JOINT DECLARATION OR THE BASIC LAW.

Identification of Foreign Persons.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, if the Secretary of State, in consultation with the Secretary of the Treasury, determines that a foreign person materially contributed to, or attempts to materially contribute to, the failure of the Government of China under the Joint Declaration and the Basic Law to become eligible to obtain lawful entry into the United States, the Secretary of State, in consultation with the Secretary of the Treasury, shall submit to the appropriate congressional committees and leadership a report that includes—

(1) an identification of the foreign person; and

(2) a clear explanation for why the foreign person was identified and a description of the activity that contributed to the identification;

(b) IDENTIFYING FOREIGN FINANCIAL INSTITUTIONS.—Not earlier than 30 days and not later than 60 days after the Secretary of State submits to the appropriate congressional committees and leadership the report under subsection (a), the Secretary of the Treasury, in consultation with the Secretary of State, shall submit to the appropriate congressional committees and leadership a report that identifies any foreign financial institution identified in the report under subsection (a) as a significant transaction with a foreign person identified in the report under subsection (a).

(c) EXCLUSION OF CERTAIN INFORMATION.—

(1) INTELLIGENCE.—The Secretary of State shall not disclose the identity of a person in a report submitted under subsection (a) or (b), or an update under subsection (e), if the Director of National Intelligence determines that such disclosure could compromise an intelligence operation, activity, source, or method of the United States.

(2) LAW ENFORCEMENT.—The Secretary of State shall not disclose the identity of a person in a report submitted under subsection (a) or (b), or an update under subsection (e), if the Director of National Intelligence determines that such disclosure could compromise an intelligence operation, activity, source, or method of the United States.

(d) UPDATE OF REPORTS.—

(1) IN GENERAL.—Each report submitted under subsections (a) and (b) shall be updated in an ongoing manner and, to the extent practicable, updated reports shall be resubmitted with the annual report under section 301 of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5731).

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to terminate the requirement to update the reports under subsections (a) and (b) upon the termination of the requirement to submit the annual report under section 301 of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5731).

(f) FORM OF REPORTS.—

(1) IN GENERAL.—Each report under section (a) or (b) (including updates under subsection (e)) shall be submitted in unclassified form and made available to the public.

(g) MATERIAL CONTRIBUTIONS RELATED TO OBLIGATIONS OF CHINA DESCRIBED.—For purposes of this section, a material contribution to the failure of the Government of China to meet its obligations...
under the Joint Declaration or the Basic Law if the person—

(1) took action that resulted in the inability of the people of Hong Kong—

(A) to enjoy freedom of assembly, speech, press, or independent rule of law; or

(B) to participate in democratic outcomes; or

(2) otherwise took action that reduces the high degree of autonomy of Hong Kong.

SEC. 1706. SANCTIONS WITH RESPECT TO FOREIGN PERSONS THAT CONTRAVENE THE OBLIGATIONS OF CHINA UNDER THE JOINT DECLARATION OR THE BASIC LAW

(a) IMPOSITION OF SANCTIONS.—

(1) IN GENERAL.—On and after the date on which a foreign person is included in the report under section 1705(a), the President shall impose sanctions described in subsection (b) with respect to that foreign person.

(b) MANDATORY SANCTIONS.—Not later than one year after the date on which a foreign person is included in the report under section 1705(a), the President shall impose sanctions described in subsection (b) with respect to that foreign person.

(c) TERMINATION OF ACT.—The President may impose sanctions described in subsection (b) with respect to a foreign person—

(1) acquiring, holding, withholding, using, transferring, withdrawing, transporting, or exporting any property that is subject to the jurisdiction of the United States and with respect to which the foreign person has any interest;

(2) dealing in or exercising any right, power, or privilege with respect to such property; or

(3) conducting any transaction involving such property.

(2) EXCLUSION FROM THE UNITED STATES AND REVOCATION OF VISA OR OTHER DOCUMENTATION.—In the case of a foreign person who is an individual, the President may direct the Secretary of State to deny a visa to, and the Secretary of Homeland Security to exclude from the United States, the foreign person, subject to regulatory exceptions to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

SEC. 1707. SANCTIONS WITH RESPECT TO FOREIGN FINANCIAL INSTITUTIONS THAT CONDUCT SIGNIFICANT TRANSACTIONS WITH FOREIGN PERSONS THAT CONTRAVENE THE OBLIGATIONS OF CHINA UNDER THE JOINT DECLARATION OR THE BASIC LAW

(a) IMPOSITION OF SANCTIONS.—

(1) INITIAL SANCTIONS.—Not later than one year after the date on which a foreign financial institution is included in the report under section 1705(b) or an update to that report under section 1705(e), the President shall impose not fewer than 5 of the sanctions described in subsection (b) with respect to that foreign financial institution.

(2) EXPANDED SANCTIONS.—Not later than two years after the date on which a foreign financial institution is included in the report under section 1705(b) or an update to that report under section 1705(e), the President shall impose all of the sanctions described in subsection (b).

(b) SANCTIONS DESCRIBED.—The sanctions described in this subsection with respect to a foreign financial institution are the following:

(1) LOANS FROM UNITED STATES FINANCIAL INSTITUTIONS.—The United States Government, or any financial institution from making loans or providing credits to the foreign financial institution.

(2) PROHIBITION ON DESIGNATION AS PRIMARY DEALER.—Neither the Board of Governors of the Federal Reserve System nor the Federal Reserve Bank of New York may designate, or permit the re-designation of, the foreign financial institution as a primary dealer in United States Government debt instruments.

(3) PROHIBITION ON SERVICE AS A REPOSITORY OF GOVERNMENT FUNDS.—The foreign financial institution may not serve as agent of the United States to receive or to serve as a repository for United States Government funds.

(4) FOREIGN EXCHANGE.—The President may, pursuant to such regulations as the President may prescribe, prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and involve the foreign financial institution.

(5) BANKING TRANSACTIONS.—The President may, pursuant to such regulations as the President may prescribe, prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve the foreign financial institution.

(6) PROPERTY TRANSACTIONS.—The President may, pursuant to such regulations as the President may prescribe, prohibit any person from—

(A) acquiring, holding, withholding, using, transferring, withdrawing, transporting, or exporting any property that is subject to the jurisdiction of the United States and with respect to which the foreign financial institution has any interest; or

(B) dealing in or exercising any right, power, or privilege with respect to such property; or

(C) conducting any transaction involving such property.

(7) RESTRICTION ON EXPORTS, REEXPORTS, AND TRANSFERS.—The President, in consultation with the Secretary of Commerce, may take such measures as are necessary to bar the export, reexport, or transfers (in-country) of commodities, software, technology, and services to the foreign financial institution that led to the imposition of sanctions.

(8) BAN ON INVESTMENT IN EQUITY OR DEBT.—The President may, pursuant to such regulations or guidelines as the President may prescribe, prohibit any person from—

(A) acquiring, holding, withholding, using, transferring, withdrawing, transporting, importing, or exporting any property that is subject to the jurisdiction of the United States and with respect to which the foreign financial institution has any interest; or

(B) dealing in or exercising any right, power, or privilege with respect to such property; or

(C) conducting any transaction involving such property.

(9) EXCLUSION OF CORPORATE OFFICERS.—The President may direct the Secretary of State, in consultation with the Secretary of the Treasury, to exclude from the United States any alien that is determined to be a corporate officer or principal of, or a shareholder with a controlling interest in, the foreign financial institution, subject to regulatory exceptions to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United States and the United Nations, or other applicable international obligations.

(10) SANCTIONS OF PRINCIPAL EXECUTIVE OFFICERS.—The President may impose on the principal executive officer or officers of the foreign financial institution, or on individuals performing similar functions and with similar authorities as such officer or officers, any of the sanctions described in paragraphs (1) through (8) that are applicable.

(b) EXCEPTIONS TO SANCTIONS.—The President may impose sanctions required under subsection (a) with respect to a financial institution included in the report under section 1705(b) or an update to that report under section 1705(e) beginning on the day on which the financial institution is included in that report or update.

SEC. 1708. WAIVER, TERMINATION, EXCEPTIONS, AND CONGRESSIONAL REVIEW

(a) NATIONAL SECURITY WAIVER.—Unless a disapproval resolution is enacted under subsection (e), the President may waive the application of sanctions under section 1706 or 1707 with respect to a foreign person or foreign financial institution if the President—

(1) determines that the waiver is in the national security interest of the United States; and

(2) submits to the appropriate congressional committees and leadership a report on the determination and the reasons for the determination.

(b) TERMINATION OF SANCTIONS AND REMOVAL FROM REPORT.—Unless a disapproval resolution is enacted under subsection (e), the President may terminate the application of sanctions under section 1706 or 1707 with respect to a foreign person or foreign financial institution if the President—

(1) determines that the waiver is in the national security interest of the United States; and

(2) submits to the appropriate congressional committees and leadership a report on the determination and the reasons for the determination.

(c) CONGRESSIONAL REVIEW.—

(1) REPORT.—

(A) IN GENERAL.—Not later than July 1, 2046, the President, in consultation with the Secretary of State, the Secretary of the Treasury, and the heads of such other Federal agencies as the President considers appropriate, shall submit to Congress a report evaluating the implementation of this title and sanctions imposed pursuant to this title.

(B) ELEMENTS.—The President shall include in the report submitted under subparagraph (A) an assessment of whether this title and the sanctions imposed pursuant to this title should be terminated.

(d) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(1) IN GENERAL.—The authorities and requirements to impose sanctions under sections 1706 and 1707 shall not include the authority or requirement to impose sanctions on the importation of goods.

(2) GOOD REVIEW.—In this subsection, the term "good" means any article, natural or manufactured substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technical data.

(3) CONGRESSIONAL REVIEW.—
SEC. 1287. BLOCKING DEADLY FENTANYL IMPORTS.

(a) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to the extent necessary to carry out this title.

(b) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of section 1766 or 1704 of this Act, or any regulation, license, or order issued to carry out that Act, shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the extent that the person commits an unlawful act described in subsection (a) of that section.

SEC. 1710. RULE OF CONSTRUCTION.

Nothing in this title shall be construed as an authorization of military force against China.
(b) Definitions.—Section 481(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)) is amended—

(1) in paragraph (2)—
   (A) in the matter preceding subparagraph (A), by striking ‘‘in which’’;
   (B) in subparagraph (A), by inserting ‘‘before ‘‘1,000’’; and
   (C) by striking ‘‘or at the end;’’;

(2) in paragraph (4)—
   (A) in subparagraph (C), by striking ‘‘and’’ at the end;
   (B) in subparagraph (D), by adding ‘‘and’’ at the end; and
   (C) by adding at the end the following:

   ‘‘(D) that is a significant source of illicit fentanyl and analogues significantly affecting the United States;’’; and

(3) in the matter preceding subparagraph (A), by striking ‘‘also’’; ‘‘in subparagraph (A)’’ and ‘‘and’’; and

(c) International Narcotics Control Strategy Report.—Section 489(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j–1(a)(9)) is amended by adding at the end the following:

‘‘(1) in the matter preceding subparagraph (A), by striking ‘‘also’’; ‘‘in subparagraph (A)’’ and ‘‘and’’; and
   (2) by redesignating subparagraph (A) as subparagraph (B)’.‘‘

(d) Designation of Illicit Fentanyl Countries Without Scheduling Procedures.—Section 706(2) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2291j–1(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking ‘‘also’’; ‘‘in subparagraph (A)’’ and ‘‘and’’; and

(2) by redesignating subparagraph (A) as subparagraph (B).‘‘

(e) Effective Date.—The amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 114. REPORT ON CH-47F CHINOOK BLOCK II UPGRADE.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of the Army, shall submit to the appropriate congressional committees a report on the CH-47F Chinook Block II upgrade that includes the following:

(1) An analysis of the warfighting capability currently delivered by the Block I and Block II configurations of H-47 Chinook helicopters.

(2) An analysis of the feasibility and advisability of delaying or terminating the CH-47F Chinook Block II upgrade.

(3) A plan to ensure that warfighter capability is not negatively affected by the delay
or termination of the CH-47F Chinook Block-II upgrade.

(b) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SA 1998. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, add the following:

SEC. 114. SENSE OF CONGRESS ON LONG-TERM INVESTMENT AND SUSTAINMENT PLAN FOR A SECOND SOURCE FOR CANNON TUBE PROCUREMENT.

It is the sense of Congress that—

(1) there are concerns with the depth and ability of the cannon tube industrial base to meet the Army’s long-term demand;

(2) the current state of the supply chain risks not sufficiently meeting the Army’s modernization priorities; and

(3) the Army should develop and implement a long-term investment and sustainment plan for a second-source for cannon tube procurement to mitigate risk to the Army and the industrial base.

SA 1999. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

Subtitle—INDUSTRIES OF THE FUTURE

SEC. 1. SHORT TITLE.

This subtitle may be cited as the “Industries of the Future Act of 2020”.

SEC. 2. REPORT ON FEDERAL RESEARCH AND DEVELOPMENT ON INDUSTRIES OF THE FUTURE.

(a) In General.—Not later than 120 days after the date of the enactment of this Act, the Director of the Office of Science and Technology Policy shall submit to Congress a report on research and development investments, infrastructure, and workforce development investments of the Federal Government that enable continued United States leadership in industries of the future.

(b) The report submitted under subsection (a) shall include the following:

(1) A definition, for purposes of this Act, of the term “industries of the future” that includes emerging technologies that can increase energy efficiency and reduce impact on the environment while reducing injuries and saving lives by providing improved health protection.

(2) An assessment of the current baseline of investments in civilian research and development investments of the Federal Government in the industries of the future.

(3) A plan to double such baseline investments in artificial intelligence and quantum information science by fiscal year 2025.

(4) A plan to leverage investments described in paragraphs (2), (3), and (4) in industries of the future to elicit complementarity investments by non-Federal entities to the greatest extent practicable.

(5) Proposed legislation to implement such plans.

SEC. 3. INDUSTRIES OF THE FUTURE COORDINATION COUNCIL.

(a) Establishment.—

(1) In General.—The President shall establish or designate a council to advise the Director of the Office of Science and Technology Policy on matters relevant to the Director and the industries of the future.

(2) Designation.—The council established or designated under paragraph (1) shall be known as the “Industries of the Future Coordination Council” (in this section the “Council”).

(b) Membership.—

(1) Composition.—The Council shall be composed of members of the Federal Government as follows:

(A) One member appointed by the Director.

(B) One member appointed by the Director of the Office of Management and Budget.

(C) A chairperson of the Select Committee on Artificial Intelligence of the National Science and Technology Council.

(D) A chairperson of the Subcommittee on Advanced Manufacturing of the National Science and Technology Council.

(E) A chairperson of the Subcommittee on Quantum Information of the National Science and Technology Council.

(F) Such other members as the President considers appropriate.

(c) Duties.—The duties of the Council are as follows:

(1) To provide the Director with advice on ways in which the Federal Government can ensure the United States continues to lead the world in leveraging technologies that improve the quality of life of the people of the United States, increase economic competitiveness of the United States, and strengthen the national security of the United States, including identification of the following:

(A) Investments required in fundamental research, and development, infrastructure, and workforce development of the United States workers who will support the industries of the future.

(B) Actions necessary to create and further develop the workforce that will support the industries of the future.

(C) Actions required to leverage the strength of the U.S. industrial and development ecosystem of the United States, which includes academia, industry, and nonprofit organizations.

(D) Ways that the Federal Government can consider leveraging existing partnerships and creating new partnerships and other multisector collaborations to advance the industries of the future.

(2) To provide the Director with advice on matters relevant to the report required by section 2.

(d) Coordination.—The Council shall coordinate with and utilize relevant existing National Science and Technology Council committees to the maximum extent feasible in order to minimize duplication of effort.

(e) Sunset.—The Council shall terminate on the date that is 6 years after the date of the enactment of this Act.

SA 2000. Mr. WICKER (for himself and Mrs. HYDE-SMITH) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

TITLE LEADERSHIP OVER NATIONAL EMERGENCIES

SEC. 201. DECLARATIONS OF NATIONAL EMERGENCIES.

(a) Authority To Declare National Emergencies.—With respect to Acts of Congress authorizing the exercise, during the period of a national emergency, of any special powers or extraordinary powers authorized to declare such a national emergency by proclamation, such proclamation shall immediately be transmitted to Congress and published in the Federal Register.

(b) Specification of Provisions of Law To Be Exercised.—No powers or authorities made available by statute for use during the period of a national emergency shall be exercised unless and until the President specifies the provisions of law under which the President proposes that the President or other officers or employees of the Government shall act in exercising such powers or authorities.

(i) a declaration of a national emergency under subsection (a); or
"(2) one or more Executive orders relating to the emergency published in the Federal Register and transmitted to Congress.

"(c) PROHIBITION ON SUBSEQUENT ACTIONS IF EMERGENCY APPROVED.—

"(1) SUBSEQUENT DECLARATIONS.—If a joint resolution of approval is not enacted under section 203 with respect to a national emergency, the President may, during the 30-day period described in section 202(a), or with respect to a national emergency proposed to be renewed under section 202(b), the President may, during the 30-day period described in section 202(a), or with respect to a national emergency under subsection (a) with respect to that emergency.

"(2) EXERCISE OF AUTHORITIES.—If a joint resolution of approval is not enacted under section 203 with respect to a power or authority specified by the President in a proclamation under section 201(a) or an Executive order under subsection (b) with respect to a national emergency, the President may, during the remaining term of office of that President, exercise that power or authority with respect to that emergency.

"(b) EFFECT OF FUTURE LAWS.—No law enacted after the enactment of this Act shall supersede this title unless it does so in specific terms, referring to this title, and declaring that the new law supersedes the provisions of this title.

"SEC. 202. EFFECTIVE PERIODS OF NATIONAL EMERGENCIES.

"(a) TEMPORARY EFFECTIVE PERIODS.—

"(1) IN GENERAL.—A declaration of a national emergency shall remain in effect for 30 days from the issuance of the proclamation under section 201(a) (not counting the day on which the proclamation was issued) and shall terminate when that 30-day period expires unless there is enacted into law a joint resolution of approval under section 203 with respect to the proclamation.

"(2) EXERCISE OF POWERS AND AUTHORITIES.—Any emergency power or authority made available under a provision of law specified pursuant to section 201(b) may be exercised pursuant to a declaration of a national emergency for 30 days from the issuance of the proclamation or Executive order (not counting the day on which such proclamation or Executive order was issued). That power or authority may not be exercised after that 30-day period expires unless there is enacted into law a joint resolution of approval under section 203.

"(2) EXERCISE OF POWERS AND AUTHORITIES.—Any emergency power or authority made available under a provision of law specified pursuant to section 201(b) may be exercised pursuant to a declaration of a national emergency for 30 days from the issuance of the proclamation or Executive order (not counting the day on which such proclamation or Executive order was issued). That power or authority may not be exercised after that 30-day period expires unless there is enacted into law a joint resolution of approval under section 203.

"(A) the proclamation of a national emergency under section 201(a), or an Executive order specifying emergency powers or authorities under section 201(b)(2); or

"(B) the date provided for in subsection (b); or

"(C) the date specified in an Act of Congress terminating the emergency; or

"(D) the date specified in a proclamation of the President terminating the emergency.

"(ii) any legal action or legal proceeding based on any act committed prior to that date; or

"(ii) any legal action taken or pending legal proceeding that the President may be exercising relating to the emergency shall cease to be exercised;

"(iii) any amounts reprogrammed or transferred under any provision of law with respect to the emergency that remain unobligated on that date shall be returned and made available for the purpose for which such amounts were appropriated; and

"(iii) any contracts entered into under any provision of law before the term of office of that President, unless—

"EMERGENCIES NOT APPROVED.—

"(1) IN GENERAL.—Any national emergency declared by the President under section 201(a) shall terminate at the earlier of:

"(A) the date provided for in subsection (a);

"(B) the date provided for in subsection (b); or

"(C) the date specified in an Act of Congress terminating the emergency; or

"(D) the date specified in a proclamation of the President terminating the emergency.

"(ii) except as provided by subparagraph (B), any powers or authorities exercised by reason of the emergency shall cease to be exercised;

"(iii) any amounts reprogrammed or transferred under any provision of law with respect to the emergency that remain unobligated on that date shall be returned and made available for the purpose for which such amounts were appropriated; and

"(i) any legal action taken or pending legal proceeding that the President may be exercising relating to the emergency shall cease to be exercised;

"(ii) any legal action or legal proceeding based on any act committed prior to that date; or

"(ii) any legal action or legal proceeding that the President may be exercising relating to the emergency shall cease to be exercised;

"(iii) any contracts entered into under any provision of law before the term of office of that President, unless—

"(A) the date provided for in subsection (b); or

"(B) the date provided for in subsection (b); or

"(C) the date specified in an Act of Congress terminating the emergency; or

"(D) the date specified in a proclamation of the President terminating the emergency.

"CONVENE.—If Congress is physically unable to convene as a result of a armed attack upon the United States or another national emergency, paragraphs (1) and (2) shall begin on the first day Congress convenes for the first time after the attack or other emergency.

"(b) RENEWAL OF NATIONAL EMERGENCIES.—A national emergency declared by the President under section 201(a) or previously renewed under this subsection, and not already terminated pursuant to subsection (a) or (c), shall terminate on the date that is one year after the President transmitted to Congress the proclamation declaring the emergency or Congress approved a previous renewal pursuant to this subsection, unless:

"(1) the President publishes in the Federal Register to Congress an Executive order renewing the emergency; and

"(2) there is enacted into law a joint resolution of approval renewing the emergency pursuant to section 203 before the termination of the emergency or previous renewal of the emergency.

"(c) TERMINATION OF NATIONAL EMERGENCIES.—

"(1) IN GENERAL.—Any national emergency declared by the President under section 201(a) shall terminate at the earlier of:

"(A) the date provided for in subsection (a);

"(B) the date provided for in subsection (b); or

"(C) the date specified in an Act of Congress terminating the emergency; or

"(D) the date specified in a proclamation of the President terminating the emergency.

"(2) EFFECT OF FUTURE LAWS.—

"(A) IN GENERAL.—Effective on the date of enactment of this Act shall supersede this title unless it does so in specific terms, referring to this title, and declaring that the new law supersedes the provisions of this title.

"(B) SAVINGS PROVISION.—The termination of a national emergency shall not affect:

"(i) any legal action taken or pending legal proceeding that the President may be exercising relating to the emergency shall cease to be exercised;

"(ii) any legal action or legal proceeding based on any act committed prior to that date; or

"(ii) any legal action or legal proceeding that the President may be exercising relating to the emergency shall cease to be exercised;

"(iii) any contracts entered into under any provision of law before the term of office of that President, unless—

"(A) the date provided for in subsection (b); or

"(B) the date provided for in subsection (b); or

"(C) the date specified in an Act of Congress terminating the emergency; or

"(D) the date specified in a proclamation of the President terminating the emergency.

"(iii) any contracts entered into under any provision of law before the term of office of that President, unless—

"(A) the date provided for in subsection (b); or

"(B) the date provided for in subsection (b); or

"(C) the date specified in an Act of Congress terminating the emergency; or

"(D) the date specified in a proclamation of the President terminating the emergency.

"(ii) any legal action or legal proceeding that the President may be exercising relating to the emergency shall cease to be exercised;

"(iii) any contracts entered into under any provision of law before the term of office of that President, unless—

"(A) the date provided for in subsection (b); or

"(B) the date provided for in subsection (b); or

"(C) the date specified in an Act of Congress terminating the emergency; or

"(D) the date specified in a proclamation of the President terminating the emergency.

"(ii) any legal action or legal proceeding that the President may be exercising relating to the emergency shall cease to be exercised;

"(iii) any contracts entered into under any provision of law before the term of office of that President, unless—

"(A) the date provided for in subsection (b); or

"(B) the date provided for in subsection (b); or

"(C) the date specified in an Act of Congress terminating the emergency; or

"(D) the date specified in a proclamation of the President terminating the emergency.

"(ii) any legal action or legal proceeding that the President may be exercising relating to the emergency shall cease to be exercised;

"(iii) any contracts entered into under any provision of law before the term of office of that President, unless—

"(A) the date provided for in subsection (b); or

"(B) the date provided for in subsection (b); or

"(C) the date specified in an Act of Congress terminating the emergency; or

"(D) the date specified in a proclamation of the President terminating the emergency.

"(ii) any legal action or legal proceeding that the President may be exercising relating to the emergency shall cease to be exercised;

"(iii) any contracts entered into under any provision of law before the term of office of that President, unless—

"(A) the date provided for in subsection (b); or

"(B) the date provided for in subsection (b); or

"(C) the date specified in an Act of Congress terminating the emergency; or

"(D) the date specified in a proclamation of the President terminating the emergency.

"(ii) any legal action or legal proceeding that the President may be exercising relating to the emergency shall cease to be exercised;

"(iii) any contracts entered into under any provision of law before the term of office of that President, unless—

"(A) the date provided for in subsection (b); or

"(B) the date provided for in subsection (b); or

"(C) the date specified in an Act of Congress terminating the emergency; or

"(D) the date specified in a proclamation of the President terminating the emergency.
and shall be debatable for 1 hour equally di-
vided and controlled by the proponent and an
opponent, and the previous question shall be
called as ordered to its passage without in-
terruption. It shall not be in order to re-
consider the vote on passage. If a vote on
final passage of the joint resolution has not
been taken on or before the close of the
tenth day after its presentation, the resolu-
tion shall not be considered reported by the
committee or committees to which it was
referred, or after such com-
mittee or committees have been discharged
from further consideration of the resolution,
such vote shall be taken on that day.

"(6) RECEIPT OF RESOLUTION FROM OTHER
Houses.—If a joint resolution of approval, one House receives from the
other a joint resolution of approval from the
other House, then—

"(A) the joint resolution of the other
House shall not be referred to a committee
and shall be deemed to have been discharged
from committee on the day it is received;
and

"(B) the procedures set forth in paragraphs
(3), (4), and (5), as applicable, shall apply in
the receiving House to the joint resolution received
from the other House to the same extent as such procedures apply to a joint
resolution of the receiving House.

"(c) GROUND OF APPROVAL.—The enact-
ment of a joint resolution of approval under
this section shall not be interpreted to serve
as a grant or modification by Congress of
statutory authority for the emergency pow-
ers of the President.

"(d) RULES OF THE HOUSE AND SENATE.—This
section is enacted by Congress—

"(1) as an exercise of the rulemaking power
of the Senate and the House of Representa-
tives, respectively, and as such is deemed a part of the rules of such House,
but applicable only with respect to the pro-
cedure to be followed in the House in the
case of joint resolutions described in this
section, to the extent that it is inconsistent with such other rules;
and

"(2) with full recognition of the constitu-
tional right of either House to change the
rules (so far as relating to the procedure of
that House) at any time, in the same man-
ner, and to the same extent as in the case of any other House.

SEC. 204. EXCLUSION OF CERTAIN NATIONAL
EMERGENCIES INVOKING INTERNATIONAL
EMERGENCY ECONOMIC POWERS ACT.

"(a) IN GENERAL.—In the case of a national
emergency described in subsection (b), the
provisions of this Act, as in effect on the day
before the date of the enactment of the As-
suring that Robust, Thorough, and Informed
Congressional Leadership is Exercised Over
National Emergencies Act, shall continue
to apply on and after such date of enactment.

"(b) PROVISIONS OF INFORMATION TO CON-
GRESS.—The President shall provide to Con-
grress such other information as Congress
may request in connection with any national
emergency in effect under title II.

"(c) EXCLUSION OF DUTIES AND IMPORT QUOTAS FROM
PRESIDENTIAL AUTHORITY UNDER INTERNATIONAL EMER-
GENCY ECONOMIC POWERS ACT.

Section 203 of the International Emergency
Economic Powers Act (50 U.S.C. 1702) is
amended—

"(1) by redesignating subsection (c) as sub-
section (d); and

"(2) by inserting after subsection (b) the fol-
lowing:

"(c) The authority granted to the Presi-
dent by this section does not include the au-
 thority to impose duties or tariff-rate quotas on articles entering the United
States.

"(d) The limitation under paragraph (1)
shall not prohibit the President from exclud-
ing articles described in subparagraph (C)
of section (d); and

"(e) EFFECT OF ADDITIONAL POWERS AND
AUTHORITIES.—Subsection (a) shall not apply
to a national emergency or the exercise of
emergency powers and authorities pursuant to
a national emergency if, in addition to
the exercise of emergency powers and au-
thorities described in subsection (b), the
President proposes to exercise, pursuant to
the national emergency, any emergency pow-
ers and authorities under any other provi-
sion of this Act.

SEC. 205. REPORT REQUIREMENTS.

Section 401 of the National Emergencies
Act (50 U.S.C. 1614) is amended by adding at
the end the following:

"(d) REPORT IN EMERGENCIES.—The Presi-
dent shall transmit to Congress, with any
declaration, proclamation, or order specifying
emergency powers or authorities under
section 201(b)(2) or renewed a national emergency under section 202(b),
a report, in writing, that includes the fol-
lowing:

"(1) A description of the circumstances
necessary or reasonably necessary to

"(2) The estimated duration of the national
emergency, or a statement that the duration
of the national emergency cannot reasonably
be estimated at the time of transmission of the
report.

"(3) A summary of the actions the Presi-
dent has taken, including any
reprogramming or transfer of
funds, and the statutory authorities the President and
such officers expect to retain in

"(4) PROVISION OF INFORMATION TO CON-
GRESS.—The President shall provide to Con-
grress such other information as Congress
may request in connection with any national
emergency in effect under title II.

"(5) Periodic Reports on Status of Em-
ergencies.—If the President declares a na-
tional emergency under section 201(a), the
President shall, not less frequently than
weekly, forward to Congress a report,
in writing, that includes the fol-
lowing:

"(1) The authority granted to the Presi-
dent or other officers to take, including
any reprogramming
or transfer of funds, and the statutory authorities the President and
such officers expect to retain in

"(6) Provision of Information to Con-
grress.—The President shall provide to Con-
grress such other information as Congress
may request in connection with any national
emergency in effect under title II.

"(b) APPLICABILITY TO RENEWALS OF EXIST-
ING EMERGENCIES.—When a national emer-
gency declared under section 201 of the Na-
tional Emergencies Act before the date of
the enactment of this Act would expire or be
renewed under section 202(d) of that Act (as in
effect on the date of such en-
actment), that national emergency shall be
subject to the requirements for renewal under section 202(b) of that Act, as amended by
section 204.

SA 2002. Mr. LEE (for himself and Mr.
ROMNEY) submitted an amendment intended to be proposed by him to the
bill S. 4049, to authorize appropriations for fiscal year 2021 for military activi-
ties of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to
describe military personnel strength for such fiscal year, and for other purposes; which was ordered to
lie on the table; as follows:

At the appropriate place, insert the fol-
lowing:

SEC. 206. LIMITATION ON THE EXTENSION OR
ESTABLISHMENT OF NATIONAL MONUMENTS IN THE STATE
OF UTAH.

Section 32103(d) of title 54, United States
Code, is amended—

"(a) in the heading, by striking "Wyoming"
and inserting "The State of Wyoming or Utah"; and

"(b) by striking "Wyoming" and inserting
"The State of Wyoming or Utah."

SA 2003. Mr. LEE (for himself, Mrs.
FEINSTEIN, Mr. CRUZ, and Ms. COLLINS)
submitted an amendment intended to be proposed by him to the bill S. 4049,
to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military
construction, and for defense activities of the Department of Energy, to
pre-
scribe military personnel strengths for such fiscal year, and for other pur-
poses; which was ordered to
lie on the table; as follows:

At the appropriate place, insert the fol-
lowing:

SEC. 207. DUE PROCESS GUARANTEE.

"(a) SHORT TITLE.—This section may be
cited as the "Due Process Guarantee Act."

"(b) PROHIBITION ON THE INDEFINITE DETEN-
TION OF CITIZENS AND LAWFUL PERMANENT
RESIDENTS.

"(1) LITIGATION ON DETENTION.—

"(A) IN GENERAL.—Section 4001(a) of title 18,
United States Code, is amended—
SA 2005. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Section 1. CONSTRUCTION OF MILITARY VESSELS.

(1) Construction of military vessels: The United States Navy may construct a naval vessel in a foreign shipyard if—

(a) the President submits to Congress a formal request for authorization to use members of the United States Armed Forces for the military humanitarian operation; and

(b) Congress enacted a specific authorization for such use of forces.

SA 2006. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title XII, add the following:

Section 1. CONSTRUCTION OF MILITARY VESSELS.

(1) Construction of military vessels: The United States Navy may construct a naval vessel in a foreign shipyard if—

(a) the President submits to Congress a formal request for authorization to use members of the United States Armed Forces for the military humanitarian operation; and

(b) Congress enacted a specific authorization for such use of forces.
appropriate congressional committees on the efforts of the Department of State to establish the Office of Sanctions Coordination pursuant to section 1(g) of the State Department Basic Authorities Act of 1956, as amended by paragraph (1), including a description of—
(A) measures taken to implement the requirements of that section and to establish the Office;
(B) actions taken by the Office to carry out the duties listed in paragraph (3) of that section;
(C) the resources devoted to the Office, including the number of employees working in the Office; and
(D) plans for the use of the direct hire authority provided under paragraph (4) of that section.

(b) COORDINATION WITH ALLIES AND PARTNERS OF THE UNITED STATES.—
(1) IN GENERAL.—The Secretary of State shall develop and implement mechanisms and programs, in coordination with the head of the Office of Sanctions Coordination established pursuant to section 1(g) of the State Department Basic Authorities Act of 1956, as amended by subsection (a)(1), to coordinate the development and implementation of United States sanctions policies with allies and partners of the United States, including the United Kingdom, the European Union and member countries of the European Union, Canada, Australia, New Zealand, Japan, and South Korea.

(2) INFORMATION SHARING.—The Secretary should pursue the development and implementation of mechanisms and programs under paragraph (1), as appropriate, that involve the sharing of information with respect to policy development and sanctions implementation.

(3) CAPACITY BUILDING.—The Secretary should pursue efforts, in coordination with the Secretary of the Treasury and the head of any other agency the Secretary considers appropriate, to assist allies and partners of the United States, including the countries specified in paragraph (1), as appropriate, in the development of their legal and technical capacities to develop and implement sanctions authorities.

(4) EXCHANGE PROGRAMS.—In furtherance of the efforts described in paragraphs (1) and (3), the Secretary, in coordination with the Secretary of the Treasury and the head of any other agency the Secretary considers appropriate, may enter into agreements with counterpart agencies in foreign governments establishing exchange programs for the temporary detail of government employees to share information and expertise with respect to the development and implementation of sanctions authorities.

(5) BRIEFING REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter until the date that is 5 years after such date of enactment, the Secretary of State shall brief the appropriate congressional committees on the efforts of the Department of State to implement this section, including a description of—
(A) measures taken to implement paragraph (1);
(B) actions taken pursuant to paragraphs (2) through (4);
(C) extent of coordination between the United States and allies and partners of the United States, including the countries specified in paragraph (1), with respect to the development and implementation of sanctions policy; and
(D) obstacles preventing closer coordination between the United States and such allies and partners with respect to the development and implementation of sanctions policy.

(c) SENSE OF CONGRESS.—It is the sense of the Congress that the President should appoint a coordinator for sanctions and national economic security issues within the framework of the National Security Council.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘appropriate congressional committees’ means—
(1) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate; and
(2) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives.

SA 2007. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SA 2008. Mr. RISCH (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SA 2009. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SA 2010. Mr. TILLIS submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:
SEC. 1297. DEFINITION OF CRITICAL TECHNOLOGIES FOR PURPOSES OF REVIEWS BY THE COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.


(1) by striking "technologies controlled" and inserting the following: "technologies—"

(2) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(D) any item, good, service, technology, or software accessible by a foreign person;"

SEC. 1216. WITHDRAWAL OF UNITED STATES ARMED FORCES FROM AFGHANISTAN.

(a) FINDINGS.—In making the following findings:

(1) the Joint Resolution to authorize the use of United States Armed Forces against those responsible for the attacks launched against the United States (Public Law 107–40) states, "The President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001";

(2) Since 2001, more than 3,002,635 men and women of the United States Armed Forces have deployed in support of the Global War on Terror with a $2,500 bonus to recognize that these Americans have served with honor and distinction; and

(3) In November 2009 there were fewer than 100 Al-Qaeda members remaining in Afghanistan.

(b) WITHDRAWAL.—No later than December 31, 2021 for military activities of the Department of Defense, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

SEC. 1201. ADVANCED NUCLEAR REACTOR RESEARCH AND DEVELOPMENT GOALS.

(a) In General.—The Energy Policy Act of 2005 (42 U.S.C. 16271 et seq.) is amended by adding at the end the following:

"SEC. 950A. ADVANCED NUCLEAR REACTOR RESEARCH AND DEVELOPMENT GOALS.

(a) Definitions.—In this section:

"(1) advanced nuclear reactor.—The term ‘advanced nuclear reactor’ means—

"(A) a nuclear fission reactor, including a prototype plant (as defined in sections 50.2 and 50.19 of title 10, Code of Federal Regulations (or successor regulations)), with significant improvements compared to the most recent generation of fission reactors, including improvements such as—

"(i) increased inherent safety features;

"(ii) lower waste yields;

"(iii) improved fuel performance;

"(iv) increased tolerance to loss of fuel cooling;

"(v) enhanced reliability;

"(vi) increased proliferation resistance;

"(vii) increased thermal efficiency;

"(viii) reduced consumption of cooling water;

"(ix) the ability to integrate into electric applications and non-electric applications;

"(x) modular sizes to allow for deployment that corresponds with the demand for electricity;

"(xi) operational flexibility to respond to changes in demand for electricity and to complement integration with intermittent renewable energy; and

"(B) a fusion reactor.

"(2) Demonstration projects.—The term ‘demonstration project’ means a demonstration reactor operating in any manner, including as part of the power generation facilities of an electric utility system, for the purpose of demonstrating the suitability for commercial application of the advanced nuclear reactor.

"(3) Purpose.—The purpose of this section is to direct the Secretary, as soon as practicable after the date of enactment of this section, to advance the research and development of domestic advanced, affordable, and clean nuclear energy by—

"(A) demonstrating different advanced nuclear reactor technologies that could be used by the private sector to produce heat for community heating, industrial purposes, or synthetic fuel production;

"(B) remote or off-grid energy supply;

"(C) backup or mission-critical power supply;

"(D) developing subgoals for nuclear energy research programs that would accomplish the goals of the demonstration projects carried out under section 10 of title XX; and

"(1) identifying research areas that the private sector is unable or unwilling to undertake due to the cost of, or risks associated with, the research; and

"(2) facilitating the access of the private sector—

"(A) to Federal research facilities and personnel; and

"(B) to the results of research relating to civil nuclear technology funded by the Federal Government.

"(C) Demonstration Projects.—

"(1) In General.—The Secretary shall, to the maximum extent practicable—

"(A) enter into agreements to complete not fewer than 2 demonstration projects by not later than December 31, 2025; and

"(B) establish a program to enter into agreements to complete 1 additional operational demonstration project by not later than December 31, 2035.

"(2) Requirements.—In carrying out demonstration projects under paragraph (1), the Secretary shall—

"(A) include diversity in designs for the advanced nuclear reactors demonstrated under this section, including designs using various—

"(i) primary coolants;

"(ii) fuel types and compositions; and

"(iv) increased fuel performance;

"(v) increased tolerance to loss of fuel cooling;

"(vi) enhanced reliability;

"(vii) increased proliferation resistance;

"(viii) increased thermal efficiency;

"(ix) reduced consumption of cooling water;

"(x) the ability to integrate into electric applications and non-electric applications;

"(x) modular sizes to allow for deployment that corresponds with the demand for electricity; and

"(x) operational flexibility to respond to changes in demand for electricity and to complement integration with intermittent renewable energy; and
(a) I N GENERAL.—Subtitle E of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16271 et seq.) (as amended by section 801(a)(1)) is amended—

(1) in the paragraph heading, by striking "MISSION NEED" and inserting "AUTHORIZATION"; and

(2) in subparagraph (A), by striking "determining the mission need" and inserting "determine the mission need".

(b) PROGRAM.—Not less frequently than once every 2 years, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committees on Energy and Commerce, Science, and Technology of the House of Representatives an updated 10-year strategic plan in accordance with subsection (b), shall identify, and provide a justification for, any major deviation from a previous strategic plan submitted under this section.

(t) TABLE OF CONTENTS.—The table of contents of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 594; 132 Stat. 3160) (as amended by section 959A(c)(1)) is amended by adding at the end the following:

"Sec. 959B. Nuclear energy strategic plan.".
‘(2) HIGH-ASSAY, LOW-ENRICHED URANIUM.— The term ‘high-assay, low-enriched uranium’ means uranium with an assay greater than 5 weight percent, but less than 20 weight percent, of the uranium-235 isotope.

‘(3) HIGH-ENRICHED URANIUM.—The term ‘high-enriched uranium’ means uranium with an assay of 20 weight percent or more of the uranium-235 isotope.

‘(b) HIGH-ASSAY, LOW-ENRICHED URANIUM PROGRAM FOR ADVANCED REACTORS.—

‘(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this section, the Secretary shall establish a program to make available high-assay, low-enriched uranium, through contracts for sale, resale, transfer, or lease, for use in commercial or noncommercial nuclear reactors.

‘(2) NUCLEAR FUEL OWNERSHIP.—Each lease under this subsection shall include a provision establishing that the high-assay, low-enriched uranium that is the subject of the lease shall remain the property of the Department, including with respect to responsibility for the storage, use, or final disposition of all radioactive waste created by the irradiation, processing, or purification of any leased high-assay, low-enriched uranium.

‘(3) QUANTITY.—In carrying out the program under this subsection, the Secretary shall make available—

‘(A) by December 31, 2022, high-assay, low-enriched uranium containing not less than 2 metric tons of the uranium-235 isotope; and

‘(B) by December 31, 2025, high-assay, low-enriched uranium containing not less than 10 metric tons of the uranium-235 isotope (as determined including the quantities of the uranium-236 isotope made available before December 31, 2022).

‘(4) FACTORS FOR CONSIDERATION.—In carrying out the program under this subsection, the Secretary shall take into consideration—

‘(A) contracts for providing the high-assay, low-enriched uranium under this subsection from a stockpile of uranium owned by the Department (including the National Nuclear Security Administration), including—

‘(i) fuel that—

‘(I) directly meets the needs of an end-user; but

‘(II) has been previously used or fabricated for another purpose;

‘(ii) fuel that can meet the needs of an end-user after removing radioactive or other contaminants removed from the previous use or fabrication of the fuel for research, development, demonstration, or deployment activities of the Department (including activities of the National Nuclear Security Administration); and

‘(iii) fuel from a high-enriched uranium stockpile, which can be blended with lower-assay uranium, to become high-assay, low-enriched uranium to meet the needs of an end-user; and

‘(B) requirements to support molybdenum-99 production under the American Medical Isotopes Production Act of 2012 (Public Law 112-239; 126 Stat. 2211).

‘(5) LIMITATIONS.—

‘(A) DISPOSITION OF RADIOACTIVE WASTE.—The Secretary shall not barter or otherwise sell or transfer uranium in any form in exchange for services relating to the final disposition of radioactive waste from uranium that is the subject of a lease under this subsection.

‘(B) NATIONAL SECURITY NEEDS.—The Secretary shall make available high-enriched uranium under this subsection in the event of a national security need.

‘(6) HALEU TRANSPORTATION PACKAGE RESEARCH PROGRAM.—

‘(1) IN GENERAL.—As soon as practicable after the date of enactment of this section, the Secretary shall establish a research, development, and demonstration program under which the Secretary shall provide financial assistance, on a competitive basis, to establish the capability to transport high-assay, low-enriched uranium.

‘(2) REQUIREMENT.—The focus of the program under this subsection shall be to establish 1 or more HALEU transportation packages that can be certified by the Nuclear Regulatory Commission to transport high-assay, low-enriched uranium to the various facilities involved in producing or using nuclear fuel containing high-assay, low-enriched uranium, such as—

‘(A) enrichment facilities;

‘(B) fuel processing facilities;

‘(C) fuel fabrication facilities; and

‘(D) nuclear reactors.

‘(3) REPORT.—The Secretary shall establish guidelines defining the roles and responsibilities of the Department, the Nuclear Regulatory Commission to transport high-assay, low-enriched uranium.

‘(4) REQUIRED EVALUATIONS.—The report under this subsection shall include—

‘(A) the costs and actions required to establish and carry out the program under subsection (b), including with respect to—

‘(i) proposed preliminary terms for the sale, resale, transfer, and leasing of high-assay, low-enriched uranium (including guidelines defining the roles and responsibilities between the Department and the purchaser, transferor, and lessee); and

‘(ii) the potential to coordinate with purchasers, transfer recipients, and lessees regarding—

‘(I) fuel fabrication; and

‘(II) fuel transport;

‘(B) the potential sources and fuel forms available to provide uranium for the program under subsection (b); and

‘(C) options to coordinate the program under subsection (b) with the operation of the versatile research reactor and fast neutron source under section 9550(s); and

‘(D) the ability of the domestic uranium market to provide materials for advanced nuclear reactor fuel; and

‘(E) any associated legal, regulatory, and policy issues that should be addressed to enable—

‘(i) the program under subsection (b); and

‘(ii) the establishment of a domestic industry capable of providing high-assay, low-enriched uranium for commercial and noncommercial purposes, including with respect to the needs of—

‘(I) the Department;

‘(II) the Department of Defense; and

‘(III) the National Nuclear Security Administration.

‘(5) COST AND SCHEDULE ESTIMATES.—The report under this subsection shall include estimated costs, budgets, and timeframes for enabling the use of high-assay, low-enriched uranium.

‘(6) SUNSET.—The program under this subsection shall cease to operate 10 years after the date of enactment of this section.

‘(c) USE OF FUNDS.—

‘(1) IN GENERAL.—Notwithstanding paragraph (2), amounts made available to carry out the Program shall be used to—

‘(A) provide financial assistance for scholarships, fellowships, and research and development projects at institutions of higher education;

‘(B) otherwise to enable the commercial use of high-assay, low-enriched uranium.

‘(2) REQUIREMENT.—The focus of the program under this subsection shall be to establish 1 or more HALEU transportation packages that can be certified by the Nuclear Regulatory Commission to transport high-assay, low-enriched uranium to the various facilities involved in producing or using nuclear fuel containing high-assay, low-enriched uranium, such as—

‘(A) enrichment facilities;

‘(B) fuel processing facilities;

‘(C) fuel fabrication facilities; and

‘(D) nuclear reactors.

‘(3) REPORT.—The report under this subsection shall include—

‘(A) the costs and actions required to establish and carry out the program under subsection (b), including with respect to—

‘(i) proposed preliminary terms for the sale, resale, transfer, and leasing of high-assay, low-enriched uranium (including guidelines defining the roles and responsibilities between the Department and the purchaser, transferor, and lessee); and

‘(ii) the potential to coordinate with purchasers, transfer recipients, and lessees regarding—

‘(I) fuel fabrication; and

‘(II) fuel transport;

‘(B) the potential sources and fuel forms available to provide uranium for the program under subsection (b); and

‘(C) options to coordinate the program under subsection (b) with the operation of the versatile research reactor and fast neutron source under section 9550(s); and

‘(D) the ability of the domestic uranium market to provide materials for advanced nuclear reactor fuel; and

‘(E) any associated legal, regulatory, and policy issues that should be addressed to enable—

‘(i) the program under subsection (b); and

‘(ii) the establishment of a domestic industry capable of providing high-assay, low-enriched uranium for commercial and noncommercial purposes, including with respect to the needs of—

‘(I) the Department;

‘(II) the Department of Defense; and

‘(III) the National Nuclear Security Administration.

‘(6) HALEU TRANSPORTATION PACKAGE RESEARCH PROGRAM.—

‘(1) IN GENERAL.—As soon as practicable after the date of enactment of this section, the Secretary shall establish a research, development, and demonstration program under which the Secretary shall provide financial assistance, on a competitive basis, to establish the capability to transport high-assay, low-enriched uranium.

‘(2) REQUIREMENT.—The focus of the program under this subsection shall be to establish 1 or more HALEU transportation packages that can be certified by the Nuclear Regulatory Commission to transport high-assay, low-enriched uranium to the various facilities involved in producing or using nuclear fuel containing high-assay, low-enriched uranium, such as—

‘(A) enrichment facilities;

‘(B) fuel processing facilities;

‘(C) fuel fabrication facilities; and

‘(D) nuclear reactors.

‘(c) USE OF FUNDS.—

‘(1) IN GENERAL.—Notwithstanding paragraph (2), amounts made available to carry out the Program shall be used to provide financial assistance for scholarships, fellowships, and research and development projects at institutions of higher education in areas relevant to the programmatic mission of the applicable Federal agency, with (1) an emphasis on providing financial assistance with respect to research, development, demonstration, and deployment activities for technologies relevant to advanced nuclear reactors, including relevant fuel cycle technologies.

‘(2) EXCEPTION.—Notwithstanding paragraph (1), amounts made available to carry out the Program shall be used to provide financial assistance for scholarships, fellowships, and multiyear research and development...
project that does not align directly with a programmatic mission of the applicable Federal agency providing the financial assistance, if the activity for which assistance is provided would facilitate the maintenance of the discipline of nuclear science or engineering.

(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out the Program for fiscal year 2021 and each fiscal year thereafter—

(1) $30,000,000 to the Secretary of Energy; and

(2) $15,000,000 to the Nuclear Regulatory Commission.

SEC. 66. ADJUSTING STRATEGIC PETROLEUM RESERVE MANDATED DRAWDOWNS.

(a) Bipartisan Budget Act of 2015.—Section 403(a) of the Bipartisan Budget Act of 2015 (42 U.S.C. 6241 note; Public Law 114–74) is amended—

(1) by striking paragraph (6);

(2) by redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively; and

(3) in paragraph (7) (as so redesignated), by striking “10,000,000” and inserting “20,000,000”.

(b) Fixing America’s Surface Transportation Act.—Section 1102(a) of the Fixing America’s Surface Transportation Act (42 U.S.C. 6241 note; Public Law 114–94) is amended—

(1) in subparagraph (B), by striking “16,000,000” and inserting “11,000,000”; and

(2) by striking “2023” and inserting “2022”;

and

(2) (in subparagraph (C), by striking “25,000,000” and inserting “30,000,000”).

(c) America’s Water Infrastructure Act of 2018.—Section 3009(a)(1) of America’s Water Infrastructure Act of 2018 (42 U.S.C. 6241 note; Public Law 115–270) is amended by striking “2023” and inserting “2022”.

(d) Bipartisan Budget Act of 2018.—Section 403(a) of the Bipartisan Budget Act of 2018 (42 U.S.C. 6241 note; Public Law 115–270) is amended by striking paragraphs (7) and (8), respectively; and

(2) by redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively; and

(3) in paragraph (7) (as so redesignated), by striking “16,000,000” and inserting “11,000,000”; and

(2) by striking “2023” and inserting “2022”;

and

(2) (in subparagraph (C), by striking “25,000,000” and inserting “30,000,000”).

SA 2013. Ms. MURKOWSKI (for herself, Mr. SULLIVAN, and Mr. JONES) submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 454, line 12, strike “Synthetic” and insert “Natural or synthetic”.

SA 2014. Ms. MURKOWSKI (for herself, Mr. MANCHIN, Mr. RISCH, Ms. MCSALLY, and Mr. SULLIVAN) submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle P of title XXXI, add the following:

SEC. 3165. MINERAL SECURITY.

(a) Definitions.—In this section:

(1) Byproduct.—The term “byproduct” means a critical mineral—

(A) the production of which depends on the production of a host mineral that is not designated as a critical mineral; and

(B) that exists in sufficient quantities to be recovered during processing or refining.

(2) Critical mineral.—

(A) In general.—The term “critical mineral” means any mineral, element, substance, or material designated as critical by the Secretary under this section.

(B) Exclusions.—The term “critical mineral” does not include—

(i) fuel minerals; including oil, natural gas, or any other fossil fuels; or

(ii) water, ice, or snow.

(C) Indian tribe.—The term “Indian tribe” means the term defined under section 3 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(d) Authorization of Appropriations.—The term “Secretary” means the Secretary of the Interior.

(e) Processing.—The term “State” means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

(F) the Commonwealth of the Northern Mariana Islands; and

(G) the United States Virgin Islands.

(f) Policy.—

(1) In general.—Section 3 of the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1602) is amended—

(A) by striking paragraph (3) and inserting the following:

“(3) establish an analytical and forecasting capability for determining which minerals, elements, substances, and materials qualify as critical minerals; and

(B) by striking paragraph (4) and inserting the following:

“(4) the United States has sufficient capability for identifying critical mineral or material designations under this subsection, qualitative evidence may be used for the purpose necessary.

(g) Final Methodology and List.—

(1) Draft Methodology and List.—The Secretary, acting through the Director of the United States Geological Survey (referred to in this subsection as the “Secretary”), shall publish in the Federal Register for public comment—

(A) a description of the draft methodology used to identify a draft list of critical minerals; and

(B) a draft list of minerals, elements, substances, and materials that qualify as critical minerals; and

(C) a draft list of critical minerals recovered as byproducts.

(2) Availability of Data.—If available data is insufficient to provide a quantitative basis for the methodology developed under this subsection, qualitative evidence may be used to the extent necessary.

(h) Final Methodology and List.—After receiving public comment on the draft methodology and the draft lists published under paragraph (1) and updating the methodology and lists as appropriate, not later than 45 days after the date on which the public comment period with respect to the draft methodology and draft lists closes, the Secretary shall publish in the Federal Register—

(A) a description of the final methodology for determining which minerals, elements, substances, and materials qualify as critical minerals;

(B) the final list of critical minerals; and

(C) the final list of critical minerals recovered as byproducts.

(i) Designations.—

(1) In general.—For purposes of carrying out this subsection, the Secretary shall maintain a list of minerals, elements, substances, and materials designated as critical pursuant to the final methodology published under paragraph (3), that the Secretary determines—

(i) are essential to the economic or national security of the United States;

(ii) the supply chain of which is vulnerable to disruption (including restrictions associated with foreign political risk, abrupt demand growth, military conflict, violent unrest, anti-competitive or protectionist behaviors, and other risks throughout the supply chain); and

(iii) serve an essential function in the manufacturing of a product (including energy technology-, defense-, currency-, agriculture- or consumer electronics-related applications), the absence of which would have significant consequences for the economic or national security of the United States.

(j) Inclusions.—Notwithstanding the criteria under paragraph (3), the Secretary may...
designate and include on the list any mineral, element, substance, or material determined by another Federal agency to be strategic and critical to the defense or national security of the United States.

(C) REQUIRED CONSULTATION.—The Secretary shall consult with the Secretaries of Defense, Commerce, Agriculture, and Energy and the United States Trade Representative, the Secretary of State, and the Administrator of the Environmental Protection Agency regarding the identification and prioritization of critical minerals for the purposes of this section.

4. Required consultation with Indian tribes

The Secretary shall consult with all appropriate Indian tribes in formulating and implementing the strategy.

5. Reports

(a) Annual Reports—The Secretary shall submit to Congress an annual report on the strategy and its implementation.

(b) Amendments—The Secretary shall submit to Congress a report on any proposed amendments to the strategy.

6. The role of Indian tribes

Indian tribes shall be consulted in the formulation and implementation of the strategy

7. Implementation

The strategy shall be implemented in a way that:

(A) ensures transparency and accountability by using cost-effective information technology to collect and disseminate information regarding individual projects and activities associated with the strategy;

(B) engages in early and active consultation with State, local, and Indian tribal governments to avoid conflicts or duplication of review processes, including lower costs and more timely decisions;

(C) develops mechanisms to better communicate priorities and resolve disputes among agencies at the national, regional, State, and local levels; and

(D) develops other practices, such as preapplication procedures.

8. Additional surveys

The Secretary shall submit to Congress a report describing the status and progress of data collection.

9. Performance metrics

The Secretary shall submit to Congress a report describing the progress of data collection.

10. Required consultation

The Secretary shall consult with all appropriate Federal agencies and Indian tribes regarding the implementation of the strategy.

11. Public access

The Secretary shall make available for public access all data and metadata collected as a result of the strategy.

12. Prioritization

The Secretary shall prioritize critical minerals based on their strategic and economic importance.

13. Review and report

The Secretary shall submit to Congress a report reviewing the strategy and its implementation.
(C) compares the United States to other countries in terms of permitting efficiency and any other criteria relevant to the globally competitive critical minerals industry.

(6) REPORTS—Using data from the Secretaries generated under paragraph (5), the Director of the Office of Management and Budget shall prioritize inclusion of individual critical mineral projects on the website operated by the Office of Management and Budget in accordance with section 1122 of title 31, United States Code.

(7) BUSINESS ADMINISTRATION.—Not later than 1 year and 300 days after the date of enactment of this Act, the Administrator of Small Business Administration shall submit to the applicable committees of Congress a report that assesses the performance of Federal agencies with respect to—

(A) complying with chapter 6 of title 5, United States Code (commonly known as the “Regulatory Flexibility Act”), in promulgating regulations applicable to the critical minerals industry; and

(B) performing an analysis of regulations applicable to the critical minerals industry that are unnecessary, inefficient, duplicative, or excessively burdensome.

(f) FEDERAL REGISTER PROCESS.—

(1) VIEWS.—The Administrator, in consultation with the Office of Management and Budget, shall consider and the Administrator shall give due consideration to the views of—

(A) the Secretaries of Commerce, Energy, the Interior, Labor, Transportation, and the Environmental Protection Agency; and

(B) the Administrator of the Small Business Administration.

(2) NECESSARY.—In determining whether to submit a critical mineral to the list described in paragraph (4)(B), the Administrator shall consider whether the list—

(A) meets the purposes of this Act, including—

(i) meeting the national security needs of the United States; and

(ii) meeting the needs of the United States for the recovery, production, consumption, use, costs of those activities, including—

(A) efficient water and wastewater management strategies;

(B) technologies and management strategies to control the environmental impacts of radionuclides in ore tailings;

(C) technologies, process improvements, or design optimizations that facilitate the recycling of critical minerals, and options for improving the rates of collection of products and scrap containing critical minerals from post-consumer, industrial, or other waste streams;

(D) commercial markets, advanced storage methods, energy applications, and other beneficial uses of critical minerals processing byproducts;

(E) alternative minerals, metals, and materials, particularly those available in abundance within the United States and not subject to potential supply restrictions, that lessen the need for critical minerals; and

(F) alternative, hybrid, or other designs of existing energy technologies and any other criteria relevant to the global competitiveness and any other criteria relevant to the critical minerals industry.

(3) TRANSMISSION.—All Federal Register notices regarding official document availability, announcements of meetings, or notices of intent to undertake an action shall be submitted to the Federal Register from the office in which, as applicable—

(A) the documents or meetings are held; or

(B) the activity is initiated.

(e) TRANSMISSION, EFFICIENCY, AND ALTERNATIVES.—

(1) ESTABLISHMENT.—The Secretary of Energy (in this subsection as the “Secretary”) shall conduct a program of research and development—

(A) to promote the efficient production, use, and recycling of critical minerals throughout the supply chain; and

(B) to develop alternatives to critical minerals that do not occur in significant abundance in the United States.

(2) COOPERATION.—In carrying out the program, the Secretary shall cooperate with appropriate—

(A) Federal agencies and National Laboratories;

(B) critical mineral producers;

(C) critical mineral processors;

(D) critical mineral manufacturers;

(E) trade associations;

(F) academic institutions;

(G) small businesses; and

(H) other relevant entities or individuals.

(3) ACTIVITIES.—Under the program, the Secretary shall carry out activities that include the identification and development of—

(A) advanced critical mineral extraction, production, separation, alloying, or processing technologies that decrease the energy consumption, environmental impact, and costs of those activities, including—

(i) efficient water and wastewater management strategies;

(ii) technologies and management strategies to control the environmental impacts of radionuclides in ore tailings;

(iii) technologies for separation and processing; and

(iv) technologies for increasing the recovery rates of byproducts from host metal ores; and

(B) other improvements that minimize the use, or lead to more efficient use, of critical minerals across the full supply chain;

(C) technologies, process improvements, or design optimizations that facilitate the recycling of critical minerals, and options for improving the rates of collection of products and scrap containing critical minerals from post-consumer, industrial, or other waste streams;

(D) commercial markets, advanced storage methods, energy applications, and other beneficial uses of critical minerals processing byproducts;

(E) alternative minerals, metals, and materials, particularly those available in abundance within the United States and not subject to potential supply restrictions, that lessen the need for critical minerals; and

(F) alternative, hybrid, or other designs of existing energy technologies and any other criteria relevant to the global competitiveness of the critical minerals industry.

(1) CAPABILITIES.—In order to evaluate existing critical mineral policies and inform future actions that may be taken to avoid supply shortages, mitigate price volatility, and prepare for demand growth and other market shifts, the Secretary (acting through the Director of the United States Geological Survey) or a designee of the Secretary, in consultation with the Energy Information Administration, academic institutions, and others in the United States, shall—

(i) conduct and publish a report that includes—

(A) a review of critical mineral production, consumption, and recycling patterns, including—

(I) the quantity of each critical mineral domestically produced during the preceding year;

(ii) the quantity of each critical mineral domestically consumed during the preceding year;

(iii) market price data or other price data for each critical mineral; and

(iv) an assessment of—

(I) critical mineral requirements to meet the national security, energy, economic, industrial, technological, and other needs of the United States during the preceding year;

(II) the reliance of the United States on foreign sources to meet those needs during the preceding year; and

(III) the implementation of any supply shortfalls, restrictions, or disruptions during the preceding year;

(v) the quantity of each critical mineral domestically recycled during the preceding year;

(vi) the market penetration during the preceding year of alternatives to each critical mineral;

(vii) a discussion of international trends associated with the discovery, production, consumption, use, costs of production, and recycling of each critical mineral as well as the development of alternatives to critical minerals; and

(vii) other relevant entities or individuals.

(ii) the Secretary shall submit to the Committees of Congress a report summarizing the activities, findings, and progress of the program.

(h) ANALYSIS AND FORECASTING.—

(1) REPORTS.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report summarizing the activities, findings, and progress of the program.

(2) ANALYSIS AND FORECASTING.—

(I) CAPABILITIES.—In order to evaluate existing critical mineral policies and inform future actions that may be taken to avoid supply shortages, mitigate price volatility, and prepare for demand growth and other market shifts, the Administrator shall, in consultation with the Energy Information Administration, academic institutions, and others in the United States, conduct and publish a report that includes—

(A) as part of the annually published Mineral Commodity Summaries from the United States Geological Survey, a comprehensive review of critical mineral production, consumption, and recycling patterns, including—

(i) the quantity of each critical mineral produced during the preceding year;

(ii) the quantity of each critical mineral domestically consumed during the preceding year;

(iii) market price data or other price data for each critical mineral; and

(iv) an assessment of—

(I) critical mineral requirements to meet the national security, energy, economic, industrial, technological, and other needs of the United States during the preceding year;

(II) the reliance of the United States on foreign sources to meet those needs during the preceding year; and

(III) the implementation of any supply shortfalls, restrictions, or disruptions during the preceding year;

(v) the quantity of each critical mineral domestically recycled during the preceding year;

(vi) the market penetration during the preceding year of alternatives to each critical mineral;

(vii) a discussion of international trends associated with the discovery, production, consumption, use, costs of production, and recycling of each critical mineral as well as the development of alternatives to critical minerals; and

(viii) such other projections relating to each critical mineral as the Secretary determines to be necessary to achieve the purposes of this subsection.

(2) REPORTS.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report summarizing the activities, findings, and progress of the program.

(3) TRANSMISSION, EFFICIENCY, AND ALTERNATIVES.—In order to evaluate existing critical mineral policies and inform future actions that may be taken to avoid supply shortages, mitigate price volatility, and prepare for demand growth and other market shifts, the Secretary (acting through the Director of the United States Geological Survey) or a designee of the Secretary, in consultation with the Energy Information Administration, academic institutions, and others in the United States, shall—

(i) conduct and publish a report that includes—

(A) a review of critical mineral production, consumption, and recycling patterns, including—

(I) the quantity of each critical mineral produced during the preceding year;

(ii) the quantity of each critical mineral domestically consumed during the preceding year;

(iii) market price data or other price data for each critical mineral; and

(iv) an assessment of—

(I) critical mineral requirements to meet the national security, energy, economic, industrial, technological, and other needs of the United States during the preceding year;

(II) the reliance of the United States on foreign sources to meet those needs during the preceding year; and

(III) the implementation of any supply shortfalls, restrictions, or disruptions during the preceding year; and

(v) the market penetration during the preceding year of alternatives to each critical mineral;

(vi) a discussion of international trends associated with the discovery, production, consumption, use, costs of production, and recycling of each critical mineral as well as the development of alternatives to critical minerals; and

(vii) other relevant entities or individuals.

(ii) the Secretary shall submit to the Committees of Congress a report summarizing the activities, findings, and progress of the program.

(3) TRANSMISSION, EFFICIENCY, AND ALTERNATIVES.—In order to evaluate existing critical mineral policies and inform future actions that may be taken to avoid supply shortages, mitigate price volatility, and prepare for demand growth and other market shifts, the Secretary (acting through the Director of the United States Geological Survey) or a designee of the Secretary, in consultation with the Energy Information Administration, academic institutions, and others in the United States, shall—

(i) conduct and publish a report that includes—

(A) as part of the annually published Mineral Commodity Summaries from the United States Geological Survey, a comprehensive review of critical mineral production, consumption, and recycling patterns, including—

(I) the quantity of each critical mineral produced during the preceding year;

(ii) the quantity of each critical mineral domestically consumed during the preceding year;

(iii) market price data or other price data for each critical mineral; and

(iv) an assessment of—

(I) critical mineral requirements to meet the national security, energy, economic, industrial, technological, and other needs of the United States during the preceding year;

(II) the reliance of the United States on foreign sources to meet those needs during the preceding year; and

(III) the implementation of any supply shortfalls, restrictions, or disruptions during the preceding year;

(v) the quantity of each critical mineral domestically recycled during the preceding year;
in consultation with the Secretary, the Director of the National Science Foundation, institutions of higher education with substantial expertise in mining, institutions of higher education with significant expertise in minerals research, including fundamental research into alternatives, and employers in the critical minerals sector) shall submit to Congress an assessment of the domestic availability of technically trained personnel necessary for critical mineral exploration, development, assessment, production, manufacturing, recycling, analysis, forecasting, education, and research, including an analysis of—

(A) skills that are in the shortest supply as of the date of assessment;

(B) skills that are projected to be in short supply in the future;

(C) the demographics of the critical minerals industry and how the demographics will evolve under the influence of factors such as an aging workforce;

(D) the effectiveness of training and education programs in addressing skills shortages;

(E) opportunities to hire locally for new and existing critical mineral activities;

(F) the sufficiency of personnel within relevant agencies of the Federal Government for achieving the policies described in section 3 of the National Materials and Minerals Policy, Research, and Development Act of 1980 (30 U.S.C. 1602) and

(G) the potential need for new training programs to have a measurable effect on the supply of trained workers in the critical minerals industry.

(2) CURRICULUM STUDY.—

(A) IN GENERAL.—The Secretary and the Secretary of Labor shall jointly conduct an arrangement with the National Academy of Sciences and the National Academy of Engineering under which the Academies shall coordinate with the National Science Foundation on conducting a study—

(i) to design an interdisciplinary program on critical minerals that will support the critical mineral supply chain and improve the ability of the United States to increase domestic, critical mineral exploration, development, production, manufacturing, research and instructional research into alternatives, and recycling;

(ii) to address undergraduate and graduate education, especially to assist in the development of personnel with substantial capabilities in the required disciplines for activities to improve the critical mineral supply chain and advance the capacity of the United States to increase domestic, critical mineral exploration, research, development, production, manufacturing, and recycling, research, including fundamental research into alternatives, and recycling;

(iii) to develop guidelines for proposals from institutions of higher education with substantial capabilities in the required disciplines for activities to improve the critical mineral supply chain and advance the capacity of the United States to increase domestic, critical mineral exploration, research, development, production, manufacturing, and recycling, research, including fundamental research into alternatives, and recycling;

(iv) to outline criteria for evaluating performance and recommendations for the amount of funding that will be necessary to establish, and carry out, the program described in paragraph (3).

(B) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Energy and the Secretary of Labor shall jointly conduct a competitive grant program under which institutions of higher education may apply for and receive 4-year grants for—

(1) startup costs for newly designated faculty positions in integrated critical minerals education and advanced training, and workforce development programs consistent with paragraph (2);

(ii) internships, scholarships, and fellowships for students enrolled in programs related to critical minerals;

(iii) equipment necessary for integrated critical mineral innovation, training, and workforce development programs consistent with paragraph (2);

(iv) research of critical minerals and their applications, particularly concerning the manufacture of critical components vital to national security;

(B) RENEWAL.—A grant under this paragraph shall be renewable for up to 2 additional 3-year terms based on performance criteria outlined under paragraph (2)(A)(iv).
Coronavirus, including with respect to medical treatments, personal protective equipment, diagnostic tests, therapeutics, vaccines, or any other medical countermeasure used in the mitigation of the 2019 Novel Coronavirus.

(4) FORM.—The report required by paragraph (1) shall be submitted in classified form.

(b) UNCLASSIFIED REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress and make available to the public an unclassified report on theft of intellectual property conducted by Chinese persons.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) An identification of any Chinese person that—

(i) has conducted theft of intellectual property from one or more United States entities; or

(ii) is using or has used intellectual property stolen by a Chinese person in commercial activity in Australia, Canada, the European Union, Japan, New Zealand, South Korea, or the United Kingdom, or the United States.

(B) A general description of the intellectual property involved.

(C) A description of a specific Chinese person identified under subparagraph (A), an assessment of whether that person is using or has used the stolen intellectual property in commercial activity in Australia, Canada, the European Union, Japan, New Zealand, South Korea, or the United Kingdom, or the United States.

(D) An assessment regarding whether any theft of intellectual property by a Chinese person described in the report is related to efforts to prevent, prepare for, or respond to the 2019 Novel Coronavirus, including with respect to medical treatments, personal protective equipment, diagnostic tests, therapeutics, vaccines, or any other medical countermeasure used in the mitigation of the 2019 Novel Coronavirus.

(c) DEFINITIONS.—In this section:

(1) AGENCY OR INSTRUMENTALITY OF THE GOVERNMENT OF THE PEOPLE’S REPUBLIC OF CHINA.—The term “agency or instrumentality of the Government of the People’s Republic of China” means any entity—

(A) that is a separate legal person, corporate or otherwise;

(B) that is an organ of the Government of the People’s Republic of China or a political subdivision thereof, or a majority of whose shares or other ownership interest is owned by that government or a political subdivision thereof; and

(C) that is neither a citizen of the United States, nor created under the laws of any third country.

(2) CHINESE PERSON.—The term “Chinese person” means—

(A) an individual who is a citizen or national of the People’s Republic of China;

(B) an entity organized under the laws of the People’s Republic of China or any agency or instrumentality of the Government of the People’s Republic of China; or

(C) the Government of the People’s Republic of China or any agency or instrumentality of the Government of the People’s Republic of China.

(3) COMMERCIAL ACTIVITY.—The term “commercial activity” means either a regular course of commercial conduct or a particular commercial transaction or act. The commercial character of an activity shall be determined by reference to the nature of the course of conduct or the particular commercial transaction or act, rather than by reference to its purpose.

(4) INTELLECTUAL PROPERTY.—The term “intellectual property” means—

(A) any work protected by a copyright under title 17, United States Code;

(B) any invention protected by a patent granted by the United States Patent and Trademark Office under title 35, United States Code;

(C) any word, name, symbol, or device, or any combination thereof, that is registered with the United States Patent and Trademark Office under title 35, United States Code; or

(D) any other form of intellectual property.

(5) UNITED STATES ENTITY.—The term “United States entity” means an entity organized under the laws of the United States or any jurisdiction within the United States.

SA 2018. Mr. ROMNEY submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1064. REPORT ON THE CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM OF THE DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on the development of a chemical and biological defense program of the Department of Defense, which report—

(1) shall include—

(A) an assessment of the feasibility of the development and acquisition of chemical and biological weapons and protective equipment within the Department of Defense, and the need for the Department of Defense to develop chemical and biological detection capabilities;

(B) an assessment of the effectiveness of the chemical and biological defense program of the Department of Defense in protecting United States military personnel;

(C) an assessment of the effectiveness of the chemical and biological defense program of the Department of Defense in protecting the United States homeland; and

(D) an assessment of the cost-effectiveness of the chemical and biological defense program of the Department of Defense;

(b) CONTENT.—The report required by subsection (a) shall include—

(1) a detailed description of the chemical and biological defense programs of the Department of Defense;

(2) an assessment of the effectiveness of the chemical and biological defense program of the Department of Defense in protecting United States military personnel;

(3) an assessment of the effectiveness of the chemical and biological defense program of the Department of Defense in protecting the United States homeland; and

(4) an assessment of the cost-effectiveness of the chemical and biological defense program of the Department of Defense.

(c) SUBMISSION.—The report required by subsection (a) shall be submitted to the appropriate congressional committees—

(1) in classified form, but may include a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Energy and Natural Resources, the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Appropriations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(2) the Committee on Energy and Commerce, the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Ways and Means, the Committee on Homeland Security, and the Committee on Appropriations of the House of Representatives.

SA 2018. Mr. ROMNEY (for himself and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1065. REPORT ON THE CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM OF THE DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the
the congressional defense committees a report on the Chemical and Biological Defense Program of the Department of Defense.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the significance of the Chemical and Biological Defense Program within the 2018 National Defense Strategy.

(2) An assessment of the threats the Chemical and Biological Defense Program is designed to address.

(3) An assessment of the capacity of current Chemical and Biological Defense Program facilities to complete their missions if funding levels for the Program are reduced.

(4) An estimate of the length of time required to procure and field decontamination systems, Collective Protection Systems, field decontamination systems, and chemical agent detectors.

(c) REPORT.—The report required by subsection (a) shall be submitted in unclassified form, available for review by any Member of Congress, but shall include an unclassified annex.

Select Committee on Intelligence of the Senate.

SEC. 520. REPORTS ON DIVERSITY AND INCLUSION IN THE ARMED FORCES.

(a) REPORT ON FINDINGS OF DEFENSE BOARD ON DIVERSITY AND INCLUSION IN THE MILITARY.—

(1) IN GENERAL.—Upon the completion by the Defense Board on Diversity and Inclusion in the Military of its report on actionable recommendations to increase racial diversity and ensure equal opportunity across all grades of the Armed Forces, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the House of Representatives a report on the report of the Defense Board, including the findings and recommendations of the Defense Board.

(b) REPORT ON DEFINITIONS.—The report required by paragraph (1) shall include the following:

(A) A comprehensive description of the findings and recommendations of the Defense Board in its report referred to in paragraph (1).

(B) A comprehensive description of any actionable recommendations of the Defense Board in its report.

(C) A description of the actions proposed to be undertaken by the Secretary in connection with such recommendations, and a timeline for implementation of such actions.

(d) REPORT.—The report required by subsection (a) shall include the following:

(A) An identification of the current racial, ethnic, and gender composition of each Armed Force by grade.

(B) An identification of the current racial, ethnic, and gender composition of each Armed Force by grade.

(C) A comparison of the participation rates of minority populations in officer grades, warrant officer grades, and enlisted member grades in each Armed Force with the percentage of such populations among the general population.

(D) A comparison of the participation rates of minority populations in each career field in each Armed Force with the percentage of such populations among the general population.

(E) A comparison of the participation rates of minority populations in each enlisted grade above grade E-6.

(F) A description and assessment of barriers to minority participation in the Armed Forces in connection with accession, assessment, and training.

(G) Sense of Senate on Defense Advisory Committee on Diversity and Inclusion in the Armed Forces.—It is the sense of the Senate that the Defense Advisory Committee on Diversity and Inclusion in the Armed Forces—

(1) should consist of diverse group of individuals, including—

(A) a general or flag officer from each regular component of the Armed Forces;

(B) a retired general or flag officer from not fewer than two of the Armed Forces;

(C) a regular officer of the Armed Forces in a grade O-5 or lower;

(D) a regular enlisted member of the Armed Forces in a grade E-6 or lower;

(F) a member of the Reserve component of the Armed Forces in any grade;

(G) a member of the Department of Defense civilian workforce;

(H) an member of the academic community with expertise in diversity studies; and

(I) an individual with appropriate expertise in diversity and inclusion;

(2) should include individuals from a variety of military career paths, including—

(A) aviation;

(B) special operations;

(C) intelligence;

(D) cyber;

(E) space; and

(F) surface warfare;

(3) should have a membership such that no fewer than 20 percent of members possess—

(A) a firm understanding of the role of mentorship and best practices in finding and retaining diverse talent;

(B) experience and expertise in change of culture of large organizations; or

(C) experience and expertise in implementing diversity and inclusion initiatives;

(4) should focus on objectives that address—
SA 2021. Mr. SULLIVAN (for himself and Mr. JONES) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1104a. Shared medical facilities with the Department of Veterans Affairs

(a) AGREEMENTS.—The Secretary of Defense and the Secretary of Veterans Affairs may enter into agreements for the planning, design, construction, or leasing, of facilities to be operated as shared medical facilities.

(2) The authority to transfer amounts under this section is in addition to any other authority to transfer amounts available to the Secretary of Defense.

(c) TRANSFER OF AMOUNTS BY SECRETARY OF VETERANS AFFAIRS.—The Secretary of Veterans Affairs may transfer to the Secretary of Defense amounts as follows:

(1) Amounts appropriated to the Secretary of Veterans Affairs for 'Construction, major projects' for use for the planning, design, or construction of a shared medical facility if the amount of the share of the Department of Veterans Affairs for the estimated cost of the project does not exceed the amount specified in section 8104(a)(3)(A) of title 38; and

(2) Amounts appropriated to the Secretary of Veterans Affairs for 'Construction, major projects' for use for the planning, design, or construction of a shared medical facility if the amount of the share of the Department of Veterans Affairs for the estimated cost of the project does not exceed the amount specified in section 8104(a)(3)(A) of title 38.

(3) Section 2215 of this title does not apply to a transfer of funds under this subsection.

<table>
<thead>
<tr>
<th></th>
<th>June 25, 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>CONGRESSIONAL RECORD — SENATE</td>
<td>June 25, 2020</td>
</tr>
</tbody>
</table>

"1104a. Shared medical facilities with the Department of Veterans Affairs

(a) AGREEMENTS.—The Secretary of Defense and the Secretary of Veterans Affairs may enter into agreements for the planning, design, construction, or leasing, of facilities to be operated as shared medical facilities.

(2) The authority to transfer amounts under this section is in addition to any other authority to transfer amounts available to the Secretary of Defense.

(c) TRANSFER OF AMOUNTS BY SECRETARY OF VETERANS AFFAIRS.—The Secretary of Veterans Affairs may transfer to the Secretary of Defense amounts as follows:

(1) Amounts appropriated to the Secretary of Veterans Affairs for 'Construction, major projects' for use for the planning, design, or construction of a shared medical facility if the amount of the share of the Department of Veterans Affairs for the estimated cost of the project does not exceed the amount specified in section 8104(a)(3)(A) of title 38; and

(2) Amounts appropriated to the Secretary of Veterans Affairs for 'Construction, major projects' for use for the planning, design, or construction of a shared medical facility if the amount of the share of the Department of Veterans Affairs for the estimated cost of the project does not exceed the amount specified in section 8104(a)(3)(A) of title 38.

(3) Section 2215 of this title does not apply to a transfer of funds under this subsection.

(c) TRANSFER OF AMOUNTS BY SECRETARY OF VETERANS AFFAIRS.—The Secretary of Veterans Affairs may transfer to the Secretary of Defense amounts as follows:

(1) Amounts appropriated to the Secretary of Veterans Affairs for 'Construction, major projects' for use for the planning, design, or construction of a shared medical facility if the amount of the share of the Department of Veterans Affairs for the estimated cost of the project does not exceed the amount specified in section 8104(a)(3)(A) of title 38; and

(2) Amounts appropriated to the Secretary of Veterans Affairs for 'Construction, major projects' for use for the planning, design, or construction of a shared medical facility if the amount of the share of the Department of Veterans Affairs for the estimated cost of the project does not exceed the amount specified in section 8104(a)(3)(A) of title 38.

(3) Section 2215 of this title does not apply to a transfer of funds under this subsection.

(c) TRANSFER OF AMOUNTS BY SECRETARY OF VETERANS AFFAIRS.—The Secretary of Veterans Affairs may transfer to the Secretary of Defense amounts as follows:

(1) Amounts appropriated to the Secretary of Veterans Affairs for 'Construction, major projects' for use for the planning, design, or construction of a shared medical facility if the amount of the share of the Department of Veterans Affairs for the estimated cost of the project does not exceed the amount specified in section 8104(a)(3)(A) of title 38; and

(2) Amounts appropriated to the Secretary of Veterans Affairs for 'Construction, major projects' for use for the planning, design, or construction of a shared medical facility if the amount of the share of the Department of Veterans Affairs for the estimated cost of the project does not exceed the amount specified in section 8104(a)(3)(A) of title 38.

(3) Section 2215 of this title does not apply to a transfer of funds under this subsection.

(c) TRANSFER OF AMOUNTS BY SECRETARY OF VETERANS AFFAIRS.—The Secretary of Veterans Affairs may transfer to the Secretary of Defense amounts as follows:

(1) Amounts appropriated to the Secretary of Veterans Affairs for 'Construction, major projects' for use for the planning, design, or construction of a shared medical facility if the amount of the share of the Department of Veterans Affairs for the estimated cost of the project does not exceed the amount specified in section 8104(a)(3)(A) of title 38; and

(2) Amounts appropriated to the Secretary of Veterans Affairs for 'Construction, major projects' for use for the planning, design, or construction of a shared medical facility if the amount of the share of the Department of Veterans Affairs for the estimated cost of the project does not exceed the amount specified in section 8104(a)(3)(A) of title 38.

(3) Section 2215 of this title does not apply to a transfer of funds under this subsection.

(c) TRANSFER OF AMOUNTS BY SECRETARY OF VETERANS AFFAIRS.—The Secretary of Veterans Affairs may transfer to the Secretary of Defense amounts as follows:

(1) Amounts appropriated to the Secretary of Veterans Affairs for 'Construction, major projects' for use for the planning, design, or construction of a shared medical facility if the amount of the share of the Department of Veterans Affairs for the estimated cost of the project does not exceed the amount specified in section 8104(a)(3)(A) of title 38; and

(2) Amounts appropriated to the Secretary of Veterans Affairs for 'Construction, major projects' for use for the planning, design, or construction of a shared medical facility if the amount of the share of the Department of Veterans Affairs for the estimated cost of the project does not exceed the amount specified in section 8104(a)(3)(A) of title 38.

(3) Section 2215 of this title does not apply to a transfer of funds under this subsection.

(c) TRANSFER OF AMOUNTS BY SECRETARY OF VETERANS AFFAIRS.—The Secretary of Veterans Affairs may transfer to the Secretary of Defense amounts as follows:

(1) Amounts appropriated to the Secretary of Veterans Affairs for 'Construction, major projects' for use for the planning, design, or construction of a shared medical facility if the amount of the share of the Department of Veterans Affairs for the estimated cost of the project does not exceed the amount specified in section 8104(a)(3)(A) of title 38; and

(2) Amounts appropriated to the Secretary of Veterans Affairs for 'Construction, major projects' for use for the planning, design, or construction of a shared medical facility if the amount of the share of the Department of Veterans Affairs for the estimated cost of the project does not exceed the amount specified in section 8104(a)(3)(A) of title 38.

(3) Section 2215 of this title does not apply to a transfer of funds under this subsection.

(c) TRANSFER OF AMOUNTS BY SECRETARY OF VETERANS AFFAIRS.—The Secretary of Veterans Affairs may transfer to the Secretary of Defense amounts as follows:

(1) Amounts appropriated to the Secretary of Veterans Affairs for 'Construction, major projects' for use for the planning, design, or construction of a shared medical facility if the amount of the share of the Department of Veterans Affairs for the estimated cost of the project does not exceed the amount specified in section 8104(a)(3)(A) of title 38; and

(2) Amounts appropriated to the Secretary of Veterans Affairs for 'Construction, major projects' for use for the planning, design, or construction of a shared medical facility if the amount of the share of the Department of Veterans Affairs for the estimated cost of the project does not exceed the amount specified in section 8104(a)(3)(A) of title 38.

(3) Section 2215 of this title does not apply to a transfer of funds under this subsection.
"(3) Using accounts credited with transfers from the Secretary of Veterans Affairs under paragraph (1), the Secretary of Defense may carry out unspecified minor military construction projects, if the share of the Department of Defense for the cost of such project does not exceed the amount specified in section 2805(a)(2) of this title.

"(e) RECEIPT OF AMOUNTS BY SECRETARY OF VETERANS AFFAIRS.—(1) Any amount transferred to the Secretary of Veterans Affairs by the Secretary of Defense for necessary expenses for the planning, design, and construction of a shared medical facility, if the amount of the share of the Department of Veterans Affairs for the cost of such project does not exceed the amount specified in section 2804(a)(3)(A) of title 38, may be credited to the 'Construction, minor projects' account of the Department of Veterans Affairs and used for the necessary expenses of constructing such shared medical facility.

"(2) Any amount transferred to the Secretary of Veterans Affairs by the Secretary of Defense for necessary expenses for the design, planning, and construction of a shared medical facility, if the amount of the share of the Department of Veterans Affairs for the cost of such project does not exceed the amount specified in section 2804(a)(3)(A) of title 38, may be credited to the 'Construction, major projects' account of the Department of Veterans Affairs and used for the necessary expenses of constructing such shared medical facility if the other requirements of such section have been met with respect to amounts identified for transfer.

"(3) Any amount transferred to the Secretary of Veterans Affairs by the Secretary of Defense for the purpose of leasing space for a shared medical facility may be credited to accounts of the Department of Veterans Affairs available for such purposes, and may be used for payments of costs of such facility.

"(f) MERGER OF AMOUNTS TRANSFERRED.—Any amount transferred under this section shall be merged with, and be available for the same purposes and the same time period as, the appropriation or fund to which transferred.

"(g) SHARED MEDICAL FACILITY DEFINED.—

(1) In this section, the term 'shared medical facility' means a building or buildings, or a campus, intended to be used by both the Department of Defense and the Department of Veterans Affairs for the provision of health care services, whether under the jurisdiction of the Secretary of Defense or the Secretary of Veterans Affairs, whether or not located on a military installation or on real property under the jurisdiction of the Secretary of Veterans Affairs.

(2) Such term includes any necessary building and auxiliary structure, garage, parking facility, mechanical equipment, abutting sidewalks, and accommodations for attending personnel.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of title 12, this title is amended by inserting after the item relating to section 1104 the following new item:

'1104a. Shared medical facilities with the Department of Veterans Affairs.'

SA 2023. Ms. COLLINS (for herself and Mr. KING) submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title XII, insert the following:

**SEC. 12. LIMITATION ON ALTERATION OF NAVY FLEET MIX.**

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

(1) the United States shipbuilding and supporting vendor base constitute a national security imperative that is unique and must be protected;

(2) a healthy and efficient industrial base calls for a long-term strategy for achieving and sustaining a successful shipbuilding procurement strategy;

(3) without consistent and continuous commitment to steady and predictable acquisition profiles, the industrial base will struggle and some elements may not survive; and

(4) proposed reductions in the future-years defense program to the DDG-51 Destroyer procurement profile without a clear transition to procurement of the next Large Surface Combatant would adversely affect the shipbuilding base and long-term strategic objectives of the Navy.

(b) LIMITATION.—

(1) IN GENERAL.—The Secretary of the Navy may not deviate from the 2018 Navy Force Structure Assessment to implement the results of a new force structure assessment or new annual long-range plan for construction of navy naval vessels or destroyers; however if the requirement for Large Surface Combatants to fewer than 104 such vessels until the date on which the Secretary of the Navy submits to the congressional defense committees the certification under paragraph (1) and the report under subsection (c).

(2) CERTIFICATION.—The certification referred to in paragraph (1) is a certification, in writing, that each of the following conditions have been satisfied:

(A) The large surface combatant shipbuilding industrial base and the Navy's plan to mitigate any such impacts if the fiscal year 2021 future-years defense program were implemented as proposed;

(B) The Navy can mitigate the reduction in anti-air and ballistic missile defense capability due to a reduced procurement profile.

(c) R EPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees the results of the study required by paragraph (1) and the report under subsection (c).

(d) DIPLOMATIC ENGAGEMENT.—

(1) IN GENERAL.—The Secretary of State shall ensure the persistent engagement of United States diplomats, with respect to the Greece-Cyprus-Israel and Greece-Cyprus-Egypt trilateral agreements beyond the periodic participation of United States diplomats in the regular summits of the countries party to such agreements.

SA 2025. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE — STOP MILITARIZING LAW ENFORCEMENT ACT**

**SEC. 01. SHORT TITLE.**

This title may be cited as the "Stop Militarizing Law Enforcement Act."

**SEC. 02. ADDITIONAL LIMITATIONS ON TRANSFER OF DEPARTMENT OF DEFENSE PERSONAL PROPERTY TO FEDERAL AND STATE LAW ENFORCEMENT AGENCIES.**

(a) ADDITIONAL LIMITATIONS.—

(1) In general.—Section 2378a of title 10, United States Code, is amended—

(A) in subsection (a), by striking "subsection (b)" and inserting "the provisions of this section"; and

(B) in subparagraph (A), by striking "and" and inserting "or".

(b) Elements.—

(1) In paragraph (6), by striking "the Director of National Drug Control Policy".

(c) Authorization.—

(1) In paragraph (5), by striking "and" and inserting a semicolon; and

(2) by adding at the end the following paragraphs:

(7) the recipient certifies to the Department of Defense that it has the personnel and technical capacity, including training, to operate the property; and
"(8) the recipient certifies to the Department of Defense that if the recipient determines that the property is surplus to the needs of the recipient, the recipient will return the property to the Department of Defense; 

(C) by striking subsections (d), (e), and (f); and 

(D) by adding at the end the following: 

'(d) LIMITATIONS ON TRANSFERS.—The Secretary of Defense may not transfer under this section any property as follows: 

'1) Weapons, weapon parts, and weapon components, including camouflage and deception equipment, and optical sights. 

'2) Weapon system specific vehicular accessories. 

'3) Demolition materials. 

'4) Explosive ordinance. 

'5) Night vision equipment. 

'6) Tactical clothing, including uniform clothing and footwear items, special purpose clothing items, and specialized flight clothing accessories. 

'7) Drones. 

'8) Combat, assault, and tactical vehicles, including Mine-Resistant Ambush Protected (MRAP) vehicles. 

'9) Training aids and devices. 

'10) Firearms of .50 caliber or higher, ammunition of .50 caliber or higher, grenade launching systems, and bayonets. 

'(e) APPROVAL BY LAW REQUIRED FOR TRANSFER OF PROPERTY NOT PREVIOUSLY TRANSFERRED.—In the event the Secretary of Defense proposes to make available for transfer under this section any property of the Department of Defense not previously made available for transfer under this section, the Secretary shall submit to the appropriate committees of Congress a report setting forth the following: 

'1) A description of the property proposed to be made available for transfer. 

'2) A description of the conditions, if any, to be imposed on use of the property after transfer. 

'3) A certification that transfer of the property would not violate a provision of this section or any other provision of law. 

'(2) The Secretary may not transfer any property covered by a report under this subsection unless authorized by a law enacted by Congress not later than the date of the receipt of the report by Congress. 

'(f) ANNUAL CERTIFICATION ACCOUNTING FOR TRANSFERRED PROPERTY.—(1) The Secretary of Defense shall submit to the appropriate committees of Congress each year a certification in writing that each recipient to which the property was transferred under this section during the preceding fiscal year— 

'(A) has provided to the Secretary documentation accounting for all property the Secretary has previously transferred to such recipient under this section; and 

'(B) has compiled with paragraphs (7) and (8) of subsection (b) with respect to the property so transferred during such fiscal year. 

'(2) If the Secretary cannot provide a certification under paragraph (1) for a recipient, the Secretary may not transfer additional property to such recipient under this section, effective as of the date on which the Secretary determines the recipient cannot make the certification under this subsection, and such recipient shall be suspended or terminated from further receipt of property under this section as follows: 

(g) CONDITIONS FOR EXTENSION OF PROGRAM.—Notwithstanding any other provision of law, in the case of any property determined to be retained by the awardee pursuant to paragraph (1); and

(1) each recipient agency that has received property under this section has— 

'1) demonstrated 100 percent accountability for all such property, in accordance with paragraph (1); or 

'2) been suspended or terminated from the program pursuant to paragraph (4); 

'(2) with respect to each non-Federal agency that has received property under this section, the Secretary of Defense or an agent of the Secretary has conducted an in-person inventory of the property transferred to the agency and that 100 percent of such property was accounted for during the inventory or that the agency has been suspended or terminated from the program pursuant to paragraph (4); 

'(3) with respect to each Federal agency that has received property under this section, the Secretary of Defense or an agent of the Secretary has conducted an in-person inventory of the property transferred to the agency and that 100 percent of such property was accounted for during the inventory or that the agency has been suspended or terminated from the program pursuant to paragraph (4); 


'(B) the term 'State Coordinator', with respect to a State, means the individual appointed by the governor of the State to maintain property accountability records and oversee property use by the State. 

'(C) by adding at the end the following: 

'(d) LIMITATION.—The amendments made by this subsection shall take effect on the date of the enactment of this Act. 

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act. 

(b) RETURN OF PROPERTY TO DEPARTMENT OF DEFENSE.—Not later than one year after the date of the enactment of this Act, each Federal or State agency to which property described by subsection (d) of section 2576a of title 10, United States Code (as added by subsection (a)(1) of this section), was transferred before the date of the enactment of this Act shall return such property to the Defense Logistics Agency on behalf of the Department of Defense. 

SEC. 03. USE OF DEPARTMENT OF HOMELAND SECURITY PREPAREDNESS GRANT FUNDS. 

(a) DEFINITIONS.—In this section— 

'(1) the term 'Agency' means the Federal Emergency Management Agency; and 

'(2) the term 'preparedness grant program' includes— 

'(A) the Urban Area Security Initiative authorized under section 101 of the Homeland Security Act of 2002 (6 U.S.C. 665); 

'(B) the State Homeland Security Grant Program authorized under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 666); 

'(C) the Port Security Grant Program authorized under section 70107 of title 46, United States Code; and 

'(D) any other non-mass disaster preparedness grant program of the Agency. 

(b) LIMITATION.—The Agency may not permit awards under a preparedness grant program to be used to buy, or alter— 

'(1) explosive entry equipment; 

'(2) canines (other than bomb-sniffing canines for agencies with certified bomb detection or for use in search and rescue operations); 

'(3) tactical or armored vehicles; 

'(4) long-range halling and warning devices; 

'(5) tactical entry equipment (other than for use by specialized teams such as Accredited Bomb Squads, Tactical Entry, or Special Weapons and Tactics (SWAT) Teams); or 

'(6) ammunition of .50 caliber or higher, grenade launchers, flash grenades, or bayonets. 

(c) REVIEW OF PRIOR RECEIPT OF PROPERTY BEFORE AWARD.—In making an award under a preparedness grant program, the Agency shall— 

'(1) determine whether the awardee has already received, and still retains, property from the Department of Defense pursuant to section 2576a of title 10, United States Code, including through review of the website maintained by the Department of Defense pursuant to subsection (h) of such section (as added by section 02(a)(1) of this Act); 

'(2) require that the award may not be used by the awardee to procure or obtain property determined to be retained by the awardee pursuant to paragraph (1); and

(1) The term 'appropriate committees of Congress' means— 

'(A) the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate; and 

(2) the Committee on Oversight and Government Reform of the House of Representatives.
(3) require that the award only be used to procure or obtain property in accordance with use restrictions contained within the Agency’s State and Local Preparedness Grant Programs’ Authorized Equipment List.

(d) USE OF GRANT PROGRAM FUNDS FOR REQUIRED RETURN OF PROPERTY TO DOD.—Notwithstanding any other provision of law, the use of funds by a State or local agency to return to the Department of Defense property transferred to such State or local agency pursuant to section 2676a of title 10, United States Code, as such return is required by section 2(b) of this Act, shall be an allowable use of preparedness grant program funds by such agency.

(e) ACCOUNTABILITY MEASURES.—

(1) SUBTRACTION OF PREPAREDNESS GRANT FUNDS.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall conduct an audit covering the period of fiscal year 2010 through the current fiscal year on the use of preparedness grant program funds. The audit shall assess how funds have been used to procure equipment, how the equipment has been used, and whether the grant awards have furthered the Agency’s goal of improving the preparedness of State and local communities.

(2) ANNUAL ACCOUNTING OF USE OF AWARD FUNDS.—Not later than one year after the date of the enactment of this Act, the Agency shall implement a system of accounting on an annual basis how preparedness grant program funds have been used to procure equipment, how the equipment has been used, and whether the grant awards have complied with restrictions on the use of equipment contained with the Authorized Equipment List, and whether the awards have furthered the Agency’s goal of enhancing the capabilities of State agencies to prevent, deter, respond to, and recover from terrorist attacks, major disasters, and other emergencies.

SEC. 04. USE OF EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FUNDS.

(a) LIMITATION.—Section 501(d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10152(d)) is amended by adding at the end the following:

“‘(3) The purchase, maintenance, alteration, or operation of—

‘‘(A) lethal weapons; or

‘‘(B) less-lethal weapons.’’.

(b) USE OF GRANT FUNDS FOR REQUIRED RETURN OF PROPERTY TO DOD.—Notwithstanding any other provision of law, the use of funds by an agency or unit of local government to return to the Department of Defense property transferred to such agency or unit of local government pursuant to section 2676a of title 10, United States Code, as such return is required by section 2(b) of this Act, shall be an allowable use of grant amounts under the Edward Byrne Memorial Justice Assistance Grant Program.

SEC. 05. COMPTROLLER GENERAL REPORT.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Comptroller General of the United States shall submit to Congress a report on Federal agencies, including office of the Inspector General for Federal agencies, that have specialized units that receive special tactical or military-style training or use hard-plated body armor, shields, and other equipment that respond to high-risk situations that fall outside the capabilities of regular law enforcement officers, including any special weapons and tactics (SWAT) teams, special response teams, special events teams, special response teams, or active shooter teams.

(b) FORM.—The report required under subsection (a) shall include the following elements:

(1) A description of each specialized unit described under such subsection.

(2) A description of the training and weapons of each such unit.

(3) The criteria used for activating each such unit and how often each such unit was activated for each year of the previous ten years.

(4) An estimate of the annual cost of equipping and operating such unit.

(5) Any other information that is relevant to understanding the usefulness and justification for the units.

SA 2026. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military personnel strengths for the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

SEC. 1003. REPORT TO CONGRESS ON CERTAIN EFFORTS IN CONNECTION WITH THE FINANCIAL MANAGEMENT SYSTEMS OF THE DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—No later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the progress of the Department of the Defense—

(1) retiring legacy financial management systems; and

(2) obtaining or developing a fully-integrated, United States Standard General Ledger (USSGL)-compliant financial management system or systems.

(b) ELEMENTS.—The report required by subsection (a) shall include following:

(1) The name of each financial management system in use by the Department of Defense.

(2) The anticipated date of retirement for each such system planned to be retired.

(3) A summary of the retirement plan for any system that will be retired, including the manner in which data in such system will be transferred to other systems.

(4) In the case of a system that is not planned for retirement, a justification of the determination not to retire such system.

(5) The average aggregate amount spent by the Department on operating and maintaining legacy financial management systems during the five fiscal years ending with fiscal year 2020.

(6) The average aggregate amount spent by the Department on acquiring and developing new financial management systems during such five fiscal years.

SA 2029. Mr. RISCH (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title XXXI, add the following:

SEC. 3168. MINERAL SECURITY.

(a) DEFINITIONS.—In this section—

(1) BYPRODUCT.—The term ‘‘byproduct’’ means a critical mineral—

(A) the recovery of which depends on the production of a host mineral that is not designated as a critical mineral; and

(B) that exists in sufficient quantities to be recovered during processing or refining.

(2) CRITICAL MINERAL.—

(A) IN GENERAL.—The term ‘‘critical mineral’’ means any mineral, element, substance, or material designated as critical by the Secretary under subsection (c).

(B) EXCLUSIONS.—The term ‘‘critical mineral’’ does not include—

(i) fuel minerals, including oil, natural gas, or any other fossil fuels; or

(ii) water, ice, or snow.

(3) INDIAN TRIBE.—The term ‘‘Indian tribe’’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(4) SECRETARY.—The term ‘‘Secretary’’ means the Secretary of the Interior.

(5) STATE.—The term ‘‘State’’ means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam; and

(E) American Samoa;
(F) the Commonwealth of the Northern Mariana Islands; and
(G) the United States Virgin Islands.

(b) POLICY.—
(1) IN GENERAL.—Section 3 of the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1602) is amended in the second sentence—
(A) by striking paragraph (3) and inserting the following:
   "(3) establish an analytical and forecasting capability for identifying critical mineral demand, supply, and other factors to allow informed actions to be taken to avoid supply shortages, mitigate price volatility, and prepare for demand growth and other market shifts;"
(B) in paragraph (6), by striking "and" after the semicolon at the end; and
(C) by striking paragraph (7) and inserting the following:
   "(7) facilitate the availability, development, and environmentally responsible production of domestic resources to meet national or critical mineral needs;"

(2) CONFORMING AMENDMENT.—Section 2(b) of the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1602) is amended by striking "(b)" as used in this Act, the term and inserting the following:
   "(b) DEFINITIONS.—In this Act:
   (i) the term "critical mineral" means any mineral, element, substance, or material designated as critical by the Secretary under section 518(b)(1) of the National Defense Authorization Act for Fiscal Year 2021.
   (ii) the term "United States" means the United States, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, the American Samoa, the Commonwealth of Puerto Rico, the United States Virgin Islands.
   (c) CRITICAL MINERAL DESIGNATIONS.—
   (1) GENERAL.—The Secretary, acting through the Director of the United States Geological Survey (referred to in this subsection as the "Secretary"), shall publish in the Federal Register for public comment—
   (A) a description of the draft methodology used to identify a draft list of critical minerals; and
   (B) a draft list of minerals, elements, substances, and materials that qualify as critical minerals; and
   (C) a draft list of critical minerals recovered as byproducts.
   (2) AVAILABILITY OF DATA.—If available data is insufficient to provide a quantitative basis for the methodology developed under this subsection, qualitative evidence may be used to the extent necessary.

(3) FINAL METHODOLOGY AND LIST.—After reviewing public comments on the draft methodology and the draft lists published under paragraph (1) and updating the methodology and list, not later than 45 days after the date on which the public comment period with respect to the draft methodology and draft lists closes, the Secretary shall publish in the Federal Register—
(A) a description of the final methodology for determining which minerals, elements, substances, and materials qualify as critical minerals; and
(B) the final list of critical minerals; and
(C) the final SUPP list of critical minerals recovered as byproducts.

(4) DESIGNATIONS.—
(A) IN GENERAL.—For purposes of carrying out this subsection, the Secretary shall maintain a list of minerals, elements, substances, and materials designated as critical, pursuant to the final methodology published under paragraph (3), that the Secretary determines—
   (i) are essential to the economic or national security of the United States; and
   (ii) the supply of which is vulnerable to disruption (including restrictions associated with foreign political risk, abrupt demand growth, military conflict, violent unrest, an interconnected behavior, and other risks throughout the supply chain); and
   (iii) serve an essential function in the manufacturing of a product (including energy technology, defense, currency, agriculture, consumer electronics, and health care-related applications), the absence of which would have significant consequences for the economic or national security of the United States.

(B) INCLUSIONS.—Notwithstanding the criteria under paragraph (5), the Secretary may designate and include on the list any mineral, element, substance, or material determined by another Federal agency to be strategic and critical to the defense or national security of the United States.

(C) REQUIRED CONSULTATION.—The Secretary shall consult with the Secretaries of Defense, Commerce, Agriculture, and Energy and the United States Trade Representative in designating minerals, elements, substances, and materials as critical under this paragraph.

(5) SUBSEQUENT REVIEW.—
(A) IN GENERAL.—The Secretary, in consultation with the Secretaries of Defense, Commerce, Agriculture, and Energy and the United States Trade Representative, shall review the methodology and list and determinations under paragraph (4) at least every 3 years, or more frequently as the Secretary considers to be appropriate.

(B) REVISI ON.—Subject to paragraph (4)(A), the Secretary may—
   (i) revise the methodology described in this subsection; and
   (ii) determine that minerals, elements, substances, and materials previously determined to be critical minerals are no longer critical minerals; and
   (iii) designate additional minerals, elements, substances, or materials as critical minerals.

(C) DETERMINATION.—(A) For purposes of this section, the Secretary shall submit to Congress a report describing the status of geological surveys of Federal land for any mineral commodity—
   (i) for which the United States was dependent on a foreign country for more than 25 percent of the United States supply, as depicted in the report issued by the United States Geological Survey entitled "Mineral Commodity Summaries"; and
   (ii) that is not designated as a critical mineral under subsection (c) and

(6) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the status of geological surveys of Federal land for any mineral commodity—
(A) in which the United States was dependent on a foreign country for more than 25 percent of the United States supply, as depicted in the report issued by the United States Geological Survey entitled "Mineral Commodity Summaries"; and
(B) in which the United States was dependent on a foreign country for more than 25 percent of the United States supply, as depicted in the report issued by the United States Geological Survey entitled "Mineral Commodity Summaries"; and
(C) for which the United States was dependent on a foreign country for more than 25 percent of the United States supply, as depicted in the report issued by the United States Geological Survey entitled "Mineral Commodity Summaries"; and
(D) that is not designated as a critical mineral under subsection (c) and

(7) CONSIDERATION.—In preparing the report under this section, the Secretary shall take into consideration—
(A) the availability of geological, economic, and environmental data; and
(B) any other information or data that the Secretary considers relevant.

(8) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the status of geological surveys of Federal land for any mineral commodity—
(A) for which the United States was dependent on a foreign country for more than 25 percent of the United States supply, as depicted in the report issued by the United States Geological Survey entitled "Mineral Commodity Summaries"; and
(B) in which the United States was dependent on a foreign country for more than 25 percent of the United States supply, as depicted in the report issued by the United States Geological Survey entitled "Mineral Commodity Summaries"; and
(C) that is not designated as a critical mineral under subsection (c) and

(9) POLICY.—The Secretary shall carry out the following policies—
(A) in consultation with the appropriate State (including the United States Geological Survey) or a designee of the Secretary, shall complete a comprehensive national assessment of each critical mineral identified as byproducts.

(B) in consultation with the appropriate State (including the United States Geological Survey) or a designee of the Secretary, shall complete a comprehensive national assessment of each critical mineral identified as byproducts.

(C) in consultation with the appropriate State (including the United States Geological Survey) or a designee of the Secretary, shall complete a comprehensive national assessment of each critical mineral identified as byproducts.

(D) in consultation with the appropriate State (including the United States Geological Survey) or a designee of the Secretary, shall complete a comprehensive national assessment of each critical mineral identified as byproducts.

(E) in consultation with the appropriate State (including the United States Geological Survey) or a designee of the Secretary, shall complete a comprehensive national assessment of each critical mineral identified as byproducts.

(F) in consultation with the appropriate State (including the United States Geological Survey) or a designee of the Secretary, shall complete a comprehensive national assessment of each critical mineral identified as byproducts.

(G) in consultation with the appropriate State (including the United States Geological Survey) or a designee of the Secretary, shall complete a comprehensive national assessment of each critical mineral identified as byproducts.

(H) in consultation with the appropriate State (including the United States Geological Survey) or a designee of the Secretary, shall complete a comprehensive national assessment of each critical mineral identified as byproducts.

(I) in consultation with the appropriate State (including the United States Geological Survey) or a designee of the Secretary, shall complete a comprehensive national assessment of each critical mineral identified as byproducts.

(J) in consultation with the appropriate State (including the United States Geological Survey) or a designee of the Secretary, shall complete a comprehensive national assessment of each critical mineral identified as byproducts.

(K) in consultation with the appropriate State (including the United States Geological Survey) or a designee of the Secretary, shall complete a comprehensive national assessment of each critical mineral identified as byproducts.

(L) in consultation with the appropriate State (including the United States Geological Survey) or a designee of the Secretary, shall complete a comprehensive national assessment of each critical mineral identified as byproducts.
(B) that is determined by the Secretary, in coordination with the Secretary of Defense, to have significant strategic value to the United States for national security, defense, or advanced technology purposes.

(e) PERMITTING.—

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

(A) critical minerals are fundamental to the economy, competitiveness, and security of the United States;

(B) to the maximum extent practicable, the critical mineral needs of the United States be satisfied by minerals responsibly produced and recycled in the United States; and

(C) that the Federal permitting process has been identified as an impediment to mineral production and the mineral security of the United States.

(2) PERFORMANCE IMPROVEMENTS.—To improve the quality and timeliness of decisions, the Secretary (acting through the Director of the Bureau of Land Management) and the Secretary of Agriculture (acting through the Chief of the Forest Service) (referred to in this subsection as the “Secretaries”) shall, to the maximum extent practicable, with respect to—

(i) to incorporate and address the interests of those parties; and

(ii) to minimize delays;

(D) ensuring transparency and accountability, by—

(E) engaging in early collaboration among agencies, project sponsors, and affected stakeholders.

(1) DEPARTMENTAL REVIEW.—Absent any exception, or excessively burdensome.

(i) to minimize delays;

(ii) technologies and management strategies to control the environmental impacts of critical mineral-related activities on Federal land;

(iii) technologies to control the environmental impacts of critical minerals; and

(iv) technologies or process improvements that minimize the use, or lead to more efficient use, of critical minerals across the full supply chain;

(v) technologies, process improvements, or design optimizations that facilitate the recycling of critical materials, and options for improving the rates of collection of products and scrap containing critical minerals from post-consumer, industrial, or other waste streams;

(vi) commercial markets, advanced storage technologies, and scrap containing critical minerals from post-consumer, industrial, or other waste streams;

(vii) commercial markets, advanced storage technologies, and scrap containing critical minerals from post-consumer, industrial, or other waste streams;

(viii) commercial markets, advanced storage technologies, and scrap containing critical minerals from post-consumer, industrial, or other waste streams;

(ix) commercial markets, advanced storage technologies, and scrap containing critical minerals from post-consumer, industrial, or other waste streams;

(x) commercial markets, advanced storage technologies, and scrap containing critical minerals from post-consumer, industrial, or other waste streams;

(xi) commercial markets, advanced storage technologies, and scrap containing critical minerals from post-consumer, industrial, or other waste streams;

(xii) commercial markets, advanced storage technologies, and scrap containing critical minerals from post-consumer, industrial, or other waste streams;

(xiii) commercial markets, advanced storage technologies, and scrap containing critical minerals from post-consumer, industrial, or other waste streams;

(xiv) commercial markets, advanced storage technologies, and scrap containing critical minerals from post-consumer, industrial, or other waste streams;

(xv) commercial markets, advanced storage technologies, and scrap containing critical minerals from post-consumer, industrial, or other waste streams;

(xvi) commercial markets, advanced storage technologies, and scrap containing critical minerals from post-consumer, industrial, or other waste streams.

(2) INDIVIDUAL PROJECTS.—Using data from the Secretaries generated under paragraph (5), the Director of the Office of Management and Budget shall prepare a report that—

(i) describes progress made by the Secretaries in meeting the performance metric under paragraph (4), and annually thereafter, the Secretaries shall submit to Congress a report that—

(A) identifies additional measures (including regulatory or legislative proposals) that would increase the timeliness of permitting activities for the exploration and development of domestic critical minerals; and

(B) identifies options (including cost recovery procedures) that would enable more effective and efficient permitting processes.

(3) REPORT AND REVIEW.—Not later than 1 year and 300 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall submit to the House of Representatives a report that—

(A) identifies measures required to improve the critical minerals industry; and

(B) identifies measures (including cost recovery procedures) that would enable more efficient and effective permitting processes.

(4) FEDERAL REGISTER PROCESS.—

(1) DEPARTMENTAL REVIEW.—Before any extraordinary circumstance, and except as otherwise required by law, the Secretary and the Secretary of Agriculture shall ensure that each Federal Register notice described in paragraph (2) shall be—

(A) subject to any required reviews within the Department of the Interior or the Department of Agriculture; and

(B) published in final form in the Federal Register not later than 60 days after the date of initial preparation of the notice.

(2) PREPARATION.—The preparation of Federal Register notices required by—

(A) the documents or meetings are held; or

(B) the activity is initiated.

(5) ANNUAL REPORTS.—Beginning with the first budget submission by the President under chapter 6 of title 5, United States Code, after publication of the performance metric required under paragraph (4), and annually thereafter, the Secretaries shall submit to Congress a report that—

(A) summarizes the implementation of recommendations, measures, and options identified in subparagraphs (A) and (B) of paragraph (3); and

(B) describes actions carried out pursuant to paragraph (2).

(6) INDIVIDUAL PROJECTS.—Using data from the Secretaries generated under paragraph (5), the Director of the Office of Management and Budget shall prepare a report that—

(A) describes progress made by the executive branch to expedite the permitting of activities that will increase exploration for, and development of, domestic critical minerals, while maintaining environmental standards.

(7) REPORT OF THE SECRETARIES.—Not later than 1 year and 300 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall submit to the House of Representatives a report that—

(A) identifies additional measures that may be outmoded, inefficient, duplicated, or excessively burdensome.

(B) identifies options (including cost recovery procedures) that would enable more effective and efficient permitting processes; and

(C) describes actions carried out pursuant to paragraph (2).

(8) PROTECTION OF ENVIRONMENTAL STANDARDS.—Not later than 1 year and 300 days after the date of enactment of this Act, the Secretary, after publication of the performance metric required under paragraph (4), and annually thereafter, the Secretaries shall submit to Congress a report that—

(A) describes progress made by the Secretary, in consultation with the Secretary of Defense, to improve the quality and timeliness of decisions, the Secretary (acting through the Director of the Bureau of Land Management) and the Secretary of Agriculture (acting through the Chief of the Forest Service) (referred to in this subsection as the “Secretaries”) shall, to the maximum extent practicable, with respect to—

(i) to incorporate and address the interests of those parties; and

(ii) to minimize delays;

(D) ensuring transparency and accountability, by—

(E) engaging in early collaboration among agencies, project sponsors, and affected stakeholders.

(1) DEPARTMENTAL REVIEW.—Absent any exception, or excessively burdensome.

(i) to minimize delays;

(ii) technologies and management strategies to control the environmental impacts of critical minerals; and

(iii) technologies to control the environmental impacts of critical minerals; and

(iv) technologies or process improvements that minimize the use, or lead to more efficient use, of critical minerals across the full supply chain;

(v) technologies, process improvements, or design optimizations that facilitate the recycling of critical materials, and options for improving the rates of collection of products and scrap containing critical minerals from post-consumer, industrial, or other waste streams;

(vi) commercial markets, advanced storage technologies, and scrap containing critical minerals from post-consumer, industrial, or other waste streams;

(vii) commercial markets, advanced storage technologies, and scrap containing critical minerals from post-consumer, industrial, or other waste streams;

(viii) commercial markets, advanced storage technologies, and scrap containing critical minerals from post-consumer, industrial, or other waste streams;

(ix) commercial markets, advanced storage technologies, and scrap containing critical minerals from post-consumer, industrial, or other waste streams;

(x) commercial markets, advanced storage technologies, and scrap containing critical minerals from post-consumer, industrial, or other waste streams;

(xi) commercial markets, advanced storage technologies, and scrap containing critical minerals from post-consumer, industrial, or other waste streams;

(xii) commercial markets, advanced storage technologies, and scrap containing critical minerals from post-consumer, industrial, or other waste streams;

(xiii) commercial markets, advanced storage technologies, and scrap containing critical minerals from post-consumer, industrial, or other waste streams;

(xiv) commercial markets, advanced storage technologies, and scrap containing critical minerals from post-consumer, industrial, or other waste streams;

(xv) commercial markets, advanced storage technologies, and scrap containing critical minerals from post-consumer, industrial, or other waste streams;

(xvi) commercial markets, advanced storage technologies, and scrap containing critical minerals from post-consumer, industrial, or other waste streams;
(ii) are not subject to potential supply restrictions. 

(4) REPORTS.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Secretaries shall submit to Congress a report summarizing the activities, findings, and progress of the program.

(b) TECHNICAL ASSISTANCE—

(1) CAPABILITIES.—In order to evaluate existing critical mineral policies and inform future actions that may be taken to avoid supply shortages, mitigate price volatility, and prepare for demand growth and other market shifts, the Secretary (acting through the Director of the United States Geological Survey, in consultation with the Secretary of Defense, the Energy Information Administration, academic institutions, and others in order to maximize the application of existing competencies related to developing and maintaining computer-models and similar analytical tools, shall conduct and publish the results of an annual report that includes—

(A) as part of the annually published Mineral Commodity Summaries from the United States Geological Survey, a comprehensive review of critical mineral production, consumption, and recycling patterns, including—

(i) the quantity of each critical mineral domestically produced during the preceding year; 

(ii) the quantity of each critical mineral domestically consumed during the preceding year; 

(iii) market price data or other price data for each critical mineral; 

(iv) an assessment of—

(I) critical mineral requirements to meet the national security, energy, economic, industrial, technological, and other needs of the United States during the preceding year; 

(II) the reliance of the United States on foreign sources to meet those needs during the preceding year; and 

(III) the implications of any supply shortages, restrictions, or disruptions during the preceding year; 

(v) the quantity of each critical mineral domestically recycled during the preceding year; 

(vi) the market penetration during the preceding year of alternatives to each critical mineral; 

(vii) a discussion of international trends associated with the discovery, production, consumption, use, costs of production, prices, and recycling of each critical mineral as well as the development of alternatives to critical minerals; and 

(viii) any other data, analyses, and evaluations as the Secretary finds necessary to achieve the purposes of this subsection; and

(B) a comprehensive forecast, entitled the “Annual Critical Minerals Outlook”, of projected critical mineral production, consumption, and recycling patterns, including—

(i) projections of each critical mineral projected to be domestically produced over the subsequent 1-year, 5-year, and 10-year periods; 

(ii) the quantity of each critical mineral projected to be domestically consumed over the subsequent 1-year, 5-year, and 10-year periods; 

(iii) an assessment of—

(I) critical mineral requirements to meet projected national security, energy, economic, industrial, technological, and other needs of the United States; 

(II) the projected reliance of the United States on foreign sources to meet those needs; and 

(III) projected implications of potential supply shortages, restrictions, or disruptions; 

(iv) the quantity of each critical mineral projected to be domestically recycled over the subsequent 1-year, 5-year, and 10-year periods; 

(v) the market penetration of alternatives to each critical mineral projected to take place over the subsequent 1-year, 5-year, and 10-year periods; 

(vi) a discussion of reasonably foreseeable international trends associated with the discovery, production, consumption, use, costs of production, and recycling of each critical mineral as well as the development of alternatives to critical minerals; and 

(vii) such other projections relating to each critical mineral determined necessary to achieve the purposes of this subsection.

(2) PROPRIETARY INFORMATION.—In preparing a report described in paragraph (1), the Secretary shall ensure, consistent with section 5(f) of the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 15908), that—

(A) no person uses the information and data collected for the report for a purpose other than the development of or reporting on the critical mineral supply chain and advance the capacity of the United States to increase domestic, critical mineral exploration, development, production, manufacturing, research, including fundamental research into alternatives, and recycling; and

(B) no person discloses any information or data collected for the report unless the information or data has been transformed into a statistic or data that does not allow the identification of the person or firm who supplied particular information; and

(C) procedures are established to require the withholding of any information or data collected for the report if the Secretary determines that withholding is necessary to protect any trade secrets or other confidential information.

(3) WORKFORCE ASSESSMENT.—Not later than 1 year and 300 days after the date of enactment of this Act, the Secretary of Labor (in consultation with the Secretary, the Director of the National Science Foundation, institutions of higher education with significant expertise in minerals research, including fundamental research into alternatives, and employers in the critical minerals sector) shall submit to Congress an assessment of the domestic availability of technically trained personnel necessary for critical mineral exploration, development, assessment, production, manufacturing, recycling, analysis, forecasting, education, and research, including an analysis of—

(A) skills that are in the shortest supply as of the date of the assessment; 

(B) skills that are projected to be in short supply in the future; 

(C) the demographics of the critical mineral workforce and the demographics will evolve under the influence of factors such as an aging workforce; 

(D) the effectiveness of training and education programs in addressing skills shortages; 

(E) opportunities to hire locally for new and existing critical mineral activities; 

(F) the education, especially to assist in the development of graduate level programs of research and workforce development programs consistent with paragraph (2); 

(G) internships, scholarships, and fellowships for students enrolled in programs related to critical minerals; 

(H) equipment necessary for integrated critical mineral education, research, and workforce development; and

(iv) research of critical minerals and their applications, particularly concerning the manufacture of critical components vital to national security.

(B) RENEWAL.—A grant under this paragraph shall be renewable for up to 2 additional 3-year terms based on performance criteria outlined under paragraph (2)(A)(iv).

(j) NATIONAL GEOLOGICAL AND GEOPHYSICAL DATA PRESERVATION PROGRAM.—Section 351(k) of the Energy Policy Act of 2005 (42 U.S.C. 15908(k)) is amended by striking $5,000,000 for each of fiscal years 2006 through 2010 and inserting $5,000,000 for each of fiscal years 2021 through 2030, to remain available until expended.

(k) ADMINISTRATION.—


(2) CONFORMING AMENDMENT.—Section 3(d) of the National Superconductivity and Compound Semiconductors Act of 1988 (15 U.S.C. 5302(d)) is amended in the first sentence by striking “, with the assistance of the National Critical Materials
(3) SAVINGS CLAUSES.—
(A) Nothing in this section or an amendment made by this section modifies any requirement or authority provided by—
(i) the matter under the heading "GEOLOGICAL SURVEY" of the Act of March 3, 1879 (43 U.S.C. 31(a)); or
(ii) the first section of Public Law 87-626 (43 U.S.C. 31(b)).
(B) EFFECT ON DEPARTMENT OF DEFENSE.—Nothing in this section or an amendment made by this section affects the authority of the Secretary of Defense with respect to the work of the Office of Defense Geophysical Materials supplies in furtherance of the national defense mission of the Department of Defense.
(C) SECRETARIAL ORDER NOT AFFECTED.—This section shall not apply to any mineral described in Secretarial Order No. 3224, issued by the Secretary on December 3, 2012, in any area to which the order applies.
(4) APPLICATION OF CERTAIN PROVISIONS.—
(A) IN GENERAL.—Subsections (e) and (f) shall apply to—
(i) exploration project in which the presence of a byproduct is reasonably expected, based on known mineral companionability, geologic formation, mineral association factors; and
(ii) a project that demonstrates that the byproduct is of sufficient grade that, when combined with the production of a host mineral, the byproduct is economic to recover, as determined by the applicable Secretary in accordance with subparagraph (B).
(B) REQUIREMENT.—In making the determination under subparagraph (A), the applicable Secretary shall consider the cost-effectiveness of the byproducts recovery.
(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2021 through 2030.
SEC. 1109. RARE EARTH ELEMENT ADVANCED COAL TECHNOLOGIES.
(a) PROGRAM FOR EXTRACTION AND RECOVERY OF RARE EARTH ELEMENTS AND MINERALS FROM COAL AND COAL BYPRODUCTS.—
(1) IN GENERAL.—The Secretary of Energy, acting through the Assistant Secretary for Fossil Energy (referred to in this section as the "Secretary"), shall carry out a program under which the Secretary shall develop advanced separation technologies for the extraction and recovery of rare earth elements and minerals from coal and coal byproducts.
(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the program described in paragraph (1) $25,000,000 for each of fiscal years 2021 through 2023.
(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report evaluating the development of advanced separation technologies for the extraction and recovery of rare earth elements and minerals from coal and coal byproducts, including acid mine drainage from coal mines.
SA 2030. Mr. CRAPO (for himself, Mrs. Shaheen, and Mr. Risch) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

S1491

TITHE XVII—BRING OUR HEROES HOME
SEC. 1701. SHORT TITLE.
This title may be cited as the "Bring Our Heroes Home Act".
SEC. 1702. FINDINGS, DECLARATIONS, AND PURPOSES.
(a) FINDINGS AND DECLARATIONS.—Congress finds and declares that—
(1) a vast number of records relating to Missing Armed Forces Personnel have not been identified, located, or transferred to the National Archives following review and declassification. Only in the rarest cases is there any legitimate need for continued protection of records pertaining to Missing Armed Forces Personnel who have been missing for decades.
(2) There has been insufficient priority placed on identifying, locating, reviewing, or declassifying records relating to Missing Armed Forces Personnel and then transferring the records to the National Archives for public access.
(3) Mandates for declassification set forth in multiple Executive orders have been broadly written, loosely interpreted, and often ignored by Federal agencies in possession of records related to Missing Armed Forces Personnel.
(4) No individual or entity has been tasked with oversight of the identification, collection, review, and declassification of records related to Missing Armed Forces Personnel.
(5) The interest, desire, workforce, and funding of Federal agencies to assemble, review, and declassify records related to Missing Armed Forces Personnel have been lacking.
(6) All records of the Federal Government relating to Missing Armed Forces Personnel should be preserved for historical and governmental purposes and for public research.
(7) All records of the Federal Government relating to Missing Armed Forces Personnel should carry a presumption of declassification, and all such records should be disclosed under this title to enable the fullest possible accounting for Missing Armed Forces Personnel.
(8) Legislation is necessary to create an enforceable, independent, and accountable process through which Federal records relating to Missing Armed Forces Personnel should be reviewed.
(9) Legislation is necessary because section 552 of title 5, United States Code (commonly known as the Freedom of Information Act"), as implemented by Federal agencies, has prevented the timely public disclosure of records relating to Missing Armed Forces Personnel.
(b) PURPOSES.—The purposes of this title are—
(1) to provide for the creation of the Missing Armed Forces Personnel Records Collection at the National Archives; and
(2) to require the expeditious public transmission to the Archivist and public disclosure of Missing Armed Forces Personnel records, subject to narrow exceptions, as set forth in this title.
SEC. 1703. DEFINITIONS.
In this title—
(1) ARCHIVIST.—The term "Archivist" means Archivist of the United States.
(2) COLLECTION.—The term "Collection" means the Missing Armed Forces Personnel Records Collection established under section 1704(a).
(3) EXECUTIVE AGENCY.—The term "Executive agency" means—
(A) means an agency, as defined in section 552(f) of title 5, United States Code; and
(B) includes any Executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Federal Government, including the Executive Office of the President, any branch of the Armed Forces, and any independent regulatory agency.
(4) EXECUTIVE BRANCH MISSING ARMED FORCES PERSONNEL RECORD.—The term "executive branch Missing Armed Forces Personnel record" means a Missing Armed Forces Personnel record of an Executive agency that is maintained in such a manner that the record is in the custody of an Executive branch missing and presumed dead.
(5) EXECUTIVE BRANCH NATIONAL ARCHIVES.—The term "Governor" means the National Archives and Records Administration, which was later changed to "missing and presumed dead".
(6) EXECUTIVE BRANCH RECORD.—The term "Executive branch Missing Armed Forces Personnel record" means a record that relates, directly or indirectly, to the loss, fate, or status of Missing Armed Forces Personnel that—
(A) was created or made available for use by, obtained by, or otherwise came into the custody, possession, or control of—
(i) any Government office; or
(ii) any Presidential library; or
(iii) any of the Armed Forces; and
(B) relates to 1 or more Missing Armed Forces Personnel who became missing persons during the period—
(i) beginning on December 7, 1941; and
(ii) ending on the date of enactment of this Act.
(7) MISSING PERSON.—The term "missing person" has the meaning given that term in section 1353 of title 10, United States Code.
(9) NATIONAL ARCHIVES.—The term "National Archives"—
(A) means the National Archives and Records Administration; and
(B) includes any component of the National Archives and Records Administration (including Presidential archival depositories established under section 2112 of title 44, United States Code).
(10) OFFICIAL INVESTIGATION.—The term "official investigation" means a review, briefing, inquiry, or hearing relating to Missing Armed Forces Personnel conducted by a Presidential commission, committee of Congress, or agency, regardless of whether it is conducted independently, at the request of a Presidential commission, committee of Congress, or at the request of any official of the Federal Government.
(11) ORIGINATING BODY.—The term "originating body" means the Government office or other initial source that created a record or particular information within a record.
(12) PUBLIC INTEREST.—The term "public interest" means the compelling interest in the prompt public disclosure of Missing Armed Forces Personnel records for historical and governmental purposes, for public records, and for the purpose of fully informing the people of the United States, most importantly families of Missing Armed Forces Personnel, about the fate of the Missing Armed Forces Personnel and the process by which the Federal Government has sought to account for them.
SEC. 1705. REVIEW, IDENTIFICATION, TRANSMISSION TO THE NATIONAL ARCHIVES AND DISCLOSURE OF MISSING ARMED FORCES PERSONNEL RECORDS.

(a) In general.—

(1) Preparation.—As soon as practicable after the date of enactment of this Act, and sufficiently in advance of the deadlines established under this title, each Government office shall—

(A) identify and locate any Missing Armed Forces Personnel records in the custody, possession, or control of the Government office; and

(B) prepare for transmission to the Archivist in accordance with the criteria established by the Archivist a copy of any Missing Armed Forces Personnel records that have not previously been transmitted to the Archivist by the Government office.

(2) Certification.—Each Government office shall submit to the Archivist, under penalty of perjury, a certification indicating—

(A) whether the Government office has conducted a thorough search for all Missing Armed Forces Personnel records in the custody, possession, or control of the Government office; and

(B) whether a copy of any Missing Armed Forces Personnel record has not been transmitted to the Archivist.

(3) Preservasion.—No Missing Armed Forces Personnel record shall be destroyed, altered, or mutilated in any way.

(4) Effect of prior disclosure.—Information that was made available or disclosed to the public before the date of enactment of this Act in a Missing Armed Forces Personnel record may not be withheld, redacted, or reclassified for public disclosure or reclassified.

(5) Withheld and substantially redacted records.—For any Missing Armed Forces Personnel record that is transmitted to the Archivist which a Government office proposes to substantially redact or withhold in full from public access, the head of the Government office shall submit an unclassified and publicly releasable report to the Archivist, the Review Board, and each appropriate committee of either House of Representatives justifying the decision of the Government office to substantially redact or withhold the record by demonstrating that the release of information would clearly and demonstrably be expected to cause an articulated harm, and that the harm would be of such gravity as to outweigh the public interest in access to the information.

(b) Review.—

(1) In general.—Not later than 180 days after the date of enactment of this Act, each Government office shall, in accordance with the criteria established by the Archivist and the rules promulgated under paragraph (2), identify, locate, copy, and review each Missing Armed Forces Personnel record in the custody, possession, or control of the Government office for transmission to the Archivist and disclose to the public or, if reviewed by the Review Board; and

(B) prepare for transmission to the Archivist, in carrying out paragraph (3),

(2) Requirement.—The Review Board shall promulgate rules for the disclosure of relevant records by Government offices under paragraph (1).

(3) National archives records.—Not later than 180 days after the date of enactment of this Act, the Archivist shall—

(A) locate and identify all Missing Armed Forces Personnel records in the custody of the National Archives as of the date of enactment of this Act and that has been publicly available in its entirety without redaction shall be made available in the Collection without any additional review by the Archivist, the Review Board, or any other Government office under this title;

(B) Transmission to the national archives.—Each Government office shall—

(1) not later than 180 days after the date of enactment of this Act, commence transmission to the Archivist of copies of the Missing Armed Forces Personnel records in the custody, possession, or control of the Government office; and

(2) not later than 1 year after the date of enactment of this Act, complete transmission of all Missing Armed Forces Personnel records in the possession or control of the Government office.

(c) Periodic review of postponed missing armed forces personnel records.—

(1) In general.—All Missing Armed Forces Personnel records identified and identified by the Archivist as requiring continued postponement are reviewed by the Archivist in accordance with the criteria established by the Archivist. The periodic review shall—

(A) if it pertains to—

(i) military plans, weapons systems, or operations;

(ii) foreign relations or foreign activities;

(iii) scientific, technological, or economic sources; or

(iv) intelligence sources or methods, or cryptography;

(B) foreign relations or foreign activities of the United States, including confidential sources;

(C) scientific, technological, or economic matters relating to the national security;

(D) United States Government programs for safeguarding nuclear materials or facilities;
(G) vulnerabilities or capabilities of sys-
tems, installations, infrastructures, projects, plans, or protection services relating to the national security; or

(b) An appointment, production, or use of weapons of mass destruction; and

(2) the threat posed by the public disclo-
sure of the Missing Armed Forces Personnel record of such gravity that it outweighs the public interest in disclo-
sure.

(b) OLDER RECORDS.—Disclosure to the pub-
lic of a Missing Armed Forces Personnel record or particular information in a Missing Armed Forces Personnel record created on or before 50 years before the date of the review of the Missing Armed Forces Personnel record by the Archivist may be postponed subject to the limitations under this title only if, as demonstrated by clear and convincing evidence—

(1) the release of the information would be expected to

(A) reveal the identity of a confidential human source, a human intelligence source, a relationship with an intelligence or secu-

rity service of a foreign government or inter-
national organization, or a nonhuman intel-

ligence source, or impair the effectiveness of an intelligence method currently in use, available for use, or under development;

(B) reveal information that would impair United States cryptologic systems or activi-
ties;

(C) reveal formally named or numbered United States military war plans that remain in effect, or reveal operational or tacti-
tical elements of prior plans that are con-
tained in such active plans; or

(D) reveal information, including foreign government information, that would cause serious harm to relations between the United States and a foreign government, or to ongo-
ing diplomatic activities of the United States; and

(2) the threat posed by the public disclo-
sure of the Missing Armed Forces Personnel record or information is of such gravity that it outweighs the public interest in disclo-
sure.

(c) EXCEPTION.—Regardless of the age of a

Missing Armed Forces Personnel record—the date on which a Missing Armed Forces Per-
sonnel record was created—disclosure to the public of the record in the Missing Armed Forces Personnel record may be postponed if—

(1) the public disclosure of the information would reveal the name or identity of a living person who provided confidential information to the United States and would pose a substantial risk of harm to that person;

(2) the public disclosure of the information could reasonably be expected to constitute an unwarranted invasion of personal privacy, and that invasion of privacy is so substantial that it outweighs the public interest;

(3) the public disclosure of the information could reasonably be expected to cause harm to the methods currently in use or available for use by the Armed Forces to survive, evade, resist, or escape.

SEC. 1707. ESTABLISHMENT AND POWERS OF THE

MISSING ARMED FORCES PERSONNEL RECORDS REVIEW BOARD.

(a) ESTABLISHMENT.—There is established as an independent establishment in the execu-
tive branch a board to be known as the “Missing Armed Forces Personnel Records Review Board”.

(b) MEMBERSHIP.—

(1) APPOINTMENTS.—The President shall ap-
point, by and with the advice and consent of the Senate, 5 individuals to serve as a mem-
ber of the Review Board to ensure and facili-
tate timely review of information and to the Archi-
vist, and public disclosure of Missing Armed Forces Personnel records.

(2) QUALIFICATIONS.—The President shall ap-
point individuals to serve as members of the Review Board—

(A) without regard to political affiliation; or

(B) who are not employees of the United States of integrity and impartiality; or

(C) who are not an employee of an Execu-
tive agency on the date of the appointment; or

(D) who are not members of the profes-
sional personnel of the United States military of the value of Missing Armed Forces Personnel records to scholars, the Federal Government, and the public, particularly families of Miss-

ing Armed Forces Personnel;

(E) not less than 1 of whom is a profes-
sional historian; and

(G) not less than 1 of whom is an attorney.

(3) DEADLINES.—

(A) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the President shall submit nominations for all members of the Review Board to the Senate. The Senate shall vote on the confirmation of the nominations before the date that is 25 years before the date of the review of the Missing Armed Forces Personnel records of the individual to serve as a member of the Review Board.

(B) CONFIRMATION.—If the Senate votes not to confirm a nomination to serve as a member of the Review Board, not later than 60 days after the vote the President shall submit the nomination of an additional individual to serve as a member of the Review Board.

(d) CONFIRMATION.—The President shall make nominations to the Review Board after considering individuals recommended by the American Historical Association, the Organi-

zation of American Historians, the Society of American Archivists, the American Bar Association, veterans’ organizations, and or-

ganizations representing families of Missing Armed Forces Personnel.

(e) SECURITY CLEARANCES.—The appro-
porate departments, agencies, and elements of the executive branch of the Federal Gov-

ernment shall cooperate to ensure that an application by an individual nominated to be a member of the Review Board, seeking secu-
rity clearances necessary to carry out the duties of the member, is expeditiously reviewed and granted or denied.

(f) REVIEW OF DECISION.—The Presi-
dent shall review a decision of the Review Board to deny a security clearance to a nominee for membership in the Review Board.

(g) REMOVAL OF REVIEW BOARD MEMBER.—

(1) APPOINTMENTS.—The President shall ap-
point, by and with the advice and consent of the Senate, 5 individuals to serve as a member of the Review Board.

(2) CHAIRPERSON.—The members of the Re-
view Board shall elect a member as Chair-
person at the initial meeting of the Review Board.

(h) COMPENSATION.—

(1) BASIC PAY.—A member of the Review Board shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Execu-
tive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Review Board.

(2) TRAVEL EXPENSES.—A member of the Review Board shall be allowed reasonable travel expenses, including per diem in lieu of subsistence, at rates for employees of agen-
ties under subchapter I of chapter 57 of title 5, United States Code, while away from the member’s home or regular place of business in the performance of services for the Review Board.

(i) DUTIES OF THE REVIEW BOARD.—

(1) IN GENERAL.—The Review Board shall con-
sider and render a decision on a deter-
mination of whether the Missed Armed Forces Personnel record, in whole or in part, is expected to—

(A) be disclosed; or

(B) forgo disclosure of the information.

(2) CONSIDERATION.—The Review Board shall have the authority to act in a manner prescribed under this title, including authority to—

(A) act on an individual or the Archivist to submit to the Archivist Missing Armed Forces Per-
sonnel records as required under this title;

(B) forward to the Archivist Missing Armed Forces Personnel records with respect to which the Review Board is required to make a determination under this title;

(C) forward to the Archivist Missing Armed Forces Personnel records with respect to which the Review Board is required to make a determination under this title;

(D) forward to the Archivist Missing Armed Forces Personnel records with respect to which the Review Board is required to make a determination under this title;

(E) forward to the Archivist Missing Armed Forces Personnel records with respect to which the Review Board is required to make a determination under this title.

(j) POWERS.—The Review Board shall have the authority to act in a manner prescribed under this title, including authority to—

(A) act on an individual or the Archivist to submit to the Archivist Missing Armed Forces Personnel records as required under this title;

(B) forward to the Archivist Missing Armed Forces Personnel records with respect to which the Review Board is required to make a determination under this title;

(C) forward to the Archivist Missing Armed Forces Personnel records with respect to which the Review Board is required to make a determination under this title;

(D) forward to the Archivist Missing Armed Forces Personnel records with respect to which the Review Board is required to make a determination under this title.

(k) CONSIDERATION.—The Review Board shall have the authority to act in a manner prescribed under this title, including authority to—

(A) act on an individual or the Archivist to submit to the Archivist Missing Armed Forces Personnel records as required under this title;

(B) forward to the Archivist Missing Armed Forces Personnel records with respect to which the Review Board is required to make a determination under this title;

(C) forward to the Archivist Missing Armed Forces Personnel records with respect to which the Review Board is required to make a determination under this title;

(D) forward to the Archivist Missing Armed Forces Personnel records with respect to which the Review Board is required to make a determination under this title.

(l) REMOVAL OF REVIEW BOARD MEMBER.—

(1) APPOINTMENTS.—The President shall ap-
point, by and with the advice and consent of the Senate, 5 individuals to serve as a member of the Review Board.

(2) CHAIRPERSON.—The members of the Re-
view Board shall elect a member as Chair-
person at the initial meeting of the Review Board.

(g) REMOVAL OF REVIEW BOARD MEMBER.—

(1) IN GENERAL.—A member of the Review Board shall not be removed from office, other-
than—

(A) by impeachment by Congress; or

(B) by the action of the President for inef-
ficiency, neglect of duty in office, physical disability, mental incapacity, or any other condition that substantially impairs the performance of the member’s du-
ties.

(2) JUDICIAL REVIEW.—

(A) IN GENERAL.—A member of the Review Board removed from office may obtain judi-
cial review of whether the dismissal was a civil action commenced in the United States District Court for the District of Columbia.

(B) RELIEF.—The member may be rein-

statement or granted other appropriate relief by order of the court.

SEC. 1709. REMOVAL OF REVIEW BOARD MEMBER.

(a) REMOVAL.—The President shall remove from office a member of the Review Board, other than—

(A) a member appointed by the President,

(B) a member removed for cause, or

(C) a member in vacated office, upon a vote of not less than 7 members of the Review Board.

(b) VACANCY.—If a vacancy occurs, the vacancy shall be filled in accordance with this title.

(c) SPECIAL PROVISION.—In the event of a vacancy, the remaining members of the Review Board may continue to transact business and perform its functions, provided that such action does not result in the Review Board becoming less than 5 members.
(6) hold individuals in contempt for failure to comply with directives and mandates issued by the Review Board under this title, which shall not include the authority to imprison individuals;

(7) require any Government office to account in writing for the destruction of any records relating to the loss, fate, or status of Missing Armed Forces Personnel;

(8) receive information from the public regarding the identification and public disclosure of Missing Armed Forces Personnel records.

(9) make a final determination regarding whether a Missing Armed Forces Personnel record shall be disclosed to the public or disclosure of the Missing Armed Forces Personnel record to the public will be postponed, notwithstanding the determination of an Executive Director.

(k) WITNESS IMMUNITY.—The Review Board shall be considered to be an agency of the United States for purposes of section 6001 of title 5, United States Code.

I. OVERSIGHT.

(1) IN GENERAL.—The Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives shall—

(A) retain continuing oversight jurisdiction with respect to the official conduct of the Review Board and the disposition of postponed records after termination of the Review Board;

(B) upon request, access to any records held or created by the Review Board;

(2) DUTY OF REVIEW BOARD.—The Review Board shall have the duty to cooperate with the exercise of oversight jurisdiction under paragraph (1).

(3) ACCESS TO SERVICES.—The Administrator of the General Services Administration shall provide administrative services for the Review Board on a reimbursable basis.

II. ADMINISTRATIVE REGULATIONS.—The Review Board may issue interpretive regulations.

(a) TERMINATION AND WINDING UP.—

(1) IN GENERAL.—Two years after the date of enactment of this Act, the Review Board shall, by majority vote, determine whether all Government offices have complied with the obligations, mandates, and directives under this title.

(2) TERMINATION DATE.—The Review Board shall determine a final date that is 4 years after the date of enactment of this Act.

(3) REPORT.—Before the termination of the Review Board under paragraph (2), the Review Board shall forward to Congress a report, including a complete and accurate accounting of expenditures during its existence, and shall complete all other reporting requirements under this title.

(4) RECORDS.—Upon termination of the Review Board, the Review Board shall transfer all records of the Review Board to the Archivist for inclusion in the Collection, and no record of the Review Board shall be destroyed.

SEC. 1709. REVIEW OF RECORDS BY THE MISSING ARMED FORCES PERSONNEL RECORDS REVIEW BOARD.

(a) STARTUP REQUIREMENTS.—The Review Board shall—

(1) not later than 90 days after the date on which all members are appointed, publish an initial schedule for review of all Missing Armed Forces Personnel records, which the Archivist shall highlight and make available on a publicly accessible website administered by the National Archives; and

(2) not later than 180 days after the date of enactment of this Act, begin reviewing of Missing Armed Forces Personnel records under this title.

(b) DETERMINATION OF THE REVIEW BOARD.—

(1) IN GENERAL.—The Review Board shall direct that all records that relate, directly or indirectly, to the loss, fate, or status of Missing Armed Forces Personnel be transmitted to the Archivist and disclosed to the public in the Collection in the absence of clear and convincing evidence that—

(A) the record is not a Missing Armed Forces Personnel record; or

(B) the Missing Armed Forces Personnel record, or particular information within the Missing Armed Forces Personnel record, qualifies for postponement of public disclosure under this title.

(2) POSTPONEMENT.—In approving postponement of public disclosure of a Missing Armed Forces Personnel record, or information within a Missing Armed Forces Personnel record, the Review Board shall seek to—

(A) provide for the disclosure of segregable parts, substitutes, or summaries of the Missing Armed Forces Personnel record; and

(B) determine, in consultation with the originating body and consistent with the standards for postponement under this title, which of the following alternative forms of disclosure shall be made by the originating body:

(i) Any reasonably segregable particular information in a Missing Armed Forces Personnel record.

(ii) A substitute record for that information which is postponed.

(iii) A summary of a Missing Armed Forces Personnel record.

(c) REPORTING.—With respect to a Missing Armed Forces Personnel record, or information within a Missing Armed Forces Personnel record, the Review Board may—

(A) determine to disclose the missing record, which is postponed under this title, or for which only substitutions or summaries have been disclosed to the public, the Review Board shall determine and transmit to an unclassified and publicly releasable report containing—

(i) A description of actions by the Review Board, the originating body, or any Government office (including a justification of any such action to postpone disclosure of any record or part of any record) and of any official proceedings conducted by the Review Board; and

(B) a statement, based on a review of the proceedings and in conformity with the decisions of the advisory committees and the recommendation of any such proceeding, that a recommendation has been made.

(d) ACTIONS AFTER DETERMINATION.—

(1) IN GENERAL.—Not later than 14 days after the date of a determination by the Review Board that a Missing Armed Forces Personnel record shall be publicly disclosed in the Collection or postponed for disclosure of the record in conformance with the decisions of the advisory committees, the Archivist shall publicize and make available the distribution of the record on a publicly accessible website.
and held in the protected Collection, the Review Board shall notify the head of the originating body of the determination and highlight and make available the determination on a publicly accessible website reasonably calculated to make interested members of the public aware of the existence of the determination.

(2) TERMINATION NOTICE.—Not later than 90 days before the Review Board expects to hold a public review of a record of a Missing Armed Forces Personnel record that is held under seal of the court, the Review Board shall provide notice to Congress of the intent to terminate the Review Board’s activity.

(3) TERMINATION OF EFFECT OF TITLE.—Not later than 90 days after the date of enactment of this Act, and every 30 days thereafter, until such time as the Review Board terminates, the Review Board shall submit a report to Congress that contains the following information:

(A) The Committee on Oversight and Governmental Affairs of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Oversight and Reform of the House of Representatives, shall receive written notice to Congress of the intent of the Review Board to terminate operations at a specified date.

SEC. 1710. DISCLOSURE OF OTHER MATERIALS AND ADDITIONAL STUDY.

(a) MATERIALS UNDER SEAL OF COURT.—

(1) IN GENERAL.—The Review Board may request the Attorney General to petition any court of the United States or of a foreign country to release any information relevant to the loss, fate, or status of a Missing Armed Forces Personnel that is held under seal of the court.

(2) GRAND JURY INFORMATION.—

(A) In general.—The Review Board may request the Attorney General to petition any court of the United States to release any information relevant to the loss, fate, or status of a Missing Armed Forces Personnel that is held under the injunction of secrecy of a grand jury.

(B) Treatment.—A request for disclosure of grand jury information under this subsection shall be deemed to constitute a showing of particularized need under rule 6 of the Federal Rules of Criminal Procedure.

(c) NOTICE TO PUBLIC.—Every 30 days, beginning 60 days after the date on which the Review Board first approves the postponement of disclosure of a Missing Armed Forces Personnel record, the Review Board may request the Archivist to make available on a publicly accessible website reasonably calculated to make interested members of the public aware of the existence of the postponement a notice that summarizes the postponement approved by the Review Board, including a description of the subject, originating body, length or other physical description, and each record for postponement that is relied upon.

(d) REPORTS BY THE REVIEW BOARD.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every 30 days thereafter until such time as the Review Board terminates, the Review Board shall submit a report to Congress that contains the following information:

(A) The Committee on Oversight and Reform of the House of Representatives;

(B) The Committee on Homeland Security and Governmental Affairs of the Senate;

(C) The President;

(D) the Archivist; and

(E) the head of any Government office the record of which has been the subject of Review Board activity.

(b) OVERSIGHT NOTICE.—Simultaneous with notice under subparagraph (A), the Review Board shall provide notice of a determination concerning the public disclosure or postponement of disclosure of a Missing Armed Forces Personnel record, or information contained within a Missing Armed Forces Personnel record, which shall include a written unclassified justification for public disclosure or postponement of disclosure, including an explanation of the application of any standards in section 1706 to the President, to the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Oversight and Reform of the House of Representatives.

(c) NOTICE TO PUBLIC.—Every 30 days, beginning 30 days after the date on which the Review Board first approves the postponement of disclosure of a Missing Armed Forces Personnel record, the Review Board may request the Archivist to make available on a publicly accessible website reasonably calculated to make interested members of the public aware of the existence of the postponement a notice that summarizes the postponement approved by the Review Board, including a description of the subject, originating body, length or other physical description, and each record for postponement that is relied upon.

(2) TERMINATION NOTICE.—Not later than 90 days before the Review Board expects to hold a public review of a record of a Missing Armed Forces Personnel record that is held under seal of the court, the Review Board shall provide notice to Congress of the intent to terminate the Review Board’s activity.

(3) TERMINATION OF EFFECT OF TITLE.—Not later than 90 days after the date of enactment of this Act, and every 30 days thereafter, until such time as the Review Board terminates, the Review Board shall submit a report to Congress that contains the following information:

(A) The Committee on Oversight and Governmental Affairs of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Oversight and Reform of the House of Representatives, shall receive written notice to Congress of the intent of the Review Board to terminate operations at a specified date.

SEC. 1711. RULES OF CONSTRUCTION.

(a) PRECEDENCE OVER OTHER LAW.—When this title requires transmission of a record to the Archivist or public disclosure, it shall take precedence over any other law (except section 6103 of the Internal Revenue Code of 1986), judicial decision construing such law, or common law doctrine that would otherwise prohibit such transmission or disclosure, with respect to any records governing access to or transfer or release of gifts and donations of records to the United States Government.

(b) FREEDOM OF INFORMATION ACT.—Nothing in this title shall be construed to eliminate or limit any right to file requests with any Executive agency or seek judicial review of the decisions under section 552 of title 5, United States Code.

(c) JUDICIAL REVIEW.—Nothing in this title shall be construed to preclude judicial review under chapter 7 of title 5, United States Code, of final actions taken or required to be taken under this title.

(d) EXISTING AUTHORITY.—Nothing in this title revokes or limits the existing authority of the President, any Executive agency, the Senate, or the House of Representatives, or any other entity of the Government to publicly disclose records in its custody, possession, or control.

(e) RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES.—To the extent that any provision of this title establishes a procedure to be followed in the House of Representatives, such provision is adopted—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, but applicable only with respect to the procedure to be followed in that House, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House, change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rules of parliamentary procedure.

SEC. 1712. TERMINATION OF EFFECT OF TITLE.

(a) PROVISIONS PERTAINING TO THE REVIEW BOARD.—The provisions of this title that pertain to the appointment and operation of the Review Board shall cease to be effective.

(b) OTHER PROVISIONS.—The remaining provisions of this title shall continue in effect until such time as the Review Board terminates.

SEC. 1713. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this title, to remain available until expended.

(b) INTERIM FUNDING.—Until such time as funds are appropriated pursuant to subsection (a), the President may use such sums as are available for discretionary use to carry out this title.

SEC. 1714. SEVERABILITY.

If any provision of this title, or the application thereof to any person or circumstance, is held invalid, the remainder of this title and the application of that provision to other persons not similarly situated or to other circumstances shall not be affected by the invalidation.

SA 2031. Mr. CRAPO (for himself, Ms. STABENOW, and Mr. RISCH) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XVII—IMPROVEMENT OF TRANSITION ASSISTANCE
Educational Transition for Servicemembers Act" or "IMPROVE Transition for Servicemembers Act".

(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services and the Committee on Veterans' Affairs of the Senate; and

(2) the Committee on Armed Services and the Committee on Veterans' Affairs of the House of Representatives.

SEC. 1702. RECODIFICATION, CONSOLIDATION, AND IMPROVEMENT OF CERTAIN TRANSITION-RELATED COUNSELING AND ASSISTANCE AUTHORITIES.

(a) RECODIFICATION, CONSOLIDATION, AND IMPROVEMENT OF AUTHORITIES.—

(1) CHAPTER 58 OF TITLE 10—

(Section 1141, redesignated as section 1142 for purposes of this section).

(2) COUNSELING, INFORMATION, AND SERVICES.—In providing information in connection with preseparation counseling furnished a member under the program, the furnishing of covered counseling, information, and services to such member under the program, and the furnishing of covered counseling, information, and services to a member under the program, shall be accomplished as follows:

(A) In the case of a member who has been sepa- rated or released from the armed forces (other than by retirement), the furnishing of covered counseling, information, and services to such member under the program shall commence not later than 365 days before the anticipated separation or release date.

(B) Members SEPARATED OR RELEASED.—In the case of a member who is separating or released from the armed forces (other than by retirement), the furnishing of counseling, information, and services to such member under the program shall commence as early as possible during the 365-day period preceding the anticipated retirement date.

(C) DELAYED EXIT FROM MILITARY—Except as provided in paragraph (4), the furnishing of covered counseling, information, and services to a member under the program shall be completed not later than 365 days before the anticipated retirement or other separation from the armed forces.

(d) FURNISHING ON IN-PERSON BASIS.—The preseparation counseling furnished a member under the program under this section shall include the following:

(A) Financial planning assistance, including information on budgeting, saving, credit, loans, and taxes.

(B) An explanation of the procedures for and advantages of affiliating with the Secretary of Veterans Affairs pursuant to section 1720G of title 38, including the Secretary of Veterans Affairs as a fiduciary for purposes of this paragraph, that the furnishing of covered counseling, information, and services on an online, other electronic, or other basis, rather than on an in-person basis, is necessary to avoid extraordinarily significant impediments to immediate mission needs. In issuing any such waiver, such Secretary shall, in writing, set forth the grounds for such waiver.

(E) TOPICS COVERED BY PROGRAM.—The preseparation counseling furnished a member under the program under this section shall include the following:

(A) A description of the compensation and vocational rehabilitation benefits to which the member may be entitled under the laws administered by the Secretary of Veterans Affairs, and information regarding the means by which the member can receive additional counseling regarding the member's actual entitlement to such benefits and apply for such benefits; and

(B) Other related information, such as information on home loan services and housing assistance benefits available under the Montgomery GI Bill and other educational assistance programs because of the member's separation from the armed forces.

(F) information, including appropriate training, on eligibility for enrollment and procedures to enroll in the Survivor Benefit Plan under section 702 of title 38, including the survivors covered by the program, the caregivers eligible for assistance and support through the program, and the assistance and support available through the program; and

(G) information on in-person trainings and appropriate training, on eligibility for enrollment and enrollment in the Survivor Benefit Plan under chapter 73 of this title and other survivor benefits.
“(4) Information on civilian employment, occupational requirements, and related assistance, including—

(A) labor market information;

(B) assistance for pursuit of a self-employment opportunity;

(C) job analysis techniques, job search techniques, job interview techniques, and salary negotiation techniques;

(D) information on the requirements that are applicable to civilian occupations, including State-submitted and approved lists of military training and skills that qualify occupational certifications and licenses;

(E) civilian occupations that correspond to military specialties in the armed forces and information concerning health conditions associated with service in such section, suicidal ideations, or other mental stress disorder, anxiety disorders, depression from the armed forces;

(f) information on the requirements under section 1145(a) of this title for the Department of Defense and the Department of Homeland Security to provide proper certification or verification of job skills and experience acquired while on active duty that may have application to employment in the civilian sector for use in seeking civilian employment and in obtaining job search skills;

(G) information on government and private-sector programs for job search and job placement, including the relocation, including—

(A) labor market information; and

(B) enrollment in a program of education;

(H) counseling services for veterans in the receipt of employment, training, and placement services provided under qualified job training programs of the Department of Labor;

(I) veterans small business ownership and entrepreneurship programs of the Small Business Administration, and local and programs, and programs of military and veterans’ service organizations, that may be of assistance to such members after separation from the armed forces;

(J) employment and reemployment rights and obligations under chapter 43 of title 38;

(K) veterans preference in Federal employment and Federal procurement opportunities;

(L) disability-related employment and education protections; and

(M) career and employment opportunities available to members with transportation security cards issued under section 70905 of title 49.

(5) Information related to transition and relocation, including—

(A) information on the geographic areas in which members will reside after separation from the armed forces, including, to the degree possible, information about employment opportunities, the labor market, and the cost of living in those areas (including, to the extent practicable, the cost and availability of housing, child care, education, medical and dental care);

(B) vocational retraining programs, and programs of military and veterans’ service organizations, that may be of assistance to such members after separation from the armed forces;

(C) counseling (for the member and dependents) on the effect of career change on individuals and their families and the availability to the member and dependents of suicide prevention resources following separation from the armed forces;

(D) the availability of mental health services and the treatment of post-traumatic stress disorder, anxiety disorders, depression, suicidal ideations, or other mental health conditions associated with service in the armed forces and information concerning the availability of treatment options and resources to address substance abuse, including alcohol, prescription drug, and opioid abuse and addiction;

(E) the availability of medical and dental coverage following separation from active duty, including the opportunity to elect into the conversion health policy provided under section 1145 of this title; and

(F) information on the required deduction, pursuant to the Improving Preseparation and Resources for Occupational, Vocational, and Educational Transition for Servicemembers Act;

(G) counseling pathways.—Each Secretary concerned shall, in consultation with the Chief of Staff of the Department of Defense and the Secretary of Veterans Affairs, establish at least three pathways for members of the armed forces under section 1145 of this title concerned to receive individualized counseling under this section. The pathways shall address the needs of members based on the following factors:

(1) Rank.

(2) Term of service.

(3) Gender.

(4) Whether the member is a member of a regular or reserve component of an armed force.

(5) Disability.

(6) Anticipated characterization of retirement, separation, or release from the armed forces (including expeditious discharge and discharge under conditions other than honorable).

(7) Health (including mental health).

(8) Military occupational specialty.

(9) Whether the member intends, after retirement, separation, or release, to—

(A) seek employment;

(B) enroll in a program of higher education;

(C) enroll in a program of vocational training; or

(D) become an entrepreneur.

(10) The educational history of the member.

(11) The employment history of the member.

(12) Whether the member has secured—

(A) employment;

(B) enrollment in a program of education; or

(C) enrollment in a program of vocational training.

(13) Whether the member has a spouse or any dependents.

(14) Such other factors the Secretary of Defense and the Secretary of Veterans Affairs consider appropriate.

(6) Participation in apprenticeship programs for civilian occupations and the right to receive credit toward a program registered in an apprenticeship program, participation in such a program, participation in an apprenticeship program registered under the Act of August 16, 1937 (commonly known as the ‘National Apprenticeship Act’; 41 U.S.C. chapter 69), or receipt of training under such a program.

(7) Employment and Federal procurement opportunities under chapter 43 of title 38; and

(8) The conversion health policy provided under section 1145 of this title; and

(9) The educational history of the member.

(10) The employment history of the member.

(11) Whether the member has secured—

(A) employment;

(B) enrollment in a program of education; or

(C) enrollment in a program of vocational training.

(12) Whether the member has a spouse or any dependents.

(13) Such other factors the Secretary of Defense and the Secretary of Homeland Security, in consultation with the Secretary of Labor and the Secretary of Veterans Affairs, considers appropriate.

(14) Such other factors the Secretary of Defense and the Secretary of Veterans Affairs consider appropriate.

(15) Whether the member intends, after separation, to receive counseling services, including—

(A) instruction in resume preparation; and

(B) assistance in developing an individual transition plan for the member to achieve the educational, training, employment, and financial objectives of the member and, if the member has a spouse, the spouse of the member; and

(B) the member may elect one or both of the following:

(i) To have the Secretary concerned (in consultation with the Secretary of Labor and the Secretary of Veterans Affairs) provide the contact information of the member to the organizations, entities, and resources described in subparagraph (A)(iii).

(ii) Information on the requirements under section 1145 of this title for the Defense and the Secretary of Veterans Affairs transmit information on the member from Department of Defense Form DD-2648 to State veterans agencies for transmittal to community-based organizations and related entities that provide or connect veterans to benefits and services in accordance with section 3 of the Improving Preseparation and Resources for Occupational, Vocational, and Educational Transition for Servicemembers Act.

(2) General instruction.—A course of general instruction, of at least one day, on such topics specified in subsection (f), or otherwise specific to the armed force concerned, as the administering Secretaries consider appropriate.

(3) Instruction on specific post-service pathways.—A course of instruction, of not less than two consecutive days, on one of the following matters, as selected by the member:

(A) Employment.

(B) Education.

(C) Entrepreneurship.

(D) Career and technical training.

(E) Such other matters as the administering Secretaries consider appropriate.

(4) Preliminary meeting.—Before the commencement of the furnishing of such counseling, information, and services under the program to the member, the member shall meet with the counselor, during which—

(A) the counselor shall furnish to the member—

(i) a self-assessment jointly designed by the Secretaries concerned (in consultation with the Secretary of Labor and the Secretary of Veterans Affairs) to determine whether the member continued to receive counseling services in the appropriate counseling pathway under subsection (g);

(ii) information regarding reenlistment in the armed forces;

(iii) information regarding organizations, entities, and resources (including resources regarding military sexual trauma for individuals described in section 1175a of this title, from disability compensation paid by the Secretary of Veterans Affairs of amounts equal to any voluntary separation payments they received by the member under such section.

(6) Counseling pathways.—Each Secretary concerned shall, in consultation with the Chief of Staff of the Department of Defense and the Secretary of Veterans Affairs, establish at least three pathways for members of the armed forces under section 1145 of this title concerned to receive individualized counseling under this section. The pathways shall address the needs of members based on the following factors:

(1) Rank.

(2) Term of service.

(3) Gender.

(4) Whether the member is a member of a regular or reserve component of an armed force.

(5) Disability.

(6) Anticipated characterization of retirement, separation, or release from the armed forces (including expeditious discharge and discharge under conditions other than honorable).

(7) Health (including mental health).

(8) Military occupational specialty.

(9) Whether the member intends, after retirement, separation, or release, to—

(A) seek employment;

(B) enroll in a program of higher education;

(C) enroll in a program of vocational training; or

(D) become an entrepreneur.

(10) The educational history of the member.

(11) The employment history of the member.

(12) Whether the member has secured—

(A) employment;

(B) enrollment in a program of education; or

(C) enrollment in a program of vocational training.

(13) Whether the member has a spouse or any dependents.

(14) Such other factors the Secretary of Defense and the Secretary of Veterans Affairs consider appropriate.
under such Act, that provides education, training, and services necessary to transition to meaningful employment that leads to economic self-sufficiency.

(7) QUALIFICATION OF COUNSELING AND INSTRUCTION.—A member shall receive the counseling and instruction required by paragraphs (2) and (3) before any other instruction or training, as defined in subsection (e)(2), under this subsection and shall receive each counseling pathway established under subsection (c) in a timely manner.

(a) Before the time periods established under subsection (d); and

(b) In addition to such training and instruction required during such time periods.

(1) RECORD OF RECEIPT OF COVERED COUNSELING, INFORMATION, AND SERVICES IN SERVICE RECORDS.—A notation on the receipt of covered counseling, information, and services shall be made available by electronic means to the following:

(i) The member;

(ii) The Secretary of Defense and the Secretary of Veterans Affairs, and the heads of any other departments and agencies of the Federal Government involved in the furnishing of covered counseling and other assistance under this program.

(2) ANNUAL REPORT TO CONGRESS.—

(A) IN GENERAL.—The Secretary of Defense and the Secretary of Homeland Security shall submit to Congress each year a report on the furnishing of covered counseling, information, and services under the program to members of the armed forces under the jurisdiction of such Secretary during the preceding year. Each report shall include, for the year covered by such report, the following:

(i) The number of members eligible for covered counseling, information, and services under the program;

(ii) The number of members furnished covered counseling, information, and services under the program who did not participate in the program;

(iii) An assessment of the extent to which such counseling, information, and services were furnished within the times provided for by paragraphs (b) and (c) of subsection (d);

(iv) Rates of participation on an in-person basis and an online or other electronic basis, and number of waivers (if any) issued pursuant to subsection (h)(3);

(v) The number of members placed into each counseling pathway established under subsection (e)(2);

(vi) The number of members who received instruction in each of the post-service pathways described in subsection (h)(3);

(vii) The number of members who participated in an apprenticeship or pre-apprenticeship program described in subsection (h)(6);

(viii) The number of participants in the programs under subsection (e) of section 1143 of title 10, United States Code, as amended by subsection (a) required by reason of the amendments made by subsection (a) not later than one year after the date of the enactment of this Act, the appropriate committees of Congress a report on the furnishing of covered counseling, information, and services under the program.

(b) PRESENTATION OF INFORMATION.—In presenting the information required under paragraph (a), the Secretary shall ensure that:

(i) The member—

(A) by characterization of discharge from the armed forces (whether retirement or other separation), and

(B) by basis of separation from the armed forces (whether retirement or other separation, and whether voluntary or involuntary);

(ii) The Secretary of Defense and the Secretary of Veterans Affairs transmits to the Secretary of Labor a joint service transcript of a member of the armed forces to the following:

(1) The member;

(2) The appropriate committees of Congress; and

(3) The Congress.

(3) DEDICATED PERSONNEL.—The Secretary of Defense shall take appropriate actions to ensure that:

(A) the minimum number of full-time equivalent personnel of the Department of Defense to the following:

(B) academic readiness and educational opportunities; and

(C) such other matters in connection with the program as the administering Secretary considers appropriate.

(k) REPORTS AND NOTICE IN CONNECTION WITH PARTICIPATION OF MEMBERS.—

(1) INFORMATION WITHIN EXECUTIVE BRANCH.—A member of the armed forces, and the Secretary of Homeland Security shall each ensure that information on participation in the program under this section by members under the jurisdiction of such Secretary is available, including timeliness of receipt of covered counseling, information, and services, rates of participation on an in-person basis and an online or other electronic basis, and number of waivers (if any) issued pursuant to subsection (e)(2) is made available by electronic means to the following:

(i) Commanders at all levels of command at the installations concerned.

(ii) The joint service transcript of a member of the armed forces to the following:

(1) The preliminary meeting with a counselor under the program.

(ii) The day the member retires, separates, or is released from the armed forces.

(3) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 58 of such title is amended by inserting the following new item:

(1) 1142. Transition-related counseling and services: Transition Assistance Program.

(4) MINIMUM CIVILIAN WORKPLACE REQUIREMENTS.—

(a) IN GENERAL.—For purposes of providing counseling under and otherwise administering the Transition Assistance Program, the Secretary of Defense shall take appropriate actions to ensure that the minimum number of civilian personnel, to the maximum extent practicable, each individual employed by the Department of Defense to
provide counseling under the Transition Assistance Program has both prior military experience and not less than two years of experience in civilian employment at the time of employment by the Department for such purposes.

(2) Sense of Congress.—It is the sense of Congress that, in employing individuals to provide counseling under the Transition Assistance Program, the Secretary should consider affording a preference to individuals with longevity of experience in civilian employment at the time of employment by the Department for that purpose.

(3) Applicability.—The Secretary shall comply with the requirement in paragraph (1) commencing not later than 90 days after the date of the enactment of this Act.

(c) Report on Implementation.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the actions taken to implement this section, including—

(1) the actions taken to implement subsection (b);
(2) the number of individuals employed by the Department under subsection (b);
(3) the percentage of individuals employed in connection with the Transition Assistance Program who meet the requirement in subsection (b); and
(4) such other information as the Secretary considers appropriate.

(d) Transition Assistance Program Defined.—In this section, the term “Transition Assistance Program” means the program of counseling, information, and services available to members of the Armed Forces who meet the requirement in subsection (b) of section 1142 of title 10, United States Code (as amended by section 1702 of this Act).

SEC. 1705. Surveys on Member Experiences in Transition to Civilian Life

(a) Systems for Tracking Participation in Transition Assistance Program and Related Programs.

(1) In General.—Commencing not later than one year after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Homeland Security shall establish and maintain an electronic tracking system and database, applicable across the Armed Forces, in order to collect, store, and make available, as described in paragraph (2) information on the participation and progress of members of the Armed Forces under the jurisdiction of the Secretary of Defense or a program under any other Federal Government program as the Secretary considers appropriate.

(B) Participation and completion by members of the specific elements of the Transition Assistance Program described in subsection (h) of such section 1142.

(C) Notes made by counselors in connection with the provision of casework and other services under the Transition Assistance Program.

(D) Such other matters in connection with participation and progress of members in the Transition Assistance Program as such Secretary considers appropriate.

(2) Availability of Information.—Information in the tracking systems and databases required by paragraph (1), other than information described in paragraph (1)(C), shall be available as follows:—

(A) To members of the Armed Forces for purposes of transition from military life to civilian life, for the personal information of members.

(B) To commanders of members of the Armed Forces at all levels of command for members under their command.

(C) To all counselors and managers of counseling under the Transition Assistance Program for members they serve.

(D) To the Secretary of Labor, the Secretary of Veterans Affairs, and the heads of any other department or agency of the Federal Government involved in the furnishing of counseling and services under the Transition Assistance Program.

(b) Digital Portal.—

(1) In General.—Commencing not later than two years after the date of the enactment of this Act, each Secretary concerned shall establish and maintain an interactive, Internet-based platform for members of the Armed Forces under the jurisdiction of such Secretary to act as a portal for members undergoing counseling under the Transition Assistance Program in order to permit such members to do the following:

(A) View information on and track progress of the member concerned in the required instruction and counseling of the Transition Assistance Program.

(B) View the individual assessments of the member concerned pursuant to clauses (i) and (v) of subsection (h)(1)(A) of section 1142 of title 10, United States Code (as amended by section 1702 of this Act).

(C) View and access to the transition plan of the member concerned as described in subsection (h)(1)(A)(vii) of such section 1142.

(D) Access information on the programs and resources available to members of the Armed Forces and their spouses at the military installation concerned in connection with the Transition Assistance Program.

(E) Access information and resources related to the topics under subsection (f) of such section 1142.

(F) Access the online version of the curriculum of the Transition Assistance Program.

(G) Access and download a digital copy of the Joint Service Transcript of the member concerned.

(H) Schedule, view, or change appointments with counselors in connection with the Transition Assistance Program.

(I) Take the surveys conducted pursuant to section 1705(a).

(J) Access such other digital information and resources available to members under the Transition Assistance Program as the Secretaries concerned and the administering Secretaries jointly consider appropriate.

(2) Commencement.—Each Secretary concerned shall commence the conduct of surveys pursuant to paragraph (1) by not later than 120 days after the date of the enactment of this Act.

(b) Pilot Program on Surveys on Member Experiences in Transition to Civilian Life.

(1) In General.—The Secretary of Veterans Affairs shall, in consultation with the Secretary of Defense, the Secretary of Homeland Security, the Secretary of Education, and the Secretary of Labor, conduct a pilot program to assess the feasibility and advisability of surveying veterans who have been retired, discharged, or released from the Armed Forces for at least one year, and not longer than four years, at the time of a survey conducted under the Transition Assistance Program in order to assess the experiences of such veterans in the transition from military life to civilian life.

(2) Manner of Conduct.—The Secretary of Veterans Affairs may conduct the survey under the pilot program through a contract with a qualified non-governmental organization selected by the Secretary for purposes of the pilot program.

(3) Elements.—The survey under the pilot program shall be designed to obtain the information on the following:

(A) Current employment status and employment history since retirement or separation.

(B) Receipt, whether currently or in the past, of unemployment benefits.

(C) Educational attainment after military service.

(D) Participation of or membership in a veterans’ service organization or other support or other group oriented towards veterans.

(E) Satisfaction with transition, including satisfaction with counseling and assistance services received in connection with transition (whether pursuant to the Transition Assistance Program or a program under any other program of law).

(F) Whether veterans participated in the curriculum of the Transition Assistance Program on an in-person basis or an online, other electronic, or other basis.

(H) Challenges faced during transition.

(I) If married at the time of transition—
(i) participation of spouse in the counseling and assistance described in subparagraph (E); and

(ii) satisfaction of spouse with the counseling and assistance described in subparagraph (E), if any, participated in by the spouse.

(I) Whether veterans felt sufficiently prepared for military service, or other avenues of advancement after military service as a result of participation in the Transition Assistance Program.

(2) Recommendations for improvements to the counseling and assistance furnished in connection with transition, or for other mechanisms to ease and facilitate transition.

(K) Such other matters as the Secretary of Veterans Affairs, in consultation with the other Secretaries referred to in paragraph (1), considers appropriate.

(4) SURVEY RESULTS.—The results of the survey under the pilot program shall be broken out by number of years post-separation of the veterans covered by the survey.

(5) REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the appropriate committees of Congress a report on the pilot program. The report shall set forth the following:

(A) The results of the survey conducted under the pilot program.

(B) An assessment by the Secretary of the feasibility and advisability of continuing surveys such as the survey under the pilot program on a permanent basis, as frequently as once every two years or such other frequency as the Secretary considers appropriate.

(C) PROTECTION OF PRIVACY.—In carrying out this section, the administering Secretaries, the Secretary of Education, and the Secretary of Labor shall take all necessary and appropriate actions to protect the personal privacy of individual members of the Armed Forces and veterans as required by law.

(d) DEFINITIONS.—In this section:

(1) The term ‘‘Transition Assistance Program’’ means the program of counseling, information, and services under section 1142 of title 10, United States Code (as amended by section 1702 of this Act).

(2) The term ‘‘Veterans Transition Assistance Program’’ means the program of education on career readiness and professional development described in subsection (a) of title 10, United States Code (as so amended).

(3) Any other program of apprenticeship, on-the-job training, or internship offered at a small military installation or remote installation that the Comptroller General considers appropriate for inclusion in the review under this section.

(c) SMALL MILITARY INSTALLATIONS; REMOTE MILITARY INSTALLATIONS.—For purposes of this section:

(1) A small military installation is an installation at which are assigned not more than 5,000 members of the Armed Forces.

(2) A remote military installation is an installation that is located more than 50 miles from any city with a population of 50,000 people or more (as determined by the Office of Management and Budget).

(d) SCOPE OF REVIEW.—In conducting the review, the Comptroller General shall evaluate participation in the Transition Assistance Program at a small military installation or remote military installation that is sufficient to provide a complete understanding of the participation in such programs of members of the Armed Forces at such installations throughout the United States.

(e) ELEMENTS.—The review under this section shall include the following:

(1) Rates of participation of members of the Armed Forces in transition assistance programs at a small military installation or remote military installations that is sufficient to provide a complete understanding of the participation in such programs of members of the Armed Forces at such installations throughout the United States.

(2) In the case of the Transition Assistance Program, the following:

(A) Compliance with the deadlines for participation provided for in subsection (d) of title 1142 of title 10, United States Code (as amended by section 1702 of this Act).

(B) A comparison between rates of participation in person and rates of participation online.

(C) The average ratio of permanent, full-time equivalent program staff to participating members at small military installations and at remote military installations.

(D) The average number of program staff (including full-time equivalent staff and contractor staff) physically and permanently located on installation at small military installations and at remote military installations.

(f) TRANSITION ASSISTANCE PROGRAM DEFINED.—In this section, the term ‘‘Transition Assistance Program’’ means the program of counseling, information, and services under section 1142 of title 10, United States Code (as amended by section 1702 of this Act).

(g) PROVISION OF INFORMATION.—For purposes of this section, coveter transition assistance programs are the following:

(1) The Transition Assistance Program. 

(2) The programs under section 1143(e) of title 10, United States Code (commonly referred to as ‘‘JEST—GT’’, ‘‘JEST—AD’’ or ‘‘Skill Bridge’’).
title 10, United States Code (as amended by section 1702 of this Act), while effective in the worthy goal of reducing the need for unemployed assistance among former members of the Armed Forces, should be designed and carried out for the holistic benefit, in both good and bad economic climates, of members of the Armed Forces participating in the program and not simply as a metric or tool for employment;

(4) to support and commend efforts by the Department of Defense, the Department of Labor, and other agencies of the Federal Government in coordinating Federal and State efforts to assist members of the Armed Forces with civilian equivalents for military occupational skills, but also to urge the Department of Defense to ensure that the Transition Assistance Program also provides members the tools and assistance for reinventing themselves during the transition from military life to civilian life, even when their new personal and professional goals do not align with their military occupations;

(5) to commend and further encourage efforts to incorporate metrics for compliance with Transition Assistance Program requirements into leadership assessments and criteria for promotion of commanding officers in the Armed Forces;

(6) to urge the Secretary of Defense to assign accountability and responsibility for compliance with Transition Assistance Program requirements to the lowest level of command and to establish uniform, Armed Forces-wide policy on the individuals at unit level who are responsible for monitoring compliance of members of the Armed Forces with such requirements;

(7) that the Secretary of Defense should seek to enhance collaboration and access to transition-related services by members of the Armed Forces seeking to leave the Federal, State, and local officials and contractors who administer the Transition Assistance Program and State and local officials and partner, non-governmental entities associated with the Transition Assistance Program or who offer transition-related services in the same or proximate physical locations, when possible;

(8) that the Secretary of Defense and the Secretary of Labor should seek to minimize subjectivity in career readiness metrics under the Transition Assistance Program in accordance with recommendations of the Comptroller General of the United States; and

(9) to encourage the Department of Defense, the Department of Labor, the Department of Veterans Affairs and appropriate State agencies to work together, and with veterans service organizations, to establish in States or locales, as appropriate, local points of contact responsible for—

(A) at the election of members of the Armed Forces, assigning to such State or locale after military service, contacting the members before separation from the Armed Forces;

(B) providing members of the Armed Force with employment, education, and other appropriate information about the State or locale to assist in relocation; and

(C) coordinating services for members of the Armed Forces and the spouses who relocate to the State or locale after military service.

SA 2032. Mrs. HYDE-SMITH submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 3145. NUCLEAR FILTRATION TESTING AND RESEARCH PROGRAM.

(a) IN GENERAL.—Subtitle A of title XXIV of the Atomic Energy Defense Act (50 U.S.C. 2651 et seq.), as amended by section 3141, is further amended by adding at the end the following new section:

SEC. 4411. NUCLEAR FILTRATION TESTING AND RESEARCH PROGRAM.

(a) IN GENERAL.—The Secretary of Energy shall:

(1) designate, as a federally funded research and development center, a research center at an institution of higher education not designated as a federally funded research and development center or a university-affiliated research center as of the date of the enactment of this section; and

(2) enter into a formal arrangement with that research center to carry out a partner-ship program to research, develop, and demonstratively advances with respect to nuclear containment ventilation systems.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this section $10,000,000 for each of fiscal years 2021 through 2026.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) shall remain available until expended.

(b) C LERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by inserting after the item relating to the following:

(a) SEC. 3141. NUCLEAR FILTRATION TESTING AND RESEARCH PROGRAM.

the following:

Sec. 4411. Nuclear filtration testing and research program.

SA 2033. Mrs. HYDE-SMITH submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1. THAD COCHRAN HEADQUARTERS BUILDING.

(a) IN GENERAL.—The headquarters building of the Engineer Research and Development Center of the Corps of Engineers located at 3099 Halls Ferry Road in Vicksburg, Mississippi, shall be known and designated as the ‘‘Thad Cochran Headquarters Building’’.

(b) REFERENCES.—Any reference in a law, map, regulation, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the ‘‘Thad Cochran Headquarters Building’’.

SA 2034. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities for the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 894. MODIFICATION TO INITIATIVE TO SUPPLEMENTARY FISCAL YEAR 2020 TO COVER THE COSTS ASSOCIATED WITH COVID–19 IN THE ARMED FORCES.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the congressional defense committees a briefing on the total anticipated costs for the Department of Defense associated with the enactment of section 3610 of the CARES Act (Public Law 116–136) and other anticipated contractor requests for equitable adjustment resulting from the effects of COVID–19 on the defense industrial base. The Secretary shall provide to the committees written materials in support of the briefing that shall, as minimum include—

(1) an accounting of amounts reallocated, transferred, or reprogrammed in fiscal year 2020 to cover the costs associated with section 3610 and other effects of COVID–19 on the defense industrial base;

(2) an assessment of the effects on the Department of Defense’s customary activities and mission areas as a result of the reallocations, transfers, and reprogrammings described under paragraph (1); and

(3) an assessment of the effect of COVID–19 on the defense industrial base, to include a specific assessment of the effects on small businesses;

(4) a request and justification for additional appropriations if necessary to address the costs of COVID–19 in fiscal year 2021; and

(5) recommendations to Congress for additional actions needed to assist the defense industrial base in recovering from the effects of COVID–19.

SA 2035. Mr. CASEY (for himself and Mr. TOOMEY) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1287. MODIFICATION TO INITIATIVE TO SUPPORT NATIONAL SECURITY ACADEMIC RESEARCHERS FROM UNDUE INFLUENCE AND OTHER SECURITY THREATS.


(1) by redesigning subsection (f) as subsection (g); and

(2) by adding after subsection (e) the following new subsection (f):

(1) DESIGNATION OF ACADEMIC LIASON.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary, acting through the Under Secretary of Defense for Research and Engineering, shall designate an academic liaison with principal responsibility for working with the academic community to protect Department-sponsored academic research of concern from undue foreign influence.

(2) QUALIFICATION.—The Secretary shall designate an individual under paragraph (1)
who is an official of the Office of the Under Secretary of Defense for Research and Engineering.

“(3) Duties.—The duties of the academic liaison designated under paragraph (1) shall be as follows:

“(A) To serve as the liaison of the Department with the academic community.

“(B) To develop outreach and education activities for the academic community on undue foreign influence and threats to Department-sponsored academic research and programs.

“(C) To coordinate and align academic security policies with Department component agencies, the Office of Science and Technology Policy, the Office of Intelligence Community, Federal science agencies, and Federal regulatory agencies, including agencies involved in export controls.

“(D) To the extent practicable, to coordinate on an annual basis with the intelligence community to share, not less frequently than annually, with the academic community unclassified information, including counterintelligence information, on threats from undue foreign influence.

“(E) Any other related responsibility, as determined by the Under Secretary in consultation with the Under Secretary of Defense for Research and Engineering.

“(F) Any other duty, as determined by the Secretary.”

SA 2036. Mr. CASEY (for himself and Mr. CASSIDY) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to remain available until October 1, 2021 in order to support military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 5. ENCOURAGING THE DEVELOPMENT AND USE OF DISARM ANTIMICROBIAL DRUGS.

(a) ADDITIONAL PAYMENT FOR DISARM ANTIMICROBIAL DRUGS.—

(1) IN GENERAL.—Section 1886(d)(5) of the Social Security Act (42 U.S.C. 1395ww(d)(5)) is amended by adding at the end the following new subparagraph:

“(N)(I) In the case of discharges occurring on or after October 1, 2021, and before October 1, 2025, to subsections (A) through (K) of this section, the Secretary shall, after notice and opportunity for public comment (in the publications required by subsection (e)(5) for a fiscal year or otherwise), provide for an additional payment under a mechanism (separate from the mechanism established under subparagraph (K)) with respect to discharges involving the development and use of DISARM antimicrobial drugs, in an amount equal to—

“(aa) the amount payable under section 1874A for such drug during the calendar quarter in which the discharge occurred; or

“(bb) if no amount for such drug is determined under section 1874A, an amount to be determined by the Secretary in a manner similar to the manner in which payment amounts are determined under section 1874A based on information submitted by the manufacturer or sponsor of such drug (as required by section 1874A).

“(II) In determining the amount payable under section 1874A for purposes of items (aa) and (bb) of clause (I), subparagraphs (A) and (B) of section 1874A, the Secretary shall be applied by substituting ‘100 percent’ for ‘6 percent’.

“(b) STUDY AND REPORTS ON REMOVING BARRIERS TO THE DEVELOPMENT OF DISARM ANTIMICROBIAL DRUGS.—

“(1) STUDY.—The Comptroller General of the United States shall study and report to Congress the extent to which new barriers to the development of DISARM antimicrobial drugs prevent the development of DISARM antimicrobial drugs (as defined in section 1886(d)(5)(N)(I) of the Social Security Act, as added by subsection (a)).

“(2) STUDY.—The Comptroller General shall submit to Congress a report containing the preliminary results of

“(AA) such drug or biological product is unsafe for use or not shown to be safe for use for individuals who are entitled to benefits under part A; or

“(BB) an alternative to such drug or biological product is an advance that substantially improves the diagnosis or treatment of such individuals.

“(III) Not later than October 1, 2021, and annually thereafter through October 1, 2025, the Secretary shall publish in the Federal Register a list of the DISARM antimicrobial drugs designated under this subparagraph pursuant to the process established under clause (iv)(I)(bb).

“(IV) For purposes of determining additional payment amounts under clause (I), a drug is licensed for use, or a biological product that submits a report described in clause (iv)(I)(aa) shall to the Secretary information described in section 1927(b)(1)(II).

“(V) The penalties for failure to provide timely information under clause (I) of subparagraph (C) of section 1927(b)(3) and for providing false information under clause (I) of subparagraph (D) of such section shall be—

“(aa) that is licensed for use, or an antibacterial or antifungal biological product for which an indication is first licensed for use, by the Food and Drug Administration on or after June 5, 2014, under section 351(a) of the Public Health Service Act and such biological product meets the requirements of section 505E(f) of the Federal Food, Drug, and Cosmetic Act; and

“(bb) that has been designated by the Secretary pursuant to the process established under clause (iv)(I)(bb).

“(V) The mechanism established pursuant to clause (i) shall provide that—

“(1) except as provided in subparagraph (II), no additional payment shall be made under this subparagraph for discharges involving a DISARM antimicrobial drug if any additional payments have been made for discharges involving such drug as a new medical service or technology under subparagraph (K); and

“(II) additional payments may be made under this subparagraph for discharges involving a DISARM antimicrobial drug if any additional payments have been made for discharges involving such drug as a new medical service or technology under subparagraph (K).

“(VI) The mechanism established pursuant to clause (i) shall provide that—

“(aa) a manufacturer or sponsor of a drug or biological product to request the Secretary to designate the drug or biological product as a DISARM antimicrobial drug; and

“(bb) the designation by the Secretary of drugs and biological products as DISARM antimicrobial drugs.

“(A) A designation of a drug or biological product as a DISARM antimicrobial drug may be revoked by the Secretary if the Secretary determines that the drug or biological product no longer meets the requirements for a DISARM antimicrobial drug under clause (ii); and

“(B) the request for such designation contained an untrue statement of material fact; or

“(cc) clinical or other information that was not available to the Secretary at the time such designation was made shows that—

“(II) The Secretary, acting through the Office of the Under Secretary for Personnel and Resources, in consultation with the Department of Homeland Security, shall ensure that the University of California, San Francisco is eligible to receive the novel coronavirus vaccine, as determined by the Secretary.
the study conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

SA 2037. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 3. DELEGATION OF DEFENSE PRODUCTION ACT OF 1950 AUTHORIZATIONS BY THE PRESIDENT.

The Defense Production Act of 1950 (50 U.S.C. 4501 et seq.) is amended by inserting after section 2 the following new section:

"St. 3. (a) The President may delegate any authority or responsibility vested in the President by any governmental function to any officer or employee of the Federal Government if the President determines that such delegation is consistent with, and will further, the policy of the United States as stated in section 3.

"(b) As soon as is practicable after a delegation of any authority or responsibility under this section, the President shall submit to Congress a report on such delegation setting forth the following:

(1) The authority or responsibility delegated.

(2) The officer or employee to whom delegated.

(3) A detailed justification for such delegation.
"

SA 2038. Mr. CASEY (for himself, Mr. BENNET, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title V, add the following:

SEC. 4. SENSE OF CONGRESS ON ADVANCE PLANNING AND EXPEDITED ACTIVATION IN USE OF THE NATIONAL GUARD TO SUPPORT NATIONAL EMERGENCY IN CONNECTION WITH THE CORONAVIRUS DISEASE 2019 (COVID–19).

It is the sense of Congress that—

(1) the President continues to extend the use of the National Guard under section 502(f)(2)(A) of title 32, United States Code, for response to domestic emergencies such as the Coronavirus Disease 2019 (COVID–19), but such extensions have come on an ad hoc basis;

(2) the ad hoc nature of such extensions, not based on transparent and known requirements, has led to uncertainty and cost overruns in planning for many members of the National Guard, their families, and their employers;

(3) the process for activation of the National Guard for such responses under such section 502(f)(2)(A) has been unreasonable and cumbersome for State Governors and adjutants general; and

(4) Congress urges the Department of Defense to conduct advance planning, in consultation with State Governors, for the expeditious activation of the National Guard under such section 502(f)(2)(A) for use in response to catastrophic events and emergencies such as the emergence as the dominant disease during the Coronavirus Disease 2019, such that—

(A) activation occurs only when the President and the Governor of the State concerned declare an emergency in connection with the same event;

(B) activation occurs rapidly to meet emergency needs; and

(C) members of units of the National Guard so activated are afforded all applicable benefits under law for service pursuant to such activation.

SA 2039. Mr. CASEY (for himself, Mr. MURPHY, and Ms. WARREN) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 2. LIMITING THE NUMBER OF LOCAL WAGE AREA REGIONS DEFINED WITHIN A GENERAL SCHEDULE PAY LOCALITY—

(a) LOCAL WAGE AREA LIMITATION.—Section 5342(a) of title 5, United States Code, is amended—

(A) in paragraph (1)(B)(i), by striking "(but such and all that follows through "are employed");

(B) in paragraph (4), by striking "and" after the semicolon;

(C) in paragraph (5), by striking the period after "Islands" and inserting "; and"; and

(D) by adding at the end the following:

(6) the Office of Personnel Management shall define not more than 1 local wage area within a pay locality, except that this paragraph shall not apply to the pay locality designated as "Rest of United States".

(b) GENERAL SCHEDULE PAY LOCALITY DEFINED.—Section 5342(a) of title 5, United States Code, is amended—

(A) in paragraph (2), by striking "and" after the semicolon;

(B) in paragraph (3), by striking the period after "employee" and inserting "; and"; and

(C) by adding at the end the following:

(4) "pay locality" has the meaning given that term under section 5302.

(b) REGULATIONS.—The Director of the Office of Personnel Management shall prescribe any regulations necessary to carry out the purpose of this section, including regulations to ensure that the enactment of this section shall not have the effect of reducing any rate of basic pay payable to any individual who is serving as a prevailing rate employee (as defined under section 5342(a)(2) of title 5, United States Code).

(c) APPLICABILITY.—The amendments made by this section shall apply on and after the first day of the first full pay period beginning at least 180 days after the date of enactment of this Act.

SA 2040. Mr. KAIN submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

SEC. 5. PROHIBITION ON CONDUCT OF FIRST-USE NUCLEAR STRIKES.

(a) SHORT TITLES.—This section may be cited as the "Restricting First Use of Nuclear Weapons Act of 2020".

(b) PROHIBITION.—Notwithstanding any other provision of law, the President may not direct the United States Armed Forces to conduct a first-use nuclear strike unless such strike is conducted pursuant to a declaration of war by Congress that expressly authorizes such conduct.

(c) FIRST-USE NUCLEAR STRIKES DEFINED.—In this section, the term "first-use nuclear strike" means an attack using nuclear weapons that is conducted without the President determining that the enemy has first launched a nuclear strike.
against the United States or an ally of the United States.

SA 2043. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title XII, insert the following:

Subtitle B—Matters Relating to Treaty Withdrawal or Termination

SEC. 1. SHORT TITLE

This subtitle may be cited as the “Preventing Actions Undermining Security without Endorsement Act” or the “PAUSE Act.”

2. FINDINGS

Congress makes the following findings:

(1) The COVID–19 global pandemic has highlighted the need for United States leadership to address the full range of international challenges, as well as the need for the government of the United States can do by re-affirming its steadfast commitment to those mutual defense treaties and agreements forged with its European and Indo-Pacific allies, along with other states parties.

(2) For more than 70 years, the United States has demonstrated a bipartisan commitment to the North Atlantic Treaty Organization (NATO), specifically to the principle of collective defense enshrined in Article 5 of the North Atlantic Treaty, signed in Washington April 4, 1949.

(3) Section 1242 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) prohibited the use of funds for the United States withdrawal from the North Atlantic Treaty in recognition that the NATO alliance remains a cornerstone for peace and prosperity throughout the world.

(4) On January 22, 2019, the House of Representatives passed H.R. 676 (116th Congress) on a 357–22 vote, prohibiting the use of funds for the United States withdrawal from the North Atlantic Treaty, and on December 17, 2019, the Committee on Foreign Relations of the Senate reported out S.J.Res. 4 (116th Congress), which if enacted into law, would require approval of two-thirds of the Senate for withdrawal from an international treaty.

(5) The Treaty on Open Skies provides a critical confidence-building measure for Euro-Atlantic security to the mutual benefit of the 34 States Parties to the treaty, and the Open Skies Consultative Commission (OSCC) is one of the few remaining operational diplomatic forums from which the United States can engage with the Russian Federation.

(6) Although the Government of the United States is right to diplomatically press the Government of the Russian Federation to re-engage with the treaty; and agreements for the United States territory since entry into force of the treaty.

(7) On May 22, 2020, President Trump submitted the Department of the decision to withdraw the United States from the Treaty on Open Skies, and, in doing so, failed to comply with section 1234 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92), requiring the President to provide notification to Congress 120 days before the provision of notice of intent to withdraw the United States from that treaty.

(8) The Mutual Defense Treaty Between the United States and the Republic of Korea, signed at Washington, D.C., on December 2, 1954 (commonly referred to as the “Sino-American Mutual Defense Treaty”); and

(9) A February 2020 report from the Department of State concluded the verification of the United States nearly 7 decades after the New START Treaty to expire on February 5, 2021, without the United States having successfully concluded a verification and binding agreement in its place, would lead to the United States losing visibility over the United States and Russia’s strategic nuclear forces.

(10) A decision by the President to allow the New START Treaty to expire on February 5, 2021, without the United States having first successfully concluded a verification and binding agreement in its place, would lead to the United States losing visibility over the United States and Russia’s strategic nuclear forces.

3. SENSE OF CONGRESS

It is the sense of Congress that—

(1) the President should refrain from taking any action to withdraw or terminate any international treaty to which the President has given its advice and consent to ratification without proper consultation with, and from the appropriate committees of Congress.

(2) the 1979 Supreme Court decision in Goldwater v. Carter, 444 U.S. 996 (1979), is not controlling legal precedent with respect to the role of Congress in the withdrawal or termination of the United States from an international treaty, as the Court directed the lower court to dismiss the complaint and did not address the constitutionality of the decision by President Carter to terminate the Mutual Defense Treaty between the United States and the Republic of China, signed at Washington December 2, 1954 (commonly referred to as the “Sino-American Mutual Defense Treaty”); and

(3) the United States should take every action to reinforce the nation’s reputation as a country that fulfills with its obligations under the international treaties to which it is a party.

4. JUDICIAL RESOLUTION OF APPROVAL FOR TERMINATION OR WITHDRAWAL FROM AN INTERNATIONAL TREATY

No action to terminate or withdraw the United States from any international treaty to which the United States has given its advice and consent to ratification may occur unless—

(1) the Secretary of Defense and the Secretary of State meet the requirements under section 1234 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92), requiring the President to provide notification to Congress 120 days before the provision of notice of intent to terminate or withdraw the United States from any international treaty to which the United States has given its advice and consent to ratification;

(2) there is enacted into law a joint resolution that approves such action.

5. SUBMISSION ON NOTICE OF INTENT TO TERMINATE OR WITHDRAW THE UNITED STATES FROM AN INTERNATIONAL TREATY

(a) IN GENERAL.—Not later than 120 days before the provision of notice of intent to terminate or withdraw the United States from any international treaty to which the United States has given its advice and consent to ratification, the Secretary of Defense and the Secretary of State, in consultation with the Director of National Intelligence, shall each submit to the appropriate committees of Congress—

(1) a detailed justification for the withdrawal or termination of the treaty; and

(2) if the justification described in paragraph (1) includes that a state party to the treaty is in material breach of one or more provisions of the treaty, a certification that—

(A) all other state parties to the treaty have been consulted with respect to the justification described in paragraph (1); and

(B) withdrawal from or termination of the treaty would be in the best national interests of the United States; and

(c) APPLICABILITY TO NEW STRATEGIC ARMS REDUCTION TREATY.—This section shall apply to a decision by the President to not renew the New START Treaty for up to an additional 5 years.

6. APPLICABILITY TO TREATY ON OPEN SKIES

Sections 4 and 5 shall apply with respect to the Treaty on Open Skies.

7. DEFINITIONS

In this subtitle:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.


(3) TREATY ON OPEN SKIES.—The term “Treaty on Open Skies” means the Treaty on Open Skies, signed at Helsinki March 24, 1992.

SA 2044. Mr. MARKEY (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SUBTITLE C—OVERSIGHT RELATED TO GOVERNMENTAL RESPONSE TO HEALTH-RELATED EPIDEMICS

(a) IN GENERAL.—Section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee) is amended—

(1) in subsection (c) (2) of section 1061 (1), by inserting “or to respond to health-related epidemics” after “from terrorism”; and
(B) in paragraph (2), by inserting “or to respond to health-related epidemics” after “against terrorism”;
(2) in subsection (d)—
(A) in subparagraph (B), by inserting “or to respond to health-related epidemics” after “from terrorism” each place it appears; and
(B) in paragraph (2)—
(i) in subparagraph (B), by striking “and” at the end;
(ii) in subparagraph (C), by striking the period at the end and inserting “; and”; and
(iii) by adding at the end the following: “(D) the collection, use, storage, and sharing of covered data by Federal, State, or local government in connection with responsibility or declaration of a public health emergency to ensure that privacy and civil liberties are protected.”;
(3) by redesignating subsection (m) as subsection (n); and
(4) by inserting after subsection (1) the following:
“(m) DEFINITIONS.—In this section:
“(1) AGGREGATE DATA.—The term ‘aggregate data’ means information that relates to a group or category of individuals that is not linked or reasonably linkable to any individual or device that is linked or reasonably linkable to the individual;
“(2) AUTOMATED EXPOSURE NOTIFICATION SERVICE.—(A) in general.—The term ‘automated exposure notification service’ means a website, online service, online application, mobile application, or mobile operating system that is offered in commerce in the United States and that is designed, in part or in full, specifically to be used for, or marketed as being primarily notifying, in an automated manner, an individual who may have become exposed to an infectious disease (or the device of such individual, or a person or entity that reviews such disclosures).”;
“(B) LIMITATIONS.—Such term does not include—
“(i) any technology that a public health authority uses as a means to facilitate traditional in-person, email, or telephonic contact tracing activities, or any similar technology that is used to assist individuals to evaluate if they are experiencing symptoms related to an infectious disease to the extent the technology is not used as an automated exposure notification service; or
“(ii) any platform operator or service provider that provides technology to facilitate an automated exposure notification service to the extent the technology acts only to facilitate such services and is not itself used as an automated exposure notification service.
“(3) COLLECT; COLLECTION.—The terms ‘collect’ and ‘collection’ mean acquiring, obtaining, receiving, accessing, or otherwise acquiring covered data by any means, including by passively or actively observing an individual or an individual’s covered data.
“(4) COVERED DATA.—The term ‘covered data’ means any information that is—
“(A) linked or reasonably linkable to any individual or device; or
“(B) not aggregate data; and
“(C) collected, processed, or transferred in connection with an automated exposure notification service.
“(5) INDIAN TRIBE.—The term ‘Indian tribe’ includes—
“(A) the meaning given such term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5394); and
“(B) includes a Native Hawaiian organization as defined in section 6307 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7537).
“(6) OPERATOR OF AN AUTOMATED EXPOSURE NOTIFICATION SERVICE.—The term ‘operator of an automated exposure notification service’ means an individual who operates an automated exposure notification service, other than a public health authority, and that is—
“(A) subject to the Federal Trade Commission Act (15 U.S.C. 41 et seq.); or
“(B) an organization not organized to carry on business for the organization’s own profit or that of the organization’s members.
“(7) PLATFORM OPERATOR.—The term ‘platform operator’ means any person or entity other than a service provider who provides technology as described in paragraph (1), that processes or is supportive of an automated exposure notification service and facilitates the use or distribution of such automated exposure notification service to the extent the technology is not used by the platform operator as an automated exposure notification service.
“(8) PROCESS.—The term ‘process’ means any collection or set of operations performed on covered data, including collection, analysis, organization, structuring, retaining, using, securing, or otherwise handling covered data.
“(9) PUBLIC HEALTH AUTHORITY.—The term ‘public health authority’ means an agency or authority of the United States, a State, a political division of a State or territory, or an Indian tribe that is responsible for public health matters as part of its official mandate, or a person or entity acting under a grant of authority from or contract with such public agency.
“(10) SERVICE PROVIDER.—The term ‘service provider’ means any person or entity, other than a platform operator, that processes or transfers covered data in the course of performing a service or function on behalf of, and at the direction of, a platform operator, an operator of an automated exposure notification service, or a public health authority, but only to the extent that such processing or transfer results in the performance of such service or function.
“(11) STATE.—The term ‘State’ means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.
“(12) TRANSFER.—The term ‘transfer’ means to disclose, release, share, disseminate, make available, allow access to, sell, license, or otherwise communicate covered data by any means to a nonaffiliated entity or person.”;
(b) REPORTS.—Section 106(e) of the Intelligence Reform and Terrorism Prevention Act of 2004 (22 U.S.C. 2006(e)(1)) is amended by adding at the end the following:
“(3) REPORT ON COVID–19 MITIGATION ACTIVITIES.—Not later than 1 year after the date of enactment of this paragraph, the Board shall issue a report which shall be publicly available to the greatest extent possible, assessing the impact on privacy and civil liberties of Government activities in response to the COVID–19 public health emergency to the extent posed by such emergency or disaster, and making recommendations for how the Government should mitigate the threats posed by such emergency or disaster.”;
SA 2045. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:
At the appropriate place in title XII, insert the following:
SEC. 1. STATEMENT OF POLICY REGARDING IRAN DIPLOMACY.
It is the policy of the United States as follows:
(1) Achieving a diplomatic resolution to Iran’s nuclear program, one that the United States had in place prior to President Trump’s unilateral abrogation from the JCPOA, would represent a crucial step to preventing a future armed conflict between the United States and Iran, one which would result in the untold loss of life and treasure.
(2) While the United States no longer has standing in the Joint Commission or the Dispute Resolution mechanism triggered by France, Germany, and the United Kingdom on January 14, 2020, it should support good-faith efforts to achieve one or both of the following:
(A) Returning all sides to not less than full compliance with its commitments under the JCPOA and refraining from imposing or threatening to impose economic penalties on France, Germany, or the United Kingdom; and
(B) Negotiating an interim agreement that provides Iran with tailored, temporary economic relief in exchange for verifiable measures by Iran that reverses steps taken since May 2019 with respect to its nuclear program.
(3) Provided that all sides verifiably return to the JCPOA with no less than its commitments under the JCPOA, or to build upon the progress of an interim agreement described in paragraph (2)(B), the United States and the other P5+1 parties should seek out negotiations with Iran, prior to 2023, towards a new comprehensive agreement that closes off all Iranian paths to a nuclear weapon by—
(A) addressing the sunset of certain provisions of the JCPOA in 2026; and
(B) advancing any other measures that advance United States and international security.
(4) Parallel to one or more of the actions described in paragraph (2), the United States and its international partners should seek to address other aspects of Iran’s destabilizing regional behavior and threats to the region and work to bring Iran back to compliance with its human rights obligations.
(5) No JCPOA Participating State should issue a claim of “significant nonperformance” by Iran to the United Nations Security Council outside of the Dispute Resolution Mechanism detailed in paragraphs 36 and 37 of the JCPOA.

(6) The United States should, consistent with its JCPOA commitments, issue waivers for certain specified projects specified in the JCPOA, all of which make it more difficult for Iran to reconstitute activities that pose a proliferation risk, thereby advancing United States national security.

(7) The United States should create an environment in which financial institutions and entities can make practical use of existing exemptions and mechanisms “allowing for the sale of agricultural commodities, food, medicine, and medical devices to Iran,” as well as other humanitarian trade.

SA 2046. Mr. MARKEY (for himself, Ms. WARREN, Mr. MERKLEY, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Subtitle H—Prevention of an Unconstitutional War in North Korea

SEC. 1291. SHORT TITLE. This subtitle may be cited as the “No Unconstitutional War with North Korea Act of 2020.”

SEC. 1292. FINDINGS. Congress makes the following findings:

(A) The President is currently prohibited from initiating a war or launching a first strike without congressional approval under the United States Constitution and United States law.

(B) The Constitution, in Article I, Section 8, grants Congress the sole power to declare war.

(C) Section 2(c) of the War Powers Resolution (50 U.S.C. 1541(c)) states that “the constitutional powers of the President as Commander-in-Chief to introduce United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, are exercised only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces.”

SEC. 1293. PROHIBITION ON UNCONSTITUTIONAL MILITARY STRIKES AGAINST NORTH KOREA.

(a) Prohibition of Authorized Military Force in or Against North Korea.—Except as provided in subsection (b), no Federal funds may be obligated or expended for any purpose of military force in or against North Korea unless Congress has—

(1) declared war; or

(2) authorized such force by specific statutory authorization for such use of military force after the date of the enactment of this Act that meets the requirements of the War Powers Resolution (50 U.S.C. 1541 et seq.).

(b) Exception.—The prohibition under subsection (a) shall not apply to a use of military force that is consistent with section 2(c) of the War Powers Resolution.

(c) Rule of Construction.—Nothing in this section may be construed—

(1) to prevent the President from using necessary and appropriate force to defend United States allies and partners if Congress enacts specific statutory authorization for such defense;

(2) to relieve the executive branch of re- striction on the use of force, reporting, or consultation requirements set forth in the War Powers Resolution (50 U.S.C. 1541 et seq.);

(3) to authorize the use of military force.

SEC. 1294. SENSE OF CONGRESS IN SUPPORT OF DIPLOMATIC RESOLUTION TO GROOVE TENSIONS WITH NORTH KOREA.

It is the sense of Congress that—

(A) a conflict on the Korean peninsula would have catastrophic consequences for the American people, for members of the United States Armed Forces stationed in the region, for United States interests, for United States allies the Republic of Korea and Japan, for the long-suffering people of North Korea, and for global peace and security;

(B) statements that increase tensions and could lead to miscalculation should be avoided; and

(C) the President, in coordination with United States allies, should explore and pursue every feasible opportunity to engage in talks with the Government of North Korea, to premount concrete steps to restore communication and improve communication, and to reinvigorate high-level negotiations aimed at achieving a diplomatic agreement consistent with the June 12, 2018 joint statement of president Donald J. Trump of the United States of America and Chairman Kim Jong Un of the Democratic People’s Republic of Korea at the Singapore Summit.

SA 2047. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subsection E—Prevention of an Unconstitutional War in North Korea

It is the sense of the Senate that—

(A) the President is currently prohibited from initiating a war or launching a first strike without congressional approval under the United States Constitution and United States law.

(B) the Constitution, in Article I, Section 8, grants Congress the sole power to declare war.

(C) Section 2(c) of the War Powers Resolution (50 U.S.C. 1541(c)) states that “the constitutional powers of the President as Commander-in-Chief to introduce United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, are exercised only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces.”

(D) The creation of a United States fellowship program is an enduring motto inspired by the shared sacrifice of the United States and the Republic of Korea during the Korean War, reinforced by our shared values and reaffirmed each time the Republic of Korea has stood alongside the United States in its role as a key ally.

(E) The United States-Fellowship Program is a strategic initiative Act of 2018 (Public Law 115–409), or August 6, 22 U.S.C. 3301 et seq.) affirmed United States policy “to preserve and promote extensive, close, and friendly commercial, cultural, and other relations between the peoples of the United States and the people on Taiwan, as well as the people on the China mainland and all other peoples of the Western Pacific area.”

(B) Consistent with the Asia Reassurance Initiative Act of 2018 (Public Law 115–409), the United States has grown its strategic partnership with Taiwan’s vibrant democracy of 23,000,000 people.

(C) Despite a concerted campaign by the People’s Republic of China to isolate Taiwan diplomatically with international organizations, including the World Health Organization, Taiwan has emerged as a global leader in the coronavirus global pandemic response, including by donating more than 2,000,000 surgical masks and other medical equipment to the United States.

(D) The creation of a United States fellowship program with Taiwan would support a key priority of expanding people-to-people exchanges, which was outlined in the President’s 2017 National Security Strategy.

(E) Purposes.—The purposes of this section are—

(A) to further strengthen the United States-Taiwan strategic partnership and the understanding between the two governments; and

(B) to enhance the United States-Taiwan bilateral relationship in the Indo-Pacific region by temporarily assigning officials of any branch of the United States Government
to Taiwan for intensive study in Mandarin and placement as Fellows with Taiwan central authorities or a Taiwanese civic institution;

(B) to provide for eligible United States personnel to learn Mandarin Chinese and expand their understanding of the political economy of Taiwan and the Indo-Pacific region;

(C) to better position the United States to advance its economic, security, and human rights interests in the Indo-Pacific region;

(D) to encourage further expansion of other people-to-people exchanges, including by expanding the Fulbright Scholars Program, the International Visitors Leadership Program, and other exchange programs that permit the people of Taiwan to work and study in the United States;

(c) DEFINITIONS.—In this section:

(A) in the case of the executive branch of the United States Government or an agency of the legislative branch other than the Senate or the House of Representatives, the head of the respective agency;

(B) in the case of the judicial branch of the United States Government, the chief judge of the respective court;

(C) in the case of the Senate, the President pro tempore, in consultation with the Majority Leader and the Minority Leader of the Senate;

(D) in the case of the House of Representatives, the Speaker of the House, in consultation with the Majority Leader and the Minority Leader of the House of Representatives.

(2) AGENCY OF THE UNITED STATES GOVERNMENT.—The term "agency of the United States Government" includes any agency of the legislative branch and any court of the judicial branch as well as any agency of the executive branch.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Appropriations of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Committee on Appropriations of the House of Representatives; and

(D) the Committee on Foreign Affairs of the House of Representatives.

(4) DETAIL.—The term "detail" means an employment, whether full-time or part-time, of an employee of an agency of the United States Government on loan to the American Institute in Taiwan in Taiwan without a change of position from the agency at which he or she is employed.

(5) IMPLEMENTING PARTNER.—The term "implementing partner" means any United States authority, whose interests are associated with the interests of the fellow and the agency of the United States Government from which to receive assistance, in consultation with the American Institute in Taiwan, that the fellow is unable to secure such employment for reasons beyond the fellow's control, after consultation with the American Institute in Taiwan, of Taiwan, that the fellow is unable to secure such employment for reasons beyond the fellow's control, after consultation with the American Institute in Taiwan, after consultation with the American Institute in Taiwan, and, as appropriate, the implementing partner.

(6) OFFICE; STAFFING.—The implementing partner, in consultation with the Department of State and the American Institute in Taiwan, shall maintain an office and at least 1 employee of the implementing partner in Taiwan and, as appropriate, the implementing partner, may provide each fellow in the first year of his or her fellowship with—

(a) intensive Mandarin Chinese language training; and

(b) courses in the political economy of Taiwan and the Indo-Pacific region.

(7) WAIVER OF REQUIRED TRAINING.—The Department of State, in coordination with the American Institute in Taiwan and, as appropriate, the implementing partner, may waive any of the training required under subparagraph (A) to the extent that a fellow has Mandarin language skills, knowledge of the Taiwan authorities, whose interests are associated with the interests of the fellow and the agency of the United States Government from which to receive assistance, in consultation with the American Institute in Taiwan, an amount equal to the difference between—

(B) to refrain from engaging in any intelligence or intelligence-related activity on behalf of the United States; and

(C) to continue Federal Government employment for a period of not less than 2 years after the conclusion of the fellowship unless, by the end of the fellowship, the implementing partner, after consultation with the American Institute of Taiwan, of Taiwan, to use amounts appropriated pursuant to subsection (q)(1) to provide annual or multi-year grants to an appropriate implementing partner.

(2) FELLOWSHIPS.—The Department of State, in consultation with the American Institute in Taiwan and, as appropriate, the implementing partner, should annually award not fewer than 10 2-year fellowships (based on the amount of funding) to eligible United States citizens.

(3) INTERNATIONAL AGREEMENT; IMPLEMENTING PARTNER.—Not later than 30 days after the enactment of this Act, the American Institute in Taiwan, in consultation with the Department of State, shall—

(A) begin negotiations with the Taipei Economic and Cultural Representative Office, or with another appropriate entity, for the purpose of entering into an agreement to facilitate the placement of fellows in an agency of the Taiwan authorities during the second year of their fellowships; and

(B) begin the process of selecting an implementing partner, which—

(i) shall agree to meet all of the legal requirements required to operate in Taiwan; and

(ii) shall be composed of staff who demonstrate significant experience managing exchange programs in the Indo-Pacific region.

(d) ESTABLISHMENT OF TAIWAN FELLOWSHIP PROGRAM.—The term "Taiwan Fellowship Program" means any fellowship program that the Department of State, in consultation with the American Institute in Taiwan and, as appropriate, its implementing partner.

(e) PROGRAM REQUIREMENTS.—

(1) ELIGIBILITY REQUIREMENTS.—A United States citizen is eligible for a fellowship under subsection (d) if he or she—

(A) is an employee of the United States Government;

(B) has at least 2 years of experience in any branch of the United States Government;

(C) has a strong career interest in the relationship between the United States and countries in the Indo-Pacific region; and

(D) has demonstrated his or her commitment to further service in the United States Government;

(E) meets any other qualifications established by the Department of State, the American Institute in Taiwan and, as appropriate, its implementing partner.

(2) RESPONSIBILITIES OF FELLOWS.—Each recipient of a fellowship under this subsection should agree, as a condition of such fellowship—

(A) to maintain satisfactory progress in language learning and appropriate behavior in Taiwan, as determined by the Department of State, the American Institute in Taiwan and, as appropriate, its implementing partner;

(B) to refrain from engaging in any intelligence or intelligence-related activity on behalf of the United States; and

(C) to continue Federal Government employment for a period of not less than 2 years after the conclusion of the fellowship unless, by the end of the fellowship, the implementing partner, after consultation with the American Institute of Taiwan, of Taiwan, to use amounts appropriated pursuant to subsection (q)(1) to provide annual or multi-year grants to an appropriate implementing partner.
and benefits received by the fellow; multiplied by

(II) the percentage of the period specified in paragraph (2)(C) during which the fellow did not remain employed by the Federal Government.

(5) ANNUAL REPORT.—Not later than 90 days after the selection of the first class of fellows under this fellowship program, and annually thereafter, the Department of State shall offer to brief the appropriate congressional committees regarding the following issues:

(A) an assessment of the performance of the implementing partner in fulfilling the purposes of this section;

(B) the names and the implementing agencies of the fellows selected by the implementing partner and the extent to which such fellows represent the diversity of the United States.

(C) any recommendations to improve the implementation of the Taiwan Fellows Program, including added flexibilities in the administration of the program.

(E) An assessment of the Taiwan Fellows Program’s value upon the relationship between the United States and Taiwan or the United States and other countries.

(6) ANNUAL FINANCIAL AUDIT.—

(A) IN GENERAL.—The financial records of any implementing partner shall be subject to an audit conducted for such fiscal year under paragraph (A) to the Department of State as required of a detailee who leaves the service of the Department of State.

(B) LOCATION.—Each audit under subparagraph (A) shall be conducted at the place or places where the financial records of the implementing partner are normally kept.

(C) ACCESS TO DOCUMENTS.—The implementing partner shall make available to the auditors conducting an audit under subparagraph (A)—

(i) all books, financial records, files, other papers, things, and property belonging to, or in use by, the implementing partner that are necessary to facilitate the audit; and

(ii) the verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians.

(D) REPORT.—

(i) IN GENERAL.—Not later than 6 months after the end of each fiscal year, the implementing partner shall provide a report of the audit conducted for such fiscal year under subparagraph (A) to the Department of State and the American Institute in Taiwan.

(ii) CONTENTS.—Each audit report shall—

(I) set forth the scope of the audit;

(II) include such statements, along with the auditor’s opinion of those statements, as may be necessary to present fairly the implementing partner’s assets and liabilities, surplus or deficit, with reasonable detail;

(III) include a statement of the implementing partner’s income and expenses during the year;

(IV) include a schedule of—

(aa) all contracts and grants requiring payments greater than $5,000; and

(bb) amounts of compensation, salaries, or fees at a rate greater than $5,000 per year.

(iii) COPIES.—Each audit report shall be produced in sufficient copies for distribution to the public.

(f) TAIWAN FELLOWS ON DETAIL FROM GOVERNMENT SERVICE.—

(A) DETAIL AUTHORIZED.—With the approval of the Secretary of State, an agency head may detail, for a period of not more than 2 years, an employee of the agency of the United States Government who has been awarded a fellowship under this section, to the Department of State.

(B) AGREEMENT.—Each detailee shall enter into a written agreement with the Federal Government before receiving a fellowship, in which the detailee—

(i) to continue in the service of the sponsoring agency at the end of the fellowship for a period of at least 2 years unless the detailee is involuntarily separated from the service of such agency or participates in a pilot program authorized under subsection (d)(5); and

(ii) as required of a detailee who leaves the service of the Department of State.

(C) EXCEPTION.—The payment agreed to under paragraph (B)(i) may not be required of a detailee who leaves the service of the sponsoring agency to enter into the service of another agency of the United States Government.

(D) Any recommendations to improve the implementation of the Taiwan Fellows Program may be paid by the American Institute in Taiwan any additional expenses incurred by the Federal Government in connection with the fellowship if the detailee voluntarily separates from service with the sponsoring agency before the end of the period for which the detailee has agreed to continue in the service of such agency.

(D) REPORT.—

(i) IN GENERAL.—The American Institute in Taiwan shall offer to brief the appropriate congressional committees regarding the following issues:

(A) the names and the implementing agencies of the fellows selected by the implementing partner and the extent to which such fellows represent the diversity of the United States.

(B) the names and the implementing agencies of the fellows selected by the implementing partner and the extent to which such fellows represent the diversity of the United States.

(C) any recommendations to improve the implementation of the Taiwan Fellows Program, including added flexibilities in the administration of the program.

(E) An assessment of the Taiwan Fellows Program’s value upon the relationship between the United States and Taiwan or the United States and other countries.

(6) ANNUAL FINANCIAL AUDIT.—

(A) IN GENERAL.—The financial records of any implementing partner shall be subject to an audit conducted for such fiscal year under paragraph (A) to the Department of State.

(B) LOCATION.—Each audit under subparagraph (A) shall be conducted at the place or places where the financial records of the implementing partner are normally kept.

(C) ACCESS TO DOCUMENTS.—The implementing partner shall make available to the auditors conducting an audit under subparagraph (A)—

(i) all books, financial records, files, other papers, things, and property belonging to, or in use by, the implementing partner that are necessary to facilitate the audit; and

(ii) the verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians.

(D) REPORT.—

(i) IN GENERAL.—Not later than 6 months after the end of each fiscal year, the implementing partner shall provide a report of the audit conducted for such fiscal year under subparagraph (A) to the Department of State.

(ii) CONTENTS.—Each audit report shall—

(I) set forth the scope of the audit;

(II) include such statements, along with the auditor’s opinion of those statements, as may be necessary to present fairly the implementing partner’s assets and liabilities, surplus or deficit, with reasonable detail;

(III) include a statement of the implementing partner’s income and expenses during the year;

(IV) include a schedule of—

(aa) all contracts and grants requiring payments greater than $5,000; and

(bb) amounts of compensation, salaries, or fees at a rate greater than $5,000 per year.

(iii) COPIES.—Each audit report shall be produced in sufficient copies for distribution to the public.

(f) TAIWAN FELLOWS ON DETAIL FROM GOVERNMENT SERVICE.—

(A) DETAIL AUTHORIZED.—With the approval of the Secretary of State, an agency head may detail, for a period of not more than 2 years, an employee of the agency of the United States Government who has been awarded a fellowship under this section, to the Department of State.

(B) AGREEMENT.—Each detailee shall enter into a written agreement with the Federal Government before receiving a fellowship, in which the detailee—

(i) to continue in the service of the sponsoring agency at the end of the fellowship for a period of at least 2 years unless the detailee is involuntarily separated from the service of such agency or participates in a pilot program authorized under subsection (d)(5); and

(ii) as required of a detailee who leaves the service of the Department of State.

(C) EXCEPTION.—The payment agreed to under paragraph (B)(i) may not be required of a detailee who leaves the service of the sponsoring agency to enter into the service of another agency of the United States Government.

(D) Any recommendations to improve the implementation of the Taiwan Fellows Program may be paid by the American Institute in Taiwan any additional expenses incurred by the Federal Government in connection with the fellowship if the detailee voluntarily separates from service with the sponsoring agency before the end of the period for which the detailee has agreed to continue in the service of such agency.

(D) REPORT.—

(i) IN GENERAL.—The American Institute in Taiwan shall offer to brief the appropriate congressional committees regarding the following issues:

(A) the names and the implementing agencies of the fellows selected by the implementing partner and the extent to which such fellows represent the diversity of the United States.

(B) the names and the implementing agencies of the fellows selected by the implementing partner and the extent to which such fellows represent the diversity of the United States.

(C) any recommendations to improve the implementation of the Taiwan Fellows Program, including added flexibilities in the administration of the program.

(E) An assessment of the Taiwan Fellows Program’s value upon the relationship between the United States and Taiwan or the United States and other countries.

(6) ANNUAL FINANCIAL AUDIT.—

(A) IN GENERAL.—The financial records of any implementing partner shall be subject to an audit conducted for such fiscal year under paragraph (A) to the Department of State.

(B) LOCATION.—Each audit under subparagraph (A) shall be conducted at the place or places where the financial records of the implementing partner are normally kept.

(C) ACCESS TO DOCUMENTS.—The implementing partner shall make available to the auditors conducting an audit under subparagraph (A)—

(i) all books, financial records, files, other papers, things, and property belonging to, or in use by, the implementing partner that are necessary to facilitate the audit; and

(ii) the verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians.

(D) REPORT.—

(i) IN GENERAL.—Not later than 6 months after the end of each fiscal year, the implementing partner shall provide a report of the audit conducted for such fiscal year under subparagraph (A) to the Department of State.

(ii) CONTENTS.—Each audit report shall—

(I) set forth the scope of the audit;

(II) include such statements, along with the auditor’s opinion of those statements, as may be necessary to present fairly the implementing partner’s assets and liabilities, surplus or deficit, with reasonable detail;

(III) include a statement of the implementing partner’s income and expenses during the year;

(IV) include a schedule of—

(aa) all contracts and grants requiring payments greater than $5,000; and

(bb) amounts of compensation, salaries, or fees at a rate greater than $5,000 per year.

(iii) COPIES.—Each audit report shall be produced in sufficient copies for distribution to the public.
(2) may not sell or otherwise transfer the equipment in exchange for any thing (including a service) of value, except that the school or library may exchange the equipment for upgraded equipment of the same type or for any successor regulations; and

(3) may not enter into an agreement, under the covered regulations, to provide the Commission from providing that the regulations in part 54 of title 47, Code of Federal Regulations (1) may apply in whole or in part to support provided under the covered regulations; or

(2) shall not apply to the covered regulations or rulemaking to promulgate the covered regulations.

(b) EMBARGOES.—If a report submitted under subsection (a) describes any known instance set forth under paragraphs (1) and (2) of such subsection, then, notwithstanding any other requirements under section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153), the civilian nuclear cooperation agreement with the foreign country in question, or the renewal of any pre-existing agreement, may only be renewed on or after the date on which both of the following conditions have been met:

(1) the President has submitted a proposed agreement with the foreign country in accordance with the requirements of such section 123.

(b) EMBARGOES.—If a report submitted under subsection (a) describes any known instance set forth under paragraphs (1) and (2) of such subsection, then, notwithstanding any other requirements under section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153), the civilian nuclear cooperation agreement with the foreign country in question, or the renewal of any pre-existing agreement, may only be renewed on or after the date on which both of the following conditions have been met:

(1) the President has submitted a proposed agreement with the foreign country in accordance with the requirements of such section 123.

(b) EMBARGOES.—If a report submitted under subsection (a) describes any known instance set forth under paragraphs (1) and (2) of such subsection, then, notwithstanding any other requirements under section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153), the civilian nuclear cooperation agreement with the foreign country in question, or the renewal of any pre-existing agreement, may only be renewed on or after the date on which both of the following conditions have been met:

(1) the President has submitted a proposed agreement with the foreign country in accordance with the requirements of such section 123.

(b) EMBARGOES.—If a report submitted under subsection (a) describes any known instance set forth under paragraphs (1) and (2) of such subsection, then, notwithstanding any other requirements under section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153), the civilian nuclear cooperation agreement with the foreign country in question, or the renewal of any pre-existing agreement, may only be renewed on or after the date on which both of the following conditions have been met:

(1) the President has submitted a proposed agreement with the foreign country in accordance with the requirements of such section 123.

(b) EMBARGOES.—If a report submitted under subsection (a) describes any known instance set forth under paragraphs (1) and (2) of such subsection, then, notwithstanding any other requirements under section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153), the civilian nuclear cooperation agreement with the foreign country in question, or the renewal of any pre-existing agreement, may only be renewed on or after the date on which both of the following conditions have been met:

(1) the President has submitted a proposed agreement with the foreign country in accordance with the requirements of such section 123.

(b) EMBARGOES.—If a report submitted under subsection (a) describes any known instance set forth under paragraphs (1) and (2) of such subsection, then, notwithstanding any other requirements under section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153), the civilian nuclear cooperation agreement with the foreign country in question, or the renewal of any pre-existing agreement, may only be renewed on or after the date on which both of the following conditions have been met:

(1) the President has submitted a proposed agreement with the foreign country in accordance with the requirements of such section 123.

(b) EMBARGOES.—If a report submitted under subsection (a) describes any known instance set forth under paragraphs (1) and (2) of such subsection, then, notwithstanding any other requirements under section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153), the civilian nuclear cooperation agreement with the foreign country in question, or the renewal of any pre-existing agreement, may only be renewed on or after the date on which both of the following conditions have been met:

(1) the President has submitted a proposed agreement with the foreign country in accordance with the requirements of such section 123.

(b) EMBARGOES.—If a report submitted under subsection (a) describes any known instance set forth under paragraphs (1) and (2) of such subsection, then, notwithstanding any other requirements under section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153), the civilian nuclear cooperation agreement with the foreign country in question, or the renewal of any pre-existing agreement, may only be renewed on or after the date on which both of the following conditions have been met:

(1) the President has submitted a proposed agreement with the foreign country in accordance with the requirements of such section 123.

(b) EMBARGOES.—If a report submitted under subsection (a) describes any known instance set forth under paragraphs (1) and (2) of such subsection, then, notwithstanding any other requirements under section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153), the civilian nuclear cooperation agreement with the foreign country in question, or the renewal of any pre-existing agreement, may only be renewed on or after the date on which both of the following conditions have been met:

(1) the President has submitted a proposed agreement with the foreign country in accordance with the requirements of such section 123.

(b) EMBARGOES.—If a report submitted under subsection (a) describes any known instance set forth under paragraphs (1) and (2) of such subsection, then, notwithstanding any other requirements under section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153), the civilian nuclear cooperation agreement with the foreign country in question, or the renewal of any pre-existing agreement, may only be renewed on or after the date on which both of the following conditions have been met:

(1) the President has submitted a proposed agreement with the foreign country in accordance with the requirements of such section 123.
MURPHY, Ms. SMITH, Mr. SANDERS, Ms. BALDWIN, Mr. WYDEN, Mr. BROWN, Ms. HIRONO, Mr. CASEY, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 3. REPORTING REQUIREMENTS. Section 9(b) of the Small Business Act (15 U.S.C. 638(b)) is amended—

(1) in paragraph (7)—

(A) in subparagraph (F), by striking “and” at the end; and

(B) in subparagraph (G), by striking “and” at the end; and

(C) by adding at the end the following:

“(H) with respect to a Federal agency to which subsection (f)(1) or (n)(1) applies, whether the Federal agency has satisfied the requirement under each applicable subsection for the year covered by the report;”;

(2) in paragraph (9), by striking “and” at the end; and

(3) by adding at the end the following:

“(I) with respect to a Federal agency to which subsection (f)(1) or (n)(1) applies and that the Administration determines has not satisfied the requirement under either applicable subsection, require the head of such Federal agency to report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding why the Federal agency has not satisfied the requirement.”.

SA 2052. Mr. MARKEY (for himself and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XVI, add the following:

SEC. 1565. PROHIBITION ON USE OF FUNDS FOR CERTAIN NUCLEAR WEAPONS ACTIVITIES.

Notwithstanding any other provision of this Act or any other provision of law, none of the funds authorized to be appropriated or otherwise made available for any fiscal year before fiscal year 2021 and available for obligation as of the date of enactment of this Act, may be obligated or expended to conduct or make preparations for any explosive nuclear weapons test that produces any yield.

(b) RULE OF CONSTRUCTION.—Subsection (a) does not apply to the stockpile stewardship activities that are consistent with the zero-yield standard and other requirements under law.

SA 2054. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XVI, add the following:

SEC. 1566. ADDITIONAL RESOURCES FOR THE OFFICE OF INNOVATION AND TECHNOLOGY.

Section 9(b) of the Small Business Act (15 U.S.C. 638(mm)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking “paragraph (3)” and inserting “paragraphs (3) and (4)”; and

(b) C ONFORMING AMENDMENT.—Section 526 of the Veterans Health Care Act of 1992 (Public Law 102–855; 38 U.S.C. 1715 note) is repealed.

SA 2056. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. 1. THRESHOLD FOR REPORTING ADDITIONS TO TOXICS RELEASE INVENTORY.

Section 7231 of the PPAAS Act of 2019 (Public Law 116–92) is amended—

(1) in subsection (a)—

(A) in subparagraph (A), by striking “subparagraph (B)” and inserting “subparagraphs (B) and (C)”; and

(B) by adding at the end the following:

“(C) LIMITATION.—Section 372.38 of title 40, Code of Federal Regulations (or successor regulations), shall not apply to a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances described in paragraph (1) unless the Administrator, in accordance with subparagraph (B), decides that the need for reporting the substance or class of substances to 10,000 pounds.”.

and, for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1655. PROHIBITION ON USE OF FUNDS FOR NUCLEAR WEAPONS TEST EXPLOSIONS.

(a) IN GENERAL.—None of the funds authorized to be appropriated or otherwise made available for fiscal year 2021, or authorized to be appropriated or otherwise made available for any fiscal year before fiscal year 2021 and available for obligation as of the date of enactment of this Act, may be obligated or expended to conduct or make preparations for any explosive nuclear weapons test that produces any yield.

(b) RULE OF CONSTRUCTION.—Subsection (a) does not apply to the stockpile stewardship activities that are consistent with the zero-yield standard and other requirements under law.

SA 2055. Mr. DURBIN (for himself, Ms. HIRONO, Mr. BLUMENTHAL, Mr. BROWN, Mr. Kaine, Mr. Merkley, and Mr. Booker) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1656. PROHIBITION ON USE OF FUNDS FOR NUCLEAR WEAPONS TEST EXPLOSIONS.

(a) IN GENERAL.—None of the funds authorized to be appropriated or otherwise made available for fiscal year 2021, or authorized to be appropriated or otherwise made available for any fiscal year before fiscal year 2021 and available for obligation as of the date of enactment of this Act, may be obligated or expended to conduct or make preparations for any explosive nuclear weapons test that produces any yield.

(b) RULE OF CONSTRUCTION.—Subsection (a) does not apply to the stockpile stewardship activities that are consistent with the zero-yield standard and other requirements under law.
(2) in subsection (c)(2)—
(A) in subparagraph (A), by striking “subparagraph (B)” and inserting “subparagraphs (B) and (C)” and (B) by inserting at the end the following:

“(C) LIMITATION.—Section 372.38 of title 40, Code of Federal Regulations (or successor regulations), shall not apply to a substance or class of substances described in paragraph (1) unless the Administrator, in accordance with subparagraph (B), revises the threshold for reporting the substance or class of substances to 10,000 pounds.”

SA 2057. Mr. BROWN (for himself and Mr. PORTMAN) submitted an amendment proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and military facilities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1885. NOTIFICATIONS AND REPORTS REGARDING REPORTED CASES OF BURN PIT EXPOSURE.

(a) QUARTERLY NOTIFICATIONS.

(1) A quarterly basis, the Secretary of Veterans Affairs shall submit to the appropriate congressional committees a report on each case of burn pit exposure by a covered veteran reported during the previous quarter.

(2) ELEMENTS.—Each report submitted under paragraph (1) shall include, with respect to each case of burn pit exposure by a covered veteran included in the report, the following:

(A) Notice of the case, including the medical facility at which the case was reported.

(B) Notice of, as available—

(i) the enrollment status of the covered veteran with respect to the patient enrollment system of the Department of Veterans Affairs under section 1705(a) of title 38, United States Code;

(ii) the name and number of all health care visits by the covered veteran at the medical facility at which the case was reported that are related to the case;

(iii) the demographics of the covered veteran, including age, sex, and race;

(iv) any non-Department of Veterans Affairs health care benefits that the covered veteran receives;

(v) the Armed Force in which the covered veteran served and the rank of the covered veteran;

(vi) the period in which the covered veteran served;

(vii) each location of an open burn pit from which the covered veteran was exposed to toxic airborne chemicals and fumes during such service;

(viii) the medical diagnoses of the covered veteran and the treatment provided to the veteran; and

(ix) whether the covered veteran is registered in the Airborne Hazards and Open Burn Pit Registry.

(b) PROTECTORATE INFORMATION.—The Secretary shall ensure that the reports submitted under paragraph (1) do not include the identity of covered veterans or contain other personally identifiable data.

(c) ANNUAL REPORT ON CASES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Secretary of Veterans Affairs, in collaboration with the Secretary of Defense, shall submit to the appropriate congressional committees a report detailing the following:

(A) The total number of covered veterans.

(B) The total number of claims for disability compensation under title 38, United States Code, approved and the total number denied by the Secretary of Veterans Affairs with respect to a covered veteran, and the reasons for each denial, the rationale of the denial.

(C) A comprehensive list of—

(i) the conditions for which covered veterans seek treatment;

(ii) the locations of the open burn pits from which the covered veterans were exposed to toxic airborne chemicals and fumes.

(D) Identification of each veteran relating to exposure to open burn pits that formed the basis for the Secretary to award benefits, including entitlement to service connection or an increase in disability rating.

(E) Any updates or trends with respect to the information described in subparagraphs (A), (B), and (C) that the Secretary determines appropriate.

(2) MATTERS INCLUDED IN FIRST REPORT.—

The Secretary shall include in the first report under paragraph (1) information specified in subsections (A) and (B) of section 2101(a) of the Dignified Burial and Other Veterans’ Benefits Improvement Act of 2012 (Public Law 112-260; 38 U.S.C. 527 note) is amended by adding at the end the following new paragraph:

“(3) INFORMATION.—

(A) THE SECRETARY.—The Secretary of Veterans Affairs shall ensure that a medical professional of the Department of Veterans Affairs informs a veteran of the registry under paragraph (1) if the veteran presents at a medical facility of the Department for treatment that the veteran describes as being related to, or ancillary to, the exposure of the veteran to toxic airborne chemicals and fumes caused by open burn pits at any time while serving in the Armed Forces.

(B) DISPLAY.—In making information public regarding the number of participants in the registry under paragraph (1), the Secretary shall display such numbers by both State and by congressional district.”

(d) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report containing the effectiveness of any memorandum of understanding or memorandum of agreement entered into by the Secretary of Veterans Affairs with respect to—

(1) the processing of reported cases of exposure to open burn pits; and

(2) the coordination of care and provision of health care to veterans at medical facilities of the Department of Veterans Affairs and at non-Department facilities.

(e) DEFINITIONS.—In this section:

(A) THE AIRBORNE HAZARDS AND OPEN BURN PIT REGISTRY.—The registry established by the Secretary of Veterans Affairs under section 201 of the Dignified Burial and Other Veterans’ Benefits Improvement Act of 2012 (Public Law 112-260; 38 U.S.C. 527 note).

(B) THE COMMITTEE.—The appropriate congressional committee.

(C) THE VETERAN.—A veteran who presents at a medical facility of the Department of Veterans Affairs (or in a non-Department facility) for treatment that the veteran describes as being related to, or ancillary to, the exposure of the veteran to toxic airborne chemicals and fumes caused by open burn pits at any time while serving in the Armed Forces.

SA 2058. Ms. SMITH (for herself and Mrs. HYDE-SMITH) submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for military facilities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 203. STUDY AND REPORT ON THE AFFORDABILITY OF INSULIN.

The Secretary of Health and Human Services, acting through the Assistant Secretary for Planning and Evaluation, shall—

(1) conduct a study that examines, for each type or classification of diabetes (including types of diabetes, type 1 diabetes, type 2 diabetes, gestational diabetes, and other conditions causing reliance on insulin), the effect of the affordability of insulin on—

(A) adherence to insulin prescriptions;

(B) rates of diabetic ketoacidosis;

(C) downstream impacts of insulin adherence, including rates of dialysis treatment and stage renal disease.

(2) spending by Federal health programs on acute episodes that could have been avoided by adhering to an insulin prescription; and

(E) other factors, as appropriate, to understand the impact of insulin affordability on health outcomes.

SA 2059. Mr. UDALL (for himself, Mr. PAUL, Mr. KAIN, Mr. LEE, Mr. DURBIN, Mr. LEAHY, Mr. MURPHY, Ms. HIRONO, Mr. HEINRICH, Ms. WARREN, Mr. MERKLEY, Ms. BALDWIN, Mr. VAN HOLLEN, Mr. MARKEY, Mr. WHITEHOUSE, Mr. MURPHY, Mr. BROWN, Mr. WYDEN, Mr. SANDERS, Mr. SCHATZ, and Ms. HARRIS) submitted an amendment intended to be proposed
by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C title XII, insert the following:

SEC. 1224. PROHIBITION UNAUTHORIZED MILITARY OPERATIONS AGAINST IRAN.

(a) In General.—No funds authorized by this Act may be used to conduct hostilities against the Islamic Republic of Iran, or the Armed Forces of Iran, or in the territory of Iran.

(b) Rule of Construction.—Nothing in this section may be construed—

(1) to restrict the use of the United States Armed Forces to defend against an attack upon the United States, its territories or possessions, or its Armed Forces;
(2) to limit the obligations under the War Powers Resolution (50 U.S.C. 1541 et seq.); or
(3) to affect the provisions of an Act or a joint resolution of Congress specifically authorizing such hostilities that is enacted after the date of the enactment of this Act.

SA 2060. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1222 and insert the following:

SEC. 1222. PROHIBITION ON USE OF FUNDS TO PROVIDE ASSISTANCE TO VETTED SYRIAN OPPOSITION.

None of the funds authorized to be appropriated by this Act may be obligated or expended for activities under section 1209 of the Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 127 Stat. 1541), as most recently amended by section 1222 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

SA 2061. Mr. INHOFE (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 2002, strike subsection (e) and insert and amend the subsection—

(e) FUNDING.—

(1) IN GENERAL.—Of the amount authorized to be appropriated for fiscal year 2021 as specified in the funding table in section 4601, the Secretary of the Air Force may expend not more than $15,000,000 for the purposes of planning and design to support the projects described in budget categories (a) through (d). (2) INCREASE.—The amount authorized to be appropriated for fiscal year 2021 for military construction for the Air Force is hereby increased by $15,000,000, with the amount of the increase to be designated to Air Force, Unspecified Worldwide Locations, Planning and Design.

SEC. 2062. Mr. GARDNER submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 775, line 8, strike “Activities” and insert—“Consistent with title II of the Asia Reassurance and Initiative Act of 2018 (Public Law 115–409; 132 Stat. 5391), activities”.

SA 2063. Mr. GARDNER submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle E of title XII, insert the following:


It is the sense of Congress that the Pacific Deterrence Initiative is designed to implement the strategic and policy objectives articulated by Congress in the Asia Reassurance and Initiative Act of 2018 (Public Law 115–409; 132 Stat. 5387) and by the executive branch in the National Security Strategy, the “Free and Open Indo-Pacific” strategy of the Department of Defense, and the Indo-Pacific strategy report of the Department of Defense, which states that the Asia Reassurance Initiative Act of 2018 (Public Law 115–409; 132 Stat. 5387) “enshrines a generational whole-of-government policy framework that demonstrates U.S. commitment to a free and open Indo-Pacific region that is prosperous, secure, and governed by rules that promote sovereignty, rule of law, democracy, economic engagement, and regional security”.

SA 2064. Mr. GARDNER submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1251 and insert the following:

SEC. 1251. PACIFIC DETERRENCE INITIATIVE.

(a) In General.—Title II of the Asia Reassurance and Initiative Act of 2018 (Public Law 115–409; 132 Stat. 5391) is amended by adding at the end the following new section:

"SEC. 217. PACIFIC DETERRENCE INITIATIVE.

(1) In General.—The Secretary of Defense shall carry out an initiative to ensure the effective implementation of the National Defense Strategy with respect to the Indo-Pacific region, to be known as the ‘Pacific Deterrence Initiative’ (in this section referred to as the ‘Initiative’), including—

(b) PURPOSE.—The purpose of the Initiative is to carry out only the following activities:

(1) Activities to increase the lethality of the joint force in the Indo-Pacific region, including, but not limited to—

(A) by improving active and passive defenses against theater-based cruise, ballistic, and hypersonic missiles for bases, operating locations, and other critical infrastructure at locations west of the International Date Line; and

(B) procurement and fielding—

(i) long-range precision strike systems to be stationed or pre-positioned west of the International Date Line; and

(ii) critical munitions to be pre-positioned at locations west of the International Date Line; and

(C) increasing the number and capabilities of expeditionary airfields and ports in the Indo-Pacific region available for operational use at locations west of the International Date Line;

(D) increasing the availability of strategic mobility assets in the Indo-Pacific region;

(E) improving distributed logistics and maintenance capabilities in the Indo-Pacific region, including, but not limited to, by—

(i) transitioning from large, centralized, and unhardened infrastructure to smaller, dispersed, resilient, and adaptive basing at locations west of the International Date Line;

(ii) increasing the presence of the Armed Forces at locations west of the International Date Line;

(G) improving command, control, communications, computers and intelligence, surveillance, and reconnaissance systems intended for stationing or operational use in the Indo-Pacific region; and

(G) improving—

(i) interoperability and information sharing with allies and partners; and

(ii) information operations capabilities in the Indo-Pacific region, with a focus on reinforcing United States commitment to allies and partners and countering malign influence.

(2) Activities to carry out a program of exercises, experimentation, and innovation for the joint force in the Indo-Pacific region.

(c) PLAN REQUIRED.—Not later than February 15, 2021, the Secretary, in consultation with the Commander of the United States Indo-Pacific Command, shall submit to the congressional defense committees a plan to expend not less than the amounts authorized to be appropriated under subsection (e)(2).

(1) Building Capacity of Allies and Partners; and

(2) Improving—

(i) interoperability and information sharing with allies and partners; and

(ii) information operations capabilities in the Indo-Pacific region, with a focus on reinforcing United States commitment to allies and partners and countering malign influence.

(3) Activities described in paragraphs (1) and (2) of subsection (b) shall be included in the materials of the Department of Defense in support of the
budget of the President (submitted to Congress pursuant to section 1105 of title 31, United States Code) for fiscal year 2022 and each fiscal year thereafter a detailed budget display for the Initiative that includes the following information:

"(1) A future-years plan with respect to activities and resources for the Initiative for the appropriate fiscal year and not fewer than the four following fiscal years.

"(2) With respect to procurement accounts—

(A) amounts displayed by account, budget activity, line number, and line item title; and

(B) a description of the specific manner in which such amounts will be used.

"(3) With respect to research, development, test, and evaluation accounts—

(A) amounts displayed by account, budget activity, line number, and program element title, and

(B) a description of the requirements for such amounts specific to the Initiative.

"(4) With respect to operation and maintenance accounts—

(A) amounts displayed by account title, budget activity title, line number, and sub-activity group title; and

(B) a description of the specific manner in which such amounts will be used.

"(5) With respect to military personnel accounts—

(A) amounts displayed by account title, budget activity title, line number, and sub-activity group title; and

(B) a description of the specific manner in which such amounts will be used.

"(6) With respect to each project under military construction accounts (including with respect to specified military construction and amounts for planning and design), the country, location, project title, and project amount by fiscal year.

"(7) To the activities described in subsection (b)—

(A) amounts displayed by account title, budget activity title, line number, and sub-activity group title; and

(B) a description of the specific manner in which such amounts will be used.

"(8) With respect to each military service—

(A) amounts displayed by account title, budget activity title, line number, and sub-activity group title; and

(B) a description of the specific manner in which such amounts will be used.

"(9) With respect to the amounts described in each of paragraphs (2), (3), (4), (5), (6), (7), and (8), a comparison between—

(A) the amount in the budget of the President for the following fiscal year; and

(B) the amount projected in the previous budget of the President for the following fiscal year.

"(e) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to the Secretary amounts specified in the activities of the Initiative described in subsection (b) the following:

"(1) For fiscal year 2021, $1,406,417,000, as specified in the funding table in section 4502.

"(2) For fiscal year 2022, $5,500,000,000.


(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Asia Reassurance Initiative Act of 2018 (Public Law 115–409; 132 Stat. 5387) is amended by inserting after the item relating to section 216 the following:

"Sec. 217. Pacific Deterrence Initiative."

SA 2065. Mr. GARDNER submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title XII, insert the following:

SEC. 12. ESTABLISHMENT OF TECHNOLOGY AND INDUSTRIAL TRILLARIAL ALLIANCE OF NATIONS.

(a) AUTHORITY.—The Secretary of State, the Secretary of Commerce, and the Secretary of the Treasury may jointly establish a foundation, to be known as the "Technology and Industrial Trilateral Alliance of Nations" or "TITAN" (referred to in this section as a "foundations") to award competitive grants to private entities in the United States, Israel, and the Indo-Pacific region to develop, manufacture, sell, and support innovative products based on industrial research and development in the following sectors:

(1) Agriculture.

(2) Communications.

(3) Construction technologies.

(4) Electronics.

(5) Electro-optics.

(6) Electric power.

(7) Life sciences.

(8) Software.

(9) Homeland security.

(10) Renewable and alternative energy.

(b) COMPETITIVE GRANT PROGRAM.—The Foundation shall administer a competitive grant program for private entities based in the United States, Israel, and the Indo-Pacific region that are committed to account-ability, transparency, and the rule of law.

(c) OPERATIONS OF FOUNDATION.—The Foundation shall operate in the same manner as the United States Bina- tional Industrial Research and Development Foundation.

(d) PROHIBITION.—The Foundation may not provide a grant to a private entity:

(1) domiciled in the People's Republic of China that has known ties to the Government of the People's Republic of China, the military forces of the People's Republic of China, or the security services of the People's Republic of China; or

(2) identified on the entity list maintained by the Bureau of Industry and Security and set forth in Supplement No. 4 to part 744 to the Export Administration Regulations.

SA 2066. Mr. GARDNER submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title V, add the following:

SEC. 2. PILOT PROGRAMS ON PAYMENT OF STIPENDS TO MEMBERS OF THE SENIOR RESERVE OFFICERS' TRAINING CORPS (SROTC) PROGRAMS THE STUDYING A DEGREE IN A SPACE-RELATED FIELD.

(a) PILOT PROGRAMS AUTHORIZED.—Each Secretary of a military department may carry out a pilot program to assess the feasibility and advisability of paying a stipend to members authorized to be appropriated under a military department's training corps (SROTC) programs the under the jurisdiction of such Secretary who are purs-uing a degree in a space-related field that includes skills, expertise, or both that are or are anticipated to critical to current or future missions or operations of the Armed Forces under the jurisdiction of such Secretary.

(b) DURATION.—The duration of any pilot program under this section may not exceed five years.

(c) PARTICIPANTS.—Participants in a pilot program under this section shall be selected by the Secretary of the military department concerned from among members of Senior Reserve Officers' (SROTC) programs under the jurisdiction of such Secretary in such manner, and using such criteria, as such Secretary shall specify for purposes of the program.

(d) DEGREES AND SPACE-RELATED FIELDS.—In carrying out a pilot program under this section, the Secretary of a military department may pay a stipend to participants in a pilot program under this section, as the Secretary considers appropriate.

(b) COMPETITIVE GRANT PROGRAM.—The Foundation shall administer a competitive grant program for private entities based in the United States, Israel, and the Indo-Pacific region that are committed to account-ability, transparency, and the rule of law.

(c) OPERATIONS OF FOUNDATION.—The Foundation shall operate in the same manner as the United States Bina- tional Industrial Research and Development Foundation.

(d) PROHIBITION.—The Foundation may not provide a grant to a private entity:

(1) domiciled in the People's Republic of China that has known ties to the Government of the People's Republic of China, the military forces of the People's Republic of China, or the security services of the People's Republic of China; or

(2) identified on the entity list maintained by the Bureau of Industry and Security and set forth in Supplement No. 4 to part 744 to the Export Administration Regulations.

(f) FUNDING.—Amounts for pilot programs under this section shall be derived from amounts authorized to be appropriated as the Secretary of the military department concerned shall specify for purposes of the pilot program.

(f) FUNDING.—Amounts for pilot programs under this section shall be derived from amounts authorized to be appropriated as the Secretary of the military department concerned shall specify for purposes of the pilot program.

(f) FUNDING.—Amounts for pilot programs under this section shall be derived from amounts authorized to be appropriated as the Secretary of the military department concerned shall specify for purposes of the pilot program.

(f) FUNDING.—Amounts for pilot programs under this section shall be derived from amounts authorized to be appropriated as the Secretary of the military department concerned shall specify for purposes of the pilot program.

(f) FUNDING.—Amounts for pilot programs under this section shall be derived from amounts authorized to be appropriated as the Secretary of the military department concerned shall specify for purposes of the pilot program.

(f) FUNDING.—Amounts for pilot programs under this section shall be derived from amounts authorized to be appropriated as the Secretary of the military department concerned shall specify for purposes of the pilot program.

(f) FUNDING.—Amounts for pilot programs under this section shall be derived from amounts authorized to be appropriated as the Secretary of the military department concerned shall specify for purposes of the pilot program.

(f) FUNDING.—Amounts for pilot programs under this section shall be derived from amounts authorized to be appropriated as the Secretary of the military department concerned shall specify for purposes of the pilot program.

(f) FUNDING.—Amounts for pilot programs under this section shall be derived from amounts authorized to be appropriated as the Secretary of the military department concerned shall specify for purposes of the pilot program.

(f) FUNDING.—Amounts for pilot programs under this section shall be derived from amounts authorized to be appropriated as the Secretary of the military department concerned shall specify for purposes of the pilot program.
year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XII, add the following:

SEC. 1262. SENSE OF CONGRESS ON CROSS-BORDER PROBLEMS IN THE GALWAN VALLEY AND THE GROWING TERRITORIAL CLAIMS OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) FINDINGS.—Congress makes the following findings:

(1) Since a truce in 1962 ended skirmishes between India and the People's Republic of China, the countries have been divided by a 2,100-mile-long Line of Actual Control.

(2) In the decades since the truce, military standoff between India and the People's Republic of China have flared; however, the standoffs have rarely claimed the lives of soldiers.

(3) In the months leading up to June, 2020, along the Line of Actual Control, the People's Republic of China—

(A) reportedly amassed 5,000 soldiers; and

(B) is believed to have crossed into previously disputed territory considered to be settled as part of India under the 1962 truce.

(4) On June 6, 2020, the People's Republic of China and India reached an agreement to de-escalate and disengage along the Line of Actual Control.

(5) On June 15, 2020, at least 20 Indian soldiers and an unconfirmed number of Chinese soldiers were killed in skirmishing following a weeks-long standoff in Eastern Ladakh, which is the de facto border between India and the People's Republic of China.

(6) Following the deadly violence, Prime Minister Narendra Modi of India stated, "Whenever there have been differences of opinion, we have always tried to ensure that those differences never turned into a dispute".

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

(1) India and the People's Republic of China should work toward deescalating the situation along the Line of Actual Control; and

(2) the expansion and aggression of the People's Republic of China in and around disputed territories, such as the Line of Actual Control along the China Sea, the Senkaku Islands, is of significant concern.

SA 2068. Mr. GARDNER submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle G of title V, add the following:

SEC. 12 . IMPLEMENTATION OF THE ASIA REASSURANCE INITIATIVE ACT WITH REGARD TO TAIWAN ARMS SALES.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Defense Indo-Pacific Strategy Report, released on June 1, 2019, states: "[T]he Asia Reassurance Initiative Act, a major bipartisan legislation, was signed into law by President Trump on December 31, 2018. This legislation endorses a strong, prosperous, and democratic Taiwan.

(2) The Indo-Pacific Strategy Report further states: "The United States has a vital interest in upholding the rules-based international order, which includes a strong, prosperous, and democratic Taiwan." . . . The Department of Defense is committed to providing Taiwan with defense articles and services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability."

(3) Section 209(b) of the Asia Reassurance Initiative Act of 2018 (22 U.S.C. 3301 note), signed into law on December 31, 2018—

(A) builds on longstanding commitments enshrined in the Taiwan Relations Act (22 U.S.C. 3301).

(B) states: "The President should conduct regular transfers of defense articles to Taiwan, and their designs, in consultation with the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate; and

(2) The Department of Defense, or their designees, shall brief the appropriate committees of Congress to that subsection.

(b) BRIEFING.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State and the Secretary of Defense, or their designees, shall brief the appropriate committees of Congress to the report under subsection (b), without change.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(3) the Committee on Appropriations of the Senate; and

(4) the Committee on Appropriations of the House of Representatives.

SA 2070. Mr. GARDNER submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to provide military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, add the following:

SEC. 114. PROCUREMENT OF LITTER-ATTACHED LOAD STABILITY SYSTEMS FOR UH-60 AIRCRAFT.

The amount authorized to be appropriated by this Act for fiscal year 2021 for Aircraft Procurement, Army and available for Utility Helicopters/UH-60 mods is increased by $31,000,000, if the committee on Appropriations of the Appropriations Act, or their designees, shall brief the appropriate committees of Congress to the report under subsection (b).

SEC. 2071. Mr. GARDNER submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to provide military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XII, add the following:

SEC. 1262. SENSE OF CONGRESS ON ESTABLISHMENT OF A CYBER LEAGUE OF INDO-PACIFIC STATES TO ADDRESS CYBER THREATS.

(a) FINDINGS.—Congress makes the following findings:

(1) The world has benefitted greatly from technological innovations under the leadership of the United States in the post-World War era, including the creation of the World Wide Web which has provided an entirely new way of connecting and flourishing through cyber-commerce and connectivity.
(2) Cybercrime affects companies large and small, as well as infrastructure that is vital to the economy as a whole.  
(3) A 2016 study from the Center for Strategic and International Studies, in cooperation with McAfee, estimates that the global economic losses from cybercrime are approximately $600,000,000,000 annually and rising.  
(4) According to the Pew Charitable Trust, 64 percent of people in the United States had fallen victim to cybercriminals as of 2017.  
(5) General Keith Alexander, then-Director of the National Security Agency, termed theft of United States intellectual property “the greatest transfer of wealth in history.”  
(6) On September 25, 2015, the United States and the People’s Republic of China announced an agreement that “neither country’s government will conduct or knowingly support cyber-enabled theft of intellectual property, including trade secrets or other confidential business information, with the intent of providing competitive advantages to companies or commercial sectors.”  
(7) The People’s Republic of China nonetheless continues to contribute to the rise of cybercrime, exploiting weaknesses in the international system to undermine fair competition and access to cyberspace, including through theft of intellectual property and state-sponsored malicious actions to undermine and weaken competitors.  
(8) On February 9, 2016, the January 2015 Worldwide Threat Assessment by the Director of National Intelligence: “China, Russia, Iran, and North Korea are using cyber operations to threaten both minds and machines in an expanding number of ways—to steal information, to influence our citizens, or to disrupt our institutions.”  
(9) From 2011 to 2018, more than 90 percent of cases handled by the Department of Justice alleging economic espionage by or to China, Russia, Iran, and North Korea increasingly use cyber operations to threaten both minds and machines in an expanding number of ways—to steal information, to influence our citizens, or to disrupt our institutions.  
(10) Experts have asserted that the Made in China 2025 strategy of the Government of the People’s Republic of China will incentivize Chinese entities to engage in unfair competitive behavior, including additional theft of trade secrets or other confidential business information.  
(11) The Democratic People’s Republic of Korea has also contributed to the rise of cybercrime and according to the 2018 Worldwide Threat Assessment by the Director of National Intelligence: “We expect the heavily sanctioned North Korea to use cyber operations to raise funds and to gather intelligence for its ongoing attacks on South Korea and the United States. . . . North Korean actors developed and launched the WannaCry ransomware in May 2017, judging from technical characteristics the North Korean actors were responsible.”  
(12) The Democratic People’s Republic of Korea has also contributed to the rise of cybercrime and according to the 2018 Worldwide Threat Assessment by the Director of National Intelligence: “We expect the heavily sanctioned North Korea to use cyber operations to raise funds and to gather intelligence for its ongoing attacks on South Korea and the United States. . . . North Korean actors developed and launched the WannaCry ransomware in May 2017, judging from technical characteristics the North Korean actors were responsible.”  
(13) The Democratic People’s Republic of Korea has also contributed to the rise of cybercrime and according to the 2018 Worldwide Threat Assessment by the Director of National Intelligence: “We expect the heavily sanctioned North Korea to use cyber operations to raise funds and to gather intelligence for its ongoing attacks on South Korea and the United States. . . . North Korean actors developed and launched the WannaCry ransomware in May 2017, judging from technical characteristics the North Korean actors were responsible.”  
(14) The United States has taken action on its own against international cybercrime, including through—
   (A) The United States has taken action on its own against international cybercrime, including through—
   (B) The North Korea Sanctions Act of 2016 (Public Law 114-122), which imposed mandatory sanctions against persons engaging in significant activities undermining cybersecurity on behalf of the Democratic People’s Republic of Korea; and
   (C) Criminal charges filed by the Department of Justice on October 25, 2018, in which the Department alleged that the Chinese intelligence services conducted cyber intrusions against companies in order to obtain information on a commercial jet engine.
(15) The March 2016 Department of State International Cyberspace Policy Strategy noted that “the Department of State anticipates a continued increase and expansion of our cyber-focused diplomatic efforts for the foreseeable future.”  
(16) Concerted action by countries that share concerns about state-sponsored cyber theft is necessary to prevent the growth of cybercrime and other destabilizing national security and economic outcomes.  
(17) Section 215 of the Asia Reassurance Initiative Act of 2018 (Public Law 115–409) calls for “robust cybersecurity cooperation between the United States and nations in the Indo-Pacific region” and “authorized to be appropriated $100,000,000 for each of the fiscal years 2019 through 2023” for sharing intelligence or launch attacks on South Korea; and  
(18) Section 215 of the Asia Reassurance Initiative Act of 2018 (Public Law 115–409) calls for “robust cybersecurity cooperation between the United States and nations in the Indo-Pacific region” and “authorized to be appropriated $100,000,000 for each of the fiscal years 2019 through 2023” for sharing intelligence or launch attacks on South Korea; and  
(19) According to the Pew Charitable Trust, 64 percent of people in the United States had fallen victim to cybercriminals as of 2017.  
(20) According to the Pew Charitable Trust, 64 percent of people in the United States had fallen victim to cybercriminals as of 2017.  
(21) According to the Pew Charitable Trust, 64 percent of people in the United States had fallen victim to cybercriminals as of 2017.  
(22) The United States has taken action on its own against international cybercrime, including through—
   (A) The United States has taken action on its own against international cybercrime, including through—
   (B) The North Korea Sanctions Act of 2016 (Public Law 114–122), which imposed mandatory sanctions against persons engaging in significant activities undermining cybersecurity on behalf of the Democratic People’s Republic of Korea; and
   (C) Criminal charges filed by the Department of Justice on October 25, 2018, in which the Department alleged that the Chinese intelligence services conducted cyber intrusions against companies in order to obtain information on a commercial jet engine.
   (D) The North Korea Sanctions Act of 2016 (Public Law 114–122), which imposed mandatory sanctions against persons engaging in significant activities undermining cybersecurity on behalf of the Democratic People’s Republic of Korea; and
   (E) Criminal charges filed by the Department of Justice on October 25, 2018, in which the Department alleged that the Chinese intelligence services conducted cyber intrusions against companies in order to obtain information on a commercial jet engine.

SA 2072. Mr. GARDNER submitted an amendment intended to be proposed by him to the bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 952. DEPARTMENT OF DEFENSE CENTER OF EXCELLENCE FOR UNMANNED AERIAL SYSTEMS EDUCATION AND TRAINING.

(a) DESIGNATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall designate the United States Air Force Academy as the Department of Defense Center of Excellence for Unmanned Aerial Systems Education and Training (in this section referred to as the “Center”).  
(b) PARTNERSHIPS.—The Secretary of Defense shall, with direct support from the Secretary of the Air Force, ensure that the Center collaborates across the Department of Defense, with a focus on other military service academies, research laboratories, and operational unmanned aerial systems units (UAS), as well as other institutions of higher education, industry, and appropriate public and private entities (including international entities), to carry out the responsibilities specified in subsection (c).  

The Center shall do the following:

(1) Develop and maintain a comprehensive academic curriculum to leverage current and develop future unmanned aerial systems technology, including aircraft design, command and control, sensor technology, artificial intelligence, mission systems, and tactics, techniques and procedures.
(2) Build unmanned aerial systems airmanship, experience, and expertise by designating a combat laboratory in which cadets receive knowledge, experiential learning, and familiarization with the manner in which the Department of Defense employs unmanned aerial systems operations in a future multi-domain environment.
(3) Enable experimentation and development of unmanned aerial systems command and control systems, multiple systems interoperability, common operating standards, autonomy, simulation, sensor fusion, alterative modes of navigation, and sense and avoid technologies.
(4) Maintain faculty with current unmanned aerial systems combat experience, as well as unmanned aerial systems development and test experience, to educate a cadre of military unmanned aerial systems professionals well into the future.
(5) Enhance capabilities, cooperation, and exchange of information across the unmanned aerial systems community of the Department.
(6) Foster cooperation and collaboration between the military service academies, civilian academia, research laboratories and private sector to facilitate education, research and development of, and consultation with respect to unmanned aerial systems.
(7) Provide a forum to discuss industry trends, best practices, innovative curricula, and professional opportunities with respect to unmanned aerial systems.
(c) RESPONSIBILITIES.—The Center shall do the following:

(1) Develop and maintain a comprehensive academic curriculum to leverage current and develop future unmanned aerial systems technology, including aircraft design, command and control, sensor technology, artificial intelligence, mission systems, and tactics, techniques and procedures.
(2) Build unmanned aerial systems airmanship, experience, and expertise by designating a combat laboratory in which cadets receive knowledge, experiential learning, and familiarization with the manner in which the Department of Defense employs unmanned aerial systems operations in a future multi-domain environment.
(3) Enable experimentation and development of unmanned aerial systems command and control systems, multiple systems interoperability, common operating standards, autonomy, simulation, sensor fusion, alterative modes of navigation, and sense and avoid technologies.
(4) Maintain faculty with current unmanned aerial systems combat experience, as well as unmanned aerial systems development and test experience, to educate a cadre of military unmanned aerial systems professionals well into the future.
(5) Enhance capabilities, cooperation, and exchange of information across the unmanned aerial systems community of the Department.
(6) Foster cooperation and collaboration between the military service academies, civilian academia, research laboratories and private sector to facilitate education, research and development of, and consultation with respect to unmanned aerial systems.
(7) Provide a forum to discuss industry trends, best practices, innovative curricula, and professional opportunities with respect to unmanned aerial systems.
(d) CERTIFICATION.—Upon making the designation required by subsection (a), the Secretary of Defense shall certify to the Committees on Armed Services of the Senate and the House of Representatives that the Secretary has made the designation required by subsection (a) and is complying with subsection (b).
him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows: At the end of subtitle E of title III, add the following:

SEC. 3. AUTHORITY FOR ASSISTANCE UNDER SUBTITLE B THAT THE RUSSIAN FEDERATION IMPORTS THE CHEMICAL PRECURSORS AND MANUFACTURES THE FINISHED PRODUCT.

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following new paragraph (3):

"(3) (A) The Secretary may provide assistance under paragraph (1) to an entity that is a nuclear nonproliferation project or a community infrastructure project proposed by the entity.

(B) An entity described in subparagraph (A) seeking assistance under paragraph (1) for a community infrastructure project proposed by the entity may include with such proposal a plan for transitioning ownership of the project to a State or local government."

SEC. 4. SHORT TITLE.

(a) In general.—This Act may be cited as the "Leverage to Enhance Effective Diplomacy Act of 2019" or the "LEED Act."

(b) Subtitle A—Review of Strategy and Policy Toward the Democratic People's Republic of Korea.

(c) Subtitle B—Addressing the Evolving Threats Posed by and Capabilities of the Democratic People's Republic of Korea.

SEC. 5. FINDINGS.

(a) In general.—Not later than 60 days after the date of the enactment of this Act, and every 180 days thereafter until the date that is 2 years after such date of enactment, the Director of National Intelligence, in consultation with the Secretary of State, the Secretary of Defense, and the Director of the National Counterintelligence and Security Center, shall submit to the appropriate congressional committees a classified intelligence report on the following:

(1) An assessment of each type of rocket fuel the Democratic People's Republic of Korea uses, or potentially may use, to power its ballistic missiles, including the chemical precursors, production process, and required production equipment for each such type of rocket fuel.

(b) ELEMENTS.—Each report required under paragraph (1) shall include the following:

(1) An assessment of the status of the nuclear and ballistic missile programs of the Democratic People's Republic of Korea, including the chemical precursors and nuclear facilities.

(2) An assessment of the chemical, nuclear, and ballistic missile programs of the Democratic People's Republic of Korea.

(3) An assessment of the capabilities of the Democratic People's Republic of Korea, including its efforts to conduct cyber and corporate espionage, to commit illicit commercial and financial activities through internet cyber systems, and to suppress opposition to and spread propaganda in support of its nuclear and ballistic missile programs.

(4) A summary of activities of the Democratic People's Republic of Korea relating to evading sanctions imposed by the United States or the United Nations Security Council, including an assessment of the sourcing, manufacture, trade, or distribution of methamphetamine, fentanyl, and other illicit substances and associated precursor chemicals, including by state-owned entities, other entities (including universities), and individuals, for the purpose of financing or otherwise supporting the nuclear and ballistic missile programs of the Democratic People's Republic of Korea.

SEC. 6. BRIEFING ON UNITED STATES ENGAGEMENT WITH THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA.

(a) BRIEFING REQUIRED.—(1) In general.—Not later than 90 days after the date of enactment of this Act, and thereafter until the date that is 2 years after such date of enactment, the Secretary of State, in consultation with the appropriate congressional committees, shall brief the appropriate congressional committees on the status of any United States diplomatic engagement with the Government of the Democratic People's Republic of Korea, including with respect to efforts to secure the release of United States citizens detained in the Democratic People's Republic of Korea.

(b) ELEMENTS.—Each briefing required under paragraph (1) shall include the following:

(1) An assessment of the use of rocket fuel by the Democratic People's Republic of Korea, or potential use, to power its ballistic missiles, including the chemical precursors, production process, and required production equipment for each such type of rocket fuel.

(c) With respect to each type of rocket fuel, an assessment of the following:

(1) Whether the use of that type of rocket fuel by the Democratic People's Republic of Korea is prohibited under United Nations Security Council resolutions, other international sanctions imposed with respect to the Democratic People's Republic of Korea, or sanctions imposed by the United States with respect to the Democratic People's Republic of Korea.

SEC. 7. BRIEFING RELATING TO THE USE OF ROCKET FUELS FOR BALLISTIC MISSILES BY THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA.

(a) BRIEFING REQUIRED.—(1) In general.—Not later than 60 days after the date of enactment of this Act, and 180 days thereafter until the date that is 2 years after such date of enactment, the Secretary of State, in consultation with the appropriate congressional committees, shall brief the appropriate congressional committees on the status of any United States diplomatic engagement with the Government of the Democratic People's Republic of Korea, including with respect to efforts to secure the release of United States citizens detained in the Democratic People's Republic of Korea.

(b) ELEMENTS.—Each briefing required under paragraph (1) shall include the following:

(1) An assessment of the use of rocket fuel by the Democratic People's Republic of Korea, or potential use, to power its ballistic missiles, including the chemical precursors, production process, and required production equipment for each such type of rocket fuel.

(2) With respect to each type of rocket fuel, an assessment of the following:

(1) Whether the use of that type of rocket fuel by the Democratic People's Republic of Korea is prohibited under United Nations Security Council resolutions, other international sanctions imposed with respect to the Democratic People's Republic of Korea, or sanctions imposed by the United States with respect to the Democratic People's Republic of Korea.

(2) Whether the Democratic People's Republic of Korea imports that type of rocket fuel as a finished product or imports chemical precursors and manufactures the finished product.

(3) The countries from which the Democratic People's Republic of Korea imports that type of rocket fuel as a finished product or from which the Democratic People's Republic of Korea imports chemicals, precursors, and equipment to manufacture that type of rocket fuel.
(iv) The size and locations of the Democratic People’s Republic of Korea’s stockpiles, if any, of that type of rocket fuel.
(v) Whether that type of rocket fuel can be attributed to any foreign or domestic origin.
(b) Strategy Required.—The Secretary of State, with the help of relevant agencies, shall develop a diplomatic strategy to end the transfer of all rocket fuels and chemical precursors for rocket fuels to the Democratic People’s Republic of Korea.
(c) Sense of Congress.—It is the sense of Congress that the United States Ambassador to the Democratic People’s Republic of Korea shall work with the heads of relevant agencies, shall work with the heads of relevant agencies, shall work with the heads of relevant agencies, shall develop a diplomatic strategy to end the transfer of all rocket fuels and chemical precursors for rocket fuels to the Democratic People’s Republic of Korea.

SEC. 21. REPORT ON EFFECTING A STRATEGY TO ECONOMICALLY PRESSURE THE DEMOCRATIC PEOPLE’S REPUBLIC OF KOREA.
(a) in General.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on actions taken by the United States, diplomatically and economically, to pressure the Democratic People’s Republic of Korea.

(b) Elements.—Each report required under paragraph (a) shall include—
(1) a description of the actions taken by the United States and its allies to pressure the Democratic People’s Republic of Korea; and
(2) a description of the actions taken by relevant governments to pressure the Democratic People’s Republic of Korea.

(c) Sense of Congress.—It is the sense of Congress that the United States, in consultation with the appropriate committees, shall continue to implement its diplomatic strategy described in paragraph (a) to pressure the Democratic People’s Republic of Korea.

SEC. 22. AUTHORIZATION TO ALTERNATE UNITED STATES RELATIONS WITH COUNTRIES ENABLING THE DEMOCRATIC PEOPLE’S REPUBLIC OF KOREA.
(a) in General.—The Secretary of State shall consult with the appropriate congressional committees on a strategy for leveraging the sanctions imposed pursuant to section 21(b)(3) of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9241(b)) to convince countries that import North Korean laborers in a manner that undermines in section 21(b)(1)(D) of that Act (22 U.S.C. 9241(b)(1)(D)) to end that practice.

(b) Appropriate Congressional Committees Defined.—In this section, the term “appropriate congressional committees” means—
(1) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and
(2) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

Subtitle C—Strategy to End Use of North Korean Laborers by Other Countries

SEC. 23. AMENDMENT OF REPORTING REQUIREMENT REGARDING STRATEGY TO REPLACE NORTH KOREAN HUMAN RIGHTS VIOLATIONS.
(a) in General.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the appropriate committees pursuant to section 201(c) of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9241(b)) to convince countries that import North Korean laborers in a manner that undermines in section 21(b)(1)(D) of that Act (22 U.S.C. 9241(b)(1)(D)) to end that practice.

(b) Appropriate Congressional Committees Defined.—In this section, the term “appropriate congressional committees” means—
(1) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and
(2) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

Subtitle D—Measures to Address the Threats Posed by and Capabilities of the Democratic People’s Republic of Korea

SEC. 24. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.
In this subtitle, the term “appropriate congressional committees” means—
(1) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and
(2) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.
Democratic People's Republic of Korea earning income in the jurisdiction of the country and of safety oversight attaches of the Democratic People's Republic of Korea.’’

(2)dcc

Subtitle D—Enforcing Sanctions With Respect to the Democratic People's Republic of Korea

SEC. 41. SANCTIONS RELATED TO ENABLERS OF THE DEMOCRATIC PEOPLE’S REPUBLIC OF KOREA.

Section 104(d) of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9214(d)) is amended to read as follows:

‘‘(d) APPLICABILITY TO CERTAIN PERSONS, SUBSIDIARIES, AND AGENTS.—The designation of a person under subsection (a) or (b) and the blocking of property and interests in property under subsection (c) shall apply with respect to a person who is determined—

‘‘(1) to be owned or controlled by, or to have acted or purported to have acted for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked under subsection (a) or (b);

‘‘(2) to knowingly assist, sponsor, or provide significant financial, material, or technological support to or for a person designated under subsection (a) or (b);

‘‘(3) for engaging an unlawful act described in paragraphs (1) through (14) of subsection (a) and Policy Enhancement Act of 2016 (22 U.S.C. 9221 et seq.) is amended by inserting the following:

‘‘SEC. 212. ENFORCEMENT OF UNITED NATIONS SANCTIONS WITH RESPECT TO CRUDE OIL AND Refined Петролевый продукт.

(a) In General.—Title II of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9221 et seq.) is amended by inserting after the item relating to section (a) the following:

‘‘SEC. 212. ENFORCEMENT OF UNITED NATIONS SANCTIONS WITH RESPECT TO CRUDE OIL AND Refined Петролевый продукт.

(a) In General.—The President shall impose one or more of the sanctions described in subsection (c) on a person described in subsection (b).

(b) Person Described.—A person described in this subsection is a person that—

‘‘(1) the President determines knowingly, on or after the date of the enactment of this section, that the person is a corporate officer or principal executive of a person that is—

‘‘(A) engaged in, conspires or attempts to engage in, or causes any of the conduct described in paragraphs (1) through (14) of subsection (a);

‘‘(B) to knowingly evade or avoid a prohibition on such conduct or the imposition of a sanction or penalty relating to such conduct;

‘‘(C) violates, attempts to violate, conspires to violate, or causes a violation of any license, order, regulation, or prohibition issued under this section;

‘‘(2) CIVIL PENALTIES.—A person who engages in an unlawful act described in paragraph (1) shall be subject to a civil penalty in an amount not to exceed the greater of—

‘‘(A) $500,000; or

‘‘(B) an amount that is twice the amount of the transaction that is the basis of the violation with respect to which the penalty is imposed.

‘‘(3) CRIMINAL PENALTIES.—A person who willfully engages in an unlawful act described in paragraph (1) shall, upon conviction, be fined not more than $1,000,000 and, in the case of an individual, imprisoned for not more than 20 years, or both.

‘‘(4) RULE OF CONSTRUCTION.—The civil and criminal penalties under paragraphs (2) and (3) for engaging an unlawful act described in paragraph (1) shall be imposed with respect to a person without regard to whether the President has designated the person for the imposition of sanctions under this section or pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).’’.

SEC. 43. ENHANCEMENT OF Cargo SCREENING CRITERIA.

Section 212(c)(1) of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9225(c)(1)) is amended—

(1) in subparagraph (B), by striking ‘‘; or’’ and inserting a semicolon;

(2) in subparagraph (C), by striking the period and inserting ‘‘; or’’; and

(3) by adding at the end the following:

‘‘(D) originates in a jurisdiction or a geographical area that the Secretary determines is otherwise of concern with respect to evasion of sanctions with respect to North Korea.’’.

SEC. 44. ENFORCEMENT OF UNITED NATIONS SANCTIONS WITH RESPECT TO CRUDE OIL AND Refined Петролевый продукт.

(a) In General.—The President may prescribe, prohibit any United States person from—

‘‘(1) to be owned or controlled by, or to have acted or purported to have acted for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked under subsection (a) or (b);

‘‘(2) in subparagraph (C), by striking the period and inserting ‘‘; or’’; and

(3) by adding at the end the following:

‘‘(D) originates in a jurisdiction or a geographical area that the Secretary determines is otherwise of concern with respect to evasion of sanctions with respect to North Korea.’’.

SEC. 45. SANCTIONS WITH RESPECT TO SOURCING, MANUFACTURE, TRADE, OR DISTRIBUTION OF ILlicit SUBSTANCES.

Section 104(a)(6) of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9214(a)(6)) is amended by striking ‘‘narcotics trafficking’’ and inserting ‘‘traf- following:

‘‘(2) PENALTIES.—(A) The Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate;

(b) CLERICAL AMENDMENT.—The table of contents for the North Korea Sanctions and Policy Enhancement Act of 2016 is amended by inserting after the item relating to section 211 the following:

‘‘Sec. 212. Enforcement of United Nations sanctions with respect to crude oil and refined petroleum products.’’.

SEC. 46. REPORT ON CERTAIN ENTITIES CONDUCTING BUSINESS WITH THE DEMOCRATIC PEOPLE’S REPUBLIC OF KOREA.

(a) In General.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report that includes the following:

(1) A list of entities that, during the 12-month period preceding the report, have imported or exported any goods, services, or technology to or from the Democratic People’s Republic of Korea valued at more than $5,000,000.

(2) A list of entities in the People’s Republic of China, the Russian Federation, and other countries outside of the Democratic People’s Republic of Korea that are known to employ significant numbers of laborers from the Democratic People’s Republic of Korea.

(3) For each country that hosts significant numbers of such laborers, a list of specific economic sectors in which such laborers are most commonly used.

(b) Form.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.
(c) Briefing.—The President shall brief the appropriate congressional committees, in a classified setting if necessary, not later than 30 days after the delivery of the report required by subsection (a) on whether the criteria identified in subsection (a)(2) meet the criteria for designation for the imposition of asset blocking sanctions according to the provisions of law.

SEC. 47. ENHANCING THE REVIEW PROCESS FOR CHANGES TO SANCTIONS AND RULEMAKING.

Section 206 of the North Korea Sanctions and Policy Enforcement Act of 2016 (22 U.S.C. 9228) is amended by adding at the end the following:

"(e) Certification Requirement for Removal of Certain Persons from the List of Specially Designated Nationals and Blocked Persons.--

"(1) In general.―On and after the date of the enactment of the Leverage to Enhance Effective Diplomacy Act of 2019, the President may not remove a person described in paragraph (2) from the list of specially designated nationals and blocked persons maintained by the Office of Foreign Asset Control of the Department of the Treasury unless and until the President submits to the appropriate congressional committees a certification described in paragraph (3) with respect to the person.

"(2) Persons described.―A person described in this paragraph is a person the property and interests in property of which are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) under this Act, an applicable Executive order, or an applicable United Nations Security Council resolution.

"(3) Certification described.―A certification described in this paragraph with respect to a person is a certification that the person is in conduct—

"(A) for which the person was included on the list of specially designated nationals and blocked persons by the Office of Foreign Asset Control; or

"(B) that violates applicable United States or international laws.

"(d) Form.—A certification described in paragraph (3) shall be submitted in unclassified form, but may include a classified annex.

"(e) Certification Requirement for Removal of Designation of North Korea as a Jurisdiction of Primary Money Laundering Concern.—

"(1) In general.―The President may not terminate the designation of North Korea as a jurisdiction of primary money laundering concern pursuant to section 5318A of title 31, United States Code, unless the President submits to the appropriate congressional committees a certification described in paragraph (2) with respect to North Korea.

"(2) Certification described.―A certification described in this paragraph is a certification that the Government of North Korea—

"(A) is no longer using state-controlled financial institutions and front companies to conduct transactions that support the proliferation of weapons of mass destruction and ballistic missiles; or

"(B) has instituted sufficient bank supervision and controls with respect to anti-money laundering and combating the financing of terrorism.

"(f) (C) is cooperating with United States law enforcement and regulatory officials in obtaining information about transactions originating in or routed through to or from North Korea; and

"(D) is no longer relying on the illicit and corrupt activity of high-level officials to support the Democratic People's Republic of Korea.

"(3) Form.—The certification described in paragraph (2) shall be submitted in unclassified form, but may include a classified annex.

"(g) Applicability of Congressional Review of Certain Agency Rulemaking Relating to Sanctions.―Notwithstanding any other provision of law, any rule to amend or otherwise alter any provision of part 510 of title 31, Code of Federal Regulations, that is published on or after the date of the enactment of the Leveraging to Enhance Effective Diplomacy Act of 2019 shall be deemed to be final on or after that date (as that case may be) for purposes of chapter 8 of title 5, United States Code, and shall be subject to all applicable requirements of that chapter.

SEC. 48. REINFORCING GLOBAL EXPORT CONTROL.

There are authorized to be appropriated to the Secretary of State such sums as may be necessary to implement the Global Conventional Arms Transfer Policy (50 U.S.C. 2402).

SEC. 49. ADDITIONAL RESOURCES TO DETECT EVASION OF SANCTIONS TARGETING THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA.

(a) Authorizations of Appropriations.—

There are authorized to be appropriated to the Secretary of State and the Secretary of the Treasury such sums as may be necessary to enhance the ability of the Department of State and the Department of the Treasury to detect evasion of sanctions targeting the Democratic People's Republic of Korea, including through actions described in subsection (b).

(b) Assignment of Details.—The Secretary of the Treasury should assign one additional detailer to each United States embassy or consulate in each country that the Secretary, in consultation with the Secretary of State, assesses to be commonly linked to evasion of sanctions targeting the Democratic People's Republic of Korea.

(c) Design of Program.—It is the sense of Congress that the United States should develop additional maritime patrol and reconnaissance aircraft to be associated with maritime forms of sanctions evasion by the Democratic People's Republic of Korea, including shipping of transfer of related goods and other goods and the export of arms by the Democratic People's Republic of Korea, to enhance the capability of the United States to detect and publicize such transfers and exports.

SEC. 50. BRIEFING ON EVASION OF SANCTIONS TARGETING THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA.

(a) In general.—Not later than 180 days after the date of enactment of this Act, and annually thereafter until the date that is 5 years after such date of enactment, the Secretary of State and the Secretary of the Treasury shall brief the appropriate congressional committees a certification of any known instances of evasion of sanctions targeting the Democratic People's Republic of Korea.

(b) Elements.—Each briefing required by subsection (a) shall—

(1) cover each country described in section 49(b) by discussing any known or suspected cases of evasion that implicated that country; and

(2) be based on the input of details as described in that section.

SEC. 51. BRIEFING ON USE OF VIRTUAL CURRENCIES BY THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA.

(a) In general.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall brief the appropriate congressional committees on the illicit use of virtual currencies by the Democratic People's Republic of Korea.

(b) Certification.—The briefing described by subsection (a) shall—

(1) to the extent possible, provide an estimate of the amount of fiat currency that the Democratic People's Republic of Korea has been able to generate as of the date of the briefing through conversion of virtual currency obtained by illicit means including cyberattacks;

(2) describe known pathways through which the Democratic People's Republic of Korea executes such conversions, with an emphasis on identifying exchange transactions used by the Democratic People's Republic of Korea or its agents; and

(3) cover any known instances of purchases of goods or services by the Democratic People's Republic of Korea using virtual currency without converting that currency to fiat currency before the purchase.

SEC. 52. BRIEFING ON CROSS-BORDER FLOWS OF FENTANYL AND OTHER ILLICIT SUBSTANCES.

(a) In general.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall brief the appropriate congressional committees with respect to the methods by which the Democratic People's Republic of Korea produces and exports methamphetamines and other narcotics, including opioids such as fentanyl.

(b) Certification.—The briefing required by subsection (a) shall—

(1) provide estimates of the amounts of illicit substances exported by the Democratic People's Republic of Korea and the associated revenues;

(2) describe known pathways through which the Democratic People's Republic of Korea procures precursor chemicals used in the production of such substances, with particular focus on exports by the People's Republic of China; and

(3) assess the extent to which such pathways differ from pathways used by the Democratic People's Republic of Korea to export arms and other goods the export of which is prohibited.

SEC. 53. BRIEFING ON UNITED STATES CITIZENS DETAINED BY THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA.

(a) In general.—Notwithstanding any other provision of law, not later than 180 days after the date of the enactment of this Act, the Secretary of State shall brief the appropriate congressional committees on United States citizens detained by the Government of the Democratic People's Republic of Korea, including United States citizens who are also citizens of other countries.

(b) Elements.—Each briefing required by subsection (a) shall, to the extent practicable, include a description of the circumstances surrounding the detention of the United States citizen.

(c) Assessment of the health and welfare of the United States citizens.

(1) The name of the United States citizen.

(2) An assessment of whether any United States Government officials or foreign government officials have been provided access to the United States citizen.

(5) A summary of any communications or comments by officials of the Government of the Democratic People's Republic of Korea regarding the detention and welfare of the United States citizen.
(6) A summary of official communications by United States Government officials or other persons acting on behalf of those officials, regarding the United States citizen, including efforts to secure the release of the United States citizen.

(c) REPORT BRIEFINGS.—During periods between briefings under subsection (a), the Secretary of State shall brief the appropriate congressional committees on any significant developments in the status and well-being of any United States citizens detained by the Government of the Democratic People’s Republic of Korea.

SEC. 55. EXCEPTION RELATING TO IMPORTATION OF GOODS.

(a) IN GENERAL.—No provision affecting sanctions under this subtitle or an amendment made by this subtitle shall apply to sanctions under this subtitle or an amendment made by this title with respect to the reports comprising such consolidated amendment made by this title with respect to the reports comprising such consolidated

(b) DEFINITIONS.—In this section, the term ‘good’ means any article, natural or manufactured product, including inspection and test equipment, and excluding technical data.

SEC. 56. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this subtitle, the term ‘appropriate congressional committees’ means—

(1) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate;

(2) the Senate Appropriations Committee; and

(3) the Subcommittee on the Committee on Financial Services of the House of Representatives.

SEC. 57. EFFECTIVE DATE.

The amendments made by this subtitle shall take effect on the date of the enactment of this Act and apply with respect to conduct engaged on or after such date of enactment.

Subtitle E—Miscellaneous

SEC. 61. AUTHORITY TO CONSOLIDATE REPORTS AND BRIEFINGS.

Any reports or briefings required to be submitted to Congress under this title or any amendments made by this title that are subject to a deadline for submission consisting of the same unit of time may be consolidated into a single report or briefing. The consolidated report or briefing shall contain all information required under this title or any amendments made by this title with respect to the reports comprising such consolidated report or briefing.

SA 2075. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title I, insert the following:

SEC. 1. INCREASED FEDERAL RESOURCES MANAGEMENT PLAN.

(a) PURPOSES.—The purposes of this section are—

(1) to facilitate implementation of State management plans over a period of multiple, consecutive greater sage-grouse life cycles; and

(2) to demonstrate the efficacy of the State management plans for the protection and recovery of the greater sage-grouse.

(b) DEFINITIONS.—In this section:

(1) FEDERAL RESOURCES MANAGEMENT PLAN.—The term ‘Federal resource management plan’ means—

(A) a land use plan prepared by the Bureau of Land Management pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); and

(B) a land and resource management plan prepared by the Forest Service for National Forest System land pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(2) GREATER SAGE-GROUSE.—The term ‘greater sage-grouse’ means a species of Centrocercus urophasianus.

(3) STATE MANAGEMENT PLAN.—The term ‘State management plan’ means a State-approved plan for the protection and recovery of the greater sage-grouse.

(c) PROTECTION AND RECOVERY OF GREATER SAGE-GROUSE.

(1) ENDEDANGERED SPECIES ACT OF 1973 FINDINGS.

(A) DELAY REQUIRED.—The Secretary of the Interior may not modify or invalidate a finding of the Director of the United States Fish and Wildlife Service announced in the proposed rule entitled ‘Endangered and Threatened Wildlife and Plants; 12-Month Finding on a Petition to List Greater Sage-Grouse (Centrocercus urophasianus) as an Endangered Species’ (80 Fed. Reg. 59658 (October 2, 2015)) during the period beginning on the date of enactment of this Act and ending on September 30, 2029.

(B) EFFECT ON OTHER LAWS.—The delay required under subparagraph (A) is and shall remain effective without regard to any other statute, regulation, court order, legal settlement, or any other provision of law or in equity.

(2) CONSIDERATION OF STATE MANAGEMENT PLAN.—Any recommendation to modify the greater sage-grouse listing determination or any decision as to whether the greater sage-grouse is a species threatened with extinction shall take into account the State management plan, any findings, analyses, or conclusions regarding the greater sage-grouse and the habitat of the greater sage-grouse under section 4(f) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) shall not have a preclusive effect on the approval or implementation of the modification.

(3) REPORTING REQUIREMENT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter through the 10th anniversary of such enactment, the Secretary of Agriculture shall jointly submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the implementation by the Secretaries of, and the effectiveness of, systems to monitor the status of, greater sage-grouse on Federal land under the jurisdiction of the Secretaries.

(4) JUDICIAL REVIEW.—Notwithstanding any other provision of law (including regulations), this subsection, including any determination made under paragraph (2)(C), shall not be subject to judicial review.

SA 2076. Mr. CRUZ (for himself and Ms. SINEMA) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XVI, add the following:

SEC. 1610. REMOVAL OF ENDANGERED SPECIES STATUS FOR AMERICAN BURYING BEETLE.

Notwithstanding the final rule of the United States Fish and Wildlife Service entitled ‘Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the American Burying Beetle’ (54 Fed. Reg. 29652 (July 13, 1989)), the American burying beetle may not be listed as a threatened species or an endangered species under section 1531 et seq. of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).
(B) the International Space Station is a strategic national security asset vital to the continued space exploration and scientific advancements of the United States; and

(C) the United States should be utilized as a testbed to advance human space exploration, scientific discoveries, and United States economic competitiveness and commercial participation.

(2) HUMAN PRESENCE REQUIREMENT.—The United States shall continuously maintain the capability for a continuous human presence in space and ensure the useful life of the International Space Station.

(b) MAINTAINING A NATIONAL LABORATORY IN SPACE.—

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

(A) the United States national laboratory in space, which currently consists of the United States segment of the International Space Station (designated as a national laboratory under section 7006 of title 51, United States Code)—

(i) benefits the scientific community and promotes commerce in space;

(ii) fosters stronger relationships among the National Aeronautics and Space Administration (referred to in this section as "NASA") and other Federal agencies, the private sector, and research groups and universities;

(iii) advances science, technology, engineering, and mathematics education through utilization of the unique microgravity environment; and

(iv) advances human knowledge and international cooperation;

(B) after the International Space Station is decommissioned, the United States should maintain a national microgravity laboratory in space;

(C) in maintaining a national microgravity laboratory described in subparagraph (B), the United States should make appropriate accommodations for different types of ownership and operational structures for the International Space Station and future space stations;

(D) the national microgravity laboratory described in subparagraph (B) should be maintained beyond the date on which the International Space Station is decommissioned, in cooperation with international space partners to the extent practicable; and

(E) NASA should continue to support fundamental science research on future platforms in low-Earth orbit and cis-lunar space, short duration suborbital flights, drop towers, and other microgravity testing environments.

(2) REPORT.—The Administrator of NASA shall produce, in coordination with the National Science Foundation and other Federal agencies as the Administrator considers relevant, a report detailing the feasibility of establishing a microgravity national laboratory Federal Research and Development Center to undertake the work related to the study and utilization of in-space conditions.

(c) CONTINUATION OF AUTHORITY.—

(1) IN GENERAL.—Section 501(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18351(a)) is amended by striking “2024” and inserting “2030”.

(2) MAINTENANCE OF THE UNITED STATES SEGMENT AND ASSURANCE OF CONTINUED OPERATIONS OF THE INTERNATIONAL SPACE STATION.—Section 501 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18353(a)) is amended by striking “2028” and inserting “2030”.

(3) RESEARCH CAPACITY ALLOCATION AND INTEGRATION OF RESEARCH PAYLOADS.—Section 504(d) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18354(d)) is amended by striking “2024” each place it appears and inserting “2030”.

(4) MAINTAINING USE THROUGH AT LEAST 2028.—Section 7007 of title 51, United States Code, is amended—

(A) in the section heading, by striking “2024” and inserting “2028”;

(B) by striking “2024” each place it appears and inserting “2030”;

(C) in the first paragraph, by inserting “and” in place of “but”;

(D) in paragraph (2), by striking “2024” and inserting “2030”;

(E) in paragraph (3), by inserting “and” in place of “but”;

(F) by striking paragraph (4)(B) and inserting the following:

(A) by striking “nor” and inserting “accountability is not”;

(B) by inserting “for what, by law, the agency is responsible” after “under this Act”.

(5) NOTIFICATION OF VIOLATION.—Section 202 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note) is amended by adding at the end the following:

“(d) NOTIFICATION OF FINAL AGENCY ACTION.—

(1) IN GENERAL.—Not later than 90 days after the date on which an event described in paragraph (2) occurs with respect to a finding of discrimination (including retaliation), the head of the Federal agency subject to the finding shall provide notice—

(A) on the public internet website of the agency, in a clear and prominent location linked directly from the home page of that website;

(B) stating that a finding of discrimination (including retaliation) has been made; and

(C) which shall remain posted for not less than 1 year.

(2) EVENTS DESCRIBED.—An event described in paragraph (1) is any determination described in paragraph (1) of the following:

(A) All appeals of a final action by a Federal agency involving a finding of discrimination (including retaliation) prohibited by a provision of law covered by paragraph (1) or (2) of section 201(a) have been exhausted.

(B) All appeals of a final decision by the Equal Employment Opportunity Commission involving a finding of discrimination (including the finding included a finding of retaliation) prohibited by a provision of law covered by paragraph (1) or (2) of section 201(a) have been exhausted.

(C) A court of jurisdiction issues a final judgment involving a finding of discrimination (including retaliation) prohibited by a provision of law covered by paragraphs (1) and (2) of section 201(a).

(D) REPORTING REQUIREMENTS.—

(1) ELECTRONIC FORMAT REQUIREMENT.—(A) IN GENERAL.—Section 203(a) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note) is amended, in the matter preceding paragraph (1), by striking “or” and inserting “and”; in the first sentence, by striking “and” and inserting “or”; and in the second sentence, by striking “of paragraphs (2) and (3)” and inserting “of paragraphs (1) through (3)”. (B) ELECTRONIC FORMAT REQUIREMENT.—Section 203(a) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note) is amended by adding at the end the following:

“(1) ELECTRONIC FORMAT REQUIREMENT.—(A) ELECTRONIC FORM.—Each Federal agency shall ensure that, in an electronic format prescribed by the Director of the Office of Personnel Management, a copy of a provision of law covered by section 201(a)(1) or (2):—

(i) by inserting “and” in place of “or”;

(ii) by striking “two” and inserting “two”;

(iii) by striking “provision of law” and inserting “provision of law”;

(iv) by striking “issued” and inserting “issued or”; and

(v) by inserting “as provided in section 202(a)” in place of “and”.

(B) STATEMENT OF VIOLATION.—Each notice required by paragraph (1) shall state—

(i) the date on which the violation was made; the date on which each discriminatory act was made; and the date on which each violation was made; and

(ii) the date on which the violation was made; the date on which each discriminatory act was made; and the date on which each violation was made;

(iii) the date on which the violation was made; the date on which each discriminatory act was made; and the date on which each violation was made;

(iv) the date on which the violation was made; the date on which each discriminatory act was made; and the date on which each violation was made;

(v) the date on which the violation was made; the date on which each discriminatory act was made; and the date on which each violation was made;

(vi) the date on which the violation was made; the date on which each discriminatory act was made; and the date on which each violation was made;

(vii) the date on which the violation was made; the date on which each discriminatory act was made; and the date on which each violation was made;

(iv) the date on which the violation was made; the date on which each discriminatory act was made; and the date on which each violation was made;

(v) the date on which the violation was made; the date on which each discriminatory act was made; and the date on which each violation was made;

(vi) the date on which the violation was made; the date on which each discriminatory act was made; and the date on which each violation was made;

(vii) the date on which the violation was made; the date on which each discriminatory act was made; and the date on which each violation was made;

(viii) the date on which the violation was made; the date on which each discriminatory act was made; and the date on which each violation was made;

(ix) the date on which the violation was made; the date on which each discriminatory act was made; and the date on which each violation was made;

(x) the date on which the violation was made; the date on which each discriminatory act was made; and the date on which each violation was made;

(xi) the date on which the violation was made; the date on which each discriminatory act was made; and the date on which each violation was made;

(xii) the date on which the violation was made; the date on which each discriminatory act was made; and the date on which each violation was made;

(xiii) the date on which the violation was made; the date on which each discriminatory act was made; and the date on which each violation was made;

(xiv) the date on which the violation was made; the date on which each discriminatory act was made; and the date on which each violation was made;

(xv) the date on which the violation was made; the date on which each discriminatory act was made; and the date on which each violation was made;

(xvi) the date on which the violation was made; the date on which each discriminatory act was made; and the date on which each violation was made;

(xvii) the date on which the violation was made; the date on which each discriminatory act was made; and the date on which each violation was made;

(xviii) the date on which the violation was made; the date on which each discriminatory act was made; and the date on which each violation was made;

(xix) the date on which the violation was made; the date on which each discriminatory act was made; and the date on which each violation was made;

(xx) the date on which the violation was made; the date on which each discriminatory act was made; and the date on which each violation was made;

(2) EVENTS DESCRIBED.—An event described in paragraph (1) with respect to a finding of discrimination (including retaliation) shall—

(A) identify the date on which the finding was made, the date on which each discriminatory act occurred, and the law violated by each such discriminatory act; and

(B) advise Federal employees of the rights and protections available under the provisions of law covered by paragraphs (1) and (2) of section 201(a).”.

(3) CONTENTS.—A notification provided under paragraph (1) with respect to a finding of discrimination (including retaliation) shall—

(A) identify the date on which the finding was made, the date on which each discriminatory act occurred, and the law violated by each such discriminatory act; and

(B) advise Federal employees of the rights and protections available under the provisions of law covered by paragraphs (1) and (2) of section 201(a).”.

(4) NOTIFICATION OF VIOLATION.—Section 202 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note) is amended, in the matter preceding paragraph (1), by striking “Federal employees” and inserting “Federal employees or”.
section of the complaint.

(2) Reporting Requirement for Disciplinary Action—Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note) is amended by adding at the end the following:

"(c) Disciplinary Action Report.—Not later than 120 days after the date on which a Federal agency takes final action, or a Federal agency receives a final decision issued by the Equal Employment Opportunity Commission regarding a finding of discrimination (including retaliation) in violation of a provision of law covered by paragraph (1) or (2) of section 201(a), as applicable, the applicable Federal agency shall submit to the Commission a report stating—

(1) whether disciplinary action has been proposed against a Federal employee as a result of the violation; and

(2) the reasons for any disciplinary action proposed under paragraph (1)."

(e) Data to Be Posted by Employing Federal Agency.—Section 203(b)(3) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note) is amended by adding at the end the following:

"(A) in subparagraph (A), by striking "and" and inserting "; and"; and

(C) by adding at the end the following:

"(C) with respect to each finding described in subparagraph (A)—

(i) the date of the finding,

(ii) the affected Federal agency,

(iii) the law violated, and

(iv) whether a decision has been made regarding disciplinary action as a result of the finding;"; and

"(2) by adding at the end the following:

"(i) Data regarding each class action complaint filed against the agency alleging discrimination (including retaliation), including—

(A) information regarding the date on which each complaint was filed,

(B) a general summary of the allegations alleged in the complaint,

(C) the estimated number of plaintiffs, if known, and

(D) the current status of the complaint, including whether the class has been certified,

(E) the case numbers for the civil actions in discrimination (including retaliation) has been found.

(f) Data to Be Posted by the Equal Employment Opportunity Commission.—Section 202(b)(3) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note) is amended by adding at the end the following:

"SEC. 207. Complaint Tracking.

"Not later than 1 year after the date of enactment of this Act, each Federal agency shall establish a system to track each complaint of discrimination arising under section 202(b)(1) of title 5, United States Code, and each complaint adjudicated through the Equal Employment Opportunity process from the filing of a complaint with the Federal agency to resolution of the complaint, including whether a decision has been made regarding disciplinary action as the result of a finding of discrimination.

"SEC. 208. Notation in Personnel Record.

"If a Federal agency takes an adverse action covered under section 7512 of title 5, United States Code, against a Federal employee, the equal employment opportunity program of the Federal agency shall record the reason for the action in the personnel record of the employee."
SA 2079. Mr. JOHNSON (for himself and Ms. BALDWIN) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 235. AUTHORIZATION FOR POSTHUMOUS AWARD OF THE MEDAL OF HONOR TO JAMES MEGELAS FOR ACTS OF VALOR DURING THE BATTLE OF THE BULGE.

(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section 7274 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may posthumously award the Medal of Honor under section 7271 of such title to James Megelas, formerly of Fond du Lac, Wisconsin, and of Colleyville, Texas, until his death on April 2, 2020, for the acts of valor during World War II described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of James Megelas on January 28, 1945, in Herresbach, Belgium, during the Battle of the Bulge when, as a first lieutenant in the 82nd Airborne Division, he led a surprise and devastating attack on a much larger advancing enemy force, killing and capturing a large number of enemy soldiers and others attempting to flee—heleedly destroying an attacking German Mark V tank with two hand-held grenades, and then leading his men in clearing and seizing Herresbach.

SA 2080. Mr. PORTMAN (for himself and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. 240. ELEMENT IN ANNUAL REPORTS ON CYBER SECURITY AND TECHNOLOGY ACTIVITIES ON WORK WITH ACA-

DENTING CYBERSECURITY RESEARCH ACTIVITIES IN DEPARTMENT OF DEFENSE CAPABILITIES.

Section 240 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 133 Stat. 1291) is amended by adding at end the following new subpara-

graph:

"(J) Efforts to work with academic con-

sortia on high priority cybersecurity re-

search activities."."
(A) supporting the continued efforts of Ukraine to implement democratic and free market reforms;
(B) restoring the territorial integrity of Ukraine and;
(C) providing additional lethal and non-lethal security assistance to strengthen the defense capabilities of Ukraine and to deter further Russian aggression;
(3) condemns the Russian Federation’s ongoing use of force and other malign activities against Ukraine and renews its call on the Government of the Russian Federation to immediately cease all activities that seek to undermine Ukraine and destabilize Europe; and
(4) congratulates Ukraine on its inclusion in the North Atlantic Treaty Organization Enhanced Opportunities Partnership program and on the establishment of a roadmap to full NATO accession for Ukraine.

SA 2082. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 12. SENSE OF SENATE ON UNITED STATES-ISRAEL COOPERATION ON PRECISION-GUIDED MUNITIONS.

It is the sense of the Senate that—
(1) the Department of Defense has cooperated extensively with Israel to assist in the procurement of precision-guided munitions, and such cooperation represents an important example of robust United States support for Israel;
(2) to the extent practicable, the Secretary of Defense should take further measures to expedite, and further the acquisition of precision-guided munitions to Israel; and
(3) regularized annual purchases of precision-guided munitions by Israel, in accordance with existing requirements and practices regarding the export of defense articles and defense services, coordinated with the United States Air Force annual purchase of precision-guided munitions, would enhance the security of both the United States and Israel by—
(A) promoting a more efficient use of defense resources by taking advantage of economies of scale;
(B) enabling the United States and Israel to adhere to common standards and requirements for precision-guided munitions in a timely and flexible manner; and
(C) encouraging the defense industrial base to maintain preferred production lines of precision-guided munitions.

SA 2084. Mr. LEE (for himself and Mr. FAUCI) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 14. ALLIED BURDEN SHARING REPORT.

(a) FINDING; SENSE OF CONGRESS.—
(1) FINDING.—Congress finds that section 1003 of the Department Defense Authorization Act, 1985 (Public Law 98-525; 63 Stat. 2241) (4) APPLICATION OF DISTANCE CRITERION.—

At the appropriate place, insert the following:

SEC. 2241.—

SA 2085. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title III, add the following:

SEC. 333. PROCUREMENT OF MODERN, COMMERCIALY AVAILABLE, AND OFF-THE-SHELF HEALTH AND COMMUNICATION SYSTEM FOR THE UH-72A LAKOTA HELICOPTER.

The Secretary of the Army shall procure a modern, commercially available and off-the-shelf health and communications system for the UH-72A Lakota helicopter to upgrade the existing communications and health monitoring system of such helicopter with a next generation satellite communications system that—
(1) is digital, lightweight, and beyond line-of-sight;
(2) has a push-to-talk radio; and
(3) has voice to internet, real-time fleet health monitoring, and recording capabilities.

SA 2086. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 2241.—

(3) FORM.—Each report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.
(4) AVAILABILITY.—A report submitted under paragraph (1) shall be made available on request to any Member of Congress.
(c) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term “appropriate committees of Congress” means—
(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and
(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

SEC. 2241.—

At the appropriate place, insert the following:

SEC. 2241.—

(4) Application of Distance Criterion.

(A) Each member state of the North Atlantic Treaty Organization.

(B) Each member state of the Gulf Cooperation Council.


(D) Austria.

(E) Japan.

(F) New Zealand.

(G) The Philippines.

(H) South Korea.

At the appropriate place, insert the following:

SEC. 2241.—

(4) Application of Distance Criterion.

(A) Each member state of the North Atlantic Treaty Organization.

(B) Each member state of the Gulf Cooperation Council.


(D) Austria.

(E) Japan.

(F) New Zealand.

(G) The Philippines.

(H) South Korea.

At the appropriate place, insert the following:

SEC. 2241.—

(4) Application of Distance Criterion.

(A) Each member state of the North Atlantic Treaty Organization.

(B) Each member state of the Gulf Cooperation Council.


(D) Austria.

(E) Japan.

(F) New Zealand.

(G) The Philippines.

(H) South Korea.

At the appropriate place, insert the following:

SEC. 2241.—

(4) Application of Distance Criterion.

(A) Each member state of the North Atlantic Treaty Organization.

(B) Each member state of the Gulf Cooperation Council.


(D) Austria.

(E) Japan.

(F) New Zealand.

(G) The Philippines.

(H) South Korea.

At the appropriate place, insert the following:

SEC. 2241.—

(4) Application of Distance Criterion.

(A) Each member state of the North Atlantic Treaty Organization.

(B) Each member state of the Gulf Cooperation Council.


(D) Austria.

(E) Japan.

(F) New Zealand.

(G) The Philippines.

(H) South Korea.
SEC. 4531. DEPARTMENT OF COMMERCE STUDY ON STATUS OF SEMICONDUCTOR TECHNOLOGIES IN THE UNITED STATES INDUSTRIAL BASE.

(a) In General.—Commencing not later than 120 days after the date of the enactment of this Act, the Secretary of Commerce and the Secretary of Homeland Security shall undertake a survey, using authorities in section 705 of the Defense Production Act (50 U.S.C. 4531 et seq.) to establish and enhance a domestic production capability for semiconductor technologies and related technologies, if funding is available for that purpose.

(b) Consultation.—The President shall develop the plan required by paragraph (1) in consultation with the Secretary of Defense, the Secretary of Homeland Security, the Secretary of Commerce, and appropriate stakeholders in the private sector.

SA 2088. Mr. CORNYN submitted an amendment intended to be imposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 4531. PROHIBITION ON PROVISION OF GRANT FUNDS TO ENTITIES THAT HAVE VIOLATED INTELLECTUAL PROPERTY RIGHTS OF UNITED STATES ENTITIES.

Section 47110 of title 49, United States Code, is amended by adding at the end the following:

(1) Prohibition on Provision of Grant Funds to Entities That Have Violated Intellectual Property Rights of United States Entities—

(B) Updates to List.—The Administrator may maintain a list of entities that—

(i) are under common ownership or control with, or are successors to, an entity described in clause (i).

(ii) own or control, or receive subsidies from, the government of a country identified by the Trade Representative...
"(i) not less frequently than every 90 days during the 180-day period following the initial publication of the list under subparagraph (A); and
"(ii) not less frequently than annually during the 5-year period following the 180-day period described in clause (i).

(C) CONTINUATION OF REQUIREMENT TO UPDATE LIST.—
"(i) In general.—Not later than the end of the 5-year period described in subparagraph (B)(i), the Administrator shall make a determination under clause (ii) to determine whether continuing to update the list required by subparagraph (A) is necessary to carry out this subsection.

"(ii) Effect of determination that updates are not necessary.—If the Administrator determines under clause (i) that continuing to update the list required by subparagraph (A) is not necessary, the Administrator shall, not later than 90 days after making the determination, submit to Congress a report on the determination and the reasons for the determination.

SA 2089. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title XII, insert the following:

SEC. 12. BRIEFING TO THE GOVERNMENT OF INDIA ON FIFTH-GENERATION FIGHTER JETS AND REPORT TO CONGRESS ON UNITED STATES-INDIA DEFENSE COOPERATION.

(a) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the Government of India a briefing on the fifth-generation fighter jet program of the United States.

(b) REPORT TO CONGRESS.—Not later than 90 days after the date of the briefing required by subsection (a), the Secretary shall provide to Congress a report on the topics covered in the briefing and recommendations for increasing cooperation between the United States and India as India develops its own fifth-generation fighter jet.

SA 2090. Mr. CORNYN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title XII, insert the following:

SEC. 15. ELIGIBILITY FOR FOREIGN MILITARY SALES AND EXPORT STATUS UNDER ARMS EXPORT CONTROL ACT.

The Arms Export Control Act (22 U.S.C. 2751 et seq.) is amended—
"(1) in sections 3(d)(2)(B), 3(d)(3)(A)(1), 3(d)(5), 21(e)(2)(A), 36(b)(11), 36(b)(2), 36(b)(6), 62(a)(1), and 63(a)(2), by inserting “India,” before “or New Zealand” each place it appears;
"(2) in section 3(b)(2), by inserting “the Government of India,” before “or the Government of New Zealand”; and
"(3) in sections 21(b)(1)(A) and 21(b)(2), by inserting “India,” before “or Israel” each place it appears.

SA 2091. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

SEC. 16. CENTRAL AMERICA STRATEGY.

(a) SHORT TITLE.—This section may be cited as the “Central America Strategy Act of 2020.”

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘appropriate congressional committees’ means—
"(1) the Committee on Foreign Relations of the Senate;
"(2) the Committee on Armed Services of the Senate;
"(3) the Committee on Homeland Security and Governmental Affairs of the Senate;
"(4) the Select Committee on Intelligence of the Senate;
"(5) the Committee on the Judiciary of the Senate;
"(6) the Committee on Finance of the Senate;
"(7) the Committee on Appropriations of the Senate;
"(8) the Committee on Commerce, Science, and Transportation of the Senate;
"(9) the Caucus on International Narcotics Control of the House of Representatives;
"(10) the Committee on Foreign Affairs of the House of Representatives;
"(11) the Committee on Armed Services of the House of Representatives;
"(12) the Committee on Homeland Security of the House of Representatives;
"(13) the Permanent Select Committee on Intelligence of the House of Representatives;
"(14) the Committee on the Judiciary of the House of Representatives;
"(15) the Committee on Energy and Commerce of the House of Representatives; and
"(16) the Committee on Appropriations of the House of Representatives.

(c) STRATEGY.—
"(1) DEVELOPMENT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Homeland Security, the Secretary of Defense, the Director of National Intelligence, the Attorney General, the Secretary of Commerce, the Administrator of the United States Agency for International Development, the Director of the National Drug Control Policy, the Chief Executive Officer of the Development Finance Corporation, and the Chief Executive Officer of the Millennium Challenge Corporation shall develop, consistent with the safeguards protecting certain national security information from unauthorized disclosure, and submit to the appropriate congressional committees a strategy for—
"(A) reducing the flow of narcotics into the United States and by addressing the influence of transnational criminal organizations through law enforcement and cooperation with international partners;
"(B) strengthening democratic institutions, the rule of law, anti-corruption policies, and human rights efforts in Central America; and
"(C) curtailing unauthorized immigration to the United States, and by addressing the root causes of migration in Central America.

(2) ACTIVITIES.—The strategy developed under this subsection shall include—
"(A) actions, in coordination with key partners and allies and employing a whole-of-government approach; and
"(B) supporting anti-corruption efforts that strengthen the capacities of law enforcement, the justice sector, and financial institutions;

(3) ESTABLISHMENT AND REINFORCING REGIONAL COORDINATION.—(A) Trafficking initiatives targeting interdict flow of narcotics, including cocaine, fentanyl, and fentanyl precursors and analogs, being smuggled into the United States;
"(B) establishing and reinforcing regional counter-narcotics trafficking initiatives targeting interdict flow of narcotics, including cocaine, fentanyl, and fentanyl precursors and analogs, being smuggled into the United States;

(4) DETERMINATION.—The Arms Export Control Act (22 U.S.C. 2751 et seq.) is amended—
"(C) in section 3(d)(5), 21(e)(2), by inserting ‘‘the Government of India,’’ before ‘‘or Israel’’ each place it appears.
SA 2092. Mr. CORNYN (for himself, Ms. DUCKWORTH, and Ms. ERNST) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:
At the end of subtitle A of title VI, add the following:

SEC. 2092. CONCLUSION OF PAYED PARENTAL LEAVE UPON DEATH OF CHILD.

Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall amend the regulations prescribed pursuant to subsections (i) and (j) of section 215A of the United States Code, applies extraterritorially; and
(3) Congress can and should make clear that section 114 of title 18, United States Code, applies extraterritorially.

(c) PROTECTION OF OFFICERS AND EMPLOYEES.—Section 215A of title 18, United States Code, is amended—
(1) by inserting ‘‘(a) IN GENERAL.—’’ before ‘‘Whoever’’; and
(2) by adding at the end of the following—
‘‘(b) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial jurisdiction over the conduct prohibited by this section.’’

SA 2094. Mrs. FISCHER submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:
At the end of subtitle B of title III, add the following:

SEC. 2094. SUPPORT AND ENHANCEMENT OF DEFENSE CRITICAL ELECTRIC INFRASTRUCTURE.

(a) ASSISTANCE TO OWNERS AND OPERATORS.—
(1) IN GENERAL.—Subject to the availability of funds provided in any appropriation Act enacted on or after the date of enactment of this Act, the Secretary of Energy may use those funds to assist owners and operators of defense critical electric infrastructure (as defined in section 215A(a) of the Federal Power Act (16 U.S.C. 824o–1(a))) in planning or installing, for a purpose described in paragraph (2)—
(A) new generation, transmission, and distribution assets; or
(B) resiliency upgrades to existing generation, transmission, and distribution assets.
(2) PURPOSES DESCRIBED.—A purpose referred to in paragraph (1) includes—
(A) to enhance the power supply for a critical defense facility designated by the Secretary under section 215A(a) of the Federal Power Act (16 U.S.C. 824o–1(a)), as amended, with respect to generation, transmission, and distribution, as applicable; or
(B) to improve the resilience of the applicable defense critical electric infrastructure against—
(i) physical threats;
(ii) cyber threats; and
(iii) threats posed by extreme weather events or natural disasters, such as hurricanes, tornadoes, floods, and wildfires; or
(C) to make threats similar or closely related to the threats described in clauses (i) through (iii), as determined by the Secretary of Energy.
(3) ANNUAL REPORT.—Beginning with fiscal year 2021, the Secretary of Energy shall submit to the Committees on Armed Services and Energy and Commerce of the House of Representatives an annual report, in classified form, describing each project planned, executed, or completed with assistance provided under paragraph (1).
(b) DURATION OF CRITICAL ELECTRIC INFRASTRUCTURE INFORMATION DESIGNATION.—
(1) IN GENERAL.—Section 215A(d) of the Federal Power Act (16 U.S.C. 824o–1(d)) is amended—
(A) by striking paragraph (9); and
(B) by redesigning paragraphs (10) and (11) as paragraphs (9) and (10), respectively.
(2) APPLICATION TO EXISTING DESIGNATION.— Any information designated as critical electric infrastructure information under section 215A of the Federal Power Act (16 U.S.C. 824o–1) as of the date of enactment of this Act, as so redesignated, is designated as critical electric infrastructure information for a period of not more than 5 years, shall retain that designation until—
(A) the Secretary of Energy or the Federal Energy Regulatory Commission, as applicable, removes the designation in accordance with subsection (d)(9) of that section (as redesignated by paragraph (a)(9));
(B) a court determines that the information was improperly designated as critical electric infrastructure information under subsection (d)(9) of that section (as redesignated by paragraph (a)(9));
(C) a court declares that the information is no longer critical electric infrastructure information under subsection (d)(9) of that section (as redesignated by paragraph (a)(9)); or
(D) the expiration date specified in clause (C).

SA 2095. Mr. PERDUE (for himself, Mrs. Loeffler, and Mr. Johnson) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:
At the appropriate place, insert the following:

SEC. 2095. REMOVING LEGAL BARRIERS RELATING TO THE FEDERAL GOVERNMENT DURING TIMES OF EMERGENCY OR TO PROTECT NATIONAL SECURITY.

(a) DEFINITIONS.—In this section—
(1) AUTHORIZED OFFICIAL.—The term ‘‘authorized official’’ means—
(A) the President;
(B) the head of a responsible Federal department or agency (including the Secretary of Energy, the Secretary of Homeland Security, the Attorney General, and the Director of National Intelligence); or
(C) a designee of an official described in subparagraph (A) or (B);
(2) COVERED ACTIVITY.—The term ‘‘covered activity’’ means any action taken, or refrained from being taken, by a covered entity pursuant to a covered order.
(3) COVERED ENTITY.—
(A) IN GENERAL.—The term ‘‘covered entity’’ means a Federal, State, local, Tribal, or territorial entity or any entity (including a parent, subsidiary, owner, operator, or member of the entity) that owns or operates critical infrastructure, including an entity in one of the following sectors, as identified in Presidential Policy Directive 21, or any successor thereto—
(i) Communications.
(ii) Energy.
(iii) Transportation Systems.
(iv) Water and Wastewater Systems.
(B) EXCLUSIONS.—The term ‘‘covered entity’’ does not include—
(i) a foreign person a transaction of which—
(I) is under review or investigation by the Committees on Foreign Investment in the United States under section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565); or
(II) has been suspended or prohibited by the President following such a review or investigation; or
(ii) an entity subject to an exclusion or revocation order under subchapter III of chapter 14 of title 41, United States Code.

(4) COVERED ORDER.—The term ‘covered order’ means an order to a covered entity made in writing by an authorized official in order to—

(A) an emergency or threat relating to cybersecurity or critical infrastructure; and

(B) any other incident impacting national security.

(5) CRITICAL INFRASTRUCTURE.—The term ‘critical infrastructure’ has the meaning given that term in the Critical Infrastructures Protection Act of 2001 (42 U.S.C. 5195c).

(6) DEFENSE—The term ‘Sector-Specific Agency’ has the meaning given that term in section 2201 of the Homeland Security Act of 2002 (6 U.S.C. 651).

(7) LIABILITY PROTECTION FOR COVERED ENTITIES.—

(a) IN GENERAL.—A covered entity shall not be liable in any action in any Federal, State, local, or Tribal court or in any Federal, State, local, or Tribal department or agency for harm caused by a covered activity if—

(A) the covered entity was acting pursuant to an order within the scope of the applicable covered order;

(B) if appropriate or required, the covered entity was properly licensed, certified, or authorized by appropriate authorities for the activities or practice in the State in which the harm occurred, where the covered activities were or was undertaken within the scope of the applicable covered order;

(C) the harm was not caused by willful or criminal misconduct, gross negligence, recklessness, malfeasance, or flagrant indifference to the rights or safety of the individual harmed by the covered entity; and

(D) the harm was not caused by the covered entity during a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or the owner of the vehicle, craft, or vessel to—

(i) possess an operator’s license; or

(ii) maintain insurance.

(b) CAUSE OF ACTION BARRED.—A cause of action alleging a harm for which a covered entity is protected from liability under paragraph (1) shall not lie or be maintained in any Federal, State, local, or Tribal court or before any Federal, State, local, or Tribal department or agency.

(c) BURDEN OF PROOF.—In an action against a covered entity for harm alleged to have been caused by a covered activity of the covered entity while operating a motor vehicle, vessel, aircraft, or other vehicle, the plaintiff or agency or other entity bringing the action shall have the burden of proving by clear and convincing evidence that—

(i) the covered entity is not entitled to protection from liability for the covered activity under subsection (b); and

(ii) the action or refraining from taking action by the covered entity caused the alleged harm.

(d) COORDINATION OR NOTIFICATION.—

(1) IN GENERAL.—If time permits, an authorized official issuing a covered order that is likely to result in covered activity shall issue the covered order in coordination with the appropriate Sector-Specific Agency and the Director of the Cybersecurity and Infrastructure Security Agency.

(2) TIME LIMITATION.—Time does not permit the coordination described in paragraph (1), an authorized official issuing a covered order described in paragraph (1) shall notify the Sector-Specific Agency and the Director of the Cybersecurity and Infrastructure Security Agency regarding the order at the time the covered order is issued.

(e) SUBSTANTIAL LIMITATIONS AND RESTRICTIONS.—

(1) STANDARDS.—Substantially later than 24 hours after receiving a covered order, a covered entity shall submit to the authorized official issuing the covered order written notice if the covered entity determines that there exists a substantial limitation or restriction on the ability of the covered entity to comply with the covered order, which shall describe the nature of the limitation or restriction and, as applicable, the changes to the covered order necessary to enable the covered entity to implement the covered activity.

(2) IMPLEMENTATION.—

(A) IN GENERAL.—Not later than 90 days after implementing a covered activity pursuant to a covered order, a covered entity shall submit to the authorized official issuing the covered order a written report a written report that outlines—

(i) the implementation of the covered order by the covered entity;

(ii) the impact of any covered activity implemented under the covered order in meeting the intent or stated objectives of the covered order;

(iii) any risks or hazards identified in implementing the covered activity; and

(iv) steps taken to address identified risks and hazards and protect individual rights and public safety.

(B) FAILURE TO SUBMIT.—If a covered entity fails to submit a report required under subparagraph (A) with respect to a covered order, the covered entity shall not receive protection from liability under subsection (b) for any covered activity implemented under such order.

(f) AVAILABILITY OF INFORMATION.—Upon receiving notice or a report under subsection (e), the Federal department or agency that issued the covered order shall determine whether such information should be withheld from public disclosure due to national security reasons or in order to comply with an exemption to section 552(b)(3) of title 5, United States Code.

(g) LIMIT ON USE OF INFORMATION.—Information provided to a Federal department or agency under subsection (e) shall not be directly used by any Federal, State, Tribal, or local government to regulate the lawful activities of any entity.

(h) SAVINGS CLAUSES.—

(1) APPLICABLE LAW.—Nothing in this section affects a public liability action covered by section 178 of the Atomic Energy Act of 1954 (42 U.S.C. 2232a; commonly known as the ‘‘Price-Anderson Act’’).

(2) AVAILABLE DEFENSES.—Nothing in this section undermines or limits the availability of any applicable statutory defense available to a covered entity.

(i) NO NEW AUTHORITY.—Nothing in this section creates any new authorities for any Federal department or agency.

SA 2096. Mr. PERDUE (for himself and Mrs. Loeffler) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 10. JIMMY CARTER NATIONAL HISTORICAL PARK.

(a) IN GENERAL.—The Jimmy Carter National Historic Site shall be designated as the “Jimmy Carter National Historical Park”.

(b) AMENDMENTS TO PUBLIC LAW 100–206.—

(1) IN GENERAL.—If time permits, an authorized official shall issue a covered order.

(2) IN GENERAL.—If time permits, an authorized official shall issue a covered order.

SEC. 10. JIMMY CARTER NATIONAL HISTORICAL PARK.

(a) IN GENERAL.—The Jimmy Carter National Historic Site shall be designated as the “Jimmy Carter National Historical Park”.

(b) AMENDMENTS TO PUBLIC LAW 100–206.—

(1) IN GENERAL.—If time permits, an authorized official shall issue a covered order.

(2) IN GENERAL.—If time permits, an authorized official shall issue a covered order.

SEC. 10. JIMMY CARTER NATIONAL HISTORICAL PARK.

(a) IN GENERAL.—The Jimmy Carter National Historic Site shall be designated as the “Jimmy Carter National Historical Park”.

(b) AMENDMENTS TO PUBLIC LAW 100–206.—

(1) IN GENERAL.—If time permits, an authorized official shall issue a covered order.

(2) IN GENERAL.—If time permits, an authorized official shall issue a covered order.

SEC. 10. JIMMY CARTER NATIONAL HISTORICAL PARK.

(a) IN GENERAL.—The Jimmy Carter National Historic Site shall be designated as the “Jimmy Carter National Historical Park”.

(b) AMENDMENTS TO PUBLIC LAW 100–206.—

(1) IN GENERAL.—If time permits, an authorized official shall issue a covered order.

(2) IN GENERAL.—If time permits, an authorized official shall issue a covered order.

SEC. 10. JIMMY CARTER NATIONAL HISTORICAL PARK.

(a) IN GENERAL.—The Jimmy Carter National Historic Site shall be designated as the “Jimmy Carter National Historical Park”.

(b) AMENDMENTS TO PUBLIC LAW 100–206.—

(1) IN GENERAL.—If time permits, an authorized official shall issue a covered order.

(2) IN GENERAL.—If time permits, an authorized official shall issue a covered order.

SEC. 10. JIMMY CARTER NATIONAL HISTORICAL PARK.

(a) IN GENERAL.—The Jimmy Carter National Historic Site shall be designated as the “Jimmy Carter National Historical Park”.

(b) AMENDMENTS TO PUBLIC LAW 100–206.—

(1) IN GENERAL.—If time permits, an authorized official shall issue a covered order.

(2) IN GENERAL.—If time permits, an authorized official shall issue a covered order.
(b) In general.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended by adding at the end the following:

```
SEC. 2215. CYBERSECURITY ADVISORY COMMISSION.

(a) Establishment.—The Secretary shall establish within the Agency a Cybersecurity Advisory Committee (referred to in this section as the 'Advisory Committee').

(b) Duties.—

(1) In general.—The Advisory Committee shall advise, consult with, report to, and make recommendations to the Director, as appropriate, on the development, refinement, and implementation of policies, programs, planning, and training pertaining to the cybersecurity mission of the Agency.

(2) Recommendations.—

(A) In general.—The Advisory Committee shall develop, at the request of the Director, recommendations for improvements to advance the cybersecurity mission of the Agency and strengthen the cybersecurity of the United States.

(B) Recommendations of subcommittees.—Recommendations agreed upon by subcommittees established under subsection (d) for matters approved by the Advisory Committee before the Advisory Committee submits to the Director the annual report under paragraph (4) for that year.

(3) Periodic reports.—The Advisory Commission shall periodically submit to the Director—

(A) reports on matters identified by the Director; and

(B) reports on other matters identified by a majority of the members of the Advisory Committee.

(4) Annual report.—

(A) In general.—The Advisory Committee shall submit to the Director an annual report providing information on the activities, findings, and recommendations of the Advisory Committee, including its subcommittees, for the preceding year.

(B) Publication.—Not later than 180 days after the date on which the Director receives an annual report for a year under subparagraph (A), the Director shall publish a public version of the report describing the activities of the subcommittees and the recommended actions by the Advisory Committee, including its subcommittees, for the preceding year.

(6) Meetings.—

(A) Terms.—The term of each member of the Advisory Committee shall be 2 years, except that a member may continue to serve until a successor is appointed.

(B) Participation.—The Advisory Committee shall periodically contribute to the participation of a member of the Advisory Committee, including its subcommittees.

(7) Governing Rules.—The Director shall establish rules for the structure and governance of the Advisory Committee and all subcommittees established under subsection (a).

(8) Membership.—

(1) Appointment.

(A) In general.—Not later than 180 days after the date of enactment of the Cybersecurity Advisory Committee Authorization Act of 2020, the Director shall appoint the members of the Advisory Committee.

(B) Composition.—The membership of the Advisory Committee shall consist of not more than 35 individuals.

(C) Representation.—

(i) In general.—The membership of the Advisory Committee shall—

(I) consist of subject matter experts;

(II) be geographically balanced; and

(III) include representatives of State, local, and Tribal governments and of a broad range of industries, which may include the following:

(aa) Defense.

(bb) Education.

(cc) Financial services and insurance.

(dd) Healthcare.

(ee) Manufacturing.

(ff) Media and entertainment.

(gg) Chemicals.

(hh) Retail.

(ii) Transportation.

(jj) Energy.

(kk) Information Technology.

(ll) Communications.

(mmm) Other relevant fields identified by the Director.

(ii) Prohibition.—Not less than 1 member nor more than 3 members may represent any 1 category under clause (i)(III).

(iii) Publication of membership list.—The Advisory Committee shall publish its membership list on a publicly available website not less than once per fiscal year and shall update the membership list as changes occur.

(C) Removal.—The Director may remove a member of the Advisory Committee, at the request of the Advisory Committee, if the member—

(i) is unable to attend a meeting of the Subcommittee;

(ii) has not performed his or her duties;

(iii) has offered a covered incentive; or

(iv) is otherwise not performing his or her duties.

(2) the term 'covered entity' means a private sector entity to which a governmental entity has offered a covered incentive.

(3) the term 'covered incentive' means—

(A) an incentive intended to be proposed by a private sector entity to which a governmental entity has offered a covered incentive;

(B) with respect to a committee of the Advisory Committee, an incentive that is proposed by the Advisory Committee; and

(C) with respect to a committee of the Advisory Committee, an incentive that is proposed by the Advisory Committee and accepted by the committee.

(D) Federal Matching Funds to State Incentives.

(1) Definitions.—In this section—

(A) the term 'appropriate committees of Congress' means—

(i) the Select Committee on Intelligence, the Committee on Commerce, Science, and Transportation, the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(ii) the Permanent Select Committee on Intelligence, the Committee on Energy and Commerce, the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Science, Space, and Technology, and the Committee on Homeland Security and Governmental Affairs of the House;

(B) the term 'covered entity' means a private sector entity to which a governmental entity has offered a covered incentive; and

(C) the term 'covered incentive' means—

(i) a covered incentive to which a governmental entity has offered a covered incentive;
(A) means an incentive offered by a governmental entity to a private entity for the purposes of building within the jurisdiction of the governmental entity, or expanding an existing facility within the jurisdiction of the governmental entity:

(i) a fabrication (or other essential) facility relating to the manufacturing of current or next generation semiconductors;

(ii) a project that establishes the manufacturing of current or next generation semiconductors or the assembly, testing, and packaging of current or next generation semiconductors to provide such an essential facility;

(B) includes any tax incentive (such as an incentive or reduction with respect to employment-related taxes or a tax abatement with respect to personal or real property), a workforce-related incentive (including a grant agreement relating to workforce training or education), any concession with respect to real property, and any other incentive determined appropriate by the Secretary, in consultation with the Secretary of State;

(4) the term "governmental entity" means a State or local government; and

(5) the term "Secretary" means the Secretary of Commerce.

(b) Matching Funds.—

(1) IN GENERAL.—The Secretary shall establish in the Department of Commerce a program that, in accordance with the requirements of this section, provides matching funds to covered entities.

(2) REQUIREMENT.—

(A) In general.—A covered entity that has been offered a covered incentive and that determines, after consultation with the Secretary, in accordance with the applicable federal law, that it has previously received a grant previously made available to a covered entity under this subsection shall be in an extent practicable, ensure that the Secretary approves not less than 1 application submitted by a covered entity under this subsection if—

(i) the Secretary may not approve the application unless the Secretary—

(I) determines that the building or expanding the infrastructure described in subsection (a)(3)(A); and

(ii) determines that building or expanding the facility described in clause (I) is in the interest of the United States; and

(iii) the Secretary may consider whether—

(I) the covered entity has previously received a grant made under this subsection;

(II) the covered entity has benefited from a grant previously made under this subsection; and

(III) the covered entity is located in a State or in a city or county where the per capita income is not greater than the per capita income of the United States.

(B) Priority.—In carrying out this subsection, the Secretary shall, to the maximum extent practicable, ensure that the Secretary approves not less than 1 application with respect to building or expanding a facility that will be primarily, testing, and packaging of current or next generation semiconductors.

(4) Amount.—The amount of matching funds provided by the Secretary to a covered entity under this subsection shall be in an amount that is not less than the value of the applicable covered incentive offered to the covered entity, as determined by the Secretary.

(5) Clawback.—The Secretary shall recover the full amount of matching funds provided to a covered entity under this subsection if—

(A) as of the date that is 5 years after the date on which the Secretary provides the funds to the covered entity, the project to which the applicable covered incentive relates has not been completed, except that the Secretary may issue a waiver with respect to the requirement under this subparagraph if the Secretary determines that issuing such a waiver is appropriate and in the interests of the United States;

(B) during the applicable term with respect to those funds, the covered entity engages in any joint research or technology licensing efforts with—

(i) the Government of the People’s Republic of China, the Government of the Russian Federation, the Government of Iran, or the Government of North Korea; and

(ii) that relates to a sensitive technology or product, as determined by the Secretary.

(c) Consultation and Coordination Requirement.—If a covered entity established under subsection (b), the Secretary shall consult and coordinate with the Secretary of State.

(d) GAO Reviews.—The Comptroller General of the United States shall—

(1) not later than 2 years after the date of enactment of this Act, and biennially thereafter until the date that is 10 years after that date of enactment, conduct a review of the program established under subsection (b), which shall include a determination of the number of instances in which matching funds were provided under that subsection during the period covered by the review in violation of a requirement under this section; and

(2) submit to the appropriate committees of Congress the results of each review conducted under paragraph (1).

(e) Direct Appropriation.—

(1) In General.—There is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated, $10,000,000,000 to carry out this section, to remain available until expended.

(2) Emergency Requirement.—The amount provided pursuant to paragraph (1) shall be made available to the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military activities of the Department of Defense for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1085. FUNDING FOR DEVELOPMENT AND ADOPTION OF SECURE MICROELECTRONICS AND SECURE MICROELECTRONICS SUPPLY CHAINS.—

(a) Multilateral Microelectronics Security Fund.—

(1) Establishment of Fund.—There is established in the Treasury of the United States a fund, to be known as the Multilateral Microelectronics Security Fund (in this section referred to as the "Fund"), consisting of amounts deposited into the Trust Fund under paragraph (2) and any amounts credited to the Trust Fund under paragraph (3).

(2) Authorization of Appropriations.—There are authorized to be appropriated $500,000,000 to the Fund.

(3) Investment of Amounts.—

(A) Investmen of Amounts.—The Secretary of the Treasury shall invest such portion of such Fund as the Secretary determines appropriate and, in the event of any obligation of the United States or in obliga-

(tions guaranteed as to both principal and interest by the United States.

(B) Interest and Proceeds.—The interest on, and the proceeds from the sale or redemption of, any obligations issued under this Fund shall be credited to and form a part of the Fund.

(4) Use of Fund.—

(A) In General.—Subject to subparagraph (B), amounts in the Fund shall be available, as provided in an appropriate appropriations Act, to the Secretary of State—

(i) to provide funding through the common funding mechanism described in subsection (b)(1) to support the development and adoption of secure microelectronics and secure microelectronics supply chains; and

(ii) to otherwise carry out this section.

(B) Availability Contingent on International Agreement.—Amounts in the Fund shall be available to the Secretary of State on and after the date on which the Secretary enters into an agreement with the governments of countries that are partners of the United States to participate in the common funding mechanism under paragraph (1) of subsection (b) and the commitments described in paragraph (2) of that subsection.

(c) Common Funding Mechanism for Development and Adoption of Secure Microelectronics and Secure Microelectronics Supply Chains.—

(1) In General.—The Secretary, in consultation with the Secretary of Commerce, the Secretary of Homeland Security, the Secretary of the Treasury, and the Director of National Intelligence, shall establish a common funding mechanism, in coordination with the governments of countries that are partners of the United States, that uses amounts from the Fund, and amounts contributed for development and adoption of secure microelectronics and secure microelectronics supply chains, including for use in research and development collaborations among countries participating in the common funding mechanism.

(M) Mutual Commitments.—The Secretary of the Treasury, in consultation with the United States Trade Representative and the Secretary of Commerce, shall seek to negotiate a set of mutual commitments with the governments of countries that are partners of the United States upon which to condition any expenditure of funds pursuant to the common funding mechanism described in paragraph (1). Such commitments shall, at a minimum—

(A) establish transparency requirements for any subsidies or other financial benefits (including revenue foregone) provided to microelectronics firms located in or outside such countries;

(B) establish consistent policies with respect to projects that are located in countries participating in the common funding mechanism; and

(ii) do not meet transparency requirements established under subsection (b).

(C) Promote harmonized treatment of microelectronics and verification processes for items being exported to a country considered to be a country cooperating in the common funding mechanism;
CONGRESSIONAL RECORD — SENATE

SA 2101. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle H—Semiconductor Manufacturing Incentives

SEC. 1092. FEDERAL MATCHING FUNDS TO STATE INCENTIVES.

(a) DEFINITIONS.—In this section—

(1) the term—

(A) the Select Committee on Intelligence, the Committee on Commerce, Science, and Transportation, the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Permanent Select Committee on Intelligence, the Committee on Energy and Commerce, the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Science, Space, and Technology, and the Committee on Homeland Security of the House of Representatives;

(2) the term covered entity means a private entity to which a governmental entity has offered a covered incentive;

(3) the term covered incentive—

(A) means an incentive offered by a governmental entity to a private entity comprising the purchase or construction of real property, or the expansion of an existing facility within the jurisdiction of the governmental entity, or expanding an existing facility within that jurisdiction—

(i) any other facility that enables the manufacturing of current or next generation semiconductors or the assembly, testing, and packaging of current or next generation semiconductors;

(ii) any joint research or technology licensing effort—

(1) with the Government of the People’s Republic of China, the Government of the Russian Federation, the Government of Iran, or the Government of North Korea; and

(2) that relates to a sensitive technology or product, as determined by the Secretary.

(C) the term consultation means a consultation with the Secretary of State.

SEC. 1093. REPORT TO CONGRESS.

(a) DEFINITIONS.—In this section—

(1) the term agency means a State or local governmental entity; and

(2) the term governmental entity means the Government of the United States; or

(3) the term covered incentive—

(A) means an incentive offered by a governmental entity to a private entity comprising the purchase or construction of real property, or the expansion of an existing facility within the jurisdiction of the governmental entity, or expanding an existing facility within that jurisdiction—

(i) any other facility that enables the manufacturing of current or next generation semiconductors or the assembly, testing, and packaging of current or next generation semiconductors;

(ii) any joint research or technology licensing effort—

(1) with the Government of the People’s Republic of China, the Government of the Russian Federation, the Government of Iran, or the Government of North Korea; and

(2) that relates to a sensitive technology or product, as determined by the Secretary.

(b) MATCHING FUNDS.—

(1) the term State means a State or local governmental entity;

(2) the term Secretary means the Secretary of Commerce;

(3) the term matching funds means funds from a governmental entity to a covered entity;

(4) the term covered entity means a governmental entity that is engaged in semiconductor-related activities; and

(5) the term covered incentive means a covered incentive offered by a governmental entity to a covered entity.

(c) A NNUAL REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, and biennially thereafter for each fiscal year during which amounts in the Fund are available under subsection (a)(3), the Secretary of State shall submit to Congress a report on the status of the implementation of this section that includes a description of—

(1) any commitments made by the governments of countries that are partners of the United States to provide funding for the construction of a covered facility, including a description of—

(i) the government that made the commitment;

(ii) the amount of funds committed; and

(iii) the progress of the Secretary of State toward entering into an agreement with the government to provide such funds; and

(2) amounts remaining in the Fund;

(3) how, and to whom, amounts have been expended from the Fund;

(4) any additional authorized authorities needed to enhance the effectiveness of the Fund in achieving the security goals of the United States;

(5) the progress of the Secretary of State toward entering into an agreement with the governments of countries that are partners of the United States to participate in the common funding mechanism and the commitments described in subsection (b)(1) and the specific amount so committed;

(6) the criteria established for expenditure of funds through the common funding mechanism;

(7) the terms and conditions that the governments of partner countries will apply to any funds provided under this subsection; and

(8) the number of instances in which matching funds were provided under this subsection during the period covered by the review in violation of a requirement under this section;

(d) DIRECT APPROPRIATION.—

(1) IN GENERAL.—There is appropriated to the Secretary of the Treasury to carry out this Act—

(A) $10,000,000,000; and

(B) such sums as may be necessary to carry out this Act.

(e) USE OF FUNDS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall—

(A) use the amounts provided under paragraph (1) to—

(i) carry out the provisions of this Act; and

(ii) make grants to covered entities.

(B) carry out the provisions of this Act; and

(2) USE OF FUNDS.—The Secretary shall use the amounts provided under paragraph (1) to—

(A) carry out the provisions of this Act; and

(B) make grants to covered entities.

(f) REPORT TO CONGRESS.—Not later than 8 years after the date of enactment of this Act, the Secretary shall include in the budget of the United States for fiscal year 2028 a report on the status of the implementation of this section that includes—

(1) a description of—

(i) the number of covered entities that have received grants made under this subsection or have received matching funds provided under this subsection; and

(ii) the number of grants made under this subsection; and

(2) a description of the use of funds by covered entities under this subsection; and

(3) a description of any actions taken as a result of grants made under this subsection.

SEC. 1094. COMPTROLLER GENERAL REPORT.

(a) DEFINITIONS.—In this section—

(1) the term covered entity means a governmental entity that is engaged in semiconductor-related activities;

(2) the term covered incentive means an incentive offered by a governmental entity to a covered entity; and

(3) the term fiscal year means a fiscal year that is not less than 2 years after the date of enactment of this Act and that is not less than 2 years before the date on which the report required by this section is submitted.

(b) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, and biennially thereafter for each fiscal year during which amounts in the Fund are available under subsection (a)(3), the Secretary shall submit to Congress a report on the status of the implementation of this section that includes a description of—

(1) any commitments made by the governments of countries that are partners of the United States to participate in the common funding mechanism and the commitments described in subsection (b)(1) and the specific amount so committed;

(2) amounts remaining in the Fund;

(3) how, and to whom, amounts have been expended from the Fund;

(4) any additional authorized authorities needed to enhance the effectiveness of the Fund in achieving the security goals of the United States;

(5) the progress of the Secretary of State toward entering into an agreement with the governments of countries that are partners of the United States to participate in the common funding mechanism and the commitments described in subsection (b)(1) and the specific amount so committed;

(6) the criteria established for expenditure of funds through the common funding mechanism;

(7) the terms and conditions that the governments of partner countries will apply to any funds provided under this subsection; and

(8) the number of instances in which matching funds were provided under this subsection during the period covered by the review in violation of a requirement under this section;

(d) DIRECT APPROPRIATION.—

(1) IN GENERAL.—There is appropriated to the Secretary of the Treasury to carry out this Act—

(A) $10,000,000,000; and

(B) such sums as may be necessary to carry out this Act.

(e) USE OF FUNDS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall—

(A) use the amounts provided under paragraph (1) to—

(i) carry out the provisions of this Act; and

(ii) make grants to covered entities.

(B) carry out the provisions of this Act; and

(2) USE OF FUNDS.—The Secretary shall use the amounts provided under paragraph (1) to—

(A) carry out the provisions of this Act; and

(B) make grants to covered entities.

(f) REPORT TO CONGRESS.—Not later than 8 years after the date of enactment of this Act, the Secretary shall include in the budget of the United States for fiscal year 2028 a report on the status of the implementation of this section that includes—

(1) a description of—

(i) the number of covered entities that have received grants made under this subsection or have received matching funds provided under this subsection; and

(ii) the number of grants made under this subsection; and

(2) a description of the use of funds by covered entities under this subsection; and

(3) a description of any actions taken as a result of grants made under this subsection.
4531 et seq.) to establish and enhance a domestic production capability for semiconductor technologies and related technologies, if funding is available for that purpose.

(2) Consultation.—The President shall develop the plan required by paragraph (1) in consultation with the Secretary of Defense, the Secretary of Homeland Security, the Secretary of Commerce, and appropriate stakeholders in the private sector.

SEC. 1093. DEPARTMENT OF COMMERCE STUDY ON THE IMPACT OF SEMICONDUCTOR TECHNOLOGIES IN THE UNITED STATES INDUSTRIAL BASE.

(a) In General.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Commerce and the Secretary of Homeland Security shall undertake a survey, using authorities in section 705 of the Defense Production Act (50 U.S.C. 4555), to assess the capabilities of the United States industrial base to support the national defense in light of the global nature of the supply chain and significant interdependencies between the United States industrial base and the industrial base of foreign countries with respect to the manufacturing and design of semiconductor technologies, if funding is available for that purpose.

(b) Response to Survey.—The Secretary of Commerce shall review and submit with the survey from among all relevant potential respondent, including the following:

(1) Corporations, partnerships, associations, or any other organized groups domiciled in the United States to participate in the common funding mechanism described in subsection (b) and the commitments described in paragraph (2) of that subsection.

(3) Foreign domiciled corporations, partnerships, associations, or any other organized groups with substantial operations or business presence in, or substantial revenues derived from, the United States.

(4) Foreign domiciled corporations, partnerships, associations, or any other organized groups in defense treaty or assistance agreements, or partnerships between such countries or their defense establishments.

(5) Multilateral and bilateral agreements, or any other organized groups domiciled in the United States with operations outside the United States.

(6) Information on critical technology areas impacted by potential disruptions in production of semiconductors, and a detailed description and assessment of the impact of such potential disruptions on such areas.

(7) A description of gaps and vulnerabilities in the semiconductor supply chain and the national industrial supply base.

(8) A list of critical technology areas impacted by potential disruptions in production of semiconductors, and a detailed description and assessment of the impact of such potential disruptions on such areas.

(9) A list of information requests from the Secretary of Commerce, and appropriate stakeholders in the private sector.

(10) Information on any joint ventures, technology licensing agreements, and cooperative research or production arrangements of such entity.

(11) A description of efforts by such entity to evaluate and control supply chain risks it faces.

(12) A list and description of any sales, licensing agreements, or partnerships between such entity and China, People's Republic of China, or People's Liberation Army or People's Armed Police, including any business relationships with entities through which such sales, licensing agreements, or partnerships may occur.

(3) An assessment of the results of the survey.

(b) Report.—The Secretary of Commerce shall, in consultation with the Secretary of Defense and the Secretary of Homeland Security submit to Congress a report on the results of the survey required by subsection (a). The report shall include the following:

(1) An identification of geographic scope of operations.

(2) Information on relevant cost structures.

(3) An identification of types of semiconductor development, manufacture, assembly, test, and packaging equipment in operation at such entity.

(4) An identification of all relevant raw materials and semi-finished goods and components sourced domestically and abroad by such entity.

(5) Specifications of the semiconductors manufactured or designed by such entity, descriptions of the end-uses of such semiconductors, and a description of any technical support provided to end-users of such semiconductors by such entity.

(6) Information on relevant export market sales by such entity.

(7) Information on the financial performance, including income and expenditures, of such entity.

(8) A list of all foreign and domestic subsidies, and any other financial incentives, received by such entity in each market in which sales are made.

(9) A list of information requests from the People's Republic of China to such entity, and a description of the nature of each request and the type of information provided.

(10) Information on any joint ventures, technology licensing agreements, and cooperative research or production arrangements of such entity.

(11) A description of efforts by such entity to evaluate and control supply chain risks it faces.

(12) A list and description of any sales, licensing agreements, or partnerships between such entity and China, People's Republic of China, or People's Liberation Army or People's Armed Police, including any business relationships with entities through which such sales, licensing agreements, or partnerships may occur.

(13) An assessment of the results of the survey.

(c) Information Requested.—The information solicited pursuant to subsection (b) shall include, at minimum, information on the following with respect to the manufacture, design, and end use of semiconductors:

(1) An identification of the geographic scope of operations.

(2) Information on relevant cost structures.

(3) An identification of types of semiconductor development, manufacture, assembly, test, and packaging equipment in operation at such entity.

(4) An identification of all relevant raw materials and semi-finished goods and components sourced domestically and abroad by such entity.

(5) Specifications of the semiconductors manufactured or designed by such entity, descriptions of the end-uses of such semiconductors, and a description of any technical support provided to end-users of such semiconductors by such entity.
(3) how, and to whom, amounts have been expended from the Fund; (4) amounts remaining in the Fund; (5) the progress of the Secretary of State toward entering into an agreement with the governments of countries that are partners of the United States to participate in the common funding mechanism and the commitments described in subsection (d)(4); and (6) any additional authorities needed to enhance the effectiveness of the Fund in achieving the security goals of the United States.

SEC. 1095. ADVANCED SEMICONDUCTOR RESEARCH AND DESIGN.

(a) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ‘‘appropriate committees of Congress’’ means—

(1) the Committee on Intelligence, the Committee on Science, Space, and Transportation, the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Permanent Select Committee on Intelligence, the Committee on Energy and Commerce, the Committee on Foreign Affairs, the Committee on Science, Space, and Technology, and the Committee on Homeland Security and Governmental Affairs of the House of Representatives.

(b) SENES OF CONGRESS.—It is the sense of Congress that the leadership of the United States in semiconductor technology and innovation is critical to the economic growth and national security of the United States.

(c) SUBCOMMITTEE ON SEMICONDUCTOR LEADERSHIP.—

(1) ESTABLISHMENT REQUIRED.—The President shall establish in the National Science and Technology Council a subcommittee on matters related to the leadership of the United States in semiconductor technology and innovation.

(2) DUTIES.—The duties of the subcommittee established under paragraph (1) are as follows:

(A) NATIONAL STRATEGY ON SEMICONDUCTOR RESEARCH.

(1) DEVELOPMENT.—In coordination with the Secretary of Defense, the Secretary of Energy, the Secretary of State, the Secretary of Commerce, and the Secretary of Homeland Security, the National Science Foundation, and the Director of the National Institute of Standards and Technology and in consultation with the semiconductor industry, shall develop a national strategy on semiconductor research and semiconductor security, including guidance for the funding of research.

(2) REPORTING AND UPDATES.—Not less frequently than every 5 years, to update the strategy developed under clause (1) and to submit a revised strategy to the appropriate committees of Congress.

(B) IMPLEMENTATION.—In coordination with the Secretary of Defense, the Secretary of Energy, the Secretary of State, the Secretary of Commerce, and the Secretary of Homeland Security, the National Science Foundation, and the Director of the National Institute of Standards and Technology, on an annual basis coordinate and recommend each agency’s semiconductor related research and development programs and budgets to the Congress with the National Strategy on Semiconductor Research.

(C) FOSTERING COORDINATION OF RESEARCH AND DEVELOPMENT.—To foster the coordination of semiconductor research and development.

(d) NATIONAL SEMICONDUCTOR TECHNOLOGY CENTER.—

(1) ESTABLISHMENT.—The Secretary of Commerce shall establish a national semiconductor technology center to conduct research and prototyping of advanced semiconductor technology to strengthen the economic competitiveness and security of the domestic supply chain, which will be operated as a consortium with participation from the private sector, the Department of Defense, the Department of Energy, and the Secretary of Homeland Security, the National Institute of Standards and Technology, and the National Institute of Standards and Technology.

(2) FUNCTIONS.—The functions of the center established under paragraph (1) shall be as follows:

(A) To conduct advanced semiconductor manufacturing, design, and prototyping research that strengthens the entire domestic ecosystem and is aligned with the National Strategy on Semiconductor Research.

(B) To enhance the effectiveness of the Fund in enhancing the semiconductor industry, the Semiconductor Industry Association, the National Information Technology Council, and the National Institute of Standards and Technology.

(3) COMPONENTS.—The fund established under paragraph (2)(D) shall cover the following:

(A) Advanced metrology and characterization for manufacturing of microchips using 3 nanometer transistor processes or more advanced processes.

(B) Metrology for security and supply chain verification.

(C) Development and new advanced test, assembly and packaging capabilities.

(D) Manufacturing and developing comprehensive curricula needed to support the support the industry sector and ensure the U.S. can build and maintain a trust- and predictable talent pipeline.

(e) AUTHORIZATIONS OF APPROPRIATIONS.—

(1) NATIONAL SEMICONDUCTOR TECHNOLOGY CENTER.—

(A) IN GENERAL.—There is authorized to be appropriated, in addition to amounts otherwise appropriated for the National Semiconductor Technology Center, the following:

(i) of which, $3,000,000,000 shall be available to carry out subsection (d)(2)(C);

(ii) of which, $5,000,000,000 shall be available to carry out subsection (d)(2)(D);

(iv) of which, $500,000,000 shall be available to carry out subsection (d)(2)(D);

(v) amounts remaining in the Fund; (v) of which, $50,000,000 shall be available to carry out subsection (d)(2)(E).

(B) EMERGENCY.—Amounts made available pursuant to subparagraph (A) are designated by Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(C) SEMICONDUCTOR RESEARCH AT THE DEPARTMENT OF ENERGY.—The Department of Energy shall—

(1) E STABLISHMENT.—The Secretary of Energy, to prescribe military activities of the Department of Energy, to prescribe military activities of the Department of Energy.

(2) FUNCTIONS.—The functions of the center established under paragraph (2)(D) shall cover the following:

(A) Research to support the virtualization and automation of maintenance of semiconductor machinery.

(B) Development of new advanced test, assembly and packaging capabilities.

(C) Developing and deploying educational and skills training curricula needed to support the support the industry sector and ensure the U.S. can build and maintain a trust- and predictable talent pipeline.

(D) AUTHORIZATIONS OF APPROPRIATIONS.—

(1) NATIONWIDE SEMICONDUCTOR RESEARCH.

(A) IN GENERAL.—There is authorized to be appropriated, in addition to amounts otherwise appropriated for semiconductor research, the following:

(i) of which, $3,000,000,000 shall be available to carry out subsection (d)(2)(C);

(ii) of which, $5,000,000,000 shall be available to carry out subsection (d)(2)(D);

(iv) of which, $500,000,000 shall be available to carry out subsection (d)(2)(D).

(B) EMERGENCY.—Amounts made available pursuant to subparagraph (A) are designated by Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(C) SEMICONDUCTOR RESEARCH AT THE DEPARTMENT OF DEFENSE.—There is authorized to be appropriated, in addition to amounts otherwise appropriated for semiconductor research, the following:

(1) E STABLISHMENT.—The Secretary of Defense, the Secretary of Defense, to prescribe military activities of the Department of Defense for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, insert the following:

TITLE XV—ENDLESS FRONTIER ACT

SEC. 1701. SHORT TITLE.

This title may be cited as the ‘‘Endless Frontier Act’’.

SEC. 1702. FINDINGS.

Congress finds the following:

SA 2102. Mr. SCHUMER (for himself and Mr. YOUNG) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, insert the following:

TITLE XV—ENDLESS FRONTIER ACT

SEC. 1701. SHORT TITLE.

This title may be cited as the ‘‘Endless Frontier Act’’.

SEC. 1702. FINDINGS.

Congress finds the following:
(1) For over 70 years, the United States has been the unequivocal global leader in scientific and technological innovation, and as a result the people of the United States have benefited from the growth of economic prosperity, and a higher quality of life. Today, however, this leadership position is being eroded and challenged by foreign competitors whom are stealing intellectual property and trade secrets of the United States and aggressively investing in fundamental research and commercialization to dominate key technology fields of the future. While the United States once led the world in the share of our economy invested in research and development, it now ranks 9th globally in total research and development and 12th in publicly financed research and development.

(2) Without a significant increase in investment in research, education, technology transfer, and the core strengths of the United States innovation ecosystem, it is only a matter of time before the global competitors of the United States overtake the United States in terms of technological primacy. The country that wins the race in key technologies such as artificial intelligence, quantum computing, advanced communications, and advanced manufacturing—will be the superpower of the future.

(3) Government must catalyze United States innovation by boosting fundamental research investments focused on discovering, creating, commercializing, and producing technologies that ensure the leadership of the United States in the industries of the future.

(4) The distribution of innovation jobs and investment in the United States has become largely concentrated in just a few locations, while much of the Nation has been left out of growth. The Nation’s sector of highly skilled workers is shrinking, and 90 percent of the Nation’s innovation sector employment growth in the last 15 years was generated in just 5 major cities. The Federal Government must address this imbalance in opportunity by partnering with the private sector to build new technology hubs across the country, spreading innovation sector jobs more broadly, and tapping the talent and potential of the entire Nation to ensure the United States leads the industries of the future.

(5) Since its inception, the National Science Foundation has carried out vital work supporting basic research and people to create knowledge that is a primary driver of growth in the innovation sector. More than 90 percent of the Nation’s innovation sector employment growth in the last 15 years was generated in just 5 major cities. The Federal Government must address this imbalance in opportunity by partnering with the private sector to build new technology hubs across the country, spreading innovation sector jobs more broadly, and tapping the talent and potential of the entire Nation to ensure the United States leads the industries of the future.

(6) Since its inception, the National Science Foundation has carried out vital work supporting basic research and people to create knowledge that is a primary driver of growth in the innovation sector. More than 90 percent of the Nation’s innovation sector employment growth in the last 15 years was generated in just 5 major cities. The Federal Government must address this imbalance in opportunity by partnering with the private sector to build new technology hubs across the country, spreading innovation sector jobs more broadly, and tapping the talent and potential of the entire Nation to ensure the United States leads the industries of the future.

SEC. 1703. NATIONAL SCIENCE AND TECHNOLOGY FOUNDATION.—

(a) REDesignation of National Science Foundation as National Science and Technology Foundation.—

(1) IN GENERAL.—Section 2 of the Act of May 10, 1950 (64 Stat. 149, chapter 171; 42 U.S.C. 1861) is amended—

(A) by striking “a Deputy Director” and inserting “2 Deputy Directors”;

(B) by inserting “and in accordance with the expedited procedures established under section 8A, and the Deputy Director for Science shall oversee, and perform duties relating to, the other activities of the Directorates supported by the Foundation.”;

(2) References.—Any reference in any law, rule, regulation, certificate, directive, in the section heading, by inserting “DEPUTY DIRECTOR” and inserting “DEPUTY DIRECTORS’’;

(3) DIRECTORATE.—The term ‘Directorate’ means the Deputy Director for Science shall act not as the acting Deputy Director for Technology.’’;

(c) ESTABLISHMENT OF DIRECTORATE FOR TECHNOLOGY.—The Act of May 10, 1950 (64 Stat. 149, chapter 171; 42 U.S.C. 1861 et seq.) is amended—

(1) in section 8 (42 U.S.C. 1866), by inserting at the end the following: “Such divisions shall be headed by the Deputy Director for Technology established under section 8A.”;

(2) by inserting after the third sentence the following:

“(1) Definitions.—In this section:

(A) DEPUTY DIRECTOR.—The term ‘Deputy Director’ means the Deputy Director for Technology.

(B) DESIGNATED COUNTRY.—The term ‘designated country’ means a country that has been approved and designated in writing by the President for purposes of this section, after providing—

(A) that not less than 30 days of advance notification and explanation to the relevant congressional committees before the designation; and

(B) in-person briefings to such committees, if requested during the 30-day advance notification period described in subparagraph (A).

(2) DIRECTORATE.—The term ‘Directorate’ means the Directorate for Technology established under section 8A.

(3) ORGANIZATION AND ADMINISTRATIVE MATTERS.—

(A) Hiring authority.—

(I) EXPERTS IN SCIENCE AND ENGINEERING.—The Director shall have the authority to carry out a program of personnel management authority for the Directorate in the same manner, and subject to the same requirements, as the program of personnel management authority for the Director of the Defense Advanced Research Projects Agency for the Oversight and Development, and Transportation Research and Development, and Transportation Research and Development, and Transportation.

(ii) HIGHLY QUALIFIED EXPERTS IN NEEDED OCCUPATIONS.—In addition to the authority described in subparagraph (I), the Director shall have the authority to carry out a program of personnel management authority for the Directorate in the same manner, and subject to the same requirements, as the program of personnel management authority for the Director of the Defense Advanced Research Projects Agency for the Oversight, Development, and Transportation Research and Development, and Transportation.

(iii) APPROPRIATE USE OF PERSONNEL.—The Director may use a peer review process to select personnel for the Directorate in the same manner, and subject to the same requirements, as the program of personnel management authority for the Director of the Defense Advanced Research Projects Agency for the Oversight, Development, and Transportation Research and Development, and Transportation.

(iv) PERSONNEL MANAGEMENT.—The Director shall have the authority to carry out a program of personnel management authority for the Directorate in the same manner, and subject to the same requirements, as the program of personnel management authority for the Director of the Defense Advanced Research Projects Agency for the Oversight, Development, and Transportation Research and Development, and Transportation.

(4) INSTITUTION OF HIGHER EDUCATION.—

The term ‘institution of higher education’ has the meaning given in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(5) KEY TECHNOLOGY FOCUS AREAS.—The term ‘key technology focus areas’ means the focus areas included on the most recent list under subsection (c)(2).

(6) RELEVANT CONGRESSIONAL COMMITTEES.—The term ‘relevant congressional committees’ means—

(A) the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, the Committee on Appropriations, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Science, Space, and Technology, the Committee on Appropriations, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

(c) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of the Endless Frontier Act, the President shall establish in the National Science and Technology Foundation a Directorate for Technology. The Directorate shall carry out the duties and responsibilities described in this section, in order to further the following goals:

(A) Strengthening the leadership of the United States in the key technology focus areas.

(B) Enhancing the competitiveness of the United States in the key technology focus areas by improving education in the key technology focus areas and attracting more students to such areas.

(C) SUPPORTING RESEARCH EFFORTS.—The Directorate shall be headed by the Deputy Director.

(D) ORGANIZATION AND ADMINISTRATIVE MATTERS.—The Directorate shall be headed by the Deputy Director.

(E) SUPPORTING RESEARCH EFFORTS.—The Directorate shall be headed by the Deputy Director.

(F) ORGANIZATION AND ADMINISTRATIVE MATTERS.—The Directorate shall be headed by the Deputy Director.

(G) SUPPORTING RESEARCH EFFORTS.—The Directorate shall be headed by the Deputy Director.

(H) ORGANIZATION AND ADMINISTRATIVE MATTERS.—The Directorate shall be headed by the Deputy Director.

(I) SUPPORTING RESEARCH EFFORTS.—The Directorate shall be headed by the Deputy Director.

(J) ORGANIZATION AND ADMINISTRATIVE MATTERS.—The Directorate shall be headed by the Deputy Director.

(K) SUPPORTING RESEARCH EFFORTS.—The Directorate shall be headed by the Deputy Director.

(L) ORGANIZATION AND ADMINISTRATIVE MATTERS.—The Directorate shall be headed by the Deputy Director.

(M) SUPPORTING RESEARCH EFFORTS.—The Directorate shall be headed by the Deputy Director.

(N) ORGANIZATION AND ADMINISTRATIVE MATTERS.—The Directorate shall be headed by the Deputy Director.

(O) SUPPORTING RESEARCH EFFORTS.—The Directorate shall be headed by the Deputy Director.

(P) ORGANIZATION AND ADMINISTRATIVE MATTERS.—The Directorate shall be headed by the Deputy Director.

(Q) SUPPORTING RESEARCH EFFORTS.—The Directorate shall be headed by the Deputy Director.

(R) ORGANIZATION AND ADMINISTRATIVE MATTERS.—The Directorate shall be headed by the Deputy Director.

(S) SUPPORTING RESEARCH EFFORTS.—The Directorate shall be headed by the Deputy Director.

(T) ORGANIZATION AND ADMINISTRATIVE MATTERS.—The Directorate shall be headed by the Deputy Director.

(U) SUPPORTING RESEARCH EFFORTS.—The Directorate shall be headed by the Deputy Director.

(V) ORGANIZATION AND ADMINISTRATIVE MATTERS.—The Directorate shall be headed by the Deputy Director.

(W) SUPPORTING RESEARCH EFFORTS.—The Directorate shall be headed by the Deputy Director.

(X) ORGANIZATION AND ADMINISTRATIVE MATTERS.—The Directorate shall be headed by the Deputy Director.

(Y) SUPPORTING RESEARCH EFFORTS.—The Directorate shall be headed by the Deputy Director.

(Z) ORGANIZATION AND ADMINISTRATIVE MATTERS.—The Directorate shall be headed by the Deputy Director.

(aa) SUPPORTING RESEARCH EFFORTS.—The Directorate shall be headed by the Deputy Director.

(bb) ORGANIZATION AND ADMINISTRATIVE MATTERS.—The Directorate shall be headed by the Deputy Director.

(cc) SUPPORTING RESEARCH EFFORTS.—The Directorate shall be headed by the Deputy Director.

(dd) ORGANIZATION AND ADMINISTRATIVE MATTERS.—The Directorate shall be headed by the Deputy Director.

(ee) SUPPORTING RESEARCH EFFORTS.—The Directorate shall be headed by the Deputy Director.

(ff) ORGANIZATION AND ADMINISTRATIVE MATTERS.—The Directorate shall be headed by the Deputy Director.

(gg) SUPPORTING RESEARCH EFFORTS.—The Directorate shall be headed by the Deputy Director.

(hh) ORGANIZATION AND ADMINISTRATIVE MATTERS.—The Directorate shall be headed by the Deputy Director.

(ii) SUPPORTING RESEARCH EFFORTS.—The Directorate shall be headed by the Deputy Director.

(jj) ORGANIZATION AND ADMINISTRATIVE MATTERS.—The Directorate shall be headed by the Deputy Director.

(kk) SUPPORTING RESEARCH EFFORTS.—The Directorate shall be headed by the Deputy Director.

(ll) ORGANIZATION AND ADMINISTRATIVE MATTERS.—The Directorate shall be headed by the Deputy Director.

(mm) SUPPORTING RESEARCH EFFORTS.—The Directorate shall be headed by the Deputy Director.

(nn) ORGANIZATION AND ADMINISTRATIVE MATTERS.—The Directorate shall be headed by the Deputy Director.

(oo) SUPPORTING RESEARCH EFFORTS.—The Directorate shall be headed by the Deputy Director.

(pp) ORGANIZATION AND ADMINISTRATIVE MATTERS.—The Directorate shall be headed by the Deputy Director.

(qq) SUPPORTING RESEARCH EFFORTS.—The Directorate shall be headed by the Deputy Director.

(rr) ORGANIZATION AND ADMINISTRATIVE MATTERS.—The Directorate shall be headed by the Deputy Director.

(ss) SUPPORTING RESEARCH EFFORTS.—The Directorate shall be headed by the Deputy Director.
other Assistant Directors of the Foundation are appointed.

"(4) REPORT.—Not later than 120 days after the date of enactment of the Endless Frontier Act, the Director shall prepare and submit a report to the relevant congressional committees regarding the establishment of the Directorate.

"(c) DUTIES AND FUNCTIONS OF THE DIRECTOR.—

"(1) DEVELOPMENT OF TECHNOLOGY FOCUS OF THE DIRECTOR.—The Director, acting through the Deputy Director, shall—

"(i) identify, in consultation with the Board of Advisors, key technology focus areas through fundamental research and other activities described in this subsection and subsection (b)(1), consistent with the most recent report conducted under section 1706(b) of the Endless Frontier Act.

"(2) KEY TECHNOLOGY FOCUS AREAS.—

"(A) INITIAL LIST.—The initial key technology focus areas are—

"(i) artificial intelligence and machine learning;

"(ii) high performance computing, semiconductors, and advanced computer hardware;

"(iii) quantum computing and information systems;

"(iv) robotics, automation, and advanced manufacturing;

"(v) natural or anthropogenic disaster prevention;

"(vi) advanced communications technologies;

"(vii) biotechnology, genomics, and synthetic biology;

"(viii) cybersecurity, data storage, and data management technologies;

"(ix) advanced energy; and

"(x) materials science, engineering, and exploration relevant to the other key technology focus areas described in this subparagraph;

"(B) REVIEW OF KEY TECHNOLOGY FOCUS AREAS AND SUBSEQUENT LISTS.—

"(i) REVIEW OR DELETING KEY TECHNOLOGY FOCUS AREAS.—Beginning on the date that is 4 years after the date of enactment of the Endless Frontier Act, and every 4 years thereafter, the Director, acting through the Deputy Director—

"(I) shall, in consultation with the Board of Advisors, review the list of key technology focus areas; and

"(II) as part of that review, may add or delete key technology focus areas if the competitive threats to the United States have shifted (whether because the United States or other nations have advanced or fallen behind in a technological area), subject to clause (i).

"(ii) REPORT ON KEY TECHNOLOGY FOCUS AREAS.—Not more than 10 key technology focus areas shall be included on the list of key technology focus areas at any time.

"(iii) PUBLIC LAW.—Upon the completion of each review under this subparagraph, the Director shall make the list of key technology focus areas readily available to the public, including by publishing the list in the Federal Register, even if no changes have been made to the prior list.

"(d) ACTIVITIES.—

"(A) IN GENERAL.—In carrying out the duties and functions of the Directorate, the Director, acting through the Deputy Director, may—

"(i) award grants, cooperative agreements, and contracts to—

"(I) individual institutions of higher education for work at centers or by individual researchers or teams of researchers;

"(II) not-for-profit entities;

"(III) agencies of the Executive Branch, as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801); and

"(IV) consortia that—

(1) shall include and be led by an institution of higher education, and may include 1 or more additional institutions of higher education;

(2) may include 1 or more entities described in subclauses (I), (II), and (III) and, if appropriate, for-profit entities, including small businesses; and

(3) make awards in the key technology focus areas.

"(b) development activities are—

"(I) to the other directorates of the Foundation to pursue basic questions about natural and physical phenomena that could enable advances in the key technology focus areas;

"(II) to the Directorate for Social, Behavioral, and Economic Sciences or other relevant directorate of the Foundation to study questions that could affect the design (including human interfaces), operation, deployment, employment, or the social and ethical consequences of technologies in the key technology focus areas; and

"(III) to the Directorate for Education and Human Resources, to the extent necessary to support the creation of a domestic workforce capable of advancing the key technology focus areas;

"(c) provide funds to other Federal research agencies, including the National Institute of Standards and Technology, for intramural or extramural work in the key technology focus areas through research, manufacturing, or other means;

"(d) make awards under the SBIR and STTR programs (as defined in section 9(e) of the Small Business Act (15 U.S.C. 638e(1)), to carry out subparagraph (A), in order to reduce the cost, prototype, in order to reduce the cost, and train professionals in the conduct of research and the development of prototypes, in order to reduce the cost, and train professionals in the conduct of research and the development of prototypes, and to support the early stage development of technologies including—

"(I) certain designated countries; and

"(II) if appropriate, private sector entities; and

"(e) conduct research and development, in the key technology focus areas; and

"(f) conduct outreach and education activities; and

"(g) provide public information.

"(2) USES OF FUNDS.—

"(AA) innovations derived from research and development that occurred during the preceding year pursuant to this paragraph, including—

"(I) certain designated countries; and

"(II) if appropriate, private sector entities; and

"(BB) any funds provided under paragraph (3) to the other Federal research agencies that—

"(II) any funds provided under paragraph (4) to other Federal research agencies.

"(3) PROVIDING SCHOLARSHIPS, FELLOWSHIPS, AND OTHER STUDENT SUPPORT.—

"(A) IN GENERAL.—The Director, acting through the Deputy Director, shall fund under-graduate scholarships, graduate fellowships and traineeships, and postdoctoral student awards in the key technology focus areas.

"(B) any funds provided under paragraph (4) to other Federal research agencies that—

"(II) any funds provided under paragraph (3) to the other Federal research agencies.

"(C) BROADENING PARTICIPATION.—In carrying out this paragraph, the Director, acting through the Deputy Director, shall fund under-graduate scholarships, graduate fellowships and traineeships, and postdoctoral student awards in the key technology focus areas.

"(D) SUPPLEMENT, NOT SUPPLANT.—The Di- rector shall ensure that funds made available under this paragraph are not supplanted and shall not displace funding for any other available support.

"(E) USES OF FUNDS.—

"(i) IN GENERAL.—A center established under a grant or cooperative agreement under paragraph (3)—

"(II) shall use support provided under such paragraph—

"(AA) to carry out fundamental research to advance innovation in the key technology focus areas; and

"(BB) to further the development of innova- tions in the key technology focus areas, in- cluding cooperation activities.

"(F) IN GENERAL.—From amounts made available to the Directorate, the Director shall—

"(i) establish, through a competitive application and peer review process, awards grants to or enter into cooperative agreements with institutions of higher education or consortia described in paragraph (3)(A)(i)(III) to establish university technology centers.

"(ii) carry out subparagraph (A) by providing funds—

"(III) to the Director for Education and Human Resources of the Foundation for—

"(I) awards directly to students; and

"(II) grants or cooperative agreements to institutions of higher education, including universities that have engaged in opera- tions in university technology centers established under paragraph (6); and

"(III) to programs in Federal research agen- cies that have experience awarding such scholarships, fellowships, traineeships, or postdoctoral awards.

"(II) NATIONAL LABORATORIES.—Executing this section, the Director and the Deputy Director shall work cooperatively with each other and with other Federal research agencies, including the National Science Foundation, including—

"(I) to the other directorates of the Foundation to pursue basic questions about natural and physical phenomena that could enable advances in the key technology focus areas;
S3536

CONGRESSIONAL RECORD — SENATE

June 25, 2020

“(BB) through the use of public-private partnerships; and
“(II) may use support provided under such subparagraph—
“(aa) for the costs of equipment, including mid-tier infrastructure, and the purchase of cyberinfrastructure resources, including computer time; or
“(bb) for other activities or costs necessary to accomplish the purposes of this section.

“(II) SUPPORT OF REGIONAL TECHNOLOGY HUBS.—Each center established under subparagraph (A) may support and participate in, as appropriate, activities of a regional technology hub designated under section 27(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3722d).

“(C) SELECTION PROCESS.—In selecting recipients under this paragraph, the Director, acting through the Deputy Director, shall consider—

“(i) the capacity of the applicant to pursue and advance fundamental research, particularly research on questions not being widely pursued elsewhere in academia or in industry;

“(ii) the extent to which the applicant’s proposed research would be likely to advance progress in 1 or more key technology focus areas;

“(iii) the capacity of the applicant to engage industry in building on any advances; and

“(iv) in the case of a consortium, the range of institutions of higher education participating in the consortium, including whether the consortium includes historically Black colleges or universities, minority-serving institutions, or other institutions capable of involving underrepresented minorities in the proposed project.

“(D) PROJECTS.—The Director shall ensure that any institution of higher education or consortium receiving a grant or cooperative agreement under subparagraph (A) has demonstrated an ability to advance the goals described in subsection (b)(1).

“(7) MOVING TECHNOLOGY FROM LABORATORY TO MARKET.

“(A) PROGRAM AUTHORIZED.—The Director shall establish a program in the Directorate to award grants, on a competitive basis, to institutions of higher education or consortia described in paragraph (3)(A)(iii) to establish test beds and fabrication facilities to advance the operation, integration and, as appropriate, the commercialization of innovative technologies in the key technology focus areas, which may include hardware or software. The goal of such test beds and facilities shall be to accelerate the movement of innovative technologies into the commercial market through existing and new companies.

“(B) PROPOSALS.—A proposal submitted under this paragraph shall, at a minimum, describe—

“(i) the steps the applicant will take to reduce the risks for commercialization for new technologies;

“(ii) why such steps are likely to be effective; and

“(iii) how such steps differ from previous efforts to reduce the risks for commercialization for new technologies.

“(C) USE OF FUNDS.—A recipient of a grant under this paragraph shall use grant funds to reduce the risks for commercialization for new technologies developed on campus, which may include—

“(i) creating and funding competitions to allow entrepreneurial ideas from institutions of higher education to illustrate their commercialization potential;

“(ii) establishing test beds and fabrication facilities between local and national business leaders and potential entrepreneurs to encourage successful commercialization;

“(iii) providing off-campus facilities for start-ups where technology maturation could occur;

“(iv) revising institution policies to accomplish the goals of this paragraph.

“(8) TEST BEDS.—

“(A) PROGRAM AUTHORIZED.—The Director, acting through the Deputy Director, shall establish a program in the Directorate to award grants on a competitive basis, to institutions of higher education or consortia described in paragraph (3)(A)(iii) to establish test beds and fabrication facilities to advance the operation, integration and, as appropriate, the commercialization of civilian technologies.

“(B) PROPOSALS.—A proposal submitted under this paragraph shall, at a minimum, describe—

“(i) the capacity of the applicant to pursue and advance fundamental research, particularly research on questions not being widely pursued elsewhere in academia or in industry;

“(ii) the extent to which the applicant’s proposed research would be likely to advance progress in 1 or more key technology focus areas;

“(iii) the capacity of the applicant to engage industry in building on any advances; and

“(iv) in the case of a consortium, the range of institutions of higher education participating in the consortium, including whether the consortium includes historically Black colleges or universities, minority-serving institutions, or other institutions capable of involving underrepresented minorities in the proposed project.

“(C) SELECTION PROCESS.—In selecting recipients under this paragraph, the Director, acting through the Deputy Director, shall consider—

“(i) the capacity of the applicant to pursue and advance fundamental research, particularly research on questions not being widely pursued elsewhere in academia or in industry;

“(ii) the extent to which the applicant’s proposed research would be likely to advance progress in 1 or more key technology focus areas;

“(iii) the capacity of the applicant to engage industry in building on any advances; and

“(iv) in the case of a consortium, the range of institutions of higher education participating in the consortium, including whether the consortium includes historically Black colleges or universities, minority-serving institutions, or other institutions capable of involving underrepresented minorities in the proposed project.

“(D) REQUIREMENTS.—The Director shall establish a program in the Directorate to award grants, on a competitive basis, to institutions of higher education or consortia described in paragraph (3)(A)(iii) to establish test beds and fabrication facilities to advance the operation, integration and, as appropriate, the commercialization of civilian technologies.

“(E) DURATION.—A grant awarded under this subparagraph shall be for 5 years, with the possibility of one 3-year extension.

“(F) REPORTS.—The Director shall submit annual reports to the Appropriations Committees on the results of the work conducted under this paragraph.

“(9) INAPPLICABILITY.—Section 5(e)(1) shall not apply to grants, contracts, or other arrangements made under this section.

“(4) BOARD OF ADVISORS.—

“(1) IN GENERAL.—There is established in the Foundation a Board of Advisors for the Directorate (referred to in this section as the ‘Board of Advisors’), which shall provide advice to the Deputy Director pursuant to this subsection. The Board of Advisors shall not have any decision-making authority.

“(2) MEMBERSHIP.—

“(A) COMPOSITION.—The Board of Advisors shall be comprised of 12 members representing scientific leaders and experts from industry and academia, of whom—

“(i) 2 shall be appointed by the majority leader of the Senate;

“(ii) 2 shall be appointed by the minority leader of the Senate;

“(iii) 2 shall be appointed by the Speaker of the House of Representatives;

“(iv) 2 shall be appointed by the minority leader of the House of Representatives; and

“(v) 4 shall be appointed by the Director.

“(B) OPPORTUNITY FOR INPUT.—Before appointing any member under subparagraph (A), the appointing authority shall provide an opportunity for the National Academies of Sciences, Engineering, and Medicine and other entities to provide advice regarding potential appointees.

“(C) QUALIFICATIONS.—

“(i) IN GENERAL.—Each member appointed under subparagraph (A) shall—

“(I) have extensive experience in a field related to the work of the Directorate, or other expertise relevant to developing technology roadmaps; and

“(II) have, or be able to obtain within a reasonable period of time, a security clearance appropriate for the work of the Board of Advisors.

“(ii) EXPEDITED SECURITY CLEARANCES.—The process of obtaining a security clearance under clause (i)(II) may be expedited by the head of the appropriate Federal agency to enable the Board to receive classified briefings on the current and future technological capacity of other nations, and on the military implications of civilian technologies.

“(D) DATE.—The appointments of the members of the Board of Advisors shall not be made later than 90 days after the date of enactment of the Endless Frontier Act.

“(E) PERIOD OF APPOINTMENT; VACANCIES.—

“(i) PERIOD OF APPOINTMENT.—A member of the Board of Advisors shall be appointed for a 3-year term, except that the Deputy Director shall adjust the terms for the first members of the Board of Advisors so that each appointment category described in clauses (i) through (v) of paragraph (2)(A), the terms expire on a staggered basis.

“(ii) TERM LIMITS.—A member of the Board of Advisors shall not serve for more than 2 full consecutive terms.

“(F) VACANCIES.—Any vacancy in the Board of Advisors shall—

“(i) shall not affect the powers of the Board of Advisors; and

“(ii) shall be filled in the same manner as the original appointment.

“(G) CHAIRPERSON.—The members of the Board of Advisors shall elect 1 member to serve as the chairperson of the Board of Advisors.

“(5) MEETINGS.—

“(A) INITIAL MEETING.—Not later than 180 days after the date of enactment of the Endless Frontier Act, the Board of Advisors shall hold the first meeting of the Board of Advisors.

“(B) ADDITIONAL MEETINGS.—After the first meeting of the Board of Advisors, the Board of Advisors shall meet upon the call of the chairperson or of the Director, and at least

December 11, 2019

(S. 3536) .

(Congressional Record)
once every 180 days for the duration of the Board of Advisors.

"(C) MEETING WITH THE NATIONAL SCIENCE BOARD.—The Board of Advisors shall hold a joint meeting with the National Science Board on at least an annual basis, on a date mutually selected by the chairperson of the Board of Advisors and the Chairman of the National Science Board, to receive the performance of services for the Board of Advisors.

"(D) QUORUM.—A majority of the members of the Board of Advisors shall constitute a quorum, but a lesser number of members may meet and act at such times and places, take such testimony and evidence (including classified testimony and evidence), and administer such oaths as may be necessary to carry out the functions of the Board of Directors under paragraph (6).

"(B) NO ROLE IN AWARDDING GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS.—The Board of Advisors shall not provide advice on or otherwise help determine what entities shall receive grants, contracts, or cooperative agreements under this Act.

"(E) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairperson of the Board of Advisors, with approval from the Deputy Director, may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

"(F) INTERIM PROVISIONS.—A Federal department or agency may provide temporary or intermittent services under section 3109(b) of title 5, United States Code, for the Board of Advisors, with approval from the Deputy Director, to support the activities of the Board of Advisors.

"(G) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairperson of the Board of Advisors, with approval from the Deputy Director, may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

"(H) PERMANENT BOARD.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board of Advisors.

"(I) AREAS OF FUNDING SUPPORT.—Subject to the availability of funds under subsection (f), the Director shall, for each fiscal year, use—

"(1) not less than 35 percent of funds provided to the Directorate for such year to carry out subsection (c)(5) with the goal of awarding, across the key technology focus areas—

"(A) not fewer than 1,000 post-doctorate fellowships;

"(B) not fewer than 2,000 graduate fellowships and traineeships;

"(C) not fewer than 1,000 undergraduate scholarships;

"(D) if funds remain after carrying out subparagraphs (A) through (C), grants to institutions of higher education to enable the institutions to fund the development and establishment of new or specialized courses of education for graduate, undergraduate, or technical college students;

"(2) not less than 5 percent of such funds to carry out subsection (c)(7);

"(3) not less than 10 percent of such funds to carry out subsection (c)(8); and

"(4) not less than 15 percent of such funds to carry out subsection (c)(9).

"(J) SELECTION PROCESSES OF THE FOUNDATION.—Nothing in this Act shall be construed to permit the Foundation to fund classified information to be used to support the activities of the Board of Advisors.

"(K) RULES OF CONSTRUCTION.—

"(1) No classified research.—Nothing in this Act shall be construed to permit the Foundation to fund classified information to be used to support the activities of the Board of Advisors.

"(2) No alterations of other missions or selection processes of the Foundation.—Nothing in this section or any other amendment made by this Act is less than the total amount appropriated to the Foundation (not including amounts appropriated for the Enduring Frontier Act) to the National Science Board.

"(L) ANNUAL REPORT ON UNFUNDED PRIORITIES.—

"(1) ANNUAL REPORT.—Not later than 10 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Director shall submit to the President and to Congress a report on the unfunded priorities of the National Science Foundation to serve as an executive director for the Board of Advisors.

"(2) ELEMENTS.—Each report submitted under paragraph (1) shall provide—

"(A) for each directorate of the National Science Foundation for the most recent, fully completed fiscal year—

"(i) the proposal success rate;

"(ii) the percentage of proposals that were not funded and that met the criteria for funding;

"(iii) the most promising research areas covered by proposals described in clause (ii); and

"(B) a list, in order of priority, of the next activities that should be undertaken in the Major Research Equipment and Facilities Construction account.

SEC. 1704. REGIONAL TECHNOLOGY HUB PROGRAM.

(a) DEFINITIONS.—

"(1) TECHNOLOGY FOCUS AREAS.—Subsection (a) of section 27 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 7222) is amended—

"(A) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

"(B) by inserting after paragraph (1) the following:

"(2) KEY TECHNOLOGY FOCUS AREAS.—The term `key technology focus areas' means the areas included on the most recent list under section 3(a)(2) of the Act of May 10, 1950 (64 Stat. 149, chapter 171; 42 U.S.C. 1861 et seq.)."

(2) VENTURE DEVELOPMENT ORGANIZATIONS.—Paragraph (5) of section 3(a), as redesignated by paragraph (1) of this subsection, is amended by striking ‘purposes
of" and all that follows through the period at the end and inserting the following: "purposes of—

(A) accelerating the commercialization of research and development to commercial adoption, or deployment of technology; and

(B) strengthening the competitive position of industry through the development, commercial adoption, or deployment of technology.

"(C) providing financial grants, loans, direct financial investment, or in-kind services to commercialize technology.

"(D) providing for the commercialization of technology hubs, in the case of—

(1) providing that the commercialization of technology hubs shall be carried out by an institution of higher education, a State, or a consortium of States

(2) providing that the commercialization of technology hubs shall be carried out by a non-profit economic development organization or similar entity that is focused primarily on improving science, technology, innovation, or entrepreneurship; and

(3) providing that the commercialization of technology hubs shall be carried out by a public or private entity that is focused on improving the competitiveness of a particular region.

"(E) to develop the region's skilled workforce through the training and retraining of workers and alignment of career technical training and educational programs in the region's elementary and secondary schools and institutions of higher education.

"(II) to develop regional strategies for infrastructure improvements and site development in support of the regional technology hub's plans and programs;

"(III) to support business activity that develops the domestic supply chain and encourages the creation of new business enterprises;

"(IV) to attract new private, public, and philanthropic investment in the region for developing innovation capacity, including establishing regional venture and loan funds for financing technology commercialization, new business formation, and business expansions;

"(V) to further the development of innovations in the key technology focus areas, including innovations derived from research conducted at institutions of higher education or other research entities, including research conducted by 1 or more university technology centers established under section 8A(c)(6)(A) of the Act of May 10, 1959 (64 Stat. 149, chapter 171; 42 U.S.C. 1681 et seq.), through activities that may include—

"(aa) proof-of-concept development and prototyping;

"(bb) public-private partnerships in order to reduce the cost, time, and risk of commercializing new technologies;

"(cc) creating and funding competitions to allow entrepreneurial ideas from institutions of higher education to illustrate their commercialization potential;

"(dd) facilitating mentorships between local and national business leaders and potential entrepreneurs to encourage successful commercialization;

"(ee) creating and funding for-profit or not-for-profit entities that could enable researchers at institutions of higher education and other research entities to further develop new technology prior to seeking commercial financing, through patient funding, advice, staff support, or other means; and

"(ff) providing facilities for companies where technology maturation could occur; and

"(VI) to carry out such other activities as the Secretary considers appropriate to improve United States competitiveness and regional economic development to support a technology focus area and that would further the purposes of the Endless Frontiers Act.

(4) APPLICATIONS.—

(A) IN GENERAL.—An eligible consortium seeking designation as a regional technology hub under clause (i) of paragraph (1)(A) and support under clause (i) of such paragraph shall submit to the Secretary an application therefor at such time, in such manner, and containing such information as the Secretary may specify.

(B) CONSULTATION WITH NATIONAL SCIENCE FOUNDATION UNIVERSITY TECHNOLOGY CENTERS.—In preparing an application for submittal under subparagraph (A), an applicant shall, to the extent practicable, consult with one or more university technology centers established under section 8A(c)(6)(A) of the Act of May 10, 1959 (64 Stat. 149, chapter 171; 42 U.S.C. 1681 et seq.) that are either geographically relevant or are conducting research on relevant key technology focus areas.

(C) ADMINISTRATION.—The Secretary shall carry out the program under this subsection through the Assistant Secretary for Commerce for Economic Development and the Under Secretary for Commerce for Standards and Technology, jointly.

"(1) DESIGNATION OF REGIONAL TECHNOLOGY HUBS.—

(A) IN GENERAL.—The Secretary shall use a competitive process for the designation of regional technology hubs under paragraph (1)(A).

(B) NUMBER OF REGIONAL TECHNOLOGY HUBS.—During the 5-year period beginning on the date of the enactment of the Endless Frontier Act, the Secretary shall designate not fewer than 10 and not more than 15 eligible consortia as regional technology hubs under paragraph (1)(A).

(C) ADMINISTRATION.—The Secretary shall carry out this subsection through the Assistant Secretary for Commerce for Economic Development and the Under Secretary for Commerce for Standards and Technology, jointly.

"(2) DESIGNATION OF REGIONAL TECHNOLOGY HUBS.—

(A) IN GENERAL.—The Secretary shall use a competitive process for the designation of regional technology hubs under paragraph (1)(A).

(B) NUMBER OF REGIONAL TECHNOLOGY HUBS.—During the 5-year period beginning on the date of the enactment of the Endless Frontier Act, the Secretary shall designate not fewer than 10 and not more than 15 eligible consortia as regional technology hubs under paragraph (1)(A).

(C) ADMINISTRATION.—The Secretary shall carry out this subsection through the Assistant Secretary for Commerce for Economic Development and the Under Secretary for Commerce for Standards and Technology, jointly.

"(V) TO FURTHER THE DEVELOPMENT OF INNOVATIONS IN THE KEY TECHNOLOGY FOCUS AREAS, INCLUDING INNOVATIONS DERIVED FROM RESEARCH CONDUCTED AT INSTITUTIONS OF HIGHER EDUCATION OR OTHER RESEARCH ENTITIES, INCLUDING RESEARCH CONDUCTED BY 1 OR MORE UNIVERSITY TECHNOLOGY CENTERS ESTABLISHED UNDER SECTION 8A(C)(6)(A) OF THE ACT OF MAY 10, 1959 (64 STAT. 149, CHAPTER 171; 42 U.S.C. 1681 ET SEQ.), THROUGH ACTIVITIES THAT MAY INCLUDE—

"(1) accelerating the commercialization of research and development to commercial adoption, or deployment of technology;

"(2) strengthening the competitive position of industry through the development, commercial adoption, or deployment of technology; and

"(3) providing financial grants, loans, direct financial investment, or in-kind services to commercialize technology.

"(V) TO FURTHER THE DEVELOPMENT OF INNOVATIONS IN THE KEY TECHNOLOGY FOCUS AREAS, INCLUDING INNOVATIONS DERIVED FROM RESEARCH CONDUCTED AT INSTITUTIONS OF HIGHER EDUCATION OR OTHER RESEARCH ENTITIES, INCLUDING RESEARCH CONDUCTED BY 1 OR MORE UNIVERSITY TECHNOLOGY CENTERS ESTABLISHED UNDER SECTION 8A(C)(6)(A) OF THE ACT OF MAY 10, 1959 (64 STAT. 149, CHAPTER 171; 42 U.S.C. 1681 ET SEQ.), THROUGH ACTIVITIES THAT MAY INCLUDE—

"(I) AN INSTITUTION OF HIGHER EDUCATION; OR

"(II) A LOCAL OR TRIBAL GOVERNMENT OR OTHER POLITICAL SUBDIVISION OF A STATE;

"(III) A PRIMARY OR SECONDARY EDUCATIONAL INSTITUTION, INCLUDING CAREER AND TECHNICAL EDUCATION SCHOOLS;

"(IV) WORKFORCE TRAINING ORGANIZATIONS, INCLUDING WORKFORCE DEVELOPMENT BOARDS AS ESTABLISHED UNDER SECTION 101 OF THE WORKFORCE INVESTMENT AND OPPORTUNITY ACT (29 U.S.C. 3111);

"(V) AN INDUSTRY ASSOCIATION;

"(VI) A STATE, A CONGRESSIONAL DISTRICT, OR A REGIONAL OR NATIONAL ORGANIZATION REPRESENTATIVE OF THE GEOGRAPHIC COVERAGE OF THE UNITED STATES;

"(VII) A NONPROFIT ECONOMIC DEVELOPMENT OR SIMILAR ENTITY THAT IS FOCUSED PRIMARILY ON IMPROVING SCIENCE, TECHNOLOGY, INNOVATION, OR ENTREPRENEURSHIP;

"(VIII) A LOCAL OR TRIBAL GOVERNMENT OR OTHER POLITICAL SUBDIVISION OF A STATE;

"(IX) AN INSTITUTION OF HIGHER EDUCATION;

"(X) A PRIMARY OR SECONDARY EDUCATIONAL INSTITUTION, INCLUDING CAREER AND TECHNICAL EDUCATION SCHOOLS;

"(XI) AN INDIAN TRIBE OR TRIBAL ORGANIZATION;

"(XII) MANUFACTURING USA INSTITUTES (AS DEScribed in section 34(d) OF THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT (15 U.S.C. 278a(d));

"(XIII) NATIONAL LABORATORIES (AS defined in section 2 OF THE ENERGY POLICY ACT OF 2005 (42 U.S.C. 15801));

"(XIV) A FEDERAL AGENCY, INCLUDING A FEDERAL LABORATORY OR LABORATORY AFFILIATE ESTABLISHED UNDER THE FEDERAL LABORATORY COOPERATIVE AGREEMENT ACT OF 1984 (15 U.S.C. 3701 ET SEQ.);

"(XV) AN INSTITUTION RECEIVING A NATIONAL SCIENCE FOUNDATION UNIVERSITY TECHNOLOGY CENTER AWARD AWARD OR AWARD FOR THE PROGRAM TO STIMULATE COMPETITIVE RESEARCH OF THE NATIONAL SCIENCE FOUNDATION;

"(XVI) A GRANT-OR COOPERATIVE AGREEMENT AWARDEE AUTHORIZED TO RECEIVE FUNDING FROM THE NATIONAL SCIENCE FOUNDATION FOR FINANCING TECHNOLOGY COMMERCIALIZATION, NEW BUSINESS FORMATION, AND BUSINESS EXPANSIONS;

"(XVII) A FOUNDATION RECEIVING A NATIONAL SCIENCE FOUNDATION UNIVERSITY TECHNOLOGY CENTER AWARD AWARD OR AWARD FOR THE PROGRAM TO STIMULATE COMPETITIVE RESEARCH OF THE NATIONAL SCIENCE FOUNDATION;

"(XVIII) A FEDERAL AGENCY, INCLUDING A FEDERAL LABORATORY OR LABORATORY AFFILIATE ESTABLISHED UNDER THE FEDERAL LABORATORY COOPERATIVE AGREEMENT ACT OF 1984 (15 U.S.C. 3701 ET SEQ.);

"(XIX) AN INSTITUTION RECEIVING A NATIONAL SCIENCE FOUNDATION UNIVERSITY TECHNOLOGY CENTER AWARD AWARD OR AWARD FOR THE PROGRAM TO STIMULATE COMPETITIVE RESEARCH OF THE NATIONAL SCIENCE FOUNDATION;

"(XX) A GRANT-OR COOPERATIVE AGREEMENT AWARDEE AUTHORIZED TO RECEIVE FUNDING FROM THE NATIONAL SCIENCE FOUNDATION FOR FINANCING TECHNOLOGY COMMERCIALIZATION, NEW BUSINESS FORMATION, AND BUSINESS EXPANSIONS;

"(XXI) AN INDIAN TRIBE OR TRIBAL ORGANIZATION;

"(XXII) A PRIMARY OR SECONDARY EDUCATIONAL INSTITUTION, INCLUDING CAREER AND TECHNICAL EDUCATION SCHOOLS;

"(XXIII) AN INSTITUTION OF HIGHER EDUCATION;

"(XXIV) A PRIMARY OR SECONDARY EDUCATIONAL INSTITUTION, INCLUDING CAREER AND TECHNICAL EDUCATION SCHOOLS;

"(XXV) A STATE, A CONGRESSIONAL DISTRICT, OR A REGIONAL OR NATIONAL ORGANIZATION REPRESENTATIVE OF THE GEOGRAPHIC COVERAGE OF THE UNITED STATES;
under paragraph (1)(A), the Secretary shall consider, at a minimum, the following:

(A) The potential of the eligible consortium to advance the development of new technology, including the potential for small and medium-size enterprises to commercialize new technologies and develop new supply chains in the United States in a key technology focus area.

(B) The likelihood of positive regional economic effect, including increasing the number of high wage jobs, and creating new economic opportunities for economically disadvantaged populations.

(C) How the eligible consortium plans to integrate with and leverage the resources of one or more university technology centers established under section 8A(c)(6) of the Act of May 10, 1950 (64 Stat. 149, chapter 171; 42 U.S.C. 278c et seq.), in a related key technology focus area.

(D) How the eligible consortium will engage with the private sector, including small and medium-sized enterprises, to commercialize new technologies and develop new supply chains in the United States in a key technology focus area.

(E) How the eligible consortium will carry out workforce development and skills acquisition programming, including through the use of apprenticeships, mentorships, and other programs authorized by the Secretary, to support the development of a key technology focus area.

(F) How the eligible consortium will improve the development of technology, engineering, and mathematics education programs in the identified region in elementary and secondary school and higher education institutions in the region, and regional technology hubs designated under this subsection, if applicable.

(G) How the eligible consortium plans to develop partnerships with venture development organizations and sources of private investment in support of private sector activity, including those new or expanding existing companies, in a key technology focus area.

(H) How the eligible consortium plans to engage the activities of regional partners in the public, private, and philanthropic sectors in support of the proposed regional technology hub, including the development of necessary infrastructure improvements and site preparation.

(I) How the eligible consortium plans to address economic inclusion, including ensuring the alignment of the eligible consortium with Federal financial or technical assistance, and other activities focus on economically disadvantaged populations.

(6) COORDINATION WITH NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY PROGRAMS.—

(A) DEFINITIONS.—In this paragraph:

(i) The term ‘‘manufacturing extension center’’—

The term ‘‘manufacturing extension center’’ has the meaning given the term ‘‘Center’’ in section 25(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(a)).

(ii) MANUFACTURING USA INSTITUTE.—The term ‘‘Manufacturing USA institute’’ means a Manufacturing USA institute described in section 34(d) of the National Institute of Standards and Technology Act (15 U.S.C. 278d(d)).

(B) COORDINATION REQUIRED.—The Secretary shall coordinate the activities of regional technology hubs designated under this subsection, the Hollings Manufacturing Extension Partnership, and the Manufacturing USA Program with each other to the degree that doing so does not diminish the effectiveness of the ongoing activities of a manufacturing extension center or a Manufacturing USA institute.

(C) ELEMENTS.—Coordination by the Secretary under subparagraph (B) may include the following:

(i) The alignment of activities of the Hollings Manufacturing Extension Partnership with the activities of regional technology hubs designated under this subsection, if applicable.

(ii) The alignment of activities of the Manufacturing USA institutes with the activities of regional technology hubs designated under this subsection, if applicable.

(7) INTEGRATION.—In assisting regional technology hubs designated under paragraph (1)(A)(i), the Secretary—

(A) shall collaborate with Federal department or agency experts to determine how contributions from Federal departments or agencies con contribute to the goals of the regional technology hub;

(B) may accept funds from other Federal agencies to support grants and activities under this subsection; and

(C) may establish interagency agreements with Federal departments or agencies to provide preferential consideration for financial or technical assistance to a regional technology hub designated under this subsection if all applicable requirements for the financial or technical assistance are met.

(8) PERFORMANCE MEASUREMENT, TRANSPARENCY, AND ACCOUNTABILITY.—

(A) M ETRICS AND ASSESSMENT.—For each grant awarded under paragraph (3) for a regional technology hub, the Secretary shall:

(i) develop metrics to assess the effectiveness of the activities funded in making progress toward the purposes set forth under paragraph (1)(A), which may include:

(I) measures developed in support of a key technology focus area;

(II) a performance measurement framework developed by the Secretary to measure the performance of the regional technology hub that is designated and supported under paragraph (1)(A); and

(III) educational and workforce development metrics and education technology focus area.

(B) INTEGRATION.—In each year thereafter until the performance of the regional technology hub that is designated and supported under paragraph (1)(A), the Secretary shall:

(i) establish standards for the performance of the regional technology hub that are based on the metrics developed under clause (i) and

(ii) in the 2 years after the initial award under paragraph (3) and each year thereafter until Federal financial assistance under this subsection for the regional technology hub is awarded, conduct an inspection of the regional technology hub that is designated and supported under paragraph (1)(A); and

(iii) sources of matching funds for each regional technology hub that is designated and supported under paragraph (1)(A); and

(iv) job creation, patent awards, and business formation and expansion relating to the activities of the regional technology hub that is designated and supported under paragraph (1)(A).

(9) INTEG RATION.—In each year thereafter before the applicable date set forth under paragraph (2), the Director of the
Office of Science and Technology Policy, in coordination with the Director of the National Economic Council, the Director of the National Science Foundation, the Secretary of Commerce, the Secretary of Defense, and the heads of other relevant Federal agencies, shall—

(A) review such strategy, programs, and resources as the Director of the Office of Science and Technology Policy determines pertain to United States national competitiveness in science, research, and innovation to support the national security strategy;

(B) develop a strategy for the Federal Government to improve the national competitiveness of the United States in science, research, and innovation to support the national security strategy; and

(C) submit to the appropriate committees of Congress—

(i) a report on the findings of the Director with respect to the review conducted under paragraph (1); and

(ii) the strategy developed or revised under paragraph (2).

(2) APPLICABLE DATES.—In each year, the applicable date set forth under this paragraph is as follows:

(A) In 2021, December 31, 2021.

(B) In 2022 and every year thereafter—

(i) in any year in which a new President is inaugurated, October 1 of that year; and

(ii) in any other year, the date that is 90 days after the date of the transmission to Congress in that year of the national security strategy.

(c) ELEMENTS.—

(1) REPORT.—Each report submitted under subsection (b)(1)(C)(i) shall include the following:

(A) An assessment of public and private investment in civilian and military science and technologies that contribute to the innovation capacity of the United States, including—

(i) programs run by State and local government;

(ii) regional factors that are contributing or could contribute positively to innovation.

(B) An assessment of barriers to competitiveness in key technology focus areas and barriers to the development and evolution of start-ups, small and mid-sized business entities, and industries in key technology focus areas.

(C) An assessment of the effectiveness of the Federal Government, federally funded research and development centers, and national laboratories in supporting and advancing technology commercialization and technology transfer, including an assessment of the adequacy of Federal research and development funding in promoting competitiveness and the development of new technologies.

(D) An assessment of manufacturing capacity, logistics, and supply chain dynamics of major export sectors, including access to a skilled workforce, physical infrastructure, and broadband network infrastructure.

(E) An assessment of the adequacy of programs, policies, and practices to attract and retain talent within and outside the Federal workforce.

(F) An assessment of the adequacy of programs, policies, and practices to attract and retain talent within and outside the Federal workforce.

(2) APPLICABLE DATES.—In each year, the applicable date set forth under subsection (b)(1)(C)(ii) shall include the following:

(A) A description of—

(i) how the strategy submitted under subsection (b)(3)(B) supports the national security strategy;

(ii) how the strategy submitted under such subsection is integrated and coordinated with the most recent national defense strategy under section 119(g) of title 10, United States Code.

(B) A plan to encourage the governments of countries that are allies or partners of the United States to cooperate with the execution of the strategy submitted under subsection (b)(3)(B), where appropriate.

(C) A plan for how the United States should develop local and regional capacity for building innovation ecosystems across the nation by providing Federal support.

(D) A plan for strengthening the industrial base of the United States.

(E) An identification of additional resources, administrative action, or legislative action recommended to assist with the implementation of such strategy.

(v) a description of—

(A) in the section heading, by inserting “NATIONAL SCIENCE AND TECHNOLOGY” after “National”;

(B) before the first paragraph of subsection (y), by striking “National” and inserting “National Science and Technology”;

(C) in each of subsections (a)(2) and (b), by striking “Federal” and inserting “National”;

(D) at the end of subsection (b)(5), by striking “National” and inserting “National Science and Technology”;

(E) at the end of subsection (c), by striking “National” and inserting “National Science and Technology”;

(F) at the end of subsection (d), by striking “National Science Foundation” and inserting “National Science and Technology Foundation”; and

(G) in the title heading for title VII, by inserting “National Science and Technology” after “NATIONAL SCIENCE”.

(2) in section 520 (42 U.S.C. 1862p–10)—

(A) in the section heading, by inserting “National Science Foundation” after “National”;

(B) by striking “National Science Foundation” each place the term appears and inserting “National Science and Technology Foundation”;

(C) by striking “National Science Foundation” each place the term appears and inserting “National Science and Technology Foundation”;

(D) by striking “National Science Foundation” each place the term appears and inserting “National Science and Technology Foundation”;

(3) in the title heading for title VII, by inserting “National Science and Technology” after “NATIONAL SCIENCE”.

(2) in section 525 (42 U.S.C. 1862p–15)—

(A) in the section heading, by inserting “National Science Foundation” after “National”;

(B) by striking “National Science Foundation” each place the term appears and inserting “National Science and Technology Foundation”;

(C) by striking “National Science Foundation” each place the term appears and inserting “National Science and Technology Foundation”;

(D) by striking “National Science Foundation” each place the term appears and inserting “National Science and Technology Foundation”;

(E) by striking “National Science Foundation” each place the term appears and inserting “National Science and Technology Foundation”;

(F) by striking “National Science Foundation” each place the term appears and inserting “National Science and Technology Foundation”;

(G) in the title heading for title VII, by inserting “National Science and Technology” after “NATIONAL SCIENCE”.

(C) NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 2010.—The America COMPETES Reauthorization Act of 2010 (Public Law 111–358; 124 Stat. 3962) is amended—

(I) in the subtitle heading of subtitle A of title V, by inserting “and Technology” after “National Science”;

(J) in section 502 (42 U.S.C. 1862p–2 b—

(A) in paragraph (1), by striking “National Science Foundation” and inserting “National Science and Technology Foundation”;

(B) in paragraph (3), by striking “National Science Foundation” and inserting “National Science and Technology Foundation”;

(C) in paragraph (4), by striking “National Science Foundation” and inserting “National Science and Technology Foundation”;

(D) in section 517 (42 U.S.C. 1862p–9)—

(A) in paragraph (2) of subsection (a), by striking “National Science Foundation” and inserting “National Science and Technology Foundation”;

(B) in each of subsections (a)(4), (b), and (c), by striking “National Science Foundation” and inserting “National Science and Technology Foundation”;

(C) in section 518 (124 Stat. 4015), by striking “National Science Foundation” and inserting “National Science and Technology Foundation”;

(D) in section 519 (124 Stat. 4105)—

(A) in the section heading, by inserting “and Technology” after “National Science”;

(B) by striking “National Science Foundation” each place the term appears and inserting “National Science and Technology Foundation”;

(C) by striking “National Science Foundation” each place the term appears and inserting “National Science and Technology Foundation”;

(D) by striking “National Science Foundation” each place the term appears and inserting “National Science and Technology Foundation”;

(E) by striking “National Science Foundation” each place the term appears and inserting “National Science and Technology Foundation”;

(F) by striking “National Science Foundation” each place the term appears and inserting “National Science and Technology Foundation”;

(G) in the title heading for title VII, by inserting “National Science and Technology” after “NATIONAL SCIENCE”.  
(A) in the section heading, by striking "NSF" and inserting "NSTF"; and
(B) by striking “National Science Foundation” and inserting “National Science and Technology Foundation”;
(9) in section 524 (42 U.S.C. 1862p-12), by striking “National Science Foundation” each place the term appears and inserting “National Science and Technology Foundation”; and
(10) in section 555(5) (20 U.S.C. 9905(5)), by inserting “and Technology” after “National Science Foundation”.
(g) STEM Education Act of 2015.—Each of sections 2 and 3 of the STEM Education Act of 2015 (42 U.S.C. 1862p-9a) is amended by striking “National Science Foundation” and inserting “National Science and Technology Foundation”.
(h) Research Excellence and Advancements for Dyslexia Act.—The Research Excellence and Advancements for Dyslexia Act (Public Law 114-124; 130 Stat. 120) is amended by striking “National Science Foundation” each place the term appears and inserting “National Science and Technology Foundation”.
(1) American Innovation and Competitiveness Act.—The American Innovation and Competitiveness Act (42 U.S.C. 1862s et seq.) is amended—
(1) in section 2 (42 U.S.C. 1862 note), by inserting “and Technology” after “National Science”; and
(2) in section 601(a)(1) (42 U.S.C. 1862a-8(a)), by striking “National Science Foundation” each place the term appears and inserting “National Science and Technology Foundation”.
(2) National Science Foundation Authorization Act of 1977 (Public Law 94-86) is amended—
(1) in section 102(a)(1) (42 U.S.C. 1881a-8(a)), by striking “National Science Foundation” each place the term appears and inserting “National Science and Technology Foundation”;
(2) in section 6(a) (42 U.S.C. 1881a(a)), by striking “National Science Foundation” and inserting “National Science and Technology Foundation”;
(3) National Science Foundation Authorization Act of 1977.—Section 8 of the National Science Foundation Authorization Act of 1977 (42 U.S.C. 1883 et seq.) is amended—
(2) in section 102(a)(2)(A) (15 U.S.C. 8812(a)(2)(A)), by inserting “and Technology” after “National Science”; and
(3) in section 103 (15 U.S.C. 8813), by striking “National Science Foundation” each place the term appears and inserting “National Science and Technology Foundation”;
(4) in the title III, by inserting “AND TECHNOLOGY” after “NATIONAL SCIENCE”;
(5) in each of sections 301 and 302 (15 U.S.C. 8841, 8842), by striking “National Science Foundation” each place the term appears and inserting “National Science and Technology Foundation”; and
(6) in each of sections 301 and 302 (15 U.S.C. 8741, 8742), by striking “National Science Foundation” each place the term appears and inserting “National Science and Technology Foundation”.
(1) in section 201 (15 U.S.C. 7431), by striking “National Science Foundation” each place the term appears and inserting “National Science and Technology Foundation”;
(2) in each of sections 301 and 302 (15 U.S.C. 7441, 7442), by striking “National Science Foundation” each place the term appears and inserting “National Science and Technology Foundation”; and
(3) in section 107 (15 U.S.C. 4106), by striking “National Science Foundation” each place the term appears and inserting “National Science and Technology Foundation”.
(1) in each of sections 4(5), 5(a)(2)(A), 20, and 21(d) (15 U.S.C. 3704(5), 3704(a)(2)(A), 3712, and 3713(d)), by inserting “and Technology” after “National Science”; and
(2) in section 9 (15 U.S.C. 3707)—
(A) in the section heading, by inserting “AND TECHNOLOGY” after “NATIONAL SCIENCE”; and
(B) in each of subsections (a) and (b), by striking “National Science Foundation” and inserting “National Science and Technology Foundation”;
(h) Executive Agent.—The functions of the Secretary as executive agent shall be as follows:
(1) To carry out such other activities to counter threats to United States forces from small unmanned aerial systems as the Secretary of Defense and the Secretary of the Army consider appropriate.
(3) Structure.—The Secretary as executive agent shall carry out the functions specified in paragraph (2) through such administrative structures as the Secretary considers appropriate.

(c) STRATEGY TO COUNTER THREATS FROM SMALL UNMANNED AERIAL SYSTEMS.—Not later than one year after the date of the enactment of this Act, the Secretary of the Army, as executive agent for the Counter-Small Unmanned Aerial Systems Program, shall develop and submit to the Joint Chiefs of Staff and the Secretary of Defense a strategy for the Armed Forces to effectively counter threats from small unmanned aerial systems worldwide. The report shall be in classified form.

(d) REPORT ON EXECUTIVE AGENT ACTIVITIES.—

(1) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of the Army, as executive agent for the Counter-Small Unmanned Aerial Systems Program, shall prepare and submit to the Senate a report on the Counter-Small Unmanned Aerial Systems Program.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description and assessment of the structure and activities of the executive agent as established and put in place by the Secretary of the Army;

(B) An assessment of the implementation of the strategy required by subsection (c), and a description of any updates to the strategy that are required in light of evolving threats to the Armed Forces from small unmanned aerial systems.

SA 2105. Ms. HASSAN submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

A status update on the progress of such working groups.

(SECT. 3. ESTABLISHMENT AND MAINTENANCE OF COMPLAINT RESOLUTION AND TRACKING SYSTEM.)

Title I of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended by adding at the end the following:

"PART F—COMPLAINT TRACKING SYSTEM"

SEC. 161. COMPLAINT TRACKING SYSTEM.

"(a) IN GENERAL.—The Secretary shall maintain a complaint tracking system that includes a single, toll-free telephone number and a website to facilitate the centralized receipt of, access to, and response to complaints and reports (including evidence, as available) of suspicious activity (such as unfair, deceptive, or abusive acts or practices) regarding—

(1) Federal student financial aid and the servicing of postsecondary education loans by loan servicers;

(2) Educational practices and services of institutions of higher education; and

(3) The recruiting and marketing practices of institutions of higher education.

"(b) DEFINITIONS.—In this section:

(A) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(B) RECRUITING AND MARKETING ACTIVITIES.—

(i) IN GENERAL.—Except as provided in clause (ii), the term ‘recruiting and marketing activities’ shall include the following:—

(1) Advertising and promotion activities, including paid announcements in newspapers, magazines, radio, television, billboards, electronic media, naming rights, or any other public medium of communication, including paying for displays or promotions at sporting events or for military installations, or college recruiting events.

(II) Efforts to identify and attract prospective students, either directly or through an intermediary, in any manner; or to secure contracts or agreements concerning a prospective student’s potential enrollment or application for grant, loan, or

Under the appropriate section, insert the following:

"(1) CYBER SUPPORT AND CYBER SERVICES AUTHORIZED.—The National Guard may provide cyber support and cyber services incidental to military training to organizations and activities outside the Department of Defense, including governmental and non-governmental entities.

(b) POLICIES.—The Secretary of Defense, in coordination with the Chief of the National Guard Bureau, shall issue guidance to such policies as the Secretary considers appropriate to exercise the authority provided by subsection (a).

(1) REPORT REQUIRED.—

(I) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Chief of the National Guard Bureau, shall submit to Congress a report on the exercise of the authority provided by subsection (a) and the activities under subsection (b).
work assistance under title IV or participation in predmission or advising activities, including—

(1) paying employees responsible for oversite of loan programs or for contact with potential students in person, by phone, by email, or by other Internet communications regarding enrollment; and

(2) requiring one individual to provide contact information to an institution of higher education, including websites established for such purpose and funds paid to third parties.

(III) Such other activities as the Secretary may prescribe, including paying for promotions or sponsorship of education or military-related associations.

(ii) EXCEPTIONS.—Any activity that is required as a condition of receipt of funds by an institution under title IV, is specifically authorized under such title, or is otherwise specified by the Secretary, shall not be considered to be a covered activity under this subparagraph.

(2) COMPLAINTS.—Complaints and reports of suspicious activity submitted to the tracking system by students, borrowers of student loans, and consumers shall be maintained in the complaint tracking system.

(a) The steps that have been taken by the institution or loan servicer to respond to the complaint or report;

(b) All responses received by the institution or loan servicer from the complainant; and

(c) Any additional actions that the institution or loan servicer has taken or plans to take in response to the complaint or report.

(3) FURTHER INVESTIGATION.—The Secretary may, in the event that the complaint is not adequately resolved or addressed by the responses of the institution of higher education or loan servicer under paragraph (2), ask additional questions of such institution or loan servicer or seek additional information from or action by the institution or loan servicer.

(4) PROVISION OF INFORMATION.—

(A) IN GENERAL.—An institution of higher education or loan servicer shall, in a timely manner, comply with a request by the Secretary for information in the control or possession of such institution or loan servicer concerning any report of suspicious activity received by the Secretary under this subsection, including supporting written documentation, subject to subparagraph (B).

(B) EXCEPTIONS.—An institution of higher education or loan servicer shall not be required to make available under this subsection—

(i) any nonpublic or confidential information, including any confidential commercial information;

(ii) any information collected by the institution for the purpose of preventing fraud or detecting or making any report regarding any unlawful or potentially unlawful conduct; or

(iii) any information required to be kept confidential by any other provision of law.

(C) DATA PRIVACY.—In carrying out this section, the Secretary shall—

(1) adopt policies and procedures to protect the identity and sensitive data of individuals;

(2) protect the identity and sensitive data of individuals; and

(3) adopt policies and procedures to ensure that the personal information is not shared.

(4) REPORTS.—Each year, the Secretary shall prepare and submit to Congress a report describing—

(A) the types and nature of complaints or reports the Secretary receives under this section;

(B) the extent to which complainants are receiving adequate resolution pursuant to this section;

(C) whether particular types of complaints or reports are more common in a given sector of institutions of higher education or with particular loan servicers;

(D) any legislative recommendations that the Secretary determines are necessary to better assist students and families regarding the activities described in subsection (a)(1); and

(E) the institutions of higher education and loan servicers with the highest volume of complaints and reports, as determined by the Secretary.

SEC. 320. INCREASE IN AUTHORIZATIONS FOR PURPOSES OF REMEDIATION OF PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.

(a) IN GENERAL.—The amount authorized to be appropriated by this Act for fiscal year 2021 for the accounts of the Department of Defense specified in subsection (b) shall be increased by the amounts specified in such subsection and the amount of such increase shall be used for purposes of remediation of perfluoroalkyl and polyfluoroalkyl substances and potential human health remediation activities.

(b) ACCOUNTS INCREASED.—The amounts of the Department specified in this subsection,
and the amounts of any increase so specified, are the following:

(1) The amount authorized to be appropriated for Environmental Restoration, Navy shall be increased by $17,000,000.

(2) The amount authorized to be appropriated for Operation and Maintenance, Navy shall be increased by $13,500,000.

(3) The amount authorized to be appropriated for Operation and Maintenance, Army National Guard shall be increased by $29,000,000.

(4) The amount authorized to be appropriated for Operation and Maintenance, Air National Guard shall be increased by $15,000,000.

(c) Offset.—The amount authorized to be appropriated by this Act for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 2. CYBERSECURITY EDUCATION AND TRAINING ASSISTANCE PROGRAM.

(a) Sense of Congress.—It is the sense of Congress that—

(1) the United States continues to face critical shortages in the national cybersecurity workforce;

(2) the Cybersecurity and Infrastructure Security Agency within the Department of Homeland Security has the responsibility to manage cyber and physical risks to our critical infrastructure, including by ensuring a national workforce supply to support cybersecurity through education, training, and capacity development efforts;

(3) to reestablish the technology leadership, security, and economic competitiveness of the United States, the Cybersecurity and Infrastructure Security Agency should establish a sustainable pipeline by strengthening K-12 cybersecurity outreach and education nationwide;

(b) Authorities.—Section 2202(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 652(e)(1)) is amended by adding at the end the following:

"(b) To encourage and build cybersecurity awareness and competency across the United States and to develop, attract, and retain the cybersecurity workforce necessary for the cybersecurity related missions of the Department, including by—

"(1) overseeing K-12 cybersecurity education and awareness related programs at the agency;

"(2) leading efforts to develop, attract, and retain the cybersecurity workforce necessary for the cybersecurity related missions of the Department;

"(3) encouraging and building cybersecurity awareness and competency across the United States; and

"(4) carrying out cybersecurity related workforce development activities, including through—

"(A) increasing the pipeline of future cybersecurity professionals through programs focused on K-12, higher education, and non-traditional students; and

"(B) building awareness of and competency in cybersecurity across the civilian Federal government workforce.".

(c) Education, Training, and Capacity Development.—Section 2202(c) of the Homeland Security Act of 2002 (6 U.S.C. 652(c)) is amended—

(1) by redesigning paragraph (11) as paragraph (12);

(2) in paragraph (10), by striking "and" at the end; and

(3) by inserting after paragraph (10) the following:

"(11) provide education, training, and capacity development for Federal and non-Federal entities to improve the security and resiliency of domestic and global cybersecurity and infrastructure security; and"

(d) Establishment of Training Programs.—Section 2202(b) of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended by adding at the end the following:

"SEC. 2215. CYBERSECURITY EDUCATION AND TRAINING PROGRAMS.

(a) Establishment.—

"(1) IN GENERAL.—The Cybersecurity Education and Training Assistance Program (referred to in this section as ‘CETAP’) is established within the National Cybersecurity and Communications Integration Center in the Department of Homeland Security to be administered by the Director of the Cybersecurity and Infrastructure Security Agency.

"(2) PURPOSE.—The purpose of CETAP shall be to support the effort of the Agency in building and strengthening a national cybersecurity workforce through enabling K-12 cybersecurity education, including by—

"(A) providing foundational cybersecurity awareness and literacy;

"(B) encouraging cybersecurity career exploration; and

"(C) supporting the teaching of cybersecurity skills at the K-12 levels.

(b) Requirements.—In carrying out CETAP, the Director shall—

"(1) ensure that the program—

"(A) creates and disseminates K-12 cybersecurity-focused curricula and career awareness materials;

"(B) conducts professional development sessions for teachers;

"(C) develops resources for the teaching of K-12 cybersecurity-focused curricula;

"(D) provides direct student engagement opportunities through camps and other programs;

"(E) engages with local and State education authorities to promote awareness of the program and ensure that offerings align with State and local standards;

"(F) integrates with existing post-secondary education and workforce development programs at the Department;

"(G) establishes national standards for K-12 cyber education;

"(H) partners with cybersecurity and education stakeholders to expand outreach; and

"(I) any other activity the Director determines necessary to meet the purpose described in subsection (a); and

"(2) enable the deployment of CETAP nationwide, with special consideration for underserved populations or communities.

(c) Briefings.—

"(1) IN GENERAL.—Not later than 1 year after the establishment of CETAP, and annually thereafter, the Secretary shall brief the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives on the program.

"(2) CONTENTS.—Each briefing conducted under paragraph (1) shall include—

"(A) estimated figures on the number of students reached and teachers engaged;

"(B) information on community outreach and State and local partnership;

"(C) information on new curricula offerings and teacher training platforms; and

"(D) information on coordination with post-secondary education and workforce development programs at the Department.

(d) Mission Promotion.—The Director may appropriate amounts to purchase promotional and recognition items and marketing and advertising services to publicize and promote the mission and services of the Agency, support the activities of the Agency, and to recruit and retain Agency personnel.

(e) Technical and Conforming Amendments.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–236; 116 Stat. 2135) is amended by inserting after the item relating to section 2214 the following:

"Sec. 2215. Cybersecurity Education and Training Programs.”.

SA 2108. Ms. ROSEN submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 2. GRANTS TO SUPPORT STEM EDUCATION IN THE JUNIOR RESERVE OFFICER TRAINING CORPS.

(a) Program Required.—

"(1) IN GENERAL.—Chapter 102 of title 10, United States Code, is amended by adding at the end the following:

"2036. Grants to support science, technology, engineering, and mathematics education.

"(a) Program Required.—The Secretary, in consultation with the Secretary of Education, may carry out a program to make grants to eligible entities to assist such entities in providing education in covered subjects to students in the Junior Reserve Officers’ Training Corps.

"(b) Coordination.—In carrying out the program under subsection (a), the Secretary may coordinate with the following:

"(1) The Secretaries of the military departments.

"(2) The Secretary of Education.

"(3) The Director of the National Science Foundation.

"(4) The Administrator of the National Aeronautics and Space Administration.

"(5) The heads of other Federal, State, and local government entities the Secretary of Defense determines to be appropriate.

"(6) Private sector organizations as the Secretary of Defense determines appropriate.

"(b) Activities.—Activities funded with grants under this section may include the following:

"(1) Training and other support for instructors to teach courses in covered subjects to students.

"(2) The acquisition of materials, hardware, and software necessary for the instruction of covered subjects.

"(3) Activities that improve the quality of educational materials, training opportunities, and curricula available to students and instructors in covered subjects.

"(4) Development of travel opportunities, demonstration projects, mentoring programs, and informal education in covered subjects for students and instructors.

"(5) Activities to improve the quality of educational materials, training opportunities, and curricula available to students and instructors in covered subjects.
“(5) Students’ pursuit of certifications in covered subjects.

“(d) PREFEERENCE.—In making grants under this section, the Secretary shall give preference to eligible entities that are eligible for assistance under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.).

“(e) EVALUATIONS.—The Secretary shall establish outcome-based metrics and internal and external assessments to evaluate the merits and benefits of the activities funded with funds appropriated under this section with respect to the needs of the Department of Defense.

“(f) AUTHORITIES.—In carrying out the program authorized under this section, the Secretary shall, to the extent practicable, make use of the authorities under chapter 111 of sections 2601 and 2605 of this title, and other authorities the Secretary determines appropriate.

“(g) DEFINITIONS.—In this section:

“(1) The term ‘eligible entity’ means a local education agency that hosts a unit of the Junior Reserve Officers’ Training Corps.

“(2) The term ‘covered subjects’ means—

“(A) science;

“(B) technology;

“(C) engineering;

“(D) mathematics;

“(E) computer science;

“(F) computational thinking;

“(G) artificial intelligence;

“(H) machine learning;

“(I) data science;

“(J) cybersecurity;

“(K) robotics; and

“(L) other subjects determined by the Secretary of Defense to be related to science, technology, engineering, and mathematics.

“(2) The Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives shall submit to the congressional defense committees a report on the activities carried out under section 2036 of title 10, United States Code (as added by subsection (a)).

SA 2109. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was agreed to by the Senate by voice vote on June 25, 2002.

At the end of substitute E of title XII, add the following:

SEC. 1262. PILOT PROGRAM TO IMPROVE CYBER COOPERATION WITH VIETNAM, THAILAND, AND INDONESIA.

(a) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of State, may establish a pilot program in Vietnam, Thailand, and Indonesia—

(1) to enhance the cyber security, resilience, training, and cooperation of Vietnam, Thailand, and Indonesia; and

(2) to increase regional cooperation between the United States and Vietnam, Thailand, and Indonesia.

(b) ELEMENTS.—The activities of the pilot program under subsection (a) shall include the following:

(1) A written agreement or memorandum of understanding between the United States Government and the governments of Vietnam, Thailand, and Indonesia and in Southeast Asia more broadly.

(2) The development of cooperative exercises, to be carried out in future years, to enhance collaboration between the United States Government and the governments of Vietnam, Thailand, and Indonesia.

(3) The facilitation of regular policy dialogues, in consultation with the Secretary of State, between the United States and Vietnam, Thailand, and Indonesia with respect to the development of infrastructure to protect against cyber attacks.

(4) An evaluation of legal and other barriers to reforms relevant to cybersecurity and technology in Vietnam, Thailand, and Indonesia.

(5) A feasibility study on establishing a public-private partnership to build cloud-computing capacity in Vietnam, Thailand, and Indonesia and in Southeast Asia more broadly.

(6) The development of cooperative exercises, to be carried out in future years, to enhance collaboration between the United States and Vietnam, Thailand, and Indonesia.


(f) APPROPRIATE COMMITTEES OF CONGRESS.—In paragraph (1) of section 8102 of title 5, United States Code, is amended—

(1) by striking the period at the end of ``(4)'' and inserting ``, and'';

(2) by striking `(5)'' and inserting `(5)'';

(3) by striking `(6)'' and inserting `(6)'' after the last period that immediately precedes ``SEC. 8103. CERTAIN DISEASES PRESUMED TO BE WORK-RELATED CAUSE OF DIED IN THE LINE OF DUTY AT WORK''; and

(4) by striking `(7)'' and inserting `(7)'' after the last period that immediately precedes ``SEC. 8103. CERTAIN DISEASES PRESUMED TO BE WORK-RELATED CAUSE OF DIED IN THE LINE OF DUTY AT WORK''.

(g) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SA 2110. Mr. CARPER (for himself and Ms. Collins) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 8101. DEFINITIONS. Section 8101 of title 5, United States Code, is amended—

(1) in paragraph (18), by striking “and” at the end of paragraph (18);

(2) in paragraph (19), by striking “and” at the end of paragraph (19);

(3) in paragraph (20), by striking the period at the end and inserting “; and”;

(4) by adding at the end the following:

“(21) ‘employee in fire protection activities’ means an employee—

“(A) serving as a fire officer, a paramedic, an emergency medical technician, a rescue worker, ambulance personnel, or a hazardous material worker; and

“(B) who—

“(i) is trained in fire suppression;

“(ii) has the legal authority and responsibility to engage in fire suppression;

“(iii) is engaged in fire protection activities; and

“(iv) performs such duties as a primary responsibility of the duty of the employee;.

“(b) PRESCRIPTION RELATING TO EMPLOYEES IN FIRE PROTECTION ACTIVITIES.—Section 8102 of title 5, United States Code, is amended by adding at the end the following:

“(c)(1) Subject to paragraph (2), and any lesser service limitation under paragraph (3), with respect to an employee in fire protection activities—

“(A) a disease described in paragraph (3) shall be presumed to be proximately caused by the employment of the employee; and

“(B) the disability or death of the employee due to a disease described in paragraph (3) shall be presumed to result from personal injury sustained while in the performance of the duty of the employee.

“(2) With respect to any presumption described in paragraph (1)—

“(A) the presumption shall apply with respect to an employee in fire protection activities only if the employee is diagnosed with the disease with respect to which the presumption is sought not later than 10 years after the last day on which the employee was an active employee in fire protection activities; and

“(B) the presumption may be rebutted by a preponderance of the evidence.

“(3) The following diseases shall be presumed to be proximately caused by the employment of an employee in fire protection activities:

“(A) If the employee has been employed for not less than 5 years in the aggregate as an employee in fire protection activities:

“(i) Heart disease.

“(ii) Lung disease.

“(iii) The following cancers:

“(I) Brain cancer.

“(II) Cancer of the blood or lymphatic system.

“(III) Leukemia.

“(IV) Lymphoma (except Hodgkin’s disease).

“(V) Multiple myeloma.

“(VI) Bladder cancer.

“(VII) Kidney cancer.

“(VIII) Prostate cancer.

“(IX) Cancer of the digestive system.

“(X) Colon cancer.

“(XI) Liver cancer.

“(XII) Skin cancer.

“(XIII) Lung cancer.

“(XIV) Breast cancer.

“(B) Any other cancer, the contraction of which the Secretary of Labor, by rule, determines to be related to the hazards to which
an employee in fire protection activities may be subject.

"(B) Without regard to the length of time that an employee in fire protection activities has been employed, any uncommon infectious disease, including—"

"(i) tuberculosis;"

"(ii) hepatitis A, B, or C;"

"(iii) human immunodeficiency virus (commonly known as ‘HIV’); and"

"(iv) any other uncommon infectious disease, the contraction of which the Secretary of Labor determines to be related to the hazards to which an employee in fire protection activities may be subject."

(c) REPEAL.—Not later than 5 years after the date of enactment of this Act, the Director of the National Institute for Occupational Safety and Health shall:

(1) examine the implementation of this section, and the amendments made by this section, and appropriate scientific and medical data relating to the health risks associated with firefighting; and

(2) submit to Congress a report, which shall include—

(A) an analysis of the claims for compensation made under the amendments made by this section;

(B) an analysis of the available research relating to the health risks associated with firefighting;

(C) recommendations for any administrative or legislative actions necessary to ensure that those diseases most associated with firefighting are included in the presumptions under subsection (c) of section 3102 of title 5, United States Code, as added by subsection (b) of this section.

(d) APPOINTMENT.—The amendments made by this section shall apply to a disability or death that occurs on or after the date of enactment of this Act.

SA 2111. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title XII, add the following:

SEC. 1091. SHORT TITLE.

This subtitle may be cited as the ‘Medical Supplies Transportancy and Delivery Act’.

SEC. 1092. EMERGENCY PREPARATION OF MEDICAL EQUIPMENT AND SUPPLIES TO ADDRESS COVID-19.

(A) EXECUTIVE OFFICER FOR CRITICAL MEDICAL EQUIPMENT AND SUPPLIES.—

(1) APPOINTMENT.—Not later than 3 days after the date of the enactment of this Act, the Secretary of Defense shall appoint, detail, or temporarily assign a civilian to serve as the Executive Officer for Critical Medical Equipment and Supplies (in this section referred to as the ‘Executive Officer’), who shall:

(A) direct, through the National Response Coordination Center of the Federal Emergency Management Agency, the Department of Health and Human Services, and the Department of Homeland Security, the national production and distribution of critical medical equipment and supplies, including personal protective equipment, in support of the response to COVID-19;

(B) report directly to the Administrator of the Federal Emergency Management Agency for the duration of the appointment, detail, or temporary assignment.

(2) QUALIFICATIONS.—The Secretary of Defense, in consultation with the Administrator of the Federal Emergency Management Agency, shall select the individual to serve as the Executive Officer from among individuals with sufficient experience in defense and industrial acquisition and production matters, including such matters as described in section 6803(b)(1)(B) of title 10, United States Code.

(3) AUTHORITY.—The Executive Officer, acting through the National Response Coordination Center and in direct consultation with the Secretary of Health and Human Services, the Secretary of the Treasury, and the Secretary of Homeland Security, shall use all available Federal acquisition authorities, including the authorities described under sections 101(b), 102, 301, 302, 303, 704, 705, 706, 708(c) and (d), and 716 of title 31, United States Code, section 11301(b), 402, 403, 404, 405, 406, 407, 408, 409, 450, 451, 452, 453, 454, 455, 456, 458, 459, and 4600, to oversee all acquisition and logistics functions related to the response to COVID-19.

(4) RESPONSIBILITIES.—The Executive Officer, as the officer overseeing the acquisition and logistics functions of the response by the National Response Coordination Center to COVID-19, shall—

(A) receive all requests for equipment and supplies, including personal protective equipment, from the States, Indian Tribes, and local governments;

(B) make recommendations to the President on utilizing the full authorities available under the Defense Production Act of 1950 (50 U.S.C. App. 2060 et seq.), increase production capacity as identified under subparagraphs (C) and (H) of subsection (c)(1);

(C) ensure that allocation of critical resources is carried out in a manner consistent with the needs identified in the reports required by subsection (c); in consultation with the Federal Emergency Management Agency, the Department of Health and Human Services, the Defense Logistics Agency, and other Federal agencies, determine the appropriate distribution of critical equipment and supplies to the States and Indian Tribes, through existing commercial distributors where practical; and communicate with States and local governments and Indian Tribes with respect to availability and delivery schedule of equipment and supplies;

(F) contribute to the COVID-19 strategic planning and require that the Office of the Paycheck Protection Program and the Small Business Administration of the Small Business Administration and the Department of the Treasury to ensure that critical equipment and supplies are distributed to States and local governments and Indian Tribes with respect to availability and delivery schedule of equipment and supplies; and

(G) establish, in direct consultation with the Secretary of Health and Human Services, and the heads of any other appropriate Federal agencies, a comprehensive plan to address necessary supply chain issues in order to rapidly scale up production of a SARS-CoV-2 vaccine.

(5) TRANSPARENCY.—The Executive Officer shall make available, on a publicly accessible website, information updated not less frequently than every 3 days, including—

(A) the reports required by subsection (c);

(B) requests for equipment and supplies from States and Indian Tribes;

(C) standards used for data collection;

(D) methodology and a means to determine allocation of equipment and supplies, and any related chain of command making final decisions on allocations;

(E) the amount and destination of equipment and supplies delivered;

(F) an explanation of why any portion of a purchase order placed under subsection (d), whether to replenish the Strategic National Stockpile or otherwise, will not be filled;

(G) the percentage of amounts of purchased products used to replenish the Strategic National Stockpile, the Federal Emergency Management Agency, and the Secretary of the Treasury, or going into the commercial market;

(H) the metrics, formulas, and criteria used to determine hotspots or areas of critical need at the State, county, and Indian Health Service area level;

(I) production and procurement benchmarks, where practicable; and

(J) results of the outreach and stakeholder reviews required by subsection (c).

(6) ADDITIONAL PERSONNEL.—The Secretary of Defense may detail members of the armed forces on active duty, or additional civilian employees of the Department of Defense, as appropriate, with relevant experience in acquisition matters, to support the Executive Officer.

(7) TERMINATION.—The office of the Executive Officer shall terminate 30 days after the Executive Officer certifies in writing to Congress that all needs of States and Indian Tribes have been met, and all Federal Government stockpiles have been repleted.

(b) COMMERCIAL SECTOR PARTICIPATION.—

The Executive Officer shall collect and compile data from each of the commercial distributors that is able to fulfill purchase orders authorized by this subsection, and certify that the commercial distributors that are able to fulfill purchase orders authorized by this subsection have been identified to the Federal Emergency Management Agency, the Defense Logistics Agency, the Department of Health and
Human Services, the Department of Veterans Affairs, and any other appropriate Federal agencies.

(2) DATA INCLUDED.—The data to be collected and compiled under paragraph (1) includes—

(A) the name and address of each delivery of supplies and equipment under a purchase order or contract in this subtitle;
(B) the number of such supplies and equipment delivered; and
(C) the date of each such delivery.

(c) REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than 7 days after the date of the enactment of this Act, and every 7 days thereafter until the termination date described in subsection (a)(8), the Federal Register shall publish in a timely manner in the Federal Register a summary of, a report including—

(A) an assessment of the needs of the States and Indian Tribes for equipment and supplies, including personal protective equipment, ventilators, other critical supplies, construction supplies, and emergency food sources, for each month during the 2-year period beginning on the date of the enactment of this Act;

(B) an assessment of the quantities of equipment and supplies in the Strategic National Stockpile as of the date of the report and the projected gap between the quantities of equipment and supplies identified as needed in the assessment under subparagraph (A) and the quantities in the Stockpile;

(C) an identification of the industry sectors and manufacturers most ready to fulfill purchase orders for such equipment and supplies, including manufacturers that may be incentivized, through the exercise of authority under section 304(e) of the Defense Production Act of 1950 (50 U.S.C. 4533(e)), to modify, expand, or improve production processes to manufacture such equipment and supplies.

(D) an estimate of the funding and other measures necessary to rapidly expand manufacturing production capacity for such equipment and supplies;

(1) any efforts to expand, retool, or reconfigure production lines;
(2) any efforts to establish new production lines through the purchase and installation of new equipment or
(3) the issuance of additional contracts, purchase orders, purchase guarantees, or other measures.

(E) an identification of government and privately owned stockpiles of equipment and supplies not included in the Strategic National Stockpile that could be repaired or refurbished;

(F) an identification of previously distributed critical supplies that can be redistributed before they expire or become obsolete;

(G) an identification of critical areas of need by county and Indian Health Service area in the United States and the metrics and criteria for their identification as critical;

(H) an inventory of the national production capacity for equipment and supplies identified under subparagraph (A); and

(I) an identification of the needs of essential employees and healthcare workers based on regular stakeholder reviews.

(2) FORM OF REPORTS.—Each report required by paragraph (1) shall be submitted in an unclassified form but may include a classified annex.

(d) PURCHASE ORDERS.—

(1) IN GENERAL.—Not later than 1 day after receiving a delivery of supplies under subsection (c), the President, using authorities provided under the Defense Production Act of 1950 (50 U.S.C. 4501 et seq.), shall—

(A) establish an appropriate fair and reasonable price for the sale of equipment and supplies identified in the reports required by subsection (c); and

(B) issue rate order purchases pursuant to Department of Defense Directive 4400.1, part 101, subpart A of title 45, Code of Federal Regulations, or any other applicable acquisition authority, to procure equipment and supplies identified in the reports required by subsection (c).

(2) DISPOSITION OF UNDELIVERED EQUIPMENT AND SUPPLIES.—Any equipment or supplies procured pursuant to paragraph (1) shall be—

(A) immediately delivered to an appropriate Federal agency, the Defense Logistics Agency, the Department of Veterans Affairs, and any other appropriate Federal agency as appropriate, shall submit to Congress and the President, and publish in a timely manner in the Federal Register a report that includes—

(A) the issuance of additional contracts, purchase orders for such equipment and supplies, including manufacturers that may be incentivized, through the exercise of authority under section 304(e) of the Defense Production Act of 1950 (50 U.S.C. 4533(e)), to modify, expand, or improve production processes to manufacture such equipment and supplies;

(B) an estimate of the funding and other measures necessary to rapidly expand manufacturing production capacity for such equipment and supplies;

(1) any efforts to expand, retool, or reconfigure production lines;
(2) any efforts to establish new production lines through the purchase and installation of new equipment or
(3) the issuance of additional contracts, purchase orders, purchase guarantees, or other measures.

(E) an identification of government and privately owned stockpiles of equipment and supplies not included in the Strategic National Stockpile that could be repaired or refurbished;

(F) an identification of previously distributed critical supplies that can be redistributed before they expire or become obsolete;

(G) an identification of critical areas of need by county and Indian Health Service area in the United States and the metrics and criteria for their identification as critical;

(H) an inventory of the national production capacity for equipment and supplies identified under subparagraph (A); and

(I) an identification of the needs of essential employees and healthcare workers based on regular stakeholder reviews.

(2) FORM OF REPORTS.—Each report required by paragraph (1) shall be submitted in

SEC. 1094. OVERSIGHT.

(a) IN GENERAL.—The Chairperson of the Council of the Inspectors General on Integrity and Efficiency shall designate any Inspector General responsible for conducting oversight of any program or operation performed in support of this subtitle to oversee the implementation of this section and ensure to the maximum extent practicable and consistent with the duties, responsibilities, policies, and procedures of that Inspector General.

(b) REPORTS REQUIRED.—In subsection (a) may be terminated only for permanent incapacity, inefficiency, neglect of duty, malfeasance, or conviction of a felony or conduct involving moral turpitude.

SA 2113. Ms. BALDWIN (for herself, Mr. BLUMENTHAL, Mr. VAN HOLLEN, Mr. LEAHY, and Mr. TESTER) submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsubsection P of title X, add the following:

SEC. 1095. ANNUAL COMPTROLLER GENERAL REPORT.

Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Comptroller General of the United States shall submit to the congressional defense committees a report on the use of the National Guard when members and units of the National Guard are performing training or duty under the authorities in title 32, United States Code.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description and assessment of the use of the National Guard to perform or support Federally funded operations or missions under title 32, United States Code, during the period beginning on October 1, 1999, and ending on the date of the enactment of this Act, including operations or missions related to any of the following:

(A) Airport security.

(B) Disaster relief support.

(C) Support for, or participation in, law enforcement activities, including, but not limited to, law enforcement activities along the United States border.

(2) Cybersecurity and intelligence support.

(D) Pandemic response in connection with the Coronavirus Disease 2019 (COVID-19).
(2) A description and assessment of the cost of the use of the National Guard as described pursuant to each of subparagraphs (D) and (E) of paragraph (1).

(3) An assessment of the availability of Federal benefits for members National Guard in performing or supporting any operations or missions described pursuant to paragraph (1).

(4) A description and assessment of the deployment of National Guard units to the District of Columbia from jurisdictions outside the District of Columbia in connection with any operations or missions described pursuant to paragraph (1), and an assessment of the command and control procedures during such deployments.

(5) An assessment whether any National Guard personnel performing training or duty (whether pursuant to title 19, United States Code, title 32, United States Code, or in State status) during the period described in paragraph (1) performed or supported law enforcement functions.

(6) Such recommendations as the Comptroller General considers appropriate (including recommendations for legislative or administrative action) to reform or clarify authorities on training or duty of members of the National Guard under title 32, United States Code.

SA 2114. Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 445, line 7, strike “costs” and insert “impacts, costs.”

On page 445, line 6, insert “—including criticality to program and mission accomplishment” after “industrial base.”

On page 445, line 7, strike “costs” and insert “impacts, costs.”

On page 445, line 24, insert “—including costs to reconstitute capability should such capability be lost to competition” after “base.”

SA 2115. Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VIII, add the following:

SEC. 815. PROCUREMENT OF GOODS FOR THE FFG-FRIGATE PROGRAM.

Amounts authorized to carry out the FFG-Frigate program shall be used for the acquisition of components manufactured in the United States for the purposes which was comparable foreign components if the Navy determines that the component manufactured in the United States:

(1) is already qualified to applicable standards and certifications;

(2) is already fielded on other United States Navy ships;

(3) is already demonstrating life-cycle cost savings through fuel usage and on-ship maintenance capability;

(4) offers FFGX a higher documented operational availability with substantiated Mean Time Between Failure (MTBF) and Mean Time To Repair (MTTR) values from United States Navy and United States Navy-approved Failure Mode Effects Analysis (FMEA); and

(5) is critical for sustaining the domestic industrial base and the operations of other United States Navy ship programs.

SA 2116. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. 816. INTEREST RATE LIMITATION ON DEBT ENTERED INTO DURING MILITARY SERVICE.

(a) IN GENERAL.—Subsection (a) of section 207 of the Servicemembers Civil Relief Act (50 U.S.C. 3937) is amended—

(1) in paragraph (1), by inserting “on debt incurred before service” after “LIMITATION TO 6 PERCENT”;

(2) by redesigning paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(3) by inserting after paragraph (1) the following new paragraph (2):—

“LIMITATION TO 6 PERCENT ON DEBT ENTERED INTO DURING MILITARY SERVICE TO CONSOLIDATE OR REFINANCE STUDENT LOANS INCURRED BEFORE MILITARY SERVICE.—An obligation or liability bearing interest at a rate in excess of 6 percent per year that is incurred by a servicemember, the servicemember’s spouse jointly, during military service to consolidate or refinance one or more student loans incurred by the servicemember before such military service shall not bear an interest rate in excess of 6 percent during the period of military service.”;

(4) in paragraph (2), redesignated by paragraph (2) of this subsection, by inserting “or (2)” after “paragraph (1)”;

(5) by redesigning, by striking “paragraph (2)” and inserting “paragraph (3)”;

(b) IMPLEMENTATION OF LIMITATION.—Subsection (b) of such section is amended by—

(1) in paragraph (1)(A), by striking “the interest rate limitation in subsection (a)” and inserting “an interest rate limitation in paragraph (1) or (2) of subsection (a)”;

(2) in paragraph (2)—

(A) in the paragraph heading, by striking “EFFECTIVE AS OF DATE OF ORDER TO ACTIVE DUTY” and inserting “EFFECTIVE DATE”; and

(B) by inserting period at the end the following: “in the case of an obligation or liability covered by subsection (a)(1), or as of the date the servicemember (or servicemember and spouse jointly) incurs the obligation or liability concerned under subsection (a)(2)”;

(c) STUDENT LOAN DEFINED.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

“(3) STUDENT LOAN.—The term ‘student loan’ means the following:

(4) FFE-FRIGATE PROGRAM.

SEC. 817. Mr. MANCHIN (for himself, Ms. MURkowski, Mr. HINCHEN, Mr. Cramer, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1632.

SA 2118. Mr. MANCHIN (for himself, Ms. MURkowski, Mr. HINCHEN, Mr. Cramer, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3111.

SA 2119. Mr. MANCHIN (for himself, Ms. MURkowski, Mr. HINCHEN, Mr. Cramer, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3114.

SA 2120. Mr. MANCHIN (for himself, Ms. MURkowski, Mr. HINCHEN, Mr. Cramer, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3116.

SA 2121. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XII, add the following:

SEC. 1262. PLAN TO RESPOND TO NATURAL DISASTERS IN BANGLADESH.

(a) In General.—The Secretary of State, in consultation with the Secretary of Defense and the Administrator of the United States Agency for International Development, shall prepare a plan to respond to natural disasters in Bangladesh.
States Agency for International Development, shall develop a plan to respond to—
(1) destabilization in Bangladesh caused by natural disasters; and
(2) other threats associated with disruptions to the global climate system.

(b) ELEMENTS.—The plan required by subsection (a) shall include the following:
(1) a scenario relief plan with respect to population displacement in Bangladesh, developed in accordance with established international humanitarian principles and such plans as a national plan to prepare more broadly for large-scale, permanent population displacement in South Asia.
(2) An assessment of methods to ensure United States defense and civilian preparedness for global, regional, or local disruptions in logistics that may affect the operations of the Armed Forces or the operations of the military forces of United States allies.
(3) A determination of the impact of steps that may be taken to prevent, and a contingency plan to address, destabilization of nuclear weapons states in Asia, including changes in the likelihood of interstate conflict and the loss of control of nuclear weapons to terrorists.
(4) Recommendations, developed in consultation with the Government of Bangladesh, on the manner in which the United States may best support—
(A) building the resilience capacity of Bangladesh with respect to current and forecasted shocks and stresses; and
(B) improving the ability of Bangladesh to adapt to changes in the regional environment so as to mitigate the effects of a worst-case scenario.
(c) SUBMITTAL TO CONGRESS.—
(1) SCOPE OF PLAN.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report describing the scope of the plan required by subsection (a).
(2) COMPLETED PLAN.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress the completed plan required by subsection (a).
(3) FORM.—The reports under this paragraph shall be submitted in unclassified form but may include a classified annex.

(d) WITHDRAWAL OF CONGRESS DEFINED.—In this subsection, the term “appropriate committees of Congress” means—
(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and
(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SA 2122. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows: Strike subtitle B of title XXXI.

SA 2123. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 911. CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE.

(a) CHARTER OF DUTIES AND AUTHORITIES.—In consideration of the findings and recommendations in the Independent Assessment of the Chief Management Officer of the Department of Defense made by the Defense Business Board, the Secretary of Defense, in coordination with the Deputy Secretary of Defense and the Chief Management Officer, shall, not later than 90 days after the date of the enactment of this Act, issue an official charter specifying the duties, responsibilities, and authorities of the Chief Management Officer.

(b) REPORT.—Not later than 45 days after the date of the enactment of this Act, the Secretary shall, in coordination with the Deputy Secretary and the Chief Management Officer, submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the following:
(1) A description of the scope of the plan required by subsection (a).
(2) A description and assessment of the actions taken to adapt to changes in the regional environment as described in subsection (a).

SEC. 912. PERFORMANCE REPORTING REQUIREMENTS.

(a) REPORTING.—The Secretary shall, in coordination with the Deputy Secretary and the Chief Management Officer, submit a report to the Committees on Armed Services of the Senate and the House of Representatives setting forth the following:
(1) A description of the scope of the plan required by subsection (a).
(2) A description and assessment of the actions taken to adapt to changes in the regional environment as described in subsection (a).
(3) NO PRORATION FOR MEMBERS ENTITLED TO BASIC PAY.—For fiscal year 2021, no proration shall be made in connection with hazard duty pay for any member whose entire tour of duty falls within the period specified in subsection (a).

SEC. 913. CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF ENERGY.

(a) CHARTER OF DUTIES AND AUTHORITIES.—In consideration of the findings and recommendations in the Independent Assessment of the Chief Management Officer of the Department of Energy made by the Defense Business Board, the Secretary of Energy, in coordination with the Deputy Secretary of Energy and the Chief Management Officer, shall, not later than 90 days after the date of the enactment of this Act, issue an official charter specifying the duties, responsibilities, and authorities of the Chief Management Officer.

(b) REPORT.—Not later than 45 days after the date of the enactment of this Act, the Secretary shall, in coordination with the Deputy Secretary and the Chief Management Officer, submit to the Committees on Energy and Natural Resources of the Senate and the House of Representatives a report setting forth the following:
(1) A description of the scope of the plan required by subsection (a).
(2) A description and assessment of the actions taken to adapt to changes in the regional environment as described in subsection (a).
and objectives in promoting a rules-based international system:  

(B) establishing the joint/tri-service exercise, Tiger TRIUMPH, focused on amphibious operations;  

(C) building joint peacekeeping capacity efforts;  

(D) enhancing United States-India maritime domain awareness cooperation;  

(E) leveraging the secure communications equipment capability by the Communications Compatibility and Security Agreement;  

(F) installing liaison officers at United States Naval Forces Central Command and the maritime Information Fusion Center of India;  

(G) establishing a secure hotline for the four 2+2 Ministers, which is the consultation mechanism between:  

(i) the Secretary of State and the Secretary of Defense; and  

(ii) the Minister of External Affairs and the Minister of Defence of India; and  

(H) discussing critical mutual defense issues at the first quadrilateral ministerial-level meeting on the sidelines of the United Nations General Assembly among the United States, India, Australia, and Japan in September 2019; and  

(2) the United States should strengthen and expand its major defense partnership with India by—  

(A) expanding defense-specific engagement in multinational frameworks, including the quadrilateral dialogue among the United States, India, Japan, and Australia, to promote regional security and defend shared values and common interests in the rules-based order;  

(B) increasing the frequency and scope of exchanges between senior military officers of the United States and India to support the development and implementation of the major defense partnership;  

(C) exploring additional steps to implement the joint defense partner designation to better facilitate interoperability, information sharing, and appropriate technology transfers;  

(D) pursuing strategic initiatives to help develop the defense capabilities of India;  

(E) conducting additional combined exercises with India in the Persian Gulf, Indian Ocean, and the Pacific region; and  

(F) furthering cooperative efforts to promote stability and security in Afghanistan;  

(G) committed to concluding the two remaining “enabling agreements”, which are—  

(i) the Industrial Security Agreement; and  

(ii) the Basic Exchange and Cooperation Agreement;  

(H) fully and quickly implementing of the Communications Compatibility and Security Agreement, which is critical to advancing United States-India interoperability;  

(I) continuing the efforts of the Combined United States-India-Pacific Command, in cooperation with the Minister of Defence of India—  

(i) to retrofit existing United States-origins aircraft and assets; and  

(ii) to incorporate communications security into future United States defense sales;  

(J) focusing on several priority areas for cooperation, including Air Launched Small Unmanned Aerial Systems, Lightweight Small Arms Technologies, and Intelligence Surveillance, Targeting and Reconnaissance;  

(K) strengthening non-military-to-military cooperation, including more joint/tri-service cooperation;  

(L) enhancing maritime operational cooperation and information sharing;  

(M) increasing Professional Military Education opportunities and exchanges between personnel; and  

(N) strengthening cooperation between the Army, Air Force, and Special Operations Forces of the United States and the military forces of India; and  

(O) identifying additional practical areas for cooperation with the United States and India in and beyond the Indo-Pacific region.  

(3) The U.S. should commend India on its recent decision to deemphasize its military purchases of Russian-made weapons systems and encourage them to be mindful of when considering future purchases of Russian-made systems;  

SA 2128. Mr. ENOchs submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:  

At the end of section A of title X, add the following:  

SEC. 1002. UNDER SECRETARY OF DEFENSE (COMPTROLLER) REPORTS ON IMPROVING THE BUDGET JUSTIFICATION AND RELATED MATERIALS OF THE DEPARTMENT OF DEFENSE.  

(a) REPORTS REQUIRED.—Not later than April 1 of each of 2021 through 2025, the Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees a report on improving the following:  

(1) Modernization of covered materials, including the following:  

(A) Updating the format of such materials in order to account for significant improvements in document management and data visualization.  

(B) Expanding the scope and quality of data included in such materials.  

(2) Streamlining of the production of covered materials within the Department of Defense.  

(3) Transmission of covered materials to Congress.  

(4) Availability of adequate resources and capabilities to permit the Department to integrate changes to covered materials together with its submittal of current covered materials.  

(5) Promotion of the flow between the Department and congressional defense committees of other information required by Congress for its oversight of budgeting for the Department and the future-years defense programs.  

(b) COVERED MATERIALS DEFINED.—In this section, the term “covered materials” means the following:  

(1) Materials submitted in support of the budget of the President for a fiscal year under section 1105(a) of title 31, United States Code.  

(2) Materials submitted in connection with the future-years defense program for a fiscal year under section 221 of title 10, United States Code.  

SA 2129. Mr. RUBio submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:  

At the end of section G of title XII, add the following:  

(WESTERN HEMISPHERE SECURITY STRATEGY.  

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly submit to appropriate committees of Congress a strategy for enhancing United States-India interoperability, in for regional capacity and security cooperation in the Western Hemisphere.  

(b) ELEMENTS.—The strategy required by subsection (a) shall include the following:  

(1) Activities to expand bilateral and multilateral security cooperation in the Western Hemisphere.  

(2) Activities to build the defense and security capacity (other than civilian law enforcement) of partner countries in the Western Hemisphere.  

(3) Activities to ensure that women and girls are safe and secure and the rights of women and girls are protected; and  

(4) Efforts to disrupt, degrade, and counter transregional and transnational illicit trafficking, with an emphasis on illicit narcotics and precursor chemicals that produce illicit narcotics.  

(5) Activities to provide transparency and support for strong and accountable defense organizations and forces described in paragraphs (a) through (d) of section 1201 of the齐格里法 that carry out national or regional security missions.  

(6) Steps to expand bilateral and multinational military exercises and training with partner countries in Latin America and the Caribbean.  

(7) The provision of assistance to such partner countries for regional defense and security priorities, including efforts to support partner countries by promoting the development and growth of responsive institutions through activities such as—  

(A) the provision of equipment, training, logistical support;  

(B) transportation of humanitarian supplies or foreign security forces or personnel;  

(C) making available, preparing, and transferring on-hand nonlethal Department of Defense humanitarian assistance and disaster relief to support partner countries by promoting the development and growth of responsive institutions through activities such as—  

(D) the provision of Department of Defense humanitarian assistance and disaster relief to support partner countries by promoting the development and growth of responsive institutions through activities such as—  

(E) as appropriate, conducting medical support operations or medical humanitarian missions, such as hospital ship deployments and base-operating services, to the extent required by the operation.  

(F) the provision of Department of Defense humanitarian-demonstrating assistance and disaster relief to support partner countries by promoting the development and growth of responsive institutions through activities such as—  

(E) as appropriate, conducting medical support operations or medical humanitarian missions, such as hospital ship deployments and base-operating services, to the extent required by the operation.  

(11) Continued support for the women, peace, and security cooperation of the Department of State to support the capacity of partner countries in the Western Hemisphere—  

(12) Activities to ensure that women and girls are safe and secure and the rights of women and girls are protected; and  

(13) Activities to provide transparency and support for strong and accountable defense organizations and forces described in paragraphs (a) through (d) of section 1201 of the齐格里法 that carry out national or regional security missions.
(B) to promote the meaningful participation of women in the defense and security sectors.

(12) The provision of support to increase the capacity of governmental departments, agencies, and institutions, such as the William J. Perry Center, and international institutions, such as the Inter-American Defense Board and the Inter-American Defense College, that promote defense and security sector cooperation and institutional capacity building.

SA 2130. Ms. McSALLY submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XII, add the following:

SEC. 1052. DEPARTMENT OF DEFENSE PROVISION OF VETERINARY CARE FOR RETIRED MILITARY WORKING DOGS AND ADOPTION OF MILITARY ANIMALS.

(a) In General.—Section 994 of title 10, United States Code, is amended—

(1) in subsection (a);

(A) by striking “establish and maintain a system of”; and

(B) by striking “for the veterinary care of” and inserting “veterinary care for”;

and

(2) in subsection (b), by inserting “that the Secretary of Defense may enter an agreement to the Department of Defense pursuant to paragraph (3)(B)”; and

(b) MULTI-YEAR AGREEMENTS WITH OTHER ENTITIES.—Such section is further amended by adding at the end the following:

“(d) Acceptance and Use of Donated Funds.—(1) The Secretary of Defense may accept donations of funds, gifts, and in-kind contributions for the purpose of providing long-term care for any military working dog adopted under section 2583 of this title. Any amounts so received shall be available without further appropriation and without fiscal year limitation.

“(2) The Secretary of Defense may enter into a multi-year agreement with a veterans service organization or appropriate nonprofit entity under which—

“(A) the organization or entity may solicit and accept donations of funds on behalf of the Department of Defense pursuant to paragraph (1); and

“(B) the organization or entity agrees to transfer any funds accepted pursuant to such agreement to the Department of Defense.

“(d) Acceptance and Use of Donated Funds.—(1) The Secretary of Defense may accept donations of funds, gifts, and in-kind contributions for the purpose of providing long-term care for any military working dog adopted under section 2583 of this title. Any amounts so received shall be available without further appropriation and without fiscal year limitation.

“(2) The Secretary of Defense may enter into a multi-year agreement with a veterans service organization or appropriate nonprofit entity under which—

“(A) the organization or entity may solicit and accept donations of funds on behalf of the Department of Defense pursuant to paragraph (1); and

“(B) the organization or entity agrees to transfer any funds accepted pursuant to such agreement to the Department of Defense.

“(d) Acceptance and Use of Donated Funds.—(1) The Secretary of Defense may accept donations of funds, gifts, and in-kind contributions for the purpose of providing long-term care for any military working dog adopted under section 2583 of this title. Any amounts so received shall be available without further appropriation and without fiscal year limitation.

“(2) The Secretary of Defense may enter into a multi-year agreement with a veterans service organization or appropriate nonprofit entity under which—

“(A) the organization or entity may solicit and accept donations of funds on behalf of the Department of Defense pursuant to paragraph (1); and

“(B) the organization or entity agrees to transfer any funds accepted pursuant to such agreement to the Department of Defense.
(3) Repayment Contract.—

(A) In General.—The Secretary may not expend amounts under paragraph (2) with respect to an eligible project described in that paragraph if the transferred works operating entity or project beneficiary responsible for repayment of reimbursable costs has entered into a contract to repay the amount provided under subsection (2).

(B) Deposit of Repaid Funds.—Amounts repaid by a transferred works operating entity or project beneficiary responsible for repayment of reimbursable costs receiving funds under a repayment contract entered into under this subsection shall be deposited in the Account and shall be available to the Secretary for expenditure in accordance with this subsection without further appropriation.

(4) Application for Funding.—

(A) In General.—Not less than once per fiscal year, the Secretary shall accept, during an application period established by the Secretary, applications from transferred works operating entities or project beneficiaries responsible for repayment of reimbursable costs for funds and extended repayment for eligible projects.

(B) Eligible Project.—A project eligible for funds provided under paragraph (2) and extended repayment under this subsection is a project that—

(i) qualifies as an extraordinary operation and maintenance expenditure as provided under this section;

(ii) is for the major, non-recurring maintenance of a mission-critical asset; and

(iii) is not eligible to be carried out or funded under the repayment provisions of section 4(c) of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 509).

(C) Guidelines for Applications.—Not later than 30 days after the date of enactment of this subsection, the Secretary shall issue guidelines describing the information required to be provided in an application for funding and extended repayment under this subsection that require, at a minimum—

(i) a description of the project for which the funds are requested;

(ii) the amount of funds requested;

(iii) the repayment period requested by the transferred works operating entity or project beneficiary responsible for repayment of reimbursable costs;

(iv) alternative non-Federal funding options that have been evaluated;

(v) the financial justification for requesting and repayment period; and

(vi) the financial records of the transferred works operating entity or project beneficiary responsible for repayment of reimbursable costs.

(D) Review by the Secretary.—The Secretary shall review each application submitted under subparagraph (A) in accordance with—

(i) to determine whether the project is eligible for funds and an extended repayment period under this subsection;

(ii) to determine if the project has been identified as a priority of Reclamation as part of the major rehabilitation and replacement of a project facility; and

(iii) to conduct a financial analysis of the project.

(E) The transferred works operating entity or project beneficiary responsible for repayment of reimbursable costs.

(F) Other than 90 days after the date on which an application period closes under paragraph (4)(A), the Secretary shall submit to the Committees on Energy and Natural Resources and Appropriations of the Senate and the Committees on Natural Resources and Appropriations of the House of Representatives a report that—

(A) identifies each project eligible for funding and extended repayment under this subsection;

(B) with respect to each eligible project identified under subparagraph (A), includes—

(i) a description of—

(I) the eligible project;

(II) the cost and duration of the eligible project; and

(III) any remaining engineering or environmental compliance that is required before the expenditure commences;

(ii) an analysis of—

(I) the repayment period proposed in the application; and

(II) if the Secretary recommends a minimum necessary repayment period that is different than the repayment period proposed in the application, the minimum necessary repayment period recommended by the Secretary; and

(iii) an analysis of alternative non-Federal funding options; and

(G) the term ‘Secretary’ means the Secretary of the Department of the Interior, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 2. ENHANCEMENT OF COMMERCIAL ENGAGEMENT.

(a) Definitions.—In this section—

(1) the term ‘appropriate committees of Congress’ means—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Committee on Armed Services of the Senate;

(D) the Committee on Energy and Commerce of the House of Representatives;

(E) the Committee on Foreign Affairs of the House of Representatives; and

(F) the Committee on Armed Services of the House of Representatives;

(2) the term ‘Secretary’ means the Secretary of Commerce;

(b) Program.—Notwithstanding any other provision of law, including any provision of title V, United States Code, the Secretary may appoint locally-engaged staff in Pacific Island countries for the purpose of promoting increased economic and commercial engagement between the United States and those countries.

(c) Authorization of Appropriations.—Until September 30, 2024, amounts appropriated to the Secretary under any other provision of law shall be available to carry out subsection (b).

(d) Report.—Not later than March 15, 2025, the Secretary, in consultation with the Secretary of State and the Secretary of Defense, shall submit to the appropriate committees of Congress a report on the activities of any staff appointed under subsection (b), which shall include—

(1) an assessment of the commercial results of those activities, including the impact on United States companies and on the economies of the applicable Pacific Island countries;

(2) an assessment of the impact of those activities with respect to the diplomatic and security interests of the United States;

(3) recommendations for the future of United States commercial engagement in Pacific Island countries; and

(4) any other matter that the Secretary determines is appropriate.

(e) Rule of Construction.—For the purposes of this section, American Samoa shall be considered to be a Pacific Island country.

SA 2135. Mrs. FISCHER (for herself, Mr. SCHATZ, Mr. GARDNER, and Mr. NUNN) submitted an amendment

(a) Findings; Sense of Congress.—

(1) Findings.—Congress finds that—

(A) the Internet of Things refers to the growing number of connected and inter-connected devices;

(B) estimates indicate that more than 30 billion devices will be connected to the Internet by 2020;

(C) the Internet of Things has the potential to generate trillions of dollars in new economic activity around the world in the transportation, energy, agriculture, manufacturing, and health care sectors and in other sectors that are critical to the growth of the gross domestic product of the United States;

(D) businesses across the United States can develop new services and products, improve the efficiency of operations; and cut costs, improve worker and public safety, and pass savings on to consumers by utilizing the Internet of Things and related innovations;

(E) the Internet of Things will—

(i) be vital in furthering innovation and the development of emerging technologies; and

(ii) play a key role in developing artificial intelligence and advanced computing capabilities;

(F) the United States leads the world in the development of technologies that support the Internet, the United States technology sector is well-positioned to lead in the development of technologies for the Internet of Things, and the appropriate prioritization of a national strategy with respect to the Internet of Things would strengthen that position;

(G) the Federal Government can implement this technology to better deliver services to the public; and

(H) the Senate unanimously passed Senate Resolution 110, 114th Congress, agreed to March 24, 2015, calling for a national strategy for the development of the Internet of Things.

(b) Sense of Congress.—It is the sense of Congress that policies governing the Internet of Things should—
(A) promote solutions with respect to the Internet of Things that are secure, scalable, interoperable, industry-driven, and standards-based; and
(B) facilitate the development and deployment of the Internet of Things to benefit all stakeholders, including businesses, governments, and consumers.

(2) DUTIES.—The term "working group" means the steering committee established under subsection (c)(5)(A).

(3) WORKING GROUP.—The term "working group" means the working group convened under subsection (A).

(f) Federal Working Group.—

(1) IN GENERAL.—The Secretary shall convene a working group of Federal stakeholders for the purpose of providing recommendations and a report to Congress relating to the aspects of the Internet of Things described in paragraph (2).

(2) DUTIES.—The working group shall

(A) identify any Federal regulations, statutes, grant practices, budgetary or jurisdictional challenges, and other sector-specific policies that are inhibiting, or could inhibit, the development or deployment of the Internet of Things;

(B) consider policies or programs that encourage and improve coordination among Federal agencies that have responsibilities that are relevant to the objectives of this section;

(C) consider any findings or recommendations made by the steering committee and, where appropriate, act to implement those recommendations;

(D) examine—

(i) how Federal agencies can benefit from utilizing the Internet of Things;

(ii) the use of Internet of Things technology by Federal agencies as of the date on which the working group performs the examination;

(iii) the preparedness and ability of Federal agencies to adopt Internet of Things technology as of the date on which the working group performs the examination and in the future; and

(iv) any additional security measures that Federal agencies may need to take to—

(I) ensure use of the Internet of Things, including measures that ensure the security of critical infrastructure; and

(II) enhance the resiliency of Federal systems against cyber threats to the Internet of Things; and

(E) in carrying out the examinations required under subclauses (i) and (II) of subparagraph (D), ensure to the maximum extent possible the coordination of the current and future activities of the Federal Government relating to security with respect to the Internet of Things;

(3) AGENCY REPRESENTATIVES.—In convening the working group under paragraph (1), the Secretary shall have discretion to appoint representatives from Federal specific and departments as appropriate and shall specifically consider seeking representation from—

(A) the Department of Commerce, including—

(i) the National Telecommunications and Information Administration;

(ii) any other committee of Congress;

(B) the Department of Transportation;

(C) the Department of Homeland Security;

(D) the Office of Management and Budget;

(E) the National Science Foundation;

(F) the Commission;

(G) the Federal Trade Commission;

(H) the Office of Science and Technology Policy;

(I) the Department of Energy; and

(J) the Federal Energy Regulatory Commission.

(4) NONGOVERNMENTAL STAKEHOLDERS.—The working group shall consult with nongovernmental stakeholders with expertise relating to the Internet of Things, including—

(A) the steering committee;

(B) information and communications technology manufacturers, suppliers, service providers, and vendors;

(C) subject matter experts representing industrial sectors other than the technology sector that can benefit from the Internet of Things, including the transportation, energy, agriculture, and health care sectors;

(D) small, medium, and large businesses;

(E) think tanks and academia;

(F) nonprofit organizations and consumer groups;

(G) security experts;

(H) rural stakeholders; and

(I) other stakeholders with relevant expertise, as determined by the Secretary.

(5) STEERING COMMITTEE.—

(A) ESTABLISHMENT.—There is established within the Department of Commerce a steering committee to advise the working group.

(B) DUTIES.—The working group shall submit a copy of the report described in subparagraph (A) to—

(I) the steering committee;

(II) other stakeholders with relevant expertise, as determined by the Secretary;

(III) the National Telecommunications and Information Administration; and

(IV) the Department of Commerce.

(6) R EPORT.—Not later than 1 year after the date of enactment of this Act, the steering committee shall seek comments that consider and evaluate—

(A) the identification of any Federal regulations, statutes, grant practices, programs, budgetary or jurisdictional challenges, and other sector-specific policies that are inhibiting, or could inhibit, the development of the Internet of Things;

(B) situations in which the use of the Internet of Things is likely to deliver significant and scalable economic and societal benefits to the United States, including benefits from or to—

(I) smart traffic and transit technologies;

(II) augmented logistics and supply chains;

(III) sustainable infrastructure;

(IV) precision agriculture;

(V) environmental monitoring;

(VI) public safety; and

(VII) health care;

(C) whether adequate spectrum is available to support the growing Internet of Things and what legal or regulatory barriers may exist to providing any spectrum need in the future;

(D) policies, programs, or multi-stakeholder activities that—

(I) promote or are related to the privacy of individuals who use or are affected by the Internet of Things;

(II) may encourage coordination among Federal agencies with jurisdiction over the Internet of Things;

(III) may protect users of the Internet of Things; and

(IV) may encourage coordination among Federal agencies with jurisdiction over the Internet of Things;

(D) REPORT.—Not later than 1 year after the date of enactment of this Act, the steering committee shall seek comments that consider and evaluate—

(A) whether adequate spectrum is available to support the growing Internet of Things; and

(B) any additional security measures that Federal agencies may need to take to—

(I) ensure use of the Internet of Things, including measures that ensure the security of critical infrastructure; and

(II) enhance the resiliency of Federal systems against cyber threats to the Internet of Things; and

(E) INDEPENDENT ADVICE.—

(I) IN GENERAL.—The steering committee shall set the agenda of the steering committee in carrying out the duties of the steering committee under subparagraph (B).

(ii) SUGGESTIONS.—The working group may suggest topics or items for the steering committee to study, and the steering committee shall take those suggestions into consideration in carrying out the duties of the steering committee.

(III) REPORT.—The steering committee shall ensure that the report submitted under subparagraph (B) is the result of the independent judgment of the steering committee.

(F) NO COMPENSATION FOR MEMBERS.—A member of the steering committee shall serve without compensation.

(G) TERMINATION.—The steering committee shall terminate on the date on which the working group submits the report under paragraph (6).

(7) REPORT TO CONGRESS.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the working group shall submit to Congress a report that includes—

(i) the findings and recommendations of the working group with respect to the duties of the working group under paragraph (2);

(ii) the report submitted by the steering committee under paragraph (5)(D), as the report was received by the working group;

(iii) recommendations for action or reasons for inaction, as applicable, with respect to each recommendation made by the steering committee in the report submitted under paragraph (5)(D); and

(iv) a summary of any progress made by Federal agencies to implement recommendations made by the working group or the steering committee.

(B) COPY OF REPORT.—The working group shall submit a copy of the report described in subparagraph (A) to—

(i) the Committee on Commerce, Science, and Transportation and the Committee on Energy and Natural Resources of the Senate;

(ii) the Committee on Energy and Commerce of the House of Representatives; and

(iii) any other committee of Congress, upon request to the working group.

(d) ASSESSING SPECTRUM NEEDS.—

(1) IN GENERAL.—The Commission, in consultation with the National Telecommunications and Information Administration, shall issue a notice of inquiry seeking public comment on the current, as of the date of enactment of this Act, and future spectrum needs to enable better connectivity relating to the Internet of Things.

(2) REQUIREMENTS.—In issuing the notice of inquiry under paragraph (1), the Commission shall seek comments that consider and evaluate—

(A) whether adequate spectrum is available to support the growing Internet of Things; and
(B) if adequate spectrum is not available for the purposes described in subparagraph (A), how to ensure that adequate spectrum is available for increased demand with respect to the Department of Defense; and
(C) what regulatory barriers may exist to providing any needed spectrum that would support uses relating to the Internet of Things.

(3) the role of unlicensed and licensed spectrum is and will be in the growth of the Internet of Things.

(4) Not later than 1 year after the date of enactment of this Act, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Commerce, Science, and Transportation of the House of Representatives a report summarizing the comments submitted in response to the notice of inquiry issued under paragraph (1).

SA 2136. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 390. MINIMUM AIR FORCE BOMBER AIRCRAFT LEVEL.

(b) In General.—The Secretary of the Air Force, in coordination with the Director of the National Reconnaissance Office and the Director of the National Geospatial-Intelligence Agency, shall leverage, to the maximum extent practicable, the capabilities of United States industry, including through the use of commercial geospatial-intelligence services and acquisition of commercial satellite imagery.

(c) Appropriate Committees of Congress.—In this section:

(1) the term ‘‘appropriate committees of Congress’’ means—

(A) the congressional defense committees;
(B) the Select Committee on Intelligence of the Senate; and
(C) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term ‘‘intelligence community’’ has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

SA 2139. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 144. MINIMUM AIR FORCE BOMBER AIRCRAFT LEVEL.

(b) In General.—The Secretary of Defense shall submit to the congressional defense committees, for fiscal year 2021, an estimate of the minimum number of bomber aircraft, including penetrating bombers in addition to B-52H
aircraft, to enable the Air Force to carry out its long-range penetrating strike capability.

(b) BRIEFING ON B-1 FLEET SUSTAINMENT.—
(1) INITIAL BRIEFING.—Not later than 30 days after the enactment of this Act, the Secretary of the Air Force shall brief the congressional defense committees on the current state of readiness and continued sustainment of the B-1 fleet and any gaps or necessary steps to ensure that the mission capable rate of the B-1 fleet is not less than quarterly thereafter until such levels have been met, the Secretary of the Air Force shall brief the congressional defense committees on, with respect to the B-1 fleet, the following:
(A) A description of any structural issues or technical deficiencies.
(B) A plan for continued structural deficiency data analysis and training.
(C) A description of projected repair timelines.
(D) A description of future mitigation strategies, including an analysis of the support requirement for each aircraft.
(E) An aircrew maintainer training plan, including a plan to ensure that the training pipeline remains steady for any degradation period.
(F) An identification of any deficiencies in equipment or funds required to meet the requirements under subsection (a).

SA 2141. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title III, add the following:

SEC. 3. PLAN TO ACHIEVE FULL OPERATIONAL CAPABILITY FOR THE B-1 FLEET TO DELIVER HYPERSONIC WEAPONS.
Not later than 90 days after the date of enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a plan to achieve full operational capability for the B-1 fleet to deliver hypersonic weapons by fiscal year 2025.

SA 2142. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title III, add the following:

SEC. 4. TIERED PREFERENCES ELIGIBILITY FOR MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES.

(a) PREFERENCE ELIGIBILITY FOR MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES.—Section 2108 of title 5, United States Code, is amended—
(1) in paragraph (3)—
(A) in subparagraph (G)(ii), by striking "and" at the end;
(B) in subparagraph (H), by adding "and" at the end; and
(C) by inserting after subparagraph (H) the following:
"(I) a qualified reservist;"
(2) in paragraph (4), by striking "and" at the end; and
(3) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(b) TIERED HIRING PREFERENCE FOR MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES.—Section 3303 of title 5, United States Code, is amended—
(1) in paragraph (1), by striking "and" at the end;
(2) in paragraph (2), by striking the period at the end and inserting a semicolon; and
(3) by adding at the end the following:
"(4) a preference eligible described in section 2108(b)(3) points; and

(c) GAO REVIEW.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that—
(1) assesses Federal employment opportunities for members of a reserve component of the Armed Forces;
(2) evaluates the impact of the amendment made by this section on the hiring of reservists and veterans by the Federal Government; and
(3) provides recommendations, if any, for strengthening Federal opportunities for members of a reserve component of the Armed Forces.

SA 2143. Mrs. BLACKBURN submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle H—Protecting American Innovation and Development

SEC. 1291. SHORT TITLE.
This subtitle may be cited as the "Protection of American Innovation and Development Act of 2020".

SEC. 1292. STATEMENT OF POLICY REGARDING THE MAINTENANCE OF RESEARCH AND DEVELOPMENT LEADERSHIP WITH RESPECT TO WIRELESS COMMUNICATIONS TECHNOLOGIES.
This subtitle may be cited as the "Protection of American Innovation and Development Act of 2020".

SEC. 1293. LIST OF FOREIGN ENTITIES THAT THREATEN NATIONAL SECURITY WITH RESPECT TO WIRELESS COMMUNICATIONS RESEARCH AND DEVELOPMENT.
Part I of the Export Control Reform Act of 2018 (50 U.S.C. 4812(2)) is amended by inserting after section 1759 the following:

"SEC. 1759A. LIST OF FOREIGN ENTITIES THAT THREATEN NATIONAL SECURITY WITH RESPECT TO WIRELESS COMMUNICATIONS RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary shall establish and maintain a list of each foreign entity that the Secretary determines—"
“(1) A decision by a court or arbitral tribunal that a patent owned by the person is essential for the implementation of that standard.

“(2) A determination by an independent patent evaluator not hired by the person that a license agreement or an agreement to enter into such arbitration, as the case may be, by including or excluding wireless communications device manufacturers that are covered foreign persons.

“(c) MOVEMENT BETWEEN LISTS.—A foreign entity on the watch list required by subsection (b) with respect to a reasonably similar portfolio of the person's patents that are essential for the implementation of that standard.

“(b) that is a successor to an entity described in subsection (a), pursuant to procedures and any terms or conditions under which such bonds will be forfeited under paragraph (1).

“(c) EXCLUSION FROM LICENSE REQUIREMENTS.—In this section, the term 'affiliate' and 'covered United States person' have the meanings given those terms in section 1759A(d) of the Export Control Reform Act of 2018.”

“SEC. 1295. EXCLUSION FROM LICENSE REQUIREMENTS FOR PARTICIPATION IN STANDARDS ORGANIZATIONS.

Section 1756 of the Export Control Reform Act of 2018 (50 U.S.C. 4151) is amended by adding at the end the following:

“(e) EXCLUSION FROM LICENSE REQUIREMENTS FOR PARTICIPATION IN STANDARDS ORGANIZATIONS.—No license shall be required for the export, reexport, or in-country transfer of a covered United States person that made the demonstration described in this paragraph if the person has reason to believe that the demonstration described in subsection (b)(2) with respect to the entity—

“(i) a covered foreign person; and

“(ii) a foreign entity that is a successor to an entity described in paragraphs (2)(H) and (3) of section 1752.

“(3) COVERED FOREIGN PERSON.—The term 'covered foreign person' means a country with respect to which the Secretary determines that—

“(A) persons in the country persistently use, without obtaining a license, patents—

“(i) essential for the implementation of wireless communications standards; and

“(ii) held by a United States person; and

“(B) that use of patents poses a threat to—

“(i) the ability of the United States to develop such an essential standard; or

“(ii) access to the standard described in paragraph (2); or

“(C) MOVEMENT BETWEEN LISTS.—A covered foreign person may be moved to the United States person that made the demonstration described in section 1759A(b)(2) of Export Control Reform Act of 2018 with respect to the entity.

“(2) TERMS AND CONDITIONS.—The Secretary of Commerce shall prescribe the procedures and any terms or conditions under which bonds will be forfeited under paragraph (1).

“(d) DETERMINATIONS.—In this section, the term "wireless communications standard' means—

“(A) a cellular wireless telecommunications standard, including such a standard promulgated by the 3rd Generation Partnership Project (commonly known as "3GPP") or the 3rd Generation Partnership Project 2 (commonly known as "3GPP2"), or

“(B) a wireless local area network standard, including such a standard designated as IEEE 802.11 as developed by the Institute of Electrical and Electronics Engineers (commonly known as the 'IEEE').

“SEC. 1294. IMPORT SANCTIONS WITH RESPECT TO CERTAIN FOREIGN ENTITIES THAT THREATEN NATIONAL SECURITY.

Chapter 4 of title II of the Trade Expansion Act of 1962 (19 U.S.C. 1862 et seq.) is amended by inserting after section 232 the following:

“SEC. 234. IMPORT SANCTIONS WITH RESPECT TO CERTAIN FOREIGN ENTITIES THAT THREATEN NATIONAL SECURITY.

“(a) IN GENERAL.—Any foreign entity on the list required by section 1759(a)(1) of the Export Control Reform Act of 2018 may be subject to trade sanctions or controls on the importing of goods or technology into the United States as the President may prescribe.

“(b) ENTRY UNDER BOND.—

“(1) In general.—The President may be moved to the list described in subsection (a) because of an order to lie on the table; as follows:

At the appropriate place in subtitle B of title XVI, insert the following:

SA 2144. Mrs. BLACKBURN (for herself and Mr. HEINRICH) submitted an amendment intended to be proposed by her in the bill S. 4049, to authorize ap...
SEC. 320. LIMITED EXEMPTION FOR DISPOSAL OF CERTAIN MATERIALS CONTAINING PFAS IN ALASKA THERMAL TREATMENT FACILITIES.

(a) APPLICATION OF EXCHANGE AUTHORITY TO ARTIFICIAL INTELLIGENCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance to the secretaries of the military departments on the guidance components on improved use of the direct hiring processes for artificial intelligence professionals and other data science and software development personnel.

(b) OBJECTIVE.—The objective of the guidance issued under subsection (a) shall be to ensure that organizational leaders assume greater roles in hiring, and to make the results of artificial intelligence professionals and other data science and software development personnel.

(c) CONTENTS OF GUIDANCE.—At a minimum, the guidance required by subsection (a) shall:

(1) instruct human resources professionals and hiring authorities to utilize available direct hiring authorities (including excepted service authorities) for the hiring of artificial intelligence professionals and other data science and software development personnel, to the maximum extent practicable;

(2) instruct hiring authorities, when using direct hiring authorities, to supplement utilization of panels of subject matter experts over human resources professionals to assess applicant qualifications and determine which applicants are best qualified for a position;

(3) authorize and encourage the use of ePortfolio reviews to provide insight into the previous work of applicants as a tangible demonstration of capabilities and contribute to the assessment of applicant qualifications by subject matter experts; and

(4) encourage the use of referral bonuses for recruitment and hiring of highly qualified artificial intelligence professionals and other data science and software development personnel in accordance with volume 451 of Department of Defense Instruction 1400.25.

(d) REPORT.—

(1) IN GENERAL.—Not later than one year after the date on which the guidance is issued under subsection (a), the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the guidance issued pursuant to subsection (a).

(2) CONTENTS.—At a minimum, the report submitted under paragraph (1) shall address the following:

(A) The objectives of the guidance and the manner in which the guidance seeks to achieve those objectives.

(B) The effect of the guidance on the hiring process for artificial intelligence professionals and other data science and software development personnel, including the effect on—

(i) hiring time;

(ii) the use of direct hiring authority;

(iii) the use of subject matter experts; and

(iv) the quality of new hires, as assessed by hiring managers and organizational leaders.

SA 2145. Mrs. BLACKBURN (for herself and Mr. HEINRICH) submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle B of title XVI, add the following:

SEC. 320. LIMITED EXEMPTION FOR DISPOSAL OF CERTAIN MATERIALS CONTAINING PFAS IN ALASKA THERMAL TREATMENT FACILITIES.

(a) APPLICATION OF EXCHANGE AUTHORITY TO ARTIFICIAL INTELLIGENCE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall take steps to ensure that the authority for the Secretary to operate a public-private talent exchange program pursuant to section 1599g of title 10, United States Code, is utilized to exchange personnel with private sector entities working on artificial intelligence applications. Such application of the authority of section 1599g shall be in addition to, not in lieu of, any previous application of the authority by the Secretary.

(b) GOALS FOR PROGRAM PARTICIPATION.—In carrying out the requirement of subsection (a), the Secretary shall—

(1) establish goals for an expanded artificial intelligence public-private talent exchange;

(2) identify any barriers that would prevent the Secretary from achieving these goals; and

(3) provide a request to Congress for any additional authorities required to expand the program.

(c) BRIEFING ON EXPANSION OF EXCHANGE AUTHORITY TO ARTIFICIAL INTELLIGENCE.—Not later than 180 days after the date of the enactment of this Act and annually thereafter for five years, the Secretary shall brief the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives on efforts taken to expand existing public-private exchange programs of the Department of Defense and to ensure that such programs seek opportunities for exchanges with private sector entities working on artificial intelligence applications, in accordance with the requirements of this section.

SA 2146. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 320. LIMITED EXEMPTION FOR DISPOSAL OF CERTAIN MATERIALS CONTAINING PFAS IN ALASKA THERMAL TREATMENT FACILITIES.

(a) APPLICATION OF EXCHANGE AUTHORITY TO ARTIFICIAL INTELLIGENCE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall take steps to ensure that the authority for the Secretary to operate a public-private talent exchange program pursuant to section 1599g of title 10, United States Code, is utilized to exchange personnel with private sector entities working on artificial intelligence applications. Such application of the authority of section 1599g shall be in addition to, not in lieu of, any previous application of the authority by the Secretary.

(b) GOALS FOR PROGRAM PARTICIPATION.—In carrying out the requirement of subsection (a), the Secretary shall—

(1) establish goals for an expanded artificial intelligence public-private talent exchange;

(2) identify any barriers that would prevent the Secretary from achieving these goals; and

(3) provide a request to Congress for any additional authorities required to expand the program.

(c) BRIEFING ON EXPANSION OF EXCHANGE AUTHORITY TO ARTIFICIAL INTELLIGENCE.—Not later than 180 days after the date of the enactment of this Act and annually thereafter for five years, the Secretary shall brief the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives on efforts taken to expand existing public-private exchange programs of the Department of Defense and to ensure that such programs seek opportunities for exchanges with private sector entities working on artificial intelligence applications, in accordance with the requirements of this section.

SA 2147. Mr. SULLIVAN submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 320. LIMITED EXEMPTION FOR DISPOSAL OF CERTAIN MATERIALS CONTAINING PFAS IN ALASKA THERMAL TREATMENT FACILITIES.

(a) APPLICATION OF EXCHANGE AUTHORITY TO ARTIFICIAL INTELLIGENCE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall take steps to ensure that the authority for the Secretary to operate a public-private talent exchange program pursuant to section 1599g of title 10, United States Code, is utilized to exchange personnel with private sector entities working on artificial intelligence applications. Such application of the authority of section 1599g shall be in addition to, not in lieu of, any previous application of the authority by the Secretary.

(b) GOALS FOR PROGRAM PARTICIPATION.—In carrying out the requirement of subsection (a), the Secretary shall—

(1) establish goals for an expanded artificial intelligence public-private talent exchange;

(2) identify any barriers that would prevent the Secretary from achieving these goals; and

(3) provide a request to Congress for any additional authorities required to expand the program.

(c) BRIEFING ON EXPANSION OF EXCHANGE AUTHORITY TO ARTIFICIAL INTELLIGENCE.—Not later than 180 days after the date of the enactment of this Act and annually thereafter for five years, the Secretary shall brief the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives on efforts taken to expand existing public-private exchange programs of the Department of Defense and to ensure that such programs seek opportunities for exchanges with private sector entities working on artificial intelligence applications, in accordance with the requirements of this section.

SA 2148. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 1096, add the following:

(d) DISTRIBUTION OF ESTIMATE.—As soon as practicable after submitting an estimate as described in paragraph (1) of subsection (a) and making the certification described in paragraph (2) of such subsection, the Secretary shall make such estimate available to any licensee operating under a contract or authorization described in such subsection.

(e) AUTHORITY OF SECRETARY OF DEFENSE TO SEEK RECOVERY OF COSTS.—The Secretary of Defense may work directly with any licensee (or any future assignee, successor, or purchaser) affected by the Order and Authorization adopted by the President of the United States under section 1096 of Public Law 116–92) to seek recovery of costs incurred by the Department of Defense as a result of the effect of such order or authorization, as determined by the estimate as described in paragraph (1) of subsection (a) and certified in paragraph (2) of such subsection.

(1) IN GENERAL.—The Secretary shall establish and facilitate a process for any licensee
paragraph (1) not later than 15 days after the date on which the review is requested by the Senator.

(b) FAIR TREATMENT.—Notwithstanding any other provision of law, whenever the Director facilitates the review of classified documentation for one Senator, the Director shall facilitate the review of that documentation for any other Senator who requests such documentation.

SA 2151. Ms. McSALLY submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title X, add the following:

SEC. 201. AMENDMENTS TO TITLE 46.

(a) IN GENERAL.—Chapter 303 of title 46, United States Code, is amended—

(1) by redesignating the item relating to section 30308 as section 30309; and

(2) by inserting after section 30307 the following:

"§ 30308. Death of a member of the Armed Forces from an accident on the high seas.

(1) DEFINITION.—In this section, the term 'nonpecuniary damages' means damages for loss of care, comfort, or companionship.

(2) GOVERNMENT IMMUNITY.—Nothing in this Act shall be construed to affect any existing laws or doctrines establishing governmental immunity from tort-based claims.

(c) JURY TRIAL.—A claim under this section may be tried with a jury.

(d) GOVERNING LAW.—In an action under this section, the maritime law of the United States shall apply.

(e) EFFECTIVE DATE.—This section shall apply to any death occurring after January 1, 2017.

(f) GOVERNMENT IMMUNITY.—Nothing in this Act shall be construed to affect any existing laws or doctrines establishing governmental immunity from tort-based claims.

SA 2150. Mr. Lee submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 2. FACILITATING REVIEW BY THE SENATE OF CLASSIFIED DOCUMENTATION.

(a) FACILITATION REQUIRED.—

(1) IN GENERAL.—The Director of National Intelligence shall facilitate the review of classified documentation when requested to do so by the Senate.

(2) PERIOD OF FACILITATION.—The Director shall facilitate for a Senator a review under

At the end of subtitle G of title X of division A, add the following:

SEC. 1005. REPEAL OF EXEMPTION TO CYBERSECURITY CERTIFICATION FOR RAIL ROADING BY PUBLIC TRANSPORTATION AGENCIES.

Section 5220(k)(5) of title 49, United States Code, is amended—

(1) by striking ‘‘(A) PARTIES TO EXECUTED CONTRACTS’’; and

(2) by striking subparagraphs (B) and (C).

SA 2153. Mr. Cruz submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 3. LIMITATION ON USE OF DEPARTMENT OF DEFENSE FUNDS FOR PRODUCTION OF FILMS AND PROHIBITION ON USE OF FEDERAL FUNDS SUBJECT TO CONDITIONS ON CONTEST OR ALTERED FOR SCREENING IN THE PEOPLE'S REPUBLIC OF CHINA OR THE CHINESE COMMUNIST PARTY.

(a) LIMITATION ON USE OF DEPARTMENT OF DEFENSE FUNDS.—The Secretary of Defense may only provide technical support or access to an asset controlled by the Department of Defense for, or enter into a contract relating to, the production or funding of a film by a United States company if the United States company, as a condition of receiving the support or access—

(1) provides a list of all films produced or funded by the United States company the content of which has been submitted, during the shorter of the preceding 10-year period or the period beginning on the date of the enactment of this Act, to an official of the Government of the People's Republic of China or the Chinese Communist Party for evaluation with respect to screening the film in the People's Republic of China, including, for each film—

(A) the title of the film; and

(B) the date on which the submitted material was received; and

(2) enters into a written agreement with the Secretary not to alter the content of the film in response to, or in anticipation of, a request by an official of the Government of the People's Republic of China or the Chinese Communist Party.

(b) PROHIBITION WITH RESPECT TO FILMS SUBJECT TO CONDITIONS ON CONTENT OR ALTERED FOR SCREENING IN THE PEOPLE'S REPUBLIC OF CHINA.—Notwithstanding subsection (a), the Secretary may not provide technical support or access to any asset controlled by the Department of Defense for, or enter into a contract relating to, the production or funding of a film by a United States company if the United States company entered into any contract relating to, the production or funding of a film by a United States company:

(1) the film is co-produced by an entity located in the People's Republic of China that is subject to conditions on content imposed by an official of the Government of the People's Republic of China or the Chinese Communist Party; or

(2) with respect to the most recent report submitted under subsection (a), the United States company is listed in the report under subparagraph (C) or (D) of paragraph (2) of that subsection.

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act,
and annually thereafter, the Secretary shall submit to the appropriate committees of Congress a report on films disclosed under subsection (a) that are associated with a United States company that has entered into a contract relating to the production or funding of a film.

(2) ELEMENTS.—Each report required by paragraph (1) shall include the following:

(A) A description of each film listed pursuant to the requirement under subsection (a)(1) the content of which was submitted, during the shorter of the preceding 10-year period or the period beginning on the date of the enactment of this Act, by a United States company to an official of the Government of the People’s Republic of China or the Chinese Communist Party for evaluation with respect to screening the film in the People’s Republic of China, including—

(i) the United States company that submitted the contents of the film;

(ii) the title of the film; and

(iii) the date on which the submittal occurred.

(B) A description of each film with respect to which a United States company entered into a written agreement with the Secretary pursuant to the requirement under subsection (a)(2) not to alter the content of the film in response to, or in anticipation of, a request by an official of the Government of the People’s Republic of China or the Chinese Communist Party, during the shorter of the preceding 10-year period or the period beginning on the date of the enactment of this Act, including—

(i) the United States company that entered into the agreement; and

(ii) the title of the film.

(C) A description of each film described under subparagraph (A), and the corresponding United States company described in clause (i) of that subparagraph—

(i) that was submitted to an official of the Government of the People’s Republic of China or the Chinese Communist Party during the preceding 3-year period; and

(ii) for which the Secretary assesses that the content was altered in response to, or in anticipation of, a request by an official of the Government of the People’s Republic of China or the Chinese Communist Party, during the shorter of the preceding 10-year period or the period beginning on the date of the enactment of this Act, including—

(i) the United States company that submitted the contents of the film; and

(ii) the title of the film; and

(iii) the date on which the submittal occurred.

(D) The title of any film that is described in both subparagraph (A) and subparagraph (B), and the corresponding one or more United States companies described in clause (i) of each such subparagraph—

(i) that was submitted to an official of the Government of the People’s Republic of China or the Chinese Communist Party during the preceding 10-year period; and

(ii) for which the Secretary assesses that the content was altered in response to, or in anticipation of, a request by an official of the Government of the People’s Republic of China or the Chinese Communist Party for evaluation with respect to screening the film in the People’s Republic of China, including, for each film—

(A) the title of the film; and

(B) the date on which the submittal occurred;

(2) ELEMENTS.—Each report required by paragraph (1) shall include the following:

(A) A description of each film listed pursuant to the requirement under subsection (a)(1) the content of which was submitted, during the shorter of the preceding 10-year period or the period beginning on the date of the enactment of this Act, by a United States company that entered into a contract relating to, the production or funding of a film by a United States company if the United States company, as a condition of receiving the support or access, as applicable, pursuant to the requirement under subsection (a)(2) not to alter the content of the film in response to, or in anticipation of, a request by an official of the Government of the People’s Republic of China or the Chinese Communist Party, during the shorter of the preceding 10-year period or the period beginning on the date of the enactment of this Act, including—

(i) the United States company that entered into the agreement; and

(ii) the title of the film.

(B) A description of each film with respect to which a United States company entered into a written agreement with the President, or the Federal agency providing the support or access, as applicable, pursuant to the requirement under subsection (a)(2) to not alter the content of the film in response to, or in anticipation of, a request by an official of the Government of the People’s Republic of China or the Chinese Communist Party, during the preceding 3-year period; and

(ii) for which the Secretary assesses that the content was altered in response to, or in anticipation of, a request by an official of the Government of the People’s Republic of China or the Chinese Communist Party, during the preceding 3-year period.

(3) submissions such agreement to the Secretary.

(C) The title of any film described under subparagraph (A), and the corresponding United States company described in clause (i) of each such subparagraph—

(i) that was submitted to an official of the Government of the People’s Republic of China or the Chinese Communist Party during the preceding 3-year period; and

(ii) for which the Secretary assesses that the content was altered in response to, or in anticipation of, a request by an official of the Government of the People’s Republic of China or the Chinese Communist Party for evaluation with respect to screening the film in the People’s Republic of China, including—

(A) a description of each film listed pursuant to the requirement under subsection (a)(1) the content of which was submitted, during the shorter of the preceding 10-year period or the period beginning on the date of the enactment of this Act, by a United States company that entered into a contract relating to, the production or funding of a film by a United States company—

(i) the title of each film; and

(ii) the date on which the submittal occurred; and

(D) the title of any film that is described in both subparagraph (A) and subparagraph (B), and the corresponding one or more United States companies described in clause (i) of each such subparagraph—

(i) that was submitted to an official of the Government of the People’s Republic of China or the Chinese Communist Party during the preceding 10-year period; and

(ii) for which the Secretary assesses that the content was altered in response to, or in anticipation of, a request by an official of the Government of the People’s Republic of China or the Chinese Communist Party, during the shorter of the preceding 10-year period or the period beginning on the date of the enactment of this Act, including—

(i) the United States company that submitted the contents of the film; and

(ii) the title of the film.

(D) The title of any film that is described in both subparagraph (A) and subparagraph (B), and the corresponding one or more United States companies described in clause (i) of each such subparagraph—

(i) that was submitted to an official of the Government of the People’s Republic of China or the Chinese Communist Party during the preceding 3-year period; and

(ii) for which the Secretary assesses that the content was altered in response to, or in anticipation of, a request by an official of the Government of the People’s Republic of China or the Chinese Communist Party, during the preceding 3-year period.

(D) Definitions.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Energy and Commerce of the House of Representatives.

(2) CONTENT.—The term “content” means any description of a film, including the script.

(3) UNITED STATES COMPANY.—The term “United States company” means a private entity incorporated in the United States.

SA 2154. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and to make other military and defense authorizations and appropriations for fiscal year 2021. The amendment was ordered to lie on the table. As follows:

At the appropriate place, insert the following:

SEC. 7. LIMITATION ON USE OF FUNDS FOR PROHIBITION OF FILMS AND PROHIBITION ON USE OF SUCH FUNDS FOR FILMS SUBJECT TO CONDITIONS ON CONTENT OR ALTERED FOR SCREENING IN THE PEOPLE'S REPUBLIC OF CHINA OR THE CHINESE COMMunist PARTY.

(a) LIMITATION ON USE OF FUNDS.—The President may only authorize the provision of technical support or access to an asset controlled by the Federal Government for, or authorize the head of a Federal agency to enter into a contract relating to, the production or funding of a film by a United States company if the United States company, as a condition of receiving the support or access, as applicable, pursuant to the requirement under subsection (a)(2) to not alter the content of the film in response to, or in anticipation of, a request by an official of the Government of the People’s Republic of China or the Chinese Communist Party, during the preceding 3-year period.

(b) PROHIBITION WITH RESPECT TO FILMS SUBJECT TO CONDITIONS ON CONTENT OR ALTERED FOR SCREENING IN THE PEOPLE'S REPUBLIC OF CHINA.—Notwithstanding subsection (a), the President may not authorize the provision of technical support or access to an asset controlled by the Federal Government, or authorize the head of a Federal agency to enter into any contract relating to, the production or funding of a film by a United States company if—

(1) the film is co-produced by an entity located in the People’s Republic of China that is subject to conditions on content imposed by an official of the Government of the People’s Republic of China or the Chinese Communist Party; and

(2) with respect to the most recent report submitted under subsection (c), the United States company is listed in the report under subparagraph (A) or (B) of paragraph (2) of that subsection.

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the appropriate committees of Congress a report on films disclosed under subsection (a) that are associated with a United States company that has received technical support or access to an asset controlled by the Federal Government for, or has entered into a contract with the Federal Government relating to, the production or funding of a film.

(2) ELEMENTS.—Each report required by paragraph (1) shall include the following:

(A) A description of each film listed pursuant to the requirement under subsection (a)(1) the content of which was submitted, during the shorter of the preceding 10-year period or the period beginning on the date of the enactment of this Act, by a United States company that entered into a contract relating to, the production or funding of a film by a United States company if the United States company, as a condition of receiving the support or access, as applicable, pursuant to the requirement under subsection (a)(2) to not alter the content of the film in response to, or in anticipation of, a request by an official of the Government of the People’s Republic of China or the Chinese Communist Party, for evaluation with respect to screening the film in the People’s Republic of China, including—

(i) the United States company that submitted the contents of the film;

(ii) the title of the film; and

(iii) the date on which the submittal occurred.

(B) A description of each film with respect to which a United States company entered into a written agreement with the President, or the Federal agency providing the support or access, as applicable, pursuant to the requirement under subsection (a)(2) not to alter the content of the film in response to, or in anticipation of, a request by an official of the Government of the People’s Republic of China or the Chinese Communist Party, during the preceding 3-year period.
of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. 3. INDUSTRIES OF THE FUTURE COORDINATION COUNCIL.

(a) Establishment.—(1) In general.—The President shall establish or designate a council to advise the Director of the Office of Science and Technology Policy on matters relevant to the Director concerning the industries of the future.

(b) Designation.—The council established or designated under paragraph (1) shall be known as the “Industries of the Future Coordination Council” (in this section the “Council”).

(b) Membership.—(1) Composition.—The Council shall be composed of members from the Federal Government as follows:

(A) One member appointed by the Secretary of Defense; (B) the Director of the Office of Science and Technology Policy; (C) the chairperson of the Subcommittee on Artificial Intelligence of the National Science and Technology Council; (D) the chairperson of the Subcommittee on Quantum Information Science of the National Science and Technology Council; (E) such other members as the President considers appropriate.

(2) Chairperson.—The member appointed to the Council under paragraph (1)(A) shall serve as the chairperson of the Council.

(c) Duties.—The duties of the Council are as follows:

(1) To provide the Director with advice on ways in which the Federal Government can ensure the United States continues to lead the world in developing emerging technologies; and (2) to develop a plan to leverage investments by non-Federal entities to support new industries of the future to $10,000,000,000 per year by fiscal year 2025.

(d) Plans.—(1) A plan to leverage investments in artificial intelligence and quantum information science of the United States, and quantum computational and informational technologies that improve the quality of life of the people of the United States, increase economic competitiveness of the United States, and strengthen the national security of the United States, including identification of the following:

(A) Investments required in fundamental research and development, infrastructure, and workforce development of the United States workers who will support the industries of the future.

(B) Actions necessary to create and further develop the workforce that will support the industries of the future.

(C) Actions required to leverage the strength of the research and development ecosystem, which includes academia, industry, and nonprofit organizations.

(Ways that the Federal Government can consider leveraging existing partnerships and creating new partnerships and other multisector collaborations to advance the industries of the future.

(2) To provide the Director with advice on matters relevant to the report required by section 2.

(e) Coordination.—The Council shall coordinate with and utilize relevant existing National Science and Technology Council committees to the maximum extent feasible in order to minimize the duplication of effort.

(f) Sunset.—The Council shall terminate on the date that is 6 years after the date of the enactment of this Act.

SA 2156. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for the fiscal year 2021 for military construction, for military activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SA 2157. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. 1. SHORT TITLE.

This subtitle may be cited as the “Industries of the Future Act of 2020.”

SEC. 2. REPORT ON FEDERAL RESEARCH AND DEVELOPMENT FOCUSED ON INDUSTRIES OF THE FUTURE.

(a) In general.—Not later than 120 days after the date of the enactment of this Act, the Director of the Office of Science and Technology Policy shall submit to Congress a report on research and development investments, infrastructure, and workforce development of the Federal Government that enable continued United States leadership of the future.

(b) Contents.—The report submitted under subsection (a) shall include the following:

(1) A definition, for purposes of this Act, of the term “industries of the future” that includes emerging technologies.

(2) An assessment of the current baseline of investments in civilian research and development investments of the Federal Government, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. 3. AUDIT OF THE DEPARTMENT OF DEFENSE’S ATTACHMENT POLICIES AND PROCEDURES.

(a) Establishment.—(1) In general.—The Secretary of Defense shall submit to Congress a report on the effect of the Department of Defense’s attachment policies and procedures, for fiscal year 2021, and for other years and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. 3. AUTOMATED ANNUAL INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) Indexing to Social Security Index Increases.—Section 3312 of title 38, United States Code, is amended by—

(1) by redesignating subsection (c) as subsection (d);

(2) by inserting after subsection (b) the following new subsection:

(3) Whenever there is an increase in benefit amounts payable under title II of the Social Security Act (42 U.S.C. 415(i)), the Secretary shall, effective on the date of such increase in benefit amounts, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as in effect immediately before the date of such increase in benefit amounts payable under title II of the Social Security Act, by the same percentage as the percentage by which such benefit amounts are increased.

(2) The dollar amounts to be increased pursuant to paragraph (1) are the following:

(A) Disability Compensation.—Each of the dollar amounts in effect under section 1114 of this title.

(B) Post-9/11 Disability Compensation for Dependents.—Each of the dollar amounts in effect under section 1115(k) of this title.

(C) Clothing Allowance.—The dollar amount in effect under section 1163 of this title.

(D) New DIC Rates.—Each of the dollar amounts in effect under paragraphs (1) and (2) of section 1301(a) of this title.

(E) Old DIC Rates.—Each of the dollar amounts in effect under section 1311(a)(3) of this title.

(F) Additional DIC for Surviving Spouses with Minor Children.—The dollar amount in effect under section 1311(b) of this title.

(G) Additional DIC for Disability.—Each of the dollar amounts in effect under subsections (c) and (d) of section 1311 of this title.

(H) DIC for Dependent Children.—Each of the dollar amounts in effect under sections 1313(a) and 1314 of this title.

and by—

(3) by adding at the end of subsection (d), as redesignated by paragraph (1), the following new paragraph:

(3) Whenever there is an increase under subsection (c)(1) in amounts in effect for the payment of disability compensation and dependency and indemnity compensation, the Secretary shall publish such amounts, as increased pursuant to such subsection, in the Federal Register at the same time as the material required by section 215(1)(2)(D) of the Social Security Act (42 U.S.C. 415(1)(2)(D)) is published by reason of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(b) Effective Date.—Subsection (c) of section 502 of title 38, United States Code, as in effect immediately before the date of such increase in benefit amounts payable under title II of the Social Security Act, by the same percentage as the percentage by which such benefit amounts are increased.

SA 2159. Mr. THUNE submitted an amendment intended to be proposed by
him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1052. TRANSFER OF EXCESS DEPARTMENT OF DEFENSE, FOR MILITARY CONSTRUCTION, AND FOR DEFENSE ACTIVITIES OF THE DEPARTMENT OF ENERGY, TO PREScribe MILITARY PERSONNEL STRENGTHS FOR SUCH FISCAL YEAR, AND FOR OTHER PURPOSES; WHICH WAS ORDERED TO LIE ON THE TABLE; AS FOLLOWS:

(a) OFFER OF FIRST REFUSAL OUTSIDE DEPARTMENT OF DEFENSE.—

(1) IN GENERAL.—Upon a determination that aircraft or equipment specified in subsection (c) is also excess to the requirements of the military departments, the Secretary of Defense shall offer to the Secretary of Homeland Security to transfer such aircraft or equipment to the Secretary of Homeland Security for use by U.S. Customs and Border Protection purposes and related preserved.

(b) OFFER OF SECOND REFUSAL OUTSIDE DEPARTMENT OF DEFENSE.—

(1) IN GENERAL.—Upon a determination that aircraft or equipment offered to the Secretary of Homeland Security pursuant to this section shall be used by the Chief of the U.S. Forest Service for wildland fire management and related purposes.

(c) AIRCRAFT AND EQUIPMENT.—The aircraft and equipment specified in this subsection shall be made available to the Secretary of Homeland Security for use by U.S. Customs and Border Protection purposes and related preserved.

(d) TIMING OF OFFER.—Any offer under this subsection for aircraft or equipment shall be made before such aircraft or equipment is otherwise disposed of outside the Department of Defense.

SEC. 1260. MR. THUNE submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 382. AUTHORIZATION FOR MAINTENANCE FACILITIES AND HANGERS AT NORTHERN TIER BASES OF THE AIR NATIONAL GUARD.

(a) General.—In addition to any other authorization for aircraft maintenance space, including for corrosion control and fuel system maintenance, the Secretary of the Air Force may construct covered space facilities for the maintenance of aircraft at Northern Tier bases for the Air National Guard to ensure that each such base has covered space for the maintenance of aircraft at a size of not less than 50,000 square feet.

(b) REQUIREMENTS.—Construction conducted under subsection (a) shall—

(1) prioritize efficiencies and cost savings with respect to condition-based maintenance;

(2) prioritize efficiencies and cost savings with respect to condition-based maintenance; and

(3) be subject to the technical and operational standards for aircraft at the base at which the construction is conducted.

(c) FUNDING.—Construction conducted under subsection (a) shall be subject to the availability of funds for such purpose.

SEC. 2161. MR. THUNE submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 382. COST-SHARING AGREEMENT FOR STATE AND FEDERAL COSTS FOR RIFLE TRAINING RANGE FOR AIR FORCE SECURITY FORCES.

(a) AUTHORIZATION.—The Secretary may enter into a cost-sharing agreement with a State for the purposes of establishing a rifle training range for the Air Force Security Forces.

(b) REQUEST FOR PROPOSAL.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary shall issue to all States a request for proposal for a cost-sharing agreement under subsection (a).

(2) ELEMENTS OF PROPOSALS.—In reviewing proposals submitted by States under paragraph (1) the Secretary shall consider—

(A) training requirements of current and anticipated Air Force Security Forces;

(B) savings of funds, and other costs related to current training activities of the Air Force Security Forces;

(C) the benefits of the proposal to each State; and

(D) the cost-sharing arrangement proposed by the State.

(c) AUTHORIZATION OF FUNDS.—

(1) AUTHORIZATION OF LAND ACQUISITION.—There is authorized to be appropriated to the Secretary $10,000,000 to be used by the Secretary for land acquisition to carry out this section.

(2) AUGMENTATION OF RIFLE TRAINING RANGE.—There is authorized to be appropriated to the Secretary $100,000,000 to be used by the Secretary for augmentation of rifle training range under subsection (a) as necessary to support training requirements of the Air Force Security Forces.

(3) SOLICITATION OF ADDITIONAL FUNDS.—The Secretary may solicit additional funds from another military department or agency to defray the cost of construction and operational costs under this section.

(d) SECRETARY DEFINED.—In this section, the term “Secretary” means the Secretary of the Air Force.

SEC. 2162. MR. THUNE submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle C of title II, add the following:

SEC. 942. STUDY ON CONTRIBUTION OF EXISTING FEDERAL SPACE-RELATED ASSETS TO SPACE FORCE MISSIONS.

(a) IN GENERAL.—The Air Force and the Chief of Space Operations shall, in consultation with the heads of other applicable departments and agencies of the Federal Government, jointly conduct a study on the feasibility and advisability of the contribution of existing space-related assets of other departments and agencies of the Federal Government to the space force missions.

(b) ELEMENTS.—The study conducted under this subsection shall include the following:

(1) The ability to co-locate Space Force assets at facilities of the Federal Government that currently conduct space-related activities, including facilities operated by each of the following:

(A) The National Reconnaissance Office.

(B) The National Geospatial-Intelligence Agency.

(C) The National Security Agency.

(D) The National Aeronautics and Space Administration.

(E) The United States Geological Survey.

(F) The National Oceanic and Atmospheric Administration.

(G) Any other department or agency of the Federal Government considered appropriate by the Secretary and the Chief of Space Operations.
(2) The suitability of each Federal agency specified in paragraph (1) to host the following:
(A) Regular Space Force units, including detachments;
(B) Technological support for Space Force mission requirements, including data storage and communications.
(C) In other mission or support considered appropriate by the Secretary and the Chief of Space Operations,
(c) SCOPE OF REVIEW.—In reviewing the facility of a Federal agency in connection with the study under subsection (a), the Secretary and the Chief of Space Operations shall take into account the following at or in connection with in section (a):
(1) Available surplus real estate.
(2) Data storage capacity and data security.
(3) Communications connectivity.
(4) Available civilian workforce.
(5) Costs in the vicinity of such installation.
(6) Locality pay in the vicinity of such installation.
(7) Potential for hosting additional Space Force activities in the future, including activity of a Space Force Reserve or Space National Guard.
(D) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Secretary and the Chief of Space Operations shall jointly submit to Congress a report setting forth the results of the study conducted under subsection (a).

SA 2163. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection A of title IV, add the following:

SEC. 403. EXCLUSION FROM ACTIVE-DUTY PERSONNEL END STRENGTH LIMITATIONS OF CERTAIN MILITARY PERSONNEL ASSIGNED FOR DUTY IN CONNECTION WITH THE FOREIGN MILITARY SALES PROGRAM.
(a) EXCLUSION.—Except as provided in subsection (c), members of the Armed Forces on active duty who are assigned to an entity specified in subsection (b) for duty in connection with the Foreign Military Sales (FMS) program shall not count toward any end strength limitation for active-duty personnel otherwise applicable to members of the Armed Forces on active duty.
(b) SPECIFIED ENTITIES.—The entities specified in this subsection are the following:
(1) military departments,
(2) the Defense Security Cooperation Agency,
(3) the combatant commands,
(c) INAPPLICABILITY TO GENERAL AND FLAG OFFICERS.—Subsection (a) shall not apply with respect to any general or flag officer assigned as described in that subsection.

SA 2164. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection B of title I, add the following:

SEC. 114. PROCUREMENT OF S-400 AIR DEFENSE MISSILE SYSTEM FROM REPUBLIC OF TURKEY.
(a) AUTHORITY.—Subject to subsection (b), such sums as may be necessary are authorized to be appropriated for the Army for "Missle Procurement, Army" for the purchase of an S-400 missile defense system.
(b) CERTIFICATION REQUIREMENT.—The authority to purchase a missile defense system under subsection (a) is subject to a certification by the Government of Turkey to the Secretary of Defense and the Secretary of State that the proceeds of such purchase will not be utilized to purchase or otherwise acquire military apparatus deemed by the United States to be incompatible with the North Atlantic Treaty Organization.

SA 2165. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection D of title X, add the following:

SEC. 831. PROHIBITION ON USE OF FUNDS TO TRANSFER OR RELEASE INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION GUANTANAMO BAY, CUBA, IN CONNECTION WITH AGREEMENT FOR BRINGING PEACE TO AFGHANISTAN.
No amounts authorized to be appropriated by this Act may be used to transfer or release any individual detained in the custody of or under the control of the Department of Defense at United States Naval Station, Guantanamo Bay, Cuba, from United States Naval Station, Guantanamo Bay, in connection with the Agreement for Bringing Peace to Afghanistan which is not recognized by the United States as a state and is known as the Taliban and the United States of America, signed at Doha February 29, 2020.

SA 2166. Mr. INHOFE (for himself and Mr. Moran) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. 1. SUPPORT FOR RURAL WATER SYSTEMS.
Section 3.7(f) of the Farm Credit Act of 1971 (12 U.S.C. 2123(b)(7)) is amended—
(1) in the matter preceding subparagraph (A) as so redesignated, by striking "shall designate a Special Representative for the Arctic—";
(2) in the matter preceding subparagraph (B) as so redesignated, by striking "and Mr. Sullivan) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1242. AUTHORITY TO PURCHASE MIGHTY MORPHIN POWER RANGERS FIGURINES FOR MILITARY PERSONNEL.
It is the sense of Congress that—
(1) the continued security of the Baltic states of Estonia, Latvia, and Lithuania is
critical to achieving United States national security interests and defense objectives against the acute and formidable threat posed by Russia;

(2) the reconstituted G8, the Russian Federation must end its illegal occupation of Crimea and Donbas and cease its malign activities against democratic countries; and

(2) it should be the official policy of the United States to reject the readmission of the Russian Federation into a reconstituted G8 and the participation of the Russian Federation in any future G7 proceeding unless the Russian Federation has ended its illegal occupation of Crimea and Donbas and is fully implementing its commitments under the Minsk agreements.

SA 2170. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title V, add the following:

SEC. 503. IMPROVEMENTS TO FINANCIAL LITERACY TRAINING; PROVISION OF INFORMATION RELATING TO THE BLIND SYSTEM.

(a) IMPROVEMENTS TO FINANCIAL LITERACY TRAINING.—

(1) IN GENERAL.—Subsection (a) of section 992 of title 10, United States Code, is amended—

(A) in paragraph (2)(C), by striking “grade E-4” and inserting “grade E-6”;

(B) by adding at the end the following new paragraph:

“(5) In carrying out the program to provide training under this subsection, the Secretary concerned shall—

(i) focuses on ensuring that members of the armed forces who receive such training develop proficiency in financial literacy rather than focusing on completion of training modules;

(ii) is based on best practices in the financial services industry, such as the use of a social learning approach and the incorporation of elements of behavioral economics or gamification; and

(iii) is designed to address the needs of members and their families;

(B) ensure that such training—

(i) is conducted by a financial services counselor who is qualified as described in paragraph (3) of subsection (b) or by other means as described in paragraph (2)(A)(i) of that subsection;

(ii) is provided, to the extent practicable—

(I) in a class held in person with fewer than 50 attendees; or

(II) one-on-one between the member and a financial services counselor; or a qualified representative described in subclause (III) or (IV) of subsection (b)(2)(A)(i); and

(iii) is provided using computer-based methods only if methods described in clause (ii) are impractical or unavailable;

(C) ensure that—

(i) an in-person class described in subparagraph (A)(i) is available to the spouse of a member; and

(ii) if a spouse of a member is unable to attend such a class in person;

(D) training is available to the spouse through Military OneSource; and

(E) the member is informed during the in-person training of the member under subparagraph (B)(i) with respect to how the member’s spouse can access the training;

(F) ensure that such training, and all documents and materials provided in relation to such training, are presented or written in a manner that the Secretary determines can be understood by the average enlisted member.

(2) QUALIFIED REPRESENTATIVES FOR COUNSELING FOR MEMBERS AND SPOUSES.—Subsection (b)(2)(A)(ii) of such section is amended by adding at the end the following:

“(D) qualified representatives of banks or credit unions operating on military installations pursuant to an operating agreement with the Department of Defense or a military department.”.

(3) PROVISION OF RETIREMENT INFORMATION.—Such section is further amended—

(A) by redesignating subsections (d) and (e) as subsections (e) and (g), respectively; and

(B) by inserting after subsection (c) the following new subsection:

“(G) PROVISION OF RETIREMENT INFORMATION.—In each training under subsection (a) and in each meeting to provide counseling under subsection (b), a member of the armed forces shall be provided with—

(i) all forms relating to retirement that are relevant to the member, including with respect to the Thrift Savings Plan;

(ii) information as to how to find additional information; and

(iii) contact information for—

(A) counselors provided through—

(I) the Personal Financial Counselor program, the Personal Financial Management program, or Military OneSource; or

(ii) nonprofit organizations or agencies that have in effect agreements with the Department of Defense to provide financial services counseling; or

(B) qualified representatives of banks or credit unions operating on military installations pursuant to an operating agreement with the Department of Defense or a military department.”.

(4) ADVISORY COUNCIL ON FINANCIAL READINESS.—Such section is further amended by inserting after subsection (e), as redesignated by paragraph (3)(A), the following new subsection:

“(H) ADVISORY COUNCIL ON FINANCIAL READINESS.—

(A) ESTABLISHMENT.—There is established an Advisory Council on Financial Readiness (in this section referred to as the ‘Council’).

(B) MEMBERSHIP.—(A) The Council shall consist of 12 members appointed by the Secretary of Defense, as follows:

(i) Three shall be representatives of military support organizations.

(ii) Three shall be representatives of veterans service organizations.

(iii) Three shall be representatives of private, nonprofit organizations with a vested interest in financial education and financial services counseling; or

(iv) Three shall be representatives of governmental entities with a vested interest in financial education and communication of financial education and financial services.

(C) QUALIFICATIONS.—The Secretary shall appoint members to the Council from among individuals qualified in appraise military compensation, military retirement, and financial literacy training.

(D) TERMS.—Members of the Council shall serve for terms of three years, except that, of the members first appointed—

(i) five shall be appointed for terms of one year;

(ii) five shall be appointed for terms of two years; and

(iii) five shall be appointed for terms of three years.

(E) REAPPOINTMENT.—A member of the Council may be reappointed for additional terms.

(F) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term of office for which such member’s predecessor was appointed shall be appointed only for the remainder of such term.

(G) DUTIES AND FUNCTIONS.—The Council shall—

(A) advise the Secretary with respect to matters relating to financial literacy and financial readiness of members of the armed forces; and
“(B) submit to the Secretary recommendations with respect to those matters.

“(4) MEETINGS.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Council shall meet not less frequently than twice each year and at such other times as the Secretary requests.

“(B) DURING ELECTION PERIOD FOR BLENDED RETIREMENT SYSTEM.—During the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2021 and ending at the end of the period provided under section 1149(b)(4) and 12736(f) to elect to be enrolled in the Blended Retirement System, the Council shall meet not less frequently than every 90 days.

“(C) A majority of members shall constitute a quorum and action shall be taken only by a majority vote of the members present and voting.

“(5) SUPPORT SERVICES.—The Secretary

“(A) shall provide to the Council an executive secretary and such secretarial, clerical, and other support services as the Council considers necessary to carry out the duties of the Council; and

“(B) may request that other Federal agencies provide statistical data, reports, and other information that is reasonably accessible to the Council in the performance of the duties of the Council.

“(6) COMPENSATION.—While away from their homes or regular places of employment on official services for Council, members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, and other support services as the Council considers necessary to carry out the duties of the Council.

“(7) ANNUAL REPORT.—Not less frequently than annually, the Secretary shall submit to Congress a report that—

“(A) describes each recommendation received from the Council during the preceding year; and

“(B) includes a statement, with respect to each such recommendation, of whether the Secretary has implemented the recommendation and, if not, a description of why the Secretary has not implemented the recommendation.

“(8) AMENDMENT.—Section 14(a) of the Federal Advisory Committee Act (5 U.S.C. App.) (relating to termination) shall not apply to the Council.

“(9) DETERMINATION.—In this subsection:

“(A) MILITARY SUPPORT ORGANIZATION.—The term ‘military support organization’ means an organization that provides services to military members and their families with respect to education, finances, health care, employment, and overall well-being.

“(B) VETERANS SERVICE ORGANIZATION.—The term ‘veterans service organization’ means any organization recognized by the Secretary for the representation of veterans under section 542 of title 38.

“(10) REPORT ON EFFECTIVENESS OF FINANCIAL SERVICES COUNSELING.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report that—

“(A) describes each recommendation received from the Council during the preceding year; and

“(B) includes a statement, with respect to each such recommendation, of whether the Secretary has implemented the recommendation and, if not, a description of why the Secretary has not implemented the recommendation.

“(1) IN GENERAL.—Not later than 90 days before offering an eligible person a partial or full lump sum payment under this section, the Secretary of Defense shall provide a notice to the person, and the person’s spouse, if married, that includes the following:

“(A) A description of the available retirement benefit options, including—

“(i) the monthly covered retired pay that the person would receive after the person attains retirement age if the person is not already receiving such pay;

“(ii) the monthly covered retired pay that the person would receive if payments begin immediately;

“(iii) the amount of the lump sum payment the person would receive if the person elects to receive the lump sum payment;

“(B) an explanation of how the amount of the lump sum payment was calculated, including the interest rate and mortality assumptions used in the calculation, and whether any additional benefits were included in the amount.

“(2) A description of how the option to take the lump sum compares to the value of the covered retired pay the person would receive if the person elected not to take the lump sum payment.

“(3) A description of whether, by purchasing a commercially available annuity using the lump sum payment, it would be possible to replicate the stream of payments the person would receive if the person elects not to take the lump sum payment.

“(4) A description of any potential consequences of accepting the lump sum payment, including the loss of payments due to medical costs, financial obligations, or other factors.

“(5) Instructions for how to accept or reject the offer of the lump sum payment and the date by which the person is required to accept or reject the offer.

“(6) Information about the option to accept the lump sum payment, including the opportunity for a one-on-one meeting with a counselor provided through the Department of Financial Counseling program or the Personal Financial Management program.

“(7) A statement that—

“(A) financial services counselors provided through the Personal Financial Counseling program or the

Personal Financial Management program may not be required to act in the best interests of the person or the person’s beneficiaries with respect to determining whether the person elects to accept the lump sum payment; and

“(ii) if the person or a beneficiary of the person is seeking financial advice from a financial adviser not affiliated with the armed forces, the person or beneficiary should obtain written confirmation that the adviser is acting as a fiduciary to the person or beneficiary.

“(8) Such other information as the Secretary considers to be necessary or relevant.

“(2) FORM.—The Secretary shall ensure that any notice provided to an eligible person under paragraph (1)

“(A) is written in a manner that the Secretary determines can be understood by the average enlisted member of the armed forces; and

“(B) is presented in a manner that is not biased for or against acceptance of the offer of the lump sum payment.

“(3) REPORT REQUIRED.—Not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2021, and annually thereafter, the Secretary shall submit to the congressional defense committees a report that—

“(A) describes the details of the arrangement relating to taking such a payment, including—

“(i) whether any members have taken a partial lump sum payment in exchange for reduced future benefits;

“(ii) whether any members have taken a full lump sum payment;

“(iii) information relating to the members who have taken a full lump sum payment, such as the age and rank of such members;

“(B) ADDITIONAL ELECTION PERIOD FOR BLENDED RETIREMENT SYSTEM.—

“(1) ADDITIONAL ELECTION PERIOD FOR MEMBERS OF UNIFORMED SERVICES.—Section 1406(b) of title 10, United States Code, is amended—

“(A) by striking subparagraph (A) and inserting the following new subparagraph (A):

“(1) MODIFICATIONS TO LUMP SUM PAYMENTS OF CERTAIN RETIRED PAY.—

“(1) SPOUSAL CONSENT TO LUMP SUM PAYMENT.—Subsection (b) of section 1415 of title 10, United States Code, is amended by adding at the end the following:

“(7) SPOUSAL CONSENT FOR ELECTION OF LUMP SUM PAYMENT.—An eligible person who is married may not elect to receive a lump sum payment under this subsection without the concurrence of the person’s spouse, unless the eligible person establishes to the satisfaction of the Secretary—

“(A) that the spouse’s whereabouts cannot be determined; or

“(B) that, due to exceptional circumstances, requiring the person to seek the spouse’s consent would otherwise be inappropriate.

“(2) DISCLOSURES RELATING TO OFFER OF LUMP SUM PAYMENT.—Such section is further amended—

“(A) by redesigning subsection (e) as subsection (g);

“(B) by inserting after subsection (d) the following new subsections:

“(e) DISCLOSURES RELATING TO OFFER OF LUMP SUM PAYMENT.—(1) IN GENERAL.—Not later than 90 days before offering an eligible person a partial or full lump sum payment under this section, the Secretary of Defense shall provide a notice to the person, and the person’s spouse, if married, that includes the following:

“(A) A description of the available retirement benefit options, including—

“(i) the monthly covered retired pay that the person would receive after the person attains retirement age if the person is not already receiving such pay;

“(ii) the monthly covered retired pay that the person would receive if payments begin immediately;

“(iii) the amount of the lump sum payment the person would receive if the person elects to receive the lump sum payment.

“(B) an explanation of how the amount of the lump sum payment was calculated, including the interest rate and mortality assumptions used in the calculation, and whether any additional benefits were included in the amount.

“(C) A description of how the option to take the lump sum compares to the value of the covered retired pay the person would receive if the person elected not to take the lump sum payment.

“(D) A description of whether, by purchasing a commercially available annuity using the lump sum payment, it would be possible to replicate the stream of payments the person would receive if the person elects not to take the lump sum payment.

“(E) A description of the potential implications of accepting the lump sum payment, including the loss of payments due to medical costs, financial obligations, or other factors.

“(F) Instructions for how to accept or reject the offer of the lump sum payment and the date by which the person is required to accept or reject the offer.

“(G) Contact information for the person to obtain information or ask questions about the option to accept the lump sum payment, including the opportunity for a one-on-one meeting with a counselor provided through the Department of Financial Counseling program or the Personal Financial Management program.

“(H) A statement that—

“(i) financial services counselors provided through the Personal Financial Counseling program or the
(C)(i)(I), may elect, in exchange for the reduced multipliers described in subparagraph (A) for purposes of calculating the retired pay of the member, to receive Thrift Savings Plan contributions pursuant to section 8440(e)(e) of title 5.;

(C) in subparagraph (C)(i), by striking "the period" and all that follows and inserting that for the period that—

"(I) begins on a date selected by the Secretary of Defense, which—

"(aa) may be not earlier than the date that is one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2021, and not later than the date that is two years after such date of enactment; and

"(bb) shall be the same as the date selected under section 12739(f)(2)(B)(i)(I)(aa); and

"(II) in subparagraph (B)(i), by striking "the period" and all that follows and inserting that the period that—

"(I) begins on a date selected by the Secretary of Defense, which—

"(aa) may be not earlier than the date that is one year after date of the enactment of the National Defense Authorization Act for Fiscal Year 2021, and not later than the date that is two years after such date of enactment; and

"(bb) shall be the same as the date selected under section 12739(f)(2)(B)(i)(I)(aa); and

"(ii) in subparagraph (B)(i), by striking "the period" and all that follows and inserting that the period that—

"(I) begins on a date selected by the Secretary of Defense, which—

"(aa) may be not earlier than the date that is one year after date of the enactment of the National Defense Authorization Act for Fiscal Year 2021, and not later than the date that is two years after such date of enactment; and

"(bb) shall be the same as the date selected under section 12739(f)(2)(B)(i)(I)(aa); and

"(D) by redesignating subparagraph (E) as subparagraph (F); and

(E) by inserting after subparagraph (D) the following new subparagraph (E):

"(E) SPECIAL RULES RELATING SECOND ELECTION PERIOD.—The Secretary concerned shall—

"(i) to the extent practicable, provide to each member described in subparagraph (B) (and the member’s spouse, if married)—

"(I) require each such member to make the election described in subparagraph (B) or decline to make that election;

"(II) document the decision of the member under clause (i) in a statement that describes the features of the Blended Retirement System and of the predecessor retirement system, and

"(ii) require each such member to make the election described in subparagraph (B) or decline to make that election;

"(III) financial counseling described in section 952(b) focused on the suitability of the Blended Retirement System and the differences between that system and the predecessor retirement system, and

"(i) to the extent practicable, provide to each person described in paragraph (2)(A) (and the person’s spouse, if married)—

"(i) a class, to be held in person and with fewer than 50 attendees, on the Blended Retirement System and the differences between that system and the predecessor retirement system;

"(ii) financial counseling described in section 952(b) focused on the suitability of the Blended Retirement System in the context of the person’s personal circumstances;

"(B) require each such person to make the election described in paragraph (2)(A) or decline to make that election;

"(C) document the decision of the member under subparagraph (B) in a statement that describes the features of the Blended Retirement System and of the predecessor retirement system, and

"(D) by inserting after paragraph (2) the following new paragraph (3):

"(3) SPECIAL RULES RELATING SECOND ELECTION PERIOD.—The Secretary concerned shall—

"(A) to the extent practicable, provide to each person described in paragraph (2)(A) (and the person’s spouse, if married)—

"(i) a class, to be held in person and with fewer than 50 attendees, on the Blended Retirement System and the differences between that system and the predecessor retirement system;

"(ii) require each such member to make the election described in paragraph (2)(A) or decline to make that election;

"(iii) document the decision of the member under clause (ii) in a statement that describes the features of the Blended Retirement System and of the predecessor retirement system, and

"(iii) to the extent practicable, provide to each person described in paragraph (2)(A) (and the person’s spouse, if married) the information; and

"(IV) financial counseling described in section 952(b) focused on the suitability of the Blended Retirement System in the context of the person’s personal circumstances;

"(B) require each such person to make the election described in paragraph (2)(A) or decline to make that election;

"(C) document the decision of the member under subparagraph (B) in a statement that describes the features of the Blended Retirement System and of the predecessor retirement system, and

"(D) by inserting after paragraph (2) the following new paragraph (3):

"(3) SPECIAL RULES RELATING SECOND ELECTION PERIOD.—The Secretary concerned shall—

"(A) to the extent practicable, provide to each person described in paragraph (2)(A) (and the person’s spouse, if married)—

"(i) a class, to be held in person and with fewer than 50 attendees, on the Blended Retirement System and the differences between that system and the predecessor retirement system;

"(ii) financial counseling described in section 952(b) focused on the suitability of the Blended Retirement System in the context of the person’s personal circumstances;

"(B) require each such person to make the election described in paragraph (2)(A) or decline to make that election;

"(C) document the decision of the member under subparagraph (B) in a statement that describes the features of the Blended Retirement System and of the predecessor retirement system, and

"(i) to the extent practicable, provide to each person described in paragraph (2)(A) (and the person’s spouse, if married) the information; and

"(IV) financial counseling described in section 952(b) focused on the suitability of the Blended Retirement System in the context of the person’s personal circumstances;

"(B) require each such person to make the election described in paragraph (2)(A) or decline to make that election;

"(C) document the decision of the member under subparagraph (B) in a statement that describes the features of the Blended Retirement System and of the predecessor retirement system, and

"(I) by striking paragraph (1) and inserting the following new paragraph (A):

"(A) IN GENERAL.—Pursuant to subparagraph (B), a person performing reserve component service on or after January 1, 2017, who has performed fewer than 12 years of service as of the date selected by the Secretary of Defense under subparagraph (B) (as computed in accordance with section 12739 of this title), may elect, in exchange for the reduced multipliers described in paragraph (1) for purposes of calculating the retired pay of the person, to receive Thrift Savings Plan contributions pursuant to section 8440(a)(5) of title 5.

"(1) takes into account the time likely to pass between the member’s election to receive information to a member of the Armed Forces and the time the member is likely to receive the information; and

"(2) makes recommendations for statutory changes necessary to improve such access.

(e) REGULATIONS.—The Secretary of Defense may prescribe such regulations as are necessary to carry out the amendments made by this section.

SA 2171. Mr. CARPER (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. 3. IMPROVING THE DETECTION, PREVENTION, AND DISCOVERY OF IMPROPER PAYMENTS TO DECEASED INDIVIDUALS.

(a) DISTRIBUTION OF DEATH INFORMATION FURNISHED TO OR MAINTAINED BY THE SOCIAL SECURITY ADMINISTRATION.—

(1) IN GENERAL.—

"(A) IN GENERAL.—Section 200(r) of the Social Security Act (42 U.S.C. 405(r)) is amended—

"(i) in paragraph (2)―

"(I) by striking "shall" and inserting "may"; and

"(II) by inserting ", and to ensure the completeness, timeliness, and accuracy of," after "transmitting";

"(ii) by striking paragraphs (3), (4), and (5) and inserting the following:

"(3)(A) In the case of individuals with respect to whom federally funded benefits are provided by (or through) a Federal or State agency, the Commissioner of Social Security shall, to the extent feasible, provide such information through a cooperative arrangement with such agency to help ensure proper payment of those benefits with respect to such individuals if—
“(1) under such arrangement the agency agrees to such safeguards as the Commissi-
onder determines are necessary or appro-
riate to protect the information from unau-
thorized access and use; and

“(2) under such arrangement the agency provides reimbursement to the Commissi-
ner of Social Security for the reasonable cost of carrying out such arrangement, in-
cluding the reasonable costs associated with the collection and maintenance of informa-
tion regarding deceased individuals furnished by the Commissioner pursuant to para-
graph (1); and

“(3) such arrangement does not conflict with the duties of the Commissioner of So-
cial Security with respect to the administration of a benefit pension plan or re-
tirement system for employees of a State or State agencies (including research ac-
tivities and procedures described in such plan or procedures described in such research activities), Federal, State, and local agencies, and Indian tribes and tribal organizations, the Director of the Office of Management and Budget, or other transactions.

C) E FFECTIVE DATE.—The amendments made by this paragraph take effect 180 days after the date of enactment of this Act.''

---

“(1) GUIDANCE TO AGENCIES.—Not later than 1 year after the date of enactment of this section, and in consultation with the Council of Inspectors General on Integrity and Eff-
ectiveness, the Commissioner of Social Security, the Federal, State, and local agencies, and Indian tribes and tribal organizations, the Director of the Office of Management and Budget, and other transactions of such an agency that operates or main-
tains a database of information relating to beneficiaries, annuity recipients, or any pur-
poses described in section 265(r)(3)(B) of the Social Security Act (42 U.S.C. 405(r)(3)(B)) for which improved data matching with death data distributed by the Commissioner of Social Security would be relevant and necessary regarding implementation of this section to provide such agencies access to the death databases no later than 1 year after such date of enactment.

“(2) PLAN TO ASSIST STATES AND LOCAL AGENCIES TO CURB IMPROPER PAY-
MENT OF BENEFITS.—Not later than 1 year after the date of enactment of this section, the Sec-
cretary of Health and Human Services and the Commissioner of Social Security shall develop a plan to assist States and local agen-
cies, for use by Federal agencies and pro-
grams. The review shall include analyses of—

"(i) in subparagraphs (A) and (B), by strik-
ing ‘‘Secretary of Health and Human Serv-
ices’’ and all that follows

"(ii) in subparagraph (B)(ii), by striking ‘‘such Secretary’’ and all that follows

"(iii) in subparagraph (B)(ii), by striking ‘‘Secretary of Health and Human Serv-
ices’’ and all that follows

"(iv) by striking ‘‘such Commissioner pursuant to such

"(v) by striking ‘‘such Secretary’’ and all that follows

"(vi) in subparagraph (C)(ii), by striking ‘‘Secretary of Health and Human Serv-
ices’’ and all that follows

", and inserting:

"(iv) the cost to Federal agencies of access-
ance and procedures described in such plan or procedures described in such research activities), Federal, State, and local agencies, and Indian tribes and tribal organizations, the Director of the Office of Management and Budget, or other transactions.

C) E FFECTIVE DATE.—The amendments made by this paragraph take effect 180 days after the date of enactment of this Act.''

---

“(1) GUIDANCE TO AGENCIES.—Not later than 1 year after the date of enactment of this section, and in consultation with the Council of Inspectors General on Integrity and Eff-
ectiveness, the Commissioner of Social Security, the Federal, State, and local agencies, and Indian tribes and tribal organizations, the Director of the Office of Management and Budget, or other transactions of such an agency that operates or main-
tains a database of information relating to beneficiaries, annuity recipients, or any pur-
poses described in section 265(r)(3)(B) of the Social Security Act (42 U.S.C. 405(r)(3)(B)) for which improved data matching with death data distributed by the Commissioner of Social Security would be relevant and necessary regarding implementation of this section to provide such agencies access to the death databases no later than 1 year after such date of enactment.

“(2) PLAN TO ASSIST STATES AND LOCAL AGENCIES TO CURB IMPROPER PAY-
MENT OF BENEFITS.—Not later than 1 year after the date of enactment of this section, the Sec-
cretary of Health and Human Services and the Commissioner of Social Security shall develop a plan to assist States and local agen-
cies, for use by Federal agencies and pro-
grams. The review shall include analyses of—

"(i) in subparagraphs (A) and (B), by strik-
ing ‘‘Secretary of Health and Human Serv-
ices’’ and all that follows

"(ii) in subparagraph (B)(ii), by striking ‘‘such Secretary’’ and all that follows

"(iii) in subparagraph (B)(ii), by striking ‘‘Secretary of Health and Human Serv-
ices’’ and all that follows

"(iv) the cost to Federal agencies of access-
ance and procedures described in such plan or procedures described in such research activities), Federal, State, and local agencies, and Indian tribes and tribal organizations, the Director of the Office of Management and Budget, or other transactions.

C) E FFECTIVE DATE.—The amendments made by this paragraph take effect 180 days after the date of enactment of this Act.''

---

“(1) GUIDANCE TO AGENCIES.—Not later than 1 year after the date of enactment of this section, and in consultation with the Council of Inspectors General on Integrity and Eff-
ectiveness, the Commissioner of Social Security, the Federal, State, and local agencies, and Indian tribes and tribal organizations, the Director of the Office of Management and Budget, or other transactions of such an agency that operates or main-
tains a database of information relating to beneficiaries, annuity recipients, or any pur-
poses described in section 265(r)(3)(B) of the Social Security Act (42 U.S.C. 405(r)(3)(B)) for which improved data matching with death data distributed by the Commissioner of Social Security would be relevant and necessary regarding implementation of this section to provide such agencies access to the death databases no later than 1 year after such date of enactment.

“(2) PLAN TO ASSIST STATES AND LOCAL AGENCIES TO CURB IMPROPER PAY-
MENT OF BENEFITS.—Not later than 1 year after the date of enactment of this section, the Sec-
cretary of Health and Human Services and the Commissioner of Social Security shall develop a plan to assist States and local agen-
cies, for use by Federal agencies and pro-
grams. The review shall include analyses of—

"(i) in subparagraphs (A) and (B), by strik-
ing ‘‘Secretary of Health and Human Serv-
ices’’ and all that follows

"(ii) in subparagraph (B)(ii), by striking ‘‘such Secretary’’ and all that follows

"(iii) in subparagraph (B)(ii), by striking ‘‘Secretary of Health and Human Serv-
ices’’ and all that follows

"(iv) the cost to Federal agencies of access-
ance and procedures described in such plan or procedures described in such research activities), Federal, State, and local agencies, and Indian tribes and tribal organizations, the Director of the Office of Management and Budget, or other transactions.

C) E FFECTIVE DATE.—The amendments made by this paragraph take effect 180 days after the date of enactment of this Act.''

---

“(1) GUIDANCE TO AGENCIES.—Not later than 1 year after the date of enactment of this section, and in consultation with the Council of Inspectors General on Integrity and Eff-
ectiveness, the Commissioner of Social Security, the Federal, State, and local agencies, and Indian tribes and tribal organizations, the Director of the Office of Management and Budget, or other transactions of such an agency that operates or main-
tains a database of information relating to beneficiaries, annuity recipients, or any pur-
poses described in section 265(r)(3)(B) of the Social Security Act (42 U.S.C. 405(r)(3)(B)) for which improved data matching with death data distributed by the Commissioner of Social Security would be relevant and necessary regarding implementation of this section to provide such agencies access to the death databases no later than 1 year after such date of enactment.

“(2) PLAN TO ASSIST STATES AND LOCAL AGENCIES TO CURB IMPROPER PAY-
MENT OF BENEFITS.—Not later than 1 year after the date of enactment of this section, the Sec-
cretary of Health and Human Services and the Commissioner of Social Security shall develop a plan to assist States and local agen-
cies, for use by Federal agencies and pro-
grams. The review shall include analyses of—

"(i) in subparagraphs (A) and (B), by strik-
ing ‘‘Secretary of Health and Human Serv-
ices’’ and all that follows

"(ii) in subparagraph (B)(ii), by striking ‘‘such Secretary’’ and all that follows

"(iii) in subparagraph (B)(ii), by striking ‘‘Secretary of Health and Human Serv-
ices’’ and all that follows

"(iv) the cost to Federal agencies of access-
ance and procedures described in such plan or procedures described in such research activities), Federal, State, and local agencies, and Indian tribes and tribal organizations, the Director of the Office of Management and Budget, or other transactions.

C) E FFECTIVE DATE.—The amendments made by this paragraph take effect 180 days after the date of enactment of this Act.''

---

“(1) GUIDANCE TO AGENCIES.—Not later than 1 year after the date of enactment of this section, and in consultation with the Council of Inspectors General on Integrity and Eff-
ectiveness, the Commissioner of Social Security, the Federal, State, and local agencies, and Indian tribes and tribal organizations, the Director of the Office of Management and Budget, or other transactions of such an agency that operates or main-
tains a database of information relating to beneficiaries, annuity recipients, or any pur-
poses described in section 265(r)(3)(B) of the Social Security Act (42 U.S.C. 405(r)(3)(B)) for which improved data matching with death data distributed by the Commissioner of Social Security would be relevant and necessary regarding implementation of this section to provide such agencies access to the death databases no later than 1 year after such date of enactment.

“(2) PLAN TO ASSIST STATES AND LOCAL AGENCIES TO CURB IMPROPER PAY-
MENT OF BENEFITS.—Not later than 1 year after the date of enactment of this section, the Sec-
cretary of Health and Human Services and the Commissioner of Social Security shall develop a plan to assist States and local agen-
cies, for use by Federal agencies and pro-
grams. The review shall include analyses of—

"(i) in subparagraphs (A) and (B), by strik-
ing ‘‘Secretary of Health and Human Serv-
ices’’ and all that follows

"(ii) in subparagraph (B)(ii), by striking ‘‘such Secretary’’ and all that follows

"(iii) in subparagraph (B)(ii), by striking ‘‘Secretary of Health and Human Serv-
ices’’ and all that follows

"(iv) the cost to Federal agencies of access-
ance and procedures described in such plan or procedures described in such research activities), Federal, State, and local agencies, and Indian tribes and tribal organizations, the Director of the Office of Management and Budget, or other transactions.
under titles II or XVI of the Social Security Act) maintained and distributed by the Social Security Administration.

(2) CONTENT OF FLAS.—In developing the plan required under paragraph (1), the Comptroller General of the United States shall consider whether to include the following elements:

(A) Procedures for—

(i) identifying individuals who are extremely elderly, as determined by the Comptroller General, who for whom no record of death exists in the records of the Social Security Administration;

(ii) verifying the information contained in the records of the Social Security Administration with respect to individuals described in clause (i) and correcting any inaccuracies; and

(iii) where appropriate, disclosing corrections made to the records of the Social Security Administration.

(B) Improved policies and procedures for identifying and correcting erroneous death records, including policies and procedures for—

(i) identifying individuals listed as dead who are actually alive;

(ii) identifying individuals listed as alive who are actually dead; and

(iii) allowing individuals or survivors of deceased individuals to notify the Social Security Administration that an individual is alive.

(C) Improved policies and procedures to identify and correct discrepancies in the records of the Social Security Administration, including social security number records.

(D) A process for employing statistical analysis of the death data maintained and distributed by the Social Security Administration to determine an estimate of the number of erroneous records.

(E) Recommendations for legislation, as necessary.

(d) REPORT ON INFORMATION SECURITY.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall prepare and submit to Congress a report regarding the effectiveness and impact of school resource officers and local law enforcement personnel on school climate and student discipline.

(3) determine the long-term benefits of replacing a punitive approach to discipline with restorative practices in schools, by analyzing the potential savings generated by helping children stay in school and out of the criminal justice system.

(b) COST-BENEFIT ANALYSIS.—The study conducted under subsection (a) shall include a cost-benefit analysis to determine the effectiveness and impact of school resource officers and local law enforcement personnel on school climate and student discipline.

(c) REPORT.—Upon the conclusion of the study under subsection (a), the Comptroller General of the United States shall prepare and submit to Congress a report regarding the effectiveness and impact of school resource officers and local law enforcement personnel on school climate and student discipline.

SA 2173. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XVI, add the following:

SEC. 1619. EVALUATION AND REPORT ON OPERATIONAL CENTERS FOR COMMANDING, CONTROLLING, AND DISSEMINATING DATA FOR SMALL SATELLITES.

(a) EVALUATION.—

(1) IN GENERAL.—The Secretary of Defense shall evaluate readily available operational centers for controlling, and disseminating data for small satellites.

(2) ELEMENTS.—The evaluation required by paragraph (1) shall include an assessment of—

(A) the cost, schedule, and deployment of rapid prototyping and testing of new space technologies for small satellite programs; and

(B) the potential effects of the finite number of operational centers described in paragraph (1) that are agile, maintainable, accredited, and located within reasonable proximity to manufacturer and researcher facilities.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the results of the evaluation conducted under subsection (a).

SA 2174. Mr. TILLIS submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1907. FEDERAL CAUSE OF ACTION RELATING TO WATER AT CAMP LEJEUNE.

(a) IN GENERAL.—An individual, including a veteran (as defined in section 101 of title 38, United States Code), or the legal representative of such an individual, who resided, worked, or was otherwise exposed (including in utero or prior to August 1, 1953) to water at Camp Lejeune that was supplied by, or on behalf of, the United States may bring an action in the United States District Court for the Eastern District of North Carolina to obtain appropriate relief for harm caused by—

(1) which was caused by exposure to the water;

(2) which was associated with exposure to the water; or

(3) which was linked to exposure to the water.

(b) EXCEPTION TO JURISDICTION. —An individual described in subsection (a) may bring an action under this section regardless of any prior claim or action dismissed or other action terminated for failure to state a claim related to the harm described in subsection (a).

(c) USE OF STUDIES.—A study conducted on humans or animals, or from an epidemiological study, which ruled out chance and bias with reasonable confidence and which concluded, with sufficient evidence, that exposure to the water described in subsection (a) is one possible cause of the harm, shall be sufficient to satisfy the plaintiff's burden of proof in an action under this section.

(d) JUDGMENT FUND.—The United States District Court for the Eastern District of North Carolina shall have exclusive jurisdiction under this section, and shall be the exclusive venue for such an action, including any multi-district claims. Nothing in this subsection shall impair any party's right to a trial by jury.

(e) EXCLUSIVE REMEDY.—

(1) IN GENERAL.—An individual who brings an action under this section for any harm, including a latent disease, may not after bring a tort action pursuant to any other law against the United States for such harm.

(2) NO EFFECT ON DISABILITY BENEFITS.—Any award under this section shall not impede or limit the continued or future entitlement of an individual to disability awards, veterans benefits, or benefits under any other law against the United States for such harm.

(3) NO PUNITIVE DAMAGES.—Punitive damages may not be awarded in any action under this section.

(h) DISPOSITION BY FEDERAL AGENCY REQUIRED.—An individual may not bring an action under this section if a decision in such an action under section 2675 of title 28, United States Code.

(i) PERIOD FOR FILING.—

(1) IN GENERAL.—Except as provided in paragraph (2), an action under this section may not be commenced after the later of—

(A) the date that is 2 years after the later of the date on which the claim is denied under section 2675 of title 28, United States Code; and

(B) the date that is 180 days after the date on which the claim is denied under section 2675 of title 28, United States Code.

(2) SPECIAL RULE.—In the case of harm which was discovered before the date of the enactment of this Act, an action under this section may not be commenced after the later of—

(A) the date that is 2 years after the date on which the claim is denied under section 2675 of title 28, United States Code; or

(B) the date that is 180 days after the date on which the claim is denied under section 2675 of title 28, United States Code.
claim or action arising out of the combatant activities of the Armed Forces.

(1) AMORTIZATION.—An award of money damages under this section may include an order directing the defendant to be am mortized or to pay a period of up to 20 years. The Government may agree to amortize a payment made pursuant to a settlement agreement of up to 20 years.

SEC. 2803. MODIFICATION TO AUTHORITY FOR MILITARY CONSTRUCTION PROJECTS FOR CHILD DEVELOPMENT SHUTDOWNS.

Section 2909(b) of the National Defense Authorization Act for Fiscal Year 2020 is amended—

(1) by striking “and, after the first day of any fiscal year, if an appropriation Act for such fiscal year with respect to the program, project, or activity contains any continuing appropriations for such fiscal year; or

(2) specifically provides that no appropriation shall be made, no funds shall be available, or no authority shall be granted for such fiscal year; or

SEC. 1701. SHORT TITLE.

This title may be cited as the “Prevent Government Shutdowns Act of 2020”.

SEC. 1702. AUTOMATIC CONTINUING APPROPRIATIONS.

(a) In general.—Chapter 13 of title 31, United States Code, is amended by adding at the end the following:

(b) (1) Specifically provides that no appropriation shall be made, no funds shall be available, or no authority shall be granted for such fiscal year.

(c) In order to be subject to the terms and conditions imposed with respect to the appropriation made or funds made available, or no authority shall be granted for such fiscal year.

(d) Expenditures made for a program, project, or activity prior to the date on which a covered period begins, funds may be obligated and expended for official travel for a single return trip to the seat of Government by the covered officer or employee.

(e) RETURN TO DC.—If a covered officer or employee is away from the seat of Government on the date on which a covered period begins, funds may be obligated and expended for official travel for a single return trip to the seat of Government by the covered officer or employee.

(f) TRAVEL IN NATIONAL CAPITAL REGION.—During a covered period, amounts may be obligated or expended for official travel by a covered officer or employee from one location in the National Capital Region to another location in the National Capital Region.

(i) NATIONAL SECURITY EVENTS.—During a covered period, a national security event that triggers a continuity of operations or continuity of Government protocol occurs, amounts may be obligated and expended for official travel by a covered officer or employee for any official travel relating to reestablishing or implementing the continuity of operations or continuity of Government protocol.

(ii) RESTRICTION ON USE OF CAMPAIGN FUNDING FOR OFFICIAL TRAVEL DURING LAFSE IN APPROPRIATIONS.

(1) In general.—Except as provided in paragraph (2), during a covered period (as defined in section 1703 of the Prevent Government Shutdowns Act of 2020), a contribution or donation described in subsection (a) may not be used for travel in connection with duties of the individual as a holder of Federal office.
"(2) RETURN TO DC.—If the individual is away from the seat of Government on the date on which a covered period (as so defined) begins, a contribution or donation described in subparagraph (a) may be obligated and expended for travel by the individual to return to the seat of Government.

(c) PROCEDURES FOR THE SENATE AND HOUSE OF REPRESENTATIVES.—

(1) IN GENERAL.—During a covered period, in the Senate and the House of Representatives—

(A) it shall not be in order to move to proceed to any matter except for—

(i) a measure making appropriations for the fiscal year during which the covered period begins;

(ii) a motion relating to determining or obtaining the presence of a quorum; or

(iii) the 30th calendar day after the first day of a fiscal year—

(I) the nomination of an individual—

(aa) to a position at level 1 of the Executive Schedule under section 512 of title 5 of the United States Code; or

(bb) to serve as Chief Justice of the United States or an Associate Justice of the Supreme Court of the United States; or

(II) a measure extending the period during which a program, project, or activity is authorized to end after the first day of each fiscal year, and for the period beginning the day after the first day of such fiscal year or will expire during the 30-day period beginning on the date of the motion;

(B) it shall not in order to move to re-enter or adjourn for a period of more than 23 hours; and

(C) at noon each day, or immediately following any constructive convening of the Senate under rule IV, paragraph 2 of the Standing Rules of the Senate, the Presiding Officer shall direct the clerk to determine whether a quorum is present.

(2) WAIVER.—

(A) LIMITATION ON PERIOD.—It shall not be in order in the Senate or the House of Representatives to move to waive any provision of paragraph (1) for a period that is longer than 7 days.

(B) SUPERMAJORITY VOTE.—A provision of paragraph (1) may only be waived or suspended upon an affirmative vote of two-thirds of the Members of the applicable House of Congress, duly chosen and sworn.

(d) VOTATION TO PROCEED TO APPROPRIATIONS.—

(1) IN GENERAL.—On and after the 30th calendar day after the first day of each fiscal year, an appropriation Act for a fiscal year with respect to a program, project, or activity has not been passed in identical form by both Houses and transmitted to Secretary of the Senate or Clerk of the House for enrollment and presentation to the President for his signature; and

(bb) the program, project, or activity has expired since the beginning of such fiscal year or will expire during the 30-day period beginning on the date of the motion;

(2) it shall not be in order to move to re-enter or adjourn for a period of more than 23 hours; and

(c) ENFORCEMENT OF DISCRETIONARY SPENDING LIMITS.—For purposes of enforcing the discretionary spending limits under section 251(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(a)), the budgetary resources made available under section 1311 of title 31, United States Code, as added by this title, shall be considered to be a continuing appropriation in effect for such account for less than the entire current year.

(e) BASELINE.—For purposes of calculating the baseline under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907), the provision of budgetary resources under section 1311 of title 31, United States Code, as added by this title, for an account shall be considered to be a continuing appropriation in effect for such account for less than the entire current year.

Add the following:—

(2) CONSIDERATION.—For a bill or joint resolution for the program, project, or activity, and for defense activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1704. BUDGETARY EFFECTS.

(a) D EFINITION OF WET MARKET.—In this section, the term ‘‘wet market’’ means a marketplace—

(1) where fresh meat, fish, and live animals are bought, sold, and slaughtered; and

(b) that is not regulated under any standardized sanitary or health inspection processes that meet applicable standards required for similar establishments in the United States, as determined by the Secretary of Agriculture.

(2) by adding at the end the following:

"(2) REQUIREMENTS.—The strategic plan developed and implemented under paragraph (1) shall include an indicator of how the Director will carry out this section.

(c) CYBERSECURITY CAREER PATHWAYS.—In carrying out section (b), the Secretary of Homeland Security, the Office of the Director of National Intelligence, the Department of Defense, and the National Institute of Standards and Technology, shall develop a consultative process with other Federal agencies, academia, and industry to identify multiple career pathways for cybersecurity workforce roles that can be used in the private and public sector.

(2) REQUIREMENTS.—The Secretary shall ensure that the multiagency cybersecurity career pathways identified under paragraph (1) include the knowledge, skills, and abilities, including relevant education, training, apprenticeships, certifications, and other经历 that are critical to success in the cybersecurity workforce.

(A) define a career pathway as an industry-recognized training program that is focused on skills development in the cybersecurity field.

"(3) any other animal product.

SA 2178. Mr. WICKER (for himself, Mr. CANTWELL, and Ms. ROSEN) submitted an amendment offered by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, intended to be proposed on the Senate floor on September 30, 2021.

SEC. 1704. BUDGETARY EFFECTS.

(a) D EFINITION OF WET MARKET.—In this section, the term ‘‘wet market’’ means a marketplace—

(1) where fresh meat, fish, and live animals are bought, sold, and slaughtered; and

(b) that is not regulated under any standardized sanitary or health inspection processes that meet applicable standards required for similar establishments in the United States, as determined by the Secretary of Agriculture.

(2) by adding at the end the following:

"(2) REQUIREMENTS.—The strategic plan developed and implemented under paragraph (1) shall include an indicator of how the Director of the Office of Personnel Management, the Department of Commerce, and the National Institute of Standards and Technology, shall, in coordination with other Federal agencies, academia, and industry, work with other Federal agencies, academia, and industry, to identify multiple career pathways for cybersecurity workforce roles that can be used in the private and public sectors.

(c) CYBERSECURITY CAREER PATHWAYS.—In carrying out subsection (b), the Secretary shall ensure that the multiagency cybersecurity career pathways identified under paragraph (1) include the knowledge, skills, and abilities, including relevant education, training, apprenticeships, certifications, and other experiences, that are critical to success in the cybersecurity workforce.

(A) define a career pathway as an industry-recognized training program that is focused on skills development in the cybersecurity field.

"(3) any other animal product.

SA 2178. Mr. WICKER (for himself, Mr. CANTWELL, and Ms. ROSEN) submitted an amendment offered by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, intended to be proposed on the Senate floor on September 30, 2021.

SEC. 1704. BUDGETARY EFFECTS.

(a) D EFINITION OF WET MARKET.—In this section, the term ‘‘wet market’’ means a marketplace—

(1) where fresh meat, fish, and live animals are bought, sold, and slaughtered; and

(b) that is not regulated under any standardized sanitary or health inspection processes that meet applicable standards required for similar establishments in the United States, as determined by the Secretary of Agriculture.

(2) by adding at the end the following:

"(2) REQUIREMENTS.—The strategic plan developed and implemented under paragraph (1) shall include an indicator of how the Director of the Office of Personnel Management, the Department of Commerce, and the National Institute of Standards and Technology, shall, in coordination with other Federal agencies, academia, and industry, work with other Federal agencies, academia, and industry, to identify multiple career pathways for cybersecurity workforce roles that can be used in the private and public sectors.

(c) CYBERSECURITY CAREER PATHWAYS.—In carrying out subsection (b), the Secretary shall ensure that the multiagency cybersecurity career pathways identified under paragraph (1) include the knowledge, skills, and abilities, including relevant education, training, apprenticeships, certifications, and other experiences, that are critical to success in the cybersecurity workforce.
congressional_record_senate_2020-06-25

S3570

CONGRESSIONAL RECORD — SENATE

June 25, 2020

(3) Exchange program.—Consistent with requirements under chapter 37 of title 5, United States Code, the Director of the National Institute of Standards and Technology, in coordination with the Administrator of General Services, the Director of Personnel Management, or the Director of the Office of Personnel Management, may establish a program for the exchange of employees engaged in one of the cybersecurity disciplines identified in the National Initiative for Cybersecurity Education (NICE) Cybersecurity Workforce Framework (NIST Special Publication 800–181). The framework, between the National Institute of Standards and Technology and private sector institutions, including companies, research institutions, or an institution of higher education, as the Director of the National Institute of Standards and Technology considers feasible.

(4) Proficiency to perform cybersecurity tasks.—Not later than 90 days after the date of enactment of this Act, the Director shall establish cooperative agreements with the Office of Personnel Management, may establish and regional alliances or partnerships within the Office of Personnel Management, may establish and such agencies as the Director of the National Institute of Standards and Technology considers feasible.

(5) Contents.—Each application submitted under paragraph (3) shall include the following:

(6) Financial assistance.—

(A) Financial assistance authorized.—The Director may award financial assistance to a regional alliance or partnership with whom the Director enters into a cooperative agreement under paragraph (1) in order to assist the regional alliance or partnership in carrying out the term of the cooperative agreement.

(B) Amount of assistance.—The aggregate amount of financial assistance awarded under subparagraph (A) per cooperative agreement under paragraph (1) shall not exceed

(7) Matching requirement.—The Director may not award financial assistance to a regional alliance or partnership under paragraph (1) unless the regional alliance or partnership agrees that, with respect to the costs to be incurred by the regional alliance or partnership in carrying out the cooperative agreement for which the assistance was awarded, the regional alliance or partnership will make available (directly or through donations from public or private entities) non-Federal contributions in an amount equal to 50 percent of Federal funds provided under the award.

(8) Application.—

(A) In general.—A regional alliance or partnership seeking to enter into a cooperative agreement under paragraph (1) and requiring financial assistance under paragraph (3) shall submit to the Director an application therefor at such time, in such manner, and containing such information as the Director may require.

(B) Requirements.—Each application submitted under subparagraph (A) shall include the following:

(i) A plan to establish or identify a multistakeholder workforce partnership that includes—

(aa) at least one institution of higher education or nonprofit training organization;

(bb) at least one local employer or owner of critical infrastructure;

(II) Participation from Federal Cyber Scholarships for Service organizations, advanced technological education programs, elementary and secondary schools, training and certification providers, State and local governments, economic development organizations, or other community organizations is encouraged.

(ii) A description of how the workforce partnership would identify the workforce needs of the local community.

(iii) A description of how the multistakeholder workforce partnership would leverage the programs and objectives of the National Initiative for Cybersecurity Education, such as the Cybersecurity Workforce Framework and the strategic plan of such initiative.

(iv) A description of how employers in the community, such as the Cybersecurity Workforce Framework and the strategic plan of such initiative.

(v) A definition of the metrics that will be used to measure the success of the efforts of the regional alliance or partnership under the agreement.

(6) Priority consideration.—In awarding financial assistance under paragraph (3)(A), the Director shall give priority consideration to a regional alliance or partnership that includes an institution of higher education or a Federal Cyber Scholarship for Service program located in the State or region of the regional alliance or partnership.

(7) Grant or cooperative agreement for which financial assistance is awarded under paragraph (3) shall be subject to audit requirements under part 200 of title 2, Code of Federal Regulations (relating to uniform administrative requirements, cost principles, and audit requirements for Federal awards), or successor regulation.

(8) Reports.—

(A) In general.—Upon completion of a cooperative agreement under paragraph (1), the regional alliance or partnership that participated in the agreement shall submit to the Director a report on the activities of the regional alliance or partnership under the agreement, which may include training and education outcomes.

(B) Contents.—Each report submitted under subparagraph (A) by a regional alliance or partnership shall include the following:

(i) An assessment of efforts made by the regional alliance or partnership to carry out paragraph (1); and

(ii) The metrics used by the regional alliance or partnership to measure the success of the efforts of the regional alliance or partnership under the cooperative agreement.

(9) Transfer of section.—

(1) Transfer.—Such section is transferred to the end of title III of such Act and redesignated as section 303.

(2) repeal.—Title IV of such Act is repealed.

(3) Clerical.—The table of contents in section 1(b) of such Act is amended—

(A) by striking the items relating to title IV and section 401; and

(B) by inserting after the item relating to title IV and section 302 the following:

"Sec. 303. National cybersecurity awareness and education program."

(4) conforming amendments.—


(B) Section 302(c) of the NIST Small Business Cybersecurity Act (Public Law 115–236) is amended by striking "under section 401 of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7451)" and inserting "under section 303 of the Cybersecurity Enhancement Act of 2014 (Public Law 113–274)".

(C) Section 302(l) of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7452(l)) is amended by striking "under section 401" and inserting "under section 303".

SEC. 3. DEVELOPMENT OF STANDARDS AND GUIDELINES FOR IMPROVING CYBERSECURITY WORKFORCE OF FEDERAL AGENCIES.

(a) In general.—Section 20(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(a)) is amended—

(1) in paragraph (3), by striking "; and" and inserting a semicolon;

(2) in paragraph (4), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

(4) Identify and develop standards and guidelines for improving the cybersecurity workforce for an agency as part of the National Initiative for Cybersecurity Education (NICE) Cybersecurity Workforce Framework (NIST Special Publication 800–181), or successor framework.

(b) Publication of standards and guidelines on cybersecurity awareness.—Not later than 3 years after the date of enactment of this Act and pursuant to section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3), the Director of the National Institute of Standards and Technology shall publish standards and guidelines for improving cybersecurity awareness.
Section 302 of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7442) is amended—

(1) in subsection (a)(1), by striking “informa-
tion technology” and inserting “information technology and cybersecurity”;

(2) in paragraph (2), by striking “once every 3 years” and inserting “once every 5 years”;

(3) in subsection (m)(2), by striking “the Office of Personnel Management” and inserting “the Director of the National Science Foundation, the Director of the Office of Personnel Management, the Deputy Director of the National Science Foundation, and the Director of the Office of Personnel Management”;

and (4) in subsection (k)(1)(A), by striking “and the Director of the National Science Foundation” and inserting “; or”.

SEC. 2. CYBERSECURITY IN PROGRAMS OF THE NATIONAL SCIENCE FOUNDATION.

(a) COMPUTER SCIENCE AND CYBERSECURITY EDUCATION RESEARCH.—Section 310 of the American Innovation and Competitiveness Act (42 U.S.C. 1862i(c)(9)) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting “and cybersecurity” after “information technology”;

(B) in subparagraph (C), by inserting “and cybersecurity” after “computer science”;

and

(2) in subsection (c)(3)—

(A) in subparagraph (C), by striking “; or” and inserting “; or cybersecurity”;

(B) in subparagraph (D), by striking “or” and inserting “and cybersecurity”;

(C) in subparagraph (E), by striking “or” and inserting “and cybersecurity”;

and

(D) in subparagraph (F), by striking “or&quot; and inserting “and cybersecurity”;

and

(E) in subparagraph (G), by striking “or” and inserting “and cybersecurity”;

and

(F) in subparagraph (H), by striking “or” and inserting “and cybersecurity”.

(b) SCIENTIFIC AND TECHNICAL EDUCATION.—Section 310 of the American Innovation and Competitiveness Act (42 U.S.C. 1862i(c)(9)) is amended by inserting “cybersecurity” after “computing”.

(c) LOW-INCOME SCHOLARSHIP PROGRAM.—Section 414(d) of the American Competitiveness and Workforce Improvement Act of 1998 (42 U.S.C. 1860c–2) is amended—

(1) in paragraph (1), by striking “The Secretary” and inserting “The President”;

(2) in paragraph (2), by striking “and” and inserting “or”; and

(3) in paragraph (3), by striking “or” and inserting “and”.
“(2) COORDINATION.—In establishing the challenges under paragraph (1), the Secretary shall coordinate with the Secretary of Homeland Security on the challenges under subsection (A) and (B); and

“(b) PURSUIT OF NATIONAL CYBERSECURITY CHALLENGES.—

“(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Secretary, acting through the Under Secretary of Commerce for Standards and Technology, shall commence efforts to pursue the national cybersecurity challenges established under subsection (a).

“(2) COMPETITIONS.—The efforts required by paragraph (1) shall include carrying out programs to award prizes, including cash and noncash prizes, competitively pursuant to the authorities and processes established under section 205 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719) or any other applicable provision of law.

“(3) ADDITIONAL AUTHORITIES.—In carrying out paragraph (1), the Secretary may enter into and perform such other transactions as the Secretary considers necessary and on such terms as the Secretary considers appropriate.

“(4) COORDINATION.—In pursuing national cybersecurity challenges under paragraph (1), the Secretary shall coordinate with the following:

“(A) The Director of the National Science Foundation;

“(B) The Secretary of Homeland Security;

“(C) The Director of the Defense Advanced Research Projects Agency;

“(D) The Director of the Office of Science and Technology Policy;

“(E) The Director of the Office of Management and Budget;

“(F) The Administrator of the General Services Administration;

“(G) The Federal Trade Commission;

“(H) The heads of such other Federal agencies as the Secretary of Commerce considers appropriate for purposes of this section.

“(5) SOLICITATION OF ACCEPTANCE OF FUNDS.—

“(A) IN GENERAL.—Pursuant to section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719), the Secretary shall request and accept funds from other Federal agencies, the State, United States territory, local, or tribal government agencies, private sector for-profit entities, and nonprofit entities to support efforts to pursue a national cybersecurity challenge under this section.

“(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to require any person or entity to provide funds or otherwise participate in an effort or competition under this section.

“(c) CONFORMING AMENDMENTS.—

“(1) IN GENERAL.—In carrying out this section, the Secretary of Commerce shall designate an advisory council to seek recommendations from a foreign government.

“(2) EXCEPTIONS.—The recommendations required by paragraph (1) shall include the following:

“(A) A scope for efforts carried out under subsection (b);

“(B) Metrics to assess submissions for prizes under competitions carried out under subsection (b) as the submissions pertain to the national cybersecurity challenges established under subsection (a).

“(3) NO ADDITIONAL COMPENSATION.—The Secretary may not provide any additional compensation, except for travel expenses, to a member of the advisory council designated under paragraph (1) for participation in the advisory council.

“(d) CONFORMING AMENDMENTS.—Section 201(a)(1) of such Act is amended—

“(1) COORDINATION.—In establishing the challenges under paragraph (1), the Secretary shall coordinate with the Secretary of Homeland Security on the challenges under subsection (A) and (B); and

“(2) by redesignating paragraph (K) as paragraph (J); and

“(3) by inserting after paragraph (J) the following:

“(K) implementation of section 205 through research and development on the topics identified under subsection (a) of such section; and

“(c) CLERICAL AMENDMENT.—The table of contents in section 2(b) of such Act is amended by inserting the following:

“Sec. 205. National Cybersecurity Challenges.”

SA 2179. Ms.ERNST submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

“SEC. 3. STOPPING WASTEFUL ADS,.ExecuteNonQuery

(a) DEFINITION.—In carrying out this section—

(1) the term ‘‘advertising’’ means the placement of messages in media that are intended to inform or persuade an audience, including placement in television, radio, a magazine, a newspaper, digital media, direct mail, a tangible product, an exhibit, or a billboard;

(2) the term ‘‘agency’’ has the meaning given in section 551 of title 5, United States Code;

(3) the term ‘‘mascot’’—

(A) means an individual, animal, or object adopted by an agency as a symbolic figure to represent the agency or the mission of the agency; and

(B) includes a costumed character;

(4) the term ‘‘public relations’’ means communications by an agency that are directed to the public, including activities dedicated to maintaining the government unit or maintaining or promoting understanding and favorable relations with the community or the public; and

(5) the term ‘‘return on investment’’ means, with respect to the public relations and advertising spending by an agency, a positive return in achieving agency or program goals relative to the investment in advertising and marketing materials; and

(6) the term ‘‘swag’’—

(A) means any tangible product or merchandise distributed at no cost with the sole purpose of advertising or promoting an agency, organization, or program;

(B) includes buttons, candy, clothing, coloring books, caps, fidget spinners, hats, holiday ornaments, jar grip openers, keychains, koozies, magnets, neckties, pocketknives, pins, posters, stickers, stress balls, stuffed animals, thermoses, tote bags, trading cards, and writing utensils; and

(C) does not include—

(i) an item presented as an honorary or informal recognition award related to the Armed Forces of the United States, such as a challenge coin or medal issued for sacrifice or meritorious service;

(ii) a brochure or pamphlet purchased or distributed for informational purposes; or

(iii) an item distributed for diplomatic purposes, including a gift for a foreign leader.

(b) PROHIBITIONS.—Except as provided in paragraph (3), and unless otherwise expressly authorized by law—

(A) an agency or other entity of the Federal Government may not use Federal funds to purchase or otherwise acquire or distribute swag; and

(B) an agency or other entity of the Federal Government may not use Federal funds to manufacture or use a mascot to promote an agency, organization, program, or agenda.

(2) PUBLIC RELATIONS AND ADVERTISING SPENDING.—Each agency shall, as part of the annual budget justification submitted to Congress, report on the public relations and advertising spending of the agency for the preceding fiscal year, which may include an estimate of the return on investment for the agency.

(3) EXCEPTIONS.—

(A) SWAG.—Paragraph (1)(A) shall not apply with respect to—

(i) an agency program that supports the mission and objectives of the agency that is initiating the public relations or advertising spending, provided that the spending generates a positive return on investment for the agency;

(ii) recruitment relating to—

(I) enlistment or employment with the Armed Forces; or

(II) employment with the Federal Government;

(iii) an item distributed by the Bureau of the Census to assist the Bureau in conducting a census of the population of the United States;

(2) Mascots.—Paragraph (1)(B) shall not apply with respect to—

(i) a mascot that is declared the property of the United States under a provision of law, including under section 2 of Public Law 93–318 (16 U.S.C. 580p–1); or

(ii) a mascot relating to the Armed Forces of the United States.

(4) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall issue regulations to carry out this section.

SA 2180. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, add the following:

“SEC. 114. LONG-TERM INVESTMENT AND SUSTAINMENT PLAN FOR CANNON TUBE PROCUREMENT.

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall develop a long-term investment and sustainment plan for cannon tube procurement and submit to the congressional defense committees a report on the Army’s plan to mitigate risk to the industrial base.

SA 2181. Mr. LEAHY (for himself, Mrs. MURRAY, and Ms. BALDWIN) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe
military personnel strengths for such fiscal year; and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

**SEC. 362. PILOT PROGRAM ON REDUCTION OF EFFECTS OF MILITARY AVIATION NOISE ON PRIVATE RESIDENCES AND SCHOOLS.**

(a) In general.—Commencing not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall carry out a pilot program to provide funds for the installation of noise insulation at private residences and schools impacted by military aviation noise in connection with a covered military installation selected for participation in the pilot program.

(b) Eligibility.—

(1) In general.—A private residence or school is eligible for the installation of noise insulation under the pilot program if the residence or school—

(A) is located within a noise contour between a 65 decibel day-night average sound level and a 75 decibel day-night average sound level as validated during the three-year period preceding the receipt of funds under the pilot program by an assessment compliant with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) has been measured by the commander of the appropriate covered military installation to have a 45 decibel day-night average sound level.

(2) Agreement.—To be eligible to receive funds under the pilot program, a recipient shall enter into an agreement with the commander of the appropriate covered military installation under which the recipient agrees to—

(A) provide not less than ten percent of the funds required to carry out the noise insulation; and

(B) ensure that the noise at the private residence or school where insulation is installed is reduced by not less than five decibels.

(c) Selection of locations.—

(1) In general.—The Secretary shall select not fewer than four covered military installations at which to carry out the pilot program.

(2) Criteria.—The Secretary shall ensure that the installations selected under paragraph (1)—

(A) are in areas that are geographically diverse;

(B) include installations that serve members of the Armed Forces on active duty and installations that serve members of the reserve components of the Armed Forces;

(C) focus on areas with private residences and schools newly impacted by increased noise levels from such installations; and

(D) are co-located with a civilian international airport.

(3) Duration.—The Secretary shall carry out the pilot program for a five-year period beginning on the commencement of the pilot program.

(e) Use of funds to meet matching fund requirements of other programs.—Funds provided under the pilot program may be used to meet a matching fund requirement for any other noise mitigation program run by another Federal agency.

(f) Inapplicability of reporting requirements.—The reporting requirements under section 2886 of this Act shall not apply to noise mitigation measures under the pilot program.

(g) Authorization of appropriations.—There shall be appropriated to the Secretary of Defense $20,000,000 to carry out the pilot program.

(b) Rule of construction.—Nothing in this section shall be construed to invalidate the eligibility of a recipient of funds under the pilot program for any other noise mitigation program run by another Federal agency.

**SEC. 1242. SENSE OF CONGRESS ON UNITED STATES ARMED FORCES PRESENCE IN GERMANY.**

It is the sense of Congress that—

(1) United States troop presence in Germany has a remarkable, longstanding post-World War II legacy and is essential to defending United States national security interests in Europe and beyond;

(2) Germany supports United States national security objectives by paying to host the largest number of members of the United States Armed Forces in Europe and five of the seven United States Army garrisons in Europe;

(3) to maintain the United States presence, Germany contributes approximately $1,000,000,000 of annual costs, including through the rent-free provision of bases and facilities, tax exemptions, reduced-cost services, provision of security, and other benefits;

(4) the support described in paragraph (3) is understood by a German public that is traditionally very supportive of the United States military presence in Germany;

(5) United States Armed Forces facilities in Germany include—

(A) Ramstein Air Base, a critical hub for operations in the Middle East and Africa and headquarters of the United States Air Force in Europe and Africa;

(B) the Landstuhl Regional Medical Center, which has saved the lives of countless members of the United States Forces wounded in Iraq and Afghanistan;

(C) the Stuttgart headquarters of both the United States European Command and the United States Africa Command;

(D) the Wiesbaden headquarters of United States Army Europe;

(E) the Kaiserslautern area, which is home to the 21st Theater Support Command, responsible for all United States Army logistics in Europe;

(F) the Spangdahlem F-16 fighter base; and

(G) the Grafenwoehr Training Area, the largest and most sophisticated training facility of the North Atlantic Treaty Organization in Europe;

(6) nearly all United States Armed Forces flights to Iraq and Afghanistan pass through Ramstein in southwestern Germany, the largest United States airborne outside the United States;

(7) the United States military hospital in Landstuhl treats soldiers wounded in combat in Iraq and Afghanistan and other United States military members returning to the United States after their captivity, and to assist additional United States citizens, the United States is constructing a new $1,000,000,000 military hospital in Weilerbach, Germany, which will be the largest military hospital outside the United States;

(8) the North Atlantic Treaty Organization continues to play a critical role in the national security of the United States;

(9) the approximately 35,000 members of the United States Armed Forces, is essential to supporting the North Atlantic Treaty Organization operations and its collective deterrence against threats;

(10) United States troop levels in Germany have already decreased significantly since the end of the Cold War, when there were as many as 200,000 members of the United States Armed Forces in Germany;

(11) since 1995, the withdrawal of the bulk of forward-deployed United States troops in the European theater and the closure of bases left the United States and the North Atlantic Treaty Organization unprepared for the Russian Federation’s revanchist maneuvers in Ukraine, Georgia, and the Middle East;

(12) in response to the Russian Federation’s illegal annexation of Crimea and instigation of a proxy war in Eastern Ukraine, increased military activities in the High North region of Europe through reportedly adding nuclear-capable missiles to Kaliningrad, and enhanced naval presence in the Baltic Sea, the Arctic Ocean, and the North Sea, the United States and North Atlantic Treaty Organization allies have bolstered their rotational military presence throughout Europe;

(13) the United States troop presence in Germany is critical to—

(A) maintaining such rotational military presence;

(B) United States participation in additional exercises and trainings with allies and partners;

(C) the enhanced pre-positioning of United States equipment in European countries on the front lines of the Russia Federation’s aggression; and

(D) interrupted efforts to build partner capacity for newer North Atlantic Treaty Organization members and other non-North Atlantic Treaty Organization countries;

(14) the United States presence in Germany—

(A) supports United States European Command operations;

(B) provides significant support to the United States Central Command;

(C) serves as the headquarters for the United States Africa Command; and

(D) affords the United States an important transit and jumping-off point for operations worldwide;

(15) strategic experts, transatlantic leaders, and current and former military personnel have warned that any step to withdraw the already limited United States troop presence in Germany, let alone reduce the United States presence by 28 percent, can only benefit the Russian Federation and weaken the North Atlantic Treaty Organization and United States security as a whole; and

(16) reducing the United States troop presence in Germany during a time of growing threats in Europe and beyond is a dangerous strategic misstep that weakens the United States national security interests and weakens the North Atlantic Treaty Organization and the transatlantic alliance.

**SA 2183.** Ms. SINEMA (for herself and Mr. CRAMER) submitted an amendment intended to be proposed by her to the...
bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XXVIII, add the following:

SEC. 2801. MODIFICATION TO AUTHORITY FOR MILITARY CONSTRUCTION PROJECTS FOR CHILD DEVELOPMENT CENTERS AT MILITARY INSTALLATIONS. 

Section 2809(b) of the National Defense Authorization Act for Fiscal Year 2020 is amended—

(1) in paragraph (1), by inserting “and annually thereafter,” after “this Act”,; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking “the report” and inserting “a report”; and

(B) in subparagraph (B), by inserting “in which the project is included” before the period at the end.

SA 2184. Ms. SINEMA (for herself and Mr. COTTON) submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 752. PILOT PROGRAM ON PRE-PROGRAMMING OF SOURCES INTO SMART DEVICES ISSUED TO MEMBERS OF THE ARMED FORCES.

(a) In General.—Commencing not later than 120 days after the date of enactment of this Act, the Secretary of Defense shall carry out a pilot program under which the Secretary—

(1) pre-downloads the Virtual Hope Box application of the Defense Health Agency, or successor application, on smart devices individually issued to members of the Armed Forces;

(2) pre-programs the National Suicide Hotline number and Veterans Crisis Line number into the contacts for such devices; and

(3) provides training, as part of training on suicide awareness and prevention conducted throughout the Department of Defense, on the preventative resources described in paragraphs (1) and (2).

(b) Duration.—The Secretary shall carry out the pilot program under this section for a two-year period.

(c) Scope.—The Secretary shall determine the appropriate scope of individuals participating in the pilot program under this section to best represent each Armed Force and to encompass small sample size.

(d) Identification of Other Resources.—In carrying out the pilot program under this section, the Secretary shall coordinate with the Director of the Defense Health Agency and the Secretary of Veterans Affairs to identify other useful technology-related resources for use in the pilot program.

(e) Report.—Not later than 30 days after completing the pilot program under this section, the Secretary shall submit to the Commissioneer of the Commissioneer of the Senate and the House of Representatives a report on the pilot program.

(f) VETERANS CRISIS LINE DEFINED.—In this section, the term “Veterans Crisis Line” means the toll-free hotline for veterans established under section 1720F(b) of title 38, United States Code.

SA 2185. Mr. HOEVEN (for himself, Mr. CARL, Ms. MARKEY, Mr. MURKOWSKI, Ms. MCSALLY, Mr. Tester, Mr. SCHATZ, Mr. CRAMER, Ms. SMITH, and Mr. Daines) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION REAUTHORIZATION

SEC. 5010. SHORT TITLE.

This division may be cited as the “Native American Housing Assistance and Self-Determination Reauthorization Act of 2020.”

SEC. 5012. MODIFICATION TO AUTHORITY FOR MILITARY CONSTRUCTION PROJECTS FOR CHILD DEVELOPMENT CENTERS AT MILITARY INSTALLATIONS.

Section 2805 of title II of the National Defense Authorization Act for Fiscal Year 2020 is amended by adding the following:

(b) DURATION.—The Secretary shall carry out the pilot program under this section—

(1) in paragraphs (1) and (2); and

(2) by inserting “paragraph (3);” after “paragraph (2).”
SEC. 5109. LEASE REQUIREMENTS AND TENANT SELECTION.

Section 207 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4217) is amended by adding at the end of the following:

"(c) NOTICE OF TERMINATION.—The notice period described in subsection (a)(3) shall apply to programs funded in part by amounts authorized under this Act."

SEC. 5110. INDIAN HEALTH SERVICE.

(a) In General.—Subtitle A of title II of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131 et seq.) is amended by adding at the end the following:

"SEC. 211. IHS SANITATION FACILITIES CONSTRUCTION.

"(a) In General.—Subtitle A of title II of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131 et seq.) is amended by adding the end the following:

"(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (Public Law 104–330; 110 Stat. 4016) is amended by inserting after the item relating to section 210 the following:

"Sec. 211. IHS Sanitation Facilities Construction."

SEC. 5111. STATUTORY AUTHORITY TO SUSPEND GRANT FUNDS IN EMERGENCIES.

Section 401(a)(4) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4316(a)(4)) is amended by:

(1) in subparagraph (A), by striking "may take an action described in paragraph (1)(C)" and inserting "may immediately take an action described in part (1)(C)";

(2) by striking subparagraph (B) and inserting the following:

"(B) PROCEDURAL REQUIREMENTS.—

"(i) The Secretary takes an action described in subparagraph (A), the Secretary shall provide notice to the recipient at the time that the Secretary takes that action;

"(ii) Notice requirements.—The notice under clause (i) shall inform the recipient that the recipient may request a hearing by not later than 30 days after the date on which the Secretary provides the notice.

"(iii) HEARING REQUIREMENTS.—A hearing requested under clause (ii) shall be conducted—

"(I) in accordance with subpart A of part 26 of title 24, Code of Federal Regulations (or successor regulations);

"(II) to the maximum extent practicable, on an expedited basis.

"(iv) FAILURE TO CONDUCT A HEARING.—If a hearing is not requested under clause (ii), the Secretary shall notify the recipient that the hearing, the action of the Secretary to limit or deny the availability of payments shall no longer be effective.

SEC. 5112. REPORTS TO CONGRESS.

Section 407 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4167) is amended—

(1) in subsection (a), by striking "Congress" and inserting "Congress and the Committee on Banking, Housing and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives";

(2) by adding at the end the following:

"(c) PUBLIC AVAILABILITY.—The report described in subsection (a) shall be made publicly available, including to recipients.

SEC. 5113. 99-YEAR LEASEHOLD INTEREST IN TRUST OR RESTRICTED LANDS FOR HOUSING PURPOSES.

Section 702 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4211) is amended—

(1) in the section heading, by striking "50-Year" and inserting "99-Year";

(2) in subsection (b)(5), by striking "50 years" and inserting "99 years";

(3) in subsection (b)(2), by striking "50 years" and inserting "99 years";

SEC. 5114. RESTRICTION ON USE OF INCOME TARGETING.

Section 824 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4217) is amended by adding at the end the following:

"SEC. 834. INDIAN HOME LOAN GUARANTEE PROGRAM.

"(a) In General.—Section 184(b)(4) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13a(b)(4)) is amended by—

(1) designating paragraphs (A) through (D) as clauses (i) through (iv), respectively, and adjusting the margins accordingly;

(2) by striking "the loan" and inserting the following:

"(A) IN GENERAL.—The loan";

(3) in subparagraph (A), as so designated, by adding at the end the following:

"(v) Any entity certified as a community development financial institution by the Community Development Financial Institutions Fund established under section 104(a) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4706(a))"; and

(4) by adding at the end the following:

"(B) DIRECT GUARANTEE PROCESS.—

"(i) AUTHORIZATION.—The Secretary may authorize qualifying lenders to participate in a direct guarantee process for approving loans under this section.

"(ii) DEDUCTION.—If the Secretary determines that a mortgage guaranteed through a direct guarantee process under this subparagraph was not originated in accordance with the requirements established by the Secretary, the Secretary shall require the lender approved under this subparagraph to indemnify the Secretary for the loss, irrespective of whether the violation caused the mortgage default.

"(iii) FRAUD OR MISREPRESENTATION.—If fraud or misrepresented in a direct guarantee process under this subparagraph, the Secretary shall require the original lender approved under this subparagraph to indemnify the Secretary for any loss regardless of when an insurance claim is paid.

"(c) REVIEW OF MORTGAGES.—

"(i) IN GENERAL.—The Secretary may periodically review the mortgages originated, underwriting, or servicing single family mortgage loans under this section.

"(ii) REQUIREMENTS.—In conducting a review under clause (i), the Secretary—

"(I) shall compare the mortgagee with other mortgagees originating or underwriting loan guarantees for Indian housing loans in the rates of defaults and claims for guaranteed mortgage loans originated, underwritten, or serviced by that mortgagee;
Sec. 5119. LOAN GUARANTEES FOR NATIVE HAWAIIAN HOUSING.

Section 102(b)(2) of the Housing Act of 1992 (25 U.S.C. 4103) may be used for—

(a) in General.—Title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 13601 et seq.) is amended—

(1) in section 401(b) (42 U.S.C. 13606(b)), by inserting after such section the following:

"(ii) Such sums as may be necessary for each of fiscal years 2021 through 2031.";

and

(2) in section 410(b) (42 U.S.C. 13611(b)), by inserting after such section the following:

"(ii) Such sums as may be necessary for each of fiscal years 2021 through 2031.";

(3) RECIPIENT.—The term "recipient"—

"(A) has the meaning given the term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(2) during a later period "drug-related crime" means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use a controlled substance;

(3) Recipient.—The term "recipient"—

(A) has the meaning given the term in section 102 of the Controlled Substances Act (21 U.S.C. 802); and

(b) EMBARGO ON INDIAN TRIBES AND TRIBALLY DESIGNATED HOUSING ENTITIES.

"(2) The Assistant Secretary shall be responsible for—

(A) administering, in coordination with the relevant office in the Department, the provision of housing assistance to Indian tribes or Indian housing authorities under each program of the Department that provides for such assistance;

(B) administering the community development block grant program for Indian and Alaska Native housing and community development Act of 1994 (24 U.S.C. 1715z–1(b)(5)); and

(c) ELIGIBLE ACTIVITIES.—Grants under this section shall include in the annual report under section 8 a description of the extent of the housing needs for Indian families and community development needs of Indian tribes under such Act and the activities of the Department, and extent of such activities, in meeting such needs."; and

(2) in section 8 (42 U.S.C. 3536), by striking "section 4(e)(2)" and inserting "section 4(e)(4)"); and

Sec. 5121. DRUG ELIMINATION PROGRAM.

(a) Definitions.—In this section:

(1) CONTROLLED SUBSTANCE.—The term "controlled substance" has the meaning given the term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(2) during a period "drug-related crime" means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use a controlled substance.

(b) EMBARGO ON INDIAN TRIBES AND TRIBALLY DESIGNATED HOUSING ENTITIES.

"(2) The Assistant Secretary shall be responsible for—

(A) administering, in coordination with the relevant office in the Department, the provision of housing assistance to Indian tribes or Indian housing authorities under each program of the Department that provides for such assistance;

(B) administering the community development block grant program for Indian and Alaska Native housing and community development Act of 1994 (24 U.S.C. 1715z–1(b)(5)); and

(c) ELIGIBLE ACTIVITIES.—Grants under this section shall include in the annual report under section 8 a description of the extent of the housing needs for Indian families and community development needs of Indian tribes under such Act and the activities of the Department, and extent of such activities, in meeting such needs."; and

(2) in section 8 (42 U.S.C. 3536), by striking "section 4(e)(2)" and inserting "section 4(e)(4)"); and

Sec. 5122. DRUG ELIMINATION PROGRAM.

(a) Definitions.—In this section:

(1) CONTROLLED SUBSTANCE.—The term "controlled substance" has the meaning given the term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(2) during a period "drug-related crime" means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use a controlled substance.

(b) EMBARGO ON INDIAN TRIBES AND TRIBALLY DESIGNATED HOUSING ENTITIES.

"(2) The Assistant Secretary shall be responsible for—

(A) administering, in coordination with the relevant office in the Department, the provision of housing assistance to Indian tribes or Indian housing authorities under each program of the Department that provides for such assistance;

(B) administering the community development block grant program for Indian and Alaska Native housing and community development Act of 1994 (24 U.S.C. 1715z–1(b)(5)); and

(c) ELIGIBLE ACTIVITIES.—Grants under this section shall include in the annual report under section 8 a description of the extent of the housing needs for Indian families and community development needs of Indian tribes under such Act and the activities of the Department, and extent of such activities, in meeting such needs."; and

(2) in section 8 (42 U.S.C. 3536), by striking "section 4(e)(2)" and inserting "section 4(e)(4)"); and

Sec. 5121. ASSISTANT SECRETARY FOR INDIAN HOUSING.

The Department of Housing and Urban Development Act (42 U.S.C. 3531 et seq.) is amended—

(1) in section 4 (42 U.S.C. 3533)—

(A) in subsection (a)(1), by striking "7" and inserting "8"; and

(B) in subsection (e)—

(i) by designating paragraph (2) as paragraph (4); and

(ii) by striking "(e)(1)(A) There" and all that follows through the end of paragraph (1) and inserting "(e)(1) There is established within the Department the Office of Native American Programs (in this subsection referred to as the 'Assistant Secretary for Native American Programs') to provide evidence relating to such crime in any administrative or judicial proceeding;

(5) the provision of training, communication, equipment, and other equipment for use by voluntary tenant patrols acting in cooperation with law enforcement officials;

(6) programs designed to reduce use of drugs in and around housing projects funded under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.); and

(7) providing funding to nonprofit resident management corporations and resident councils to develop security and drug abuse prevention programs involving site residents; and

(8) sports programs and sports activities that serve primarily youths from housing projects funded through and are operated in conjunction with an organized program or plan designed to reduce or eliminate drugs and drug-related problems in and around those projects.

(d) Definitions.—

(1) In General.—To receive a grant under this subsection, an eligible applicant shall submit an application to the Secretary, at any time, in such manner, and accompanied by—

(A) a plan for addressing the problem of drug-related or violent crime in and around the housing administered or owned by the applicant for which the application is being submitted; and

(B) such additional information as the Secretary deems reasonably require.

(c) ELIGIBLE ACTIVITIES.—In evaluating the extent of the drug-related or violent crime problem in and around the housing or projects proposed for assistance, the Secretary may consider whether housing or projects proposed for assistance are located in a high intensity drug trafficking areas (as defined in subsection (d)(2), the Secretary may consider whether housing or projects proposed for assistance are located in a high intensity drug trafficking area designated pursuant to section 707(b) of the Office of National Drug Control Policy Reauthorization Act of 1998 (22 U.S.C. 1765); and

(f) REPORTS.—

(1) GRANTEE REPORTS.—The Secretary shall require grantees under this section to provide periodic reports that include the obligation and expenditure of grant funds, the progress made by the grantee in implementing the plan described in subsection (a) of this title, and any change in the incidence of drug-related crime in projects assisted under section; and

(2) HUD REPORTS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the system used to distribute
funding to grantees under this section, which shall include descriptions of—

(A) the methodology used to distribute amounts made available under this section among public housing agencies, including provisions used to provide for renewals of on-going programs funded under this section; and

(B) actions taken by the Secretary to ensure that amounts made available under section are not used to fund baseline local government services, as described in subsection (b)(2).

(g) NOTICE OF FUNDING AWARDS.—The Secretary shall cause to be published in the Federal Register not less frequently than annually a notice to eligible grantees pursuant to section, which shall identify the grantees and the amount of the grants.

(h) MONITORING.—

(1) IN GENERAL.—The Secretary shall audit and monitor the program funded under this subsection to ensure that assistance provided under this subsection is administered in accordance with the provisions of—

(2) PROHIBITION OF FUNDING BASELINE SERVICES.—

(A) IN GENERAL.—Amounts provided under this subsection may not be used to reimburse or support any local law enforcement agency or unit of general local government for the provision of services that are included in the baseline services required to be provided by any such entity pursuant to a local cooperative agreement pursuant under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.) or any provision of an annual contributions contract for payments in lieu of taxation with the Bureau of Indian Affairs.

(B) EXCEPTIONS.—Each grantee under this section shall describe, in the report under subsection (b)(1), such baseline of services for the unit of Tribal government in which the jurisdiction of the Secretary is located.

(3) ENFORCEMENT.—The Secretary shall provide for the effective enforcement of this section, which may include the use of on-site monitoring, independent public audit requirements, certification by tribal or Federal law enforcement or Tribal government officials regarding the performance of baseline services referred to in paragraph (2), entering into agreements with the Attorney General to achieve compliance, and verification of compliance, with the provisions of this section, and any applicable enforcement authority provided to the Secretary under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.).

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each fiscal year 2021 through 2026 to carry out this section.

SEC. 5123. RENTAL ASSISTANCE FOR HOMELESS OR AT-RISK INDIAN VETERANS.

Section 883 of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)) is amended by adding at the end the following:

(III) INDIAN; INDIAN AREA.—The terms ‘Indian’ and ‘Indian area’ have the meanings given those terms in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101).

(IV) INDIAN VETERAN.—The term ‘Indian veteran’ means an Indian who is a veteran.

(V) PROGRAM.—The term ‘Program’ means the Tribal HUD–VASH program carried out under clause (ii).

(VI) TRIBAL ORGANIZATION.—The term ‘tribal organization’ has the meaning given that term in the Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(VII) PROGRAM SPECIFICATIONS.—The Secretary shall use not less than 5 percent of the amounts made available for rental assistance under this paragraph to carry out a rental assistance and supported housing program, to be known as the ‘Tribal HUD–VASH program,’ in conjunction with the Secretary of Veterans Affairs, by awarding grants for the benefit of eligible Indian veterans.

(VIII) MODEL.—

(I) IN GENERAL.—Except as provided in item (ii), the Secretary shall model the Program on the rental assistance and supported housing program authorized under subparagraph (A) and applicable appropriations Acts, including administration in conjunction with the Secretary of Veterans Affairs.

(II) EXCEPTIONS.—

(A) SELF-DEREGULATION.—The Secretary may waive or specify alternative requirements for any program, provided that such waivers or alternative requirements are consistent with the purpose of the Program; and

(B) PROVISION OF HABITABLE SPACE.—The Secretary may—

(i) waive or specify alternative requirements for any program, provided that such waivers or alternative requirements are consistent with the purpose of the Program.

(IX) RENEWAL GRANTS.—The Secretary shall—

(I) set aside, from amounts made available for tenant-based rental assistance under this section and without regard to the amounts used for new grants under clause (ii), such amounts as may be necessary to award renewal grants to eligible recipients that received a grant under the Program in a previous year; and

(ii) specify criteria that an eligible recipient must satisfy to receive a renewal grant under clause (I), including providing data on how the eligible recipient used the amounts of any grant previously received under the Program.

(III) ADMINISTRATION.—The Secretary shall include in the initial report submitted under clause (I) a description of—

(a) any regulations governing the use of formula current assisted stock (as defined in section 1000.314 of title 24, Code of Federal Regulations (or any successor regulation)) within the Program;

(bb) the number of recipients of grants under the Program that have reported the regulations described in item (aa) as a barrier to implementation of the Program; and

(cc) proposed alternative legislation or regulations developed by the Secretary in consultation with recipients of grants under the Program to allow the use of formula current assisted stock within the Program.

SEC. 5124. LEVERAGING.

All funds provided under a grant made pursuant to this division or the amendments made by this division may be used for purposes of meeting matching or cost participation requirements under any other Federal or non-Federal program, provided that such
contracts under the TRICARE program to adjudicate third-party liability claims is efficient and effective, including with respect to communication with such beneficiaries.

(iii) TRICARE Program Defined.—In this section, the term "TRICARE program" has the meaning given that term in section 1072 of title 10, United States Code.

(iii) Public Accessibility.—The meetings of the executive committee shall—

(iv) in general.—Each member of the executive committee shall serve voluntarily and without compensation.

(iv) Term of Appointment.—

(iv) in general.—Except as provided in subclause (I), each member of the executive committee shall be appointed for a term of 2 years.

(ii) Original Members.—Of the members initially appointed to the executive committee, the Secretary of the Navy and the Secretary of the Interior shall each select—

(a) to serve for a term of 4 years; and

(b) ½ to serve for a term of 2 years.

(i) Selection of Members.—The Secretary of the Navy and the Secretary of the Interior may reappoint or replace, as appropriate, a member of the executive committee if—

(i) the term of the member has expired;

(ii) the member has resigned; or

(iii) the position held by the member has changed in the interim to the extent that the member represents has been significantly affected.

(ii) Liaisons.—The Secretary of the Navy and the Secretary of the Interior shall each appoint appropriate operational and management personnel of the Department of the Navy and the Department of the Interior, respectively, to serve as liaisons to the executive committee.

(i) Joint Accounts and Use by Department of the Air Force and Department of the Interior of Nevada Test and Training Range and Desert National Wildlife Refuge.

(ii) 1 United States Fish and Wildlife Service and Department of the Air Force Coordination.—Section 301(b)(5) of the Military Lands Withdrawal Act of 1996 (Public Law 104–65; 113 Stat. 887) is amended by adding at the end the following new subparagraph:

(iii) Interagency Committee.—

(iv) in general.—The Secretary of the Interior and the Secretary of the Air Force shall jointly establish an interagency committee (referred to in this paragraph as the ‘interagency committee’) to facilitate coordination, manage public access needs and requirements, and minimize potential conflict between the Department of the Interior and the Department of the Air Force with respect to joint operating areas within the Desert National Wildlife Refuge.

(v) Members.—The interagency committee shall include only the following members:

(i) Representatives from the United States Fish and Wildlife Service selected.

(ii) Representatives from the Department of the Air Force.

(iii) The Project Leader of the Desert National Wildlife Refuge.

(iv) The Commander of the Nevada Test and Training Range, Nellis Air Force Base.
‘(iii) Report to Congress.—The interagency committee shall biennially submit to the Committees on Armed Services, Environment and Public Works, and Energy and Natural Resources of the Senate and the Committees on Armed Services and Natural Resources of the House of Representatives, and make available publicly online, a report on the activities of the interagency committee.’.

(2) INTERGOVERNMENTAL EXECUTIVE COMMITTEE.—Such section is further amended by adding at the end the following new subparagraph:

‘‘(H) INTERGOVERNMENTAL EXECUTIVE COMMITTEE.—

‘‘(i) ESTABLISHMENT.—The Secretary of the Interior and the Secretary of the Air Force shall jointly establish, by memorandum of understanding, an intergovernmental executive committee (referred to in this subparagraph) in accordance with this subparagraph.

‘‘(ii) PURPOSE.—The executive committee shall be established for the purposes of—

‘‘(I) exchanging views, information, and advice relating to the management of the national and cultural resources of the lands withdrawn and reserved by this section; and

‘‘(II) making recommendations to the interagency committee established under subparagraph (G) with respect to public access and requirements, and

‘‘(iii) COMPOSITION.—The executive committee shall comprise the following members:

‘‘(AA) United States Fish and Wildlife Service. The Secretary of the Interior, respectively, to participate in, the executive committee to serve for a term of 4 years; and

‘‘(BB) Nevada Department of Wildlife. The Secretary of the Air Force shall jointly invite 1 representative of the Nevada Department of Wildlife to be a member of the executive committee to serve for a term of 4 years.

‘‘(BB) Original Members.—Notwithstanding item (aa), the Secretary of the Interior and the Secretary of the Air Force shall select—

‘‘(I) representatives from the Nevada Department of Wildlife; and

‘‘(II) representatives from a tribal government in the vicinity of the Desert National Wildlife Refuge where the Secretary of the Interior exercises primary jurisdiction.

‘‘(IV) PUBLIC.—The Secretary of the Interior and the Secretary of the Air Force shall jointly invite 1 representative of the Nevada Test and Training Range and the Desert National Wildlife Refuge to serve for a term of 4 years.

‘‘(v) Access to the Refuge Generally.—

‘‘(I) Public Access.—The Secretary of the Interior shall facilitate timely public access in portions of the joint use area of the Desert National Wildlife Refuge that are not closed in accordance with subparagraph (C) for military purposes for Tribal, recreational (including hunting), educational, and research purposes—

‘‘(1) in accordance with the laws (including regulations) generally applicable to the Desert National Wildlife Refuge and the National Wildlife Refuge System; and

‘‘(2) subject to the following:

‘‘(A) 1⁄2 of the original members of the executive committee to serve for a term of 4 years; and

‘‘(B) 1⁄2 of the original members of the executive committee to serve for a term of 2 years.

‘‘(II) REAPPOINTMENT AND REPLACEMENT.—The Secretary of the Interior and the Secretary of the Air Force may reappoint or replace a member of the executive committee if—

‘‘(AA) the term of the member has expired; or

‘‘(BB) the member has resigned; or

‘‘(CC) the position held by the member has changed to the extent that the ability of the member to represent the group or entity that the member represents has been significantly affected.

‘‘(v) LIAISONS.—The Secretary of the Air Force and the Secretary of the Interior shall each appoint appropriate operational and management personnel to the Department of the Air Force and the Department of the Interior, respectively, to participate in, and serve as liaisons to, the executive committee.’.’

SA 2188. Ms. CORTEZ MASTO submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; and

Ms. CORTEZ MASTO (for

SEC. 28. DESERT NATIONAL WILDLIFE REFUGE.

(a) UNITED STATES FISH AND WILDLIFE SERVICE.—Section 301(b)(5) of the Military Lands Withdrawal Act of 1999 (Public Law 106-65; 113 Stat. 887) is amended—

‘‘(1) in the matter preceding clause (i), by striking ‘‘effect’’ and inserting ‘‘affect any of’’; and

‘‘(2) by adding at the end the following:

‘‘(D) and (iv). The ability of the Secretary of the Interior to ensure access by nonmilitary personnel for a minimum of 15 percent of annual calendar days, which shall be enumerated in an annual access schedule prepared by the Secretaries of the Interior and the Secretary of the Air Force, to the portions of the joint use area of the Desert National Wildlife Refuge where the Secretary of the Interior exercises primary jurisdiction to carry out the management responsibilities of the Desert National Wildlife Refuge, including—

‘‘(1) desert bighorn sheep surveys;

‘‘(2) water catchment (guzzler) project maintenance;

‘‘(III) scheduling regular meetings.

‘‘(v) biological surveys;

‘‘(VI) surveys and treatment of invasive plants;

‘‘(vii) other scientific research.’’.
year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1. INNOVATION VOUCHER GRANT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Small Business Administration.

(2) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a higher education institution, as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001);

(B) a nonprofit research lab, institution, or other research institution in the United States associated with educational or research activities, including a federally funded research and development center.

(C) a HUBZone, as defined in section 103(b) of the Small Business Act (15 U.S.C. 637(a)).

(D) a grantee of an Innovation Voucher Grant Program established under subsection (b).

(5) RESERVIST.—The term "Reservist" means a member of the Reserve components of the Armed Forces, or Reservists; or

(E) survivors spouses of veterans who died on active duty or as a result of a service-connected disability.

(10) SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY VETERANS; SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY WOMEN.—The term "small business concern owned and controlled by veterans" has the meaning given in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)).

(b) INNOVATION VOUCHER GRANT PROGRAM.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall establish a program to be known as the "Innovation Voucher Grant Program" under which the Administrator shall, on a competitive basis and in accordance with paragraph (7), award up to $10,000,000 for each of fiscal years 2021 and 2022 to small business concerns for the federally share of the cost of purchasing from eligible entities technical assistance and services necessary to carry out projects to advance research, development, or commercialization of new or innovative products and services.

(2) PURPOSES OF PROGRAM.—The purposes of the Program are—

(A) to foster collaboration between small business concerns, educational institutions or other similar organizations;

(B) to facilitate access by small business concerns to capital-intensive infrastructure and advanced facilities;

(C) to enable small business concerns to access technical expertise and capabilities that will lead to the development of innovative products;

(D) to promote business dynamism and competition;

(E) to stimulate United States leadership in advanced research, innovation, and technology;

(F) to accelerate the development of an advanced workforce; and

(G) to preserve and create new jobs.

(3) APPLICATION.—

(A) IN GENERAL.—A small business concern desiring a grant shall submit to the Administrator an application with the eligible entity from which the small business concern will purchase technical assistance and services described in paragraph (7), accompanied by a description of the project the grantee will carry out using funds awarded under the grant.

(B) SELECTION.—Not later than 180 days after the deadline established by the Administrator to submit an application under paragraph (A), the Administrator shall select the recipients of the grants under the Program.

(4) EVALUATION.—In evaluating an application for a grant under the Program, the Administrator shall take into consideration—

(A) the likelihood that funds awarded under the grant will be used to create or advance a novel product or service;

(B) the feasibility of creating or advancing a novel product or service proposed to be created or advanced using funds awarded under the grant; and

(C) whether creating or advancing a product or service proposed to be created or advanced using funds awarded under the grant could be accomplished without a grant awarded under the Program.

(5) AMOUNT.—A grant made under the Program shall be in an amount of not less than $15,000 and not more than $75,000, which shall remain available to the grantee until expended.

(6) AMOUNTS FOR SMALL BUSINESS CONCERNS.—

(A) IN GENERAL.—Except to the extent that the Administrator determines otherwise, not less than 10 percent of the amount described in paragraph (5) shall be available for the Program in a fiscal year shall be set aside and expended through—

(i) a small business concern in an underserved market; or

(ii) a small business concern in a region or State that has historically been underserved by Federal research and development funds.

(B) REMAINING AMOUNT.—Any amount that is set aside under subparagraph (A) in a fiscal year that is not expended by the end of the fiscal year shall be available for award under the Program.

(7) FEDERAL SHARE.—The Federal share of the cost of purchasing technical assistance and services described in paragraph (7) shall be—

(A) not more than 75 percent, if the amount of the grant is less than $50,000; and

(B) not more than 50 percent, if the amount of the grant is not less than $50,000.

(8) REPORTS.—

(A) REPORTS FROM GRANT RECIPIENTS.—Not later than 180 days after the date on which a project carried out under a grant awarded under the Program is completed, the grantee shall submit to the Administrator a report on the project, including—

(i) whether and how the project met the original expectations for the project;

(ii) how the results were incorporated in the business of the grant recipient; and

(iii) whether and how the project improved innovation practices of the grant recipient.

(B) REPORT OF THE ADMINISTRATOR.—Not later than 2 years after the date on which the Administrator establishes the Program, and every 2 years thereafter until the date on which the amounts appropriated for the Program are expended, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on grants awarded under the Program, including—

(i) a description of the grants awarded;

(ii) the estimated number of products or services created or advanced under grants awarded under the Program that could have been created or advanced without grants awarded under the Program; and

(iii) a description of the impact of the Program on knowledge transfer and commercialization.

(C) FINAL REPORT OF THE ADMINISTRATOR.—Not later than 180 days after the date on which which amounts appropriated for the Program are expended, the Administrator shall submit to the committees described in subparagraph (B) a final report containing the information described in clauses (i), (ii), and (iii) of that paragraph.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator for fiscal year 2021 $10,000,000 for each of fiscal years 2021 through 2025, to remain available until expended.

SA 2190. Mr. COTTON (for himself, Mr. SCHUMER, Mr. REED, Mr. RISCH, Ms. COLLINS, Mr. KING, Mr. HAWLEY, Mr. JONES, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for foreign operation, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal
year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. 3. GRANTS FOR CONSTRUCTION OF MICROELECTRONICS MANUFACTURING AND RESEARCH AND DEVELOPMENT FACILITIES, AND ADVANCED RESEARCH AND DEVELOPMENT FACILITIES, AND TO COMPLEMENT THE PROGRAMS OF THE NATIONAL INSTITUTE OF STANDARD AND TECHNOLOGY.

(a) GRANTS FOR STATES WITH DEMONSTRATED INTEREST IN CONSTRUCTING MICROELECTRONICS MANUFACTURING AND ADVANCED RESEARCH AND DEVELOPMENT FACILITIES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Defense, shall commence carrying out a program on the award of grants to States described in paragraph (2) to assist in financing the construction, expansion, or modernization, (including acquisition of equipment and intellectual property) of microelectronics fabrication, assembly, test, advanced packaging, or advanced research and development facilities.

(2) STATES DESCRIBED.—A State described in this paragraph is a State that—

(A) submitted to the Secretary a request for a grant under this subsection; and

(B) demonstrates to the Secretary a need for the grant under this subsection.

(b) CREATION, EXPANSION, OR MODERNIZATION OF MICROELECTRONICS MANUFACTURING FACILITIES AND CAPABILITIES FOR NATIONAL SECURITY NEEDS.—

(1) INCENTIVES AUTHORIZED.—The Secretary of Defense and the Director of National Intelligence shall jointly give priority to private sector entities and consortia thereof to provide incentives for the creation, expansion, or modernization of internationally competitive and sustainable microelectronics manufacturing or advanced research and development facilities that may enable producing securely and specialized microelectronics for use by the Department of Defense, the intelligence community, critical infrastructure sectors of the United States economy, and other national security applications.

(c) COMMERCIAL MANUFACTURING.—A facility constructed, expanded, or modernized with an incentive provided under paragraph (1) may—

(A) be principally oriented toward commercial manufacturing; or

(B) create surplus manufacturing capacity to the production of commercial microelectronics.

(d) RISK MITIGATION REQUIREMENTS.—A facility constructed, expanded, or modernized with an incentive provided under paragraph (1), or the components thereof, shall—

(A) have the potential to perform fabrication, assembly, package, test, or advanced research and development functions for classified and export-controlled microelectronics;

(B) have participated in previous programs established under section 224 of the National Security Act of 1947, as amended, or alternative programs; and

(C) include management processes to identify and mitigate supply chain security risks; and

(D) be able to produce microelectronics consistent with applicable trusted supply chain and operational security standards established under section 221 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

(2) NATIONAL SECURITY REQUIREMENTS.—In the provision of incentives under paragraph (1), the Secretary of Defense and the Director of National Intelligence shall jointly give preference to private sector entities and consortia that—

(A) have participated in previous programs established under section 224 of the National Security Act of 1947, as amended, or alternative programs; and

(B) have the potential to perform fabrication, assembly, package, test, or advanced research and development functions for classified and export-controlled microelectronics;

(C) include management processes to identify and mitigate supply chain security risks; and

(D) be able to produce microelectronics consistent with applicable trusted supply chain and operational security standards established under section 221 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).
(i) the Trusted Integrated Circuit program of the Intelligence Advanced Research Projects Activity;
(ii) trusted and assured microelectronics projects administered by the Department of Defense;
(iii) the Electronics Resurgence Initiative (ERI) program of the Defense Advanced Research Projects Agency;
have demonstrated an ongoing commitment to performing contracts for the Department of Defense and the intelligence community;
have approved the Defense Counterintelligence and Security Agency or the Office of the Director of National Intelligence as presenting an acceptable security risk, taking into account supply chain assurance vulnerabilities, counterintelligence risks, and assets presented by companies whose owners are located outside the United States; and
are evaluated periodically for foreign ownership, control, or influence, consistent with the determinations in paragraphs (4)(C) and (5) of subsection (a).
5. Use of Incentives.—Incentives may be provided under paragraph (1) for the construction, expansion, or modernization of a facility that was constructed, expanded, or modernized with funds from a grant awarded under this subsection.
6. Nontraditional Defense Contractors and Commercial Entities.—The arrangement under paragraph (1) shall be in the form of the Secretary of Defense and the Director of National Intelligence determine to be appropriate to encourage industry participation of nontraditional defense contractors or commercial entities and may include a contract, a grant, a cooperative agreement, a commercial agreement, the use of other transaction authority under section 2371 of title 10, United States Code, or another such arrangement.
7. Reports.
(A) Report by Secretary of Defense and Director of National Intelligence.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Director of National Intelligence shall jointly submit to Congress a report on the plans of the Secretary and the Director to provide incentives under paragraph (1).
(B) Reports by Comptroller General of the United States.—Not later than 1 year after the date on which the Secretary submits the report required by subparagraph (A), and less frequently than once every 2 years thereafter, the Comptroller General of the United States shall submit to Congress a report on the activities carried out under this subsection.
8. Authorization of Appropriations.—There is authorized to be appropriated to carry out this subsection $5,000,000,000 for fiscal year 2021, with such amount to remain available for such purpose until September 30, 2031.
9. Additional Amounts for Ensuring the Future of United States Leadership in Microelectronics.—
(A) Authorization of Appropriations.—There is authorized to be appropriated $2,000,000,000 for fiscal year 2021, with such amount to remain available until September 30, 2031, to expand the Electronics Resurgence Initiative of the Defense Advanced Research Projects Agency to develop advanced disruptive microelectronics technology, including research and development to enable production at a volume required to sustain a robust domestic microelectronics industry and mitigate parts obsolescence.
(B) Authorization of Appropriations.—There is authorized to be appropriated to carry out microelectronics research at the National Science Foundation $1,500,000,000 for fiscal year 2021, with such amount to remain available for such purpose until September 30, 2031.
(C) Authorization of Appropriations.—There is authorized to be appropriated to carry out microelectronics research at the National Institute of Standards and Technology $250,000,000 for fiscal year 2021, with such amount to remain available for such purpose until September 30, 2031.
(D) Authorization of Appropriations.—There is authorized to be appropriated to carry out microelectronics research at the National Science Foundation $1,500,000,000 for fiscal year 2021, with such amount to remain available for such purpose until September 30, 2031.
(E) Authorization of Appropriations.—There is authorized to be appropriated to carry out microelectronics research at the National Institute of Standards and Technology $250,000,000 for fiscal year 2021, with such amount to remain available for such purpose until September 30, 2031.
SA 2192. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title IX, insert the following:

SEC. 9. OFFICE OF NET ASSESSMENT.
(a) LIMITATION ON FUNDS AVAILABLE.—The amount available for programs, projects, and activities of the Office of Net Assessment (ONA) in any fiscal year after fiscal year 2020 may not exceed $10,000,000.
(b) LIMITATION ON RESEARCH CONTRACTS.—Any contract for research entered into by the Office of Net Assessment after the date of the enactment of this Act may only be for research for purposes of the development and coordination of net assessments as described in section 1136 of title 10, United States Code, and applicable law and regulations on contracting.

SA 2193. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title IX, insert the following:

SEC. 9. OFFICE OF NET ASSESSMENT.
(a) LIMITATION ON FUNDS AVAILABLE.—The amount available for programs, projects, and activities of the Office of Net Assessment (ONA) in any fiscal year after fiscal year 2020 may not exceed $10,000,000.
(b) LIMITATION ON RESEARCH CONTRACTS.—Any contract for research entered into by the Office of Net Assessment after the date of the enactment of this Act may only be for research for purposes of the development and coordination of net assessments as described in section 1136 of title 10, United States Code, and applicable law and regulations on contracting.
(D) in subsection (c), as redesignated by subparagraph (B)—
(i) in paragraph (2)(B), by striking "subsections (b) and (c)" and inserting "subsections (b), (c), and"; and
(ii) in paragraph (3), by striking "subsections (b) and (c)" and inserting "subsections (b), (c), and".

(4) in section 3008(h) (sec. 38-1855.08(h) D.C. Official Code)—
(A) in paragraph (1), by striking "section 3009(a)(2)(A)(I)" and inserting "section 3009(a)(3)(A)";
(B) by striking paragraph (2) and inserting the following:
"(2) ADMINISTRATION OF TESTS.—The Institute of Education Sciences may administer assessments to students participating in the evaluation under section 3009(a) for the purpose of conducting the evaluation under such section; and"
(C) in paragraph (3), by striking "the nationally norm-referenced standardized test described in paragraph (2)' and inserting "a nationally norm-referenced standardized test';
(D) in paragraph (3), by striking "annually" and inserting "regularly";
(E) in paragraph (3)—
(i) by redesignating subparagraphs (A), (B), and (C) as subparagraphs (A), (B), and (C), respectively;
(ii) by striking clause (i); and
(iii) by redesignating subparagraph (D) as subparagraph (E) and inserting the following:
"(D) The high school graduation rates, college persistence and completion rates of students with similar background and academic achievement compared with the student's peers at the student's school in the same grade or level, as appropriate; and"
(F) and inserting the following:
"(G) The safety of the schools attended by participating eligible students who use an opportunity scholarship compared with public school students described in subparagraph (A), to the extent practicable; and"
(G)(iv) by redesigning subparagraph (G) by striking "achievement" and inserting "progress'; and
(H) in section 3010 (sec. 38-1855.10 D.C. Official Code)—
(A) in subsection (b)(1)—
(i) by striking subparagraph (A); and
(ii) by redesigning subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively;
(B) in paragraph (2)—
(i) in subparagraph (A), by striking clause (i) and inserting the following:
"(i) rigorous; and"; and
(ii) in subparagraph (B), by striking "impact of the program and all that follows through the end of the subparagraph and inserting "impact of the program on academic progress and educational attainment.''
(C) in paragraph (3)—
(i) in the paragraph heading, by striking "on education" and inserting "of education";
(ii) in subparagraph (A)—
(I) by inserting "the academic progress of" after "assess"; and
(II) by striking "in each of grades 3" and all that follows through the end of the subparagraph and inserting "in each of grades 3 and all that follows through the end of the subparagraph; and"
(iii) by striking subparagraph (B); and
(iv) by redesigning subparagraph (C) as subparagraph (B); and
(D) in paragraph (4)—
(i) in subparagraph (A)—
(I) by striking the comparison of the academic achievement of participating eligible students who use an opportunity scholarship on the academic achievement described in paragraph (3)(B) to the academic achievement; and
(II) by inserting "The academic progress of participating eligible students who use an opportunity scholarship compared with the academic progress; and"
(II) by inserting ", which may include students" after "students with similar background and";
(ii) in subparagraph (B), by striking "increasing the satisfaction of such parents and students with their choice" and inserting "those parents and students' satisfaction with the program";
(iii) by striking subparagraph (D) through (F) and inserting the following:
"(D) The high school graduation rates, college enrollment rates, college persistence rates, and college graduation rates of participating eligible students who use an opportunity scholarship compared with the rates of public school students described in subparagraph (A), to the extent practicable.

(E) The college enrollment rates, college persistence rates, and college graduation rates of students who participated in the program as the result of winning the Opportunity Scholarship Program lottery compared with students who entered the lottery but did not win, and combined college graduation rates of students who entered the lottery and who as a result, served as the control group for previous evaluations of the program under this division. Nothing in this subparagraph may be construed to waive section 3004(a)(3)(A)(iii) with respect to any such student.

(F) The safety of the schools attended by participating eligible students who use an opportunity scholarship compared with public school students described in subparagraph (A), to the extent practicable;"
(G) in paragraph (4), by striking "achievement" and inserting "progress'; and
(H) in section 3101 (sec. 38-1855.11 D.C. Official Code)—
(A) in subsection (b)(1)—
(i) by striking subparagraph (A); and
(ii) by redesigning subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively;
(B) in subparagraph (A), by striking "inserting "as appropriate" after "expulsions."";

SA 2195. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

(a) IN GENERAL.—Section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659) is amended—

(i) in subsection (a)—
(A) in paragraph (5), by striking "and" at the end;
(B) by redesigning paragraph (5) as paragraph (7); and
(C) by inserting after paragraph (5) the following:
"(6) "The term 'security vulnerability' has the meaning given that term in section 102(17) of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501(17)); and"

(ii) in subsection (c)—
(A) in paragraph (10), by striking "and" at the end;
(B) in paragraph (11), by striking the period at the end and inserting ":"; and
(C) by adding at the end the following:
"(12) detecting, identifying, and receiving information about security vulnerabilities that relate to critical infrastructure in the information systems and devices for a cybersecurity purpose, as defined in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501(17)); and"

(iii) by adding at the end the following:
"(13) "any information obtained under the subpoena regarding the date on which the Director receives in-"";
"(14) by adding at the end the following:
"(12) detecting, identifying, and receiving information about security vulnerabilities that relate to critical infrastructure in the information systems and devices for a cybersecurity purpose, as defined in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501(17)); and"

(b) AUTHORITY.—

(i) issued in order to carry out a function described in subsection (c)(12); and
(ii) subject to the limitations under this subsection.

(c) NONCOMPLIANCE.—If any person, partnership, corporation, association, or entity fails to comply with any duly served subpoena issued under subsection (b), the Director may request that the Attorney General, in consultation with the Director, seek enforcement of the subpoena in any judicial district in which such person, partnership, corporation, association, or entity resides, is found, or transacts business.

(d) NOTICE.—Not later than 40 days after the date on which the Director receives information obtained through a subpoena issued under this subsection, the Director shall notify any entity that the information obtained under the subpoena regarding the subpoena and the identified vulnerability.

(e) AUTHORIZATION.—

(i) issued in order to carry out a function described in subsection (c)(12); and
(ii) subject to the limitations under this subsection.

(b) CONTENTS.—The inter-agency procedures developed under this paragraph shall provide that a subpoena issued by the Director under this subsection shall be—

(i) issued in order to carry out a function described in subsection (c)(12); and

(ii) subject to the limitations under this subsection.

(c) NONCOMPLIANCE.—If any person, partnership, corporation, association, or entity fails to comply with any duly served subpoena issued under subsection (b), the Director may request that the Attorney General, in consultation with the Director, seek enforcement of the subpoena in any judicial district in which such person, partnership, corporation, association, or entity resides, is found, or transacts business.

(d) NOTICE.—Not later than 40 days after the date on which the Director receives information obtained through a subpoena issued under this subsection, the Director shall notify any entity that the information obtained under the subpoena regarding the subpoena and the identified vulnerability.

(e) AUTHORIZATION.—

(i) issued in order to carry out a function described in subsection (c)(12); and

(ii) subject to the limitations under this subsection.

(b) CONTENTS.—The inter-agency procedures developed under this paragraph shall provide that a subpoena issued by the Director under this subsection shall be—

(i) issued in order to carry out a function described in subsection (c)(12); and

(ii) subject to the limitations under this subsection.

(c) NONCOMPLIANCE.—If any person, partnership, corporation, association, or entity fails to comply with any duly served subpoena issued under subsection (b), the Director may request that the Attorney General, in consultation with the Director, seek enforcement of the subpoena in any judicial district in which such person, partnership, corporation, association, or entity resides, is found, or transacts business.

(d) NOTICE.—Not later than 40 days after the date on which the Director receives information obtained through a subpoena issued under this subsection, the Director shall notify any entity that the information obtained under the subpoena regarding the subpoena and the identified vulnerability.
procedures and associated training, applicable to employees and operations of the Agency, regarding subpoenas issued under this subsection, which shall address—

(A) a discussion or statement that addresses procedures and restriction on dissemination of nonpublic information obtained through a subpoena issued under this subsection, including a requirement that the Agency shall not disseminate nonpublic information obtained through a subpoena issued under this subsection that identifies the party that is subject to the subpoena or the entity at risk at the time of the notice of the vulnerability, which shall include—

(i) the procedures and restriction on dissemination of nonpublic information obtained through a subpoena issued under this subsection that identifies the party that is subject to the subpoena or the entity at risk at the time of the notice of the vulnerability, which may not require an owner or operator or other entity to take any action as a result of a notice of vulnerability made pursuant to this Act.

(ii) the Director determines that sharing the nonpublic information with another Federal agency is necessary to allow that Federal agency to take a law enforcement or national security action, subject to the interagency procedures under paragraph (3)(A), and actions related to mitigating or otherwise resolving such incident;

(iii) the criteria by which the information pertains is notified of the Director's determination, to the extent practicable consistent with national security or law enforcement interests, subject to the interagency procedures under paragraph (3)(A); and

(iv) the entity consents, except that the entity's consent shall not be required if another Federal agency identifies the entity to the Agency in connection with a suspected cybersecurity incident;

(B) the restriction on the use of information obtained through the subpoena for a cybersecurity purpose, as defined in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501);

(C) the retention and destruction of nonpublic information obtained through a subpoena issued under this subsection, including—

(i) destruction of information obtained through the subpoena that the Director determines is necessary to critical infrastructure security immediately upon providing notice to the entity pursuant to paragraph (5); and

(ii) any personally identifiable information not later than 6 months after the date on which the Director receives information obtained through the subpoena, unless otherwise agreed to by the individual identified by the subpoena respondent;

(D) the processes for providing notice to each party that is subject to the subpoena and each entity identified by information obtained under a subpoena issued under this subsection;

(E) the processes and criteria for determining risk to critical infrastructure in risk assessments to determine whether a subpoena is necessary prior to being issued under this subsection; and

(F) the information to be provided to an entity at risk at the time of the notice of the vulnerability, which shall include—

(i) a discussion or statement that addresses procedures and restriction on dissemination of nonpublic information obtained through a subpoena issued under this subsection that identifies the party that is subject to the subpoena or the entity at risk at the time of the notice of the vulnerability, which may not require an owner or operator or other entity to take any action as a result of a notice of vulnerability made pursuant to this Act.

(ii) the steps taken to identify the entity at risk prior to the issuance of a subpoena, and include—

(i) a discussion of the steps taken to identify the entity at risk prior to the issuance of a subpoena, and include—

(ii) a discussion or statement that addresses procedures and restriction on dissemination of nonpublic information obtained through a subpoena issued under this subsection that identifies the party that is subject to the subpoena or the entity at risk at the time of the notice of the vulnerability, which may not require an owner or operator or other entity to take any action as a result of a notice of vulnerability made pursuant to this Act.

(iii) a description of the outcome of the subpoena, including discussion on the resolution or mitigation of the critical infrastructure security vulnerability;

(2) PRIVATE ENTITIES.—Nothing in this section or the amendments made by this section shall be construed to require any private entity—

(A) to seek assistance from the Secretary; or

(B) that requested such assistance from the Secretary to implement any measure or recommendation suggested by the Secretary.

SA 2196. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for each fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1091. DEFINITIONS.

Subtitle H—Use of Spectrum Auction Proceeds to Support Supply Chain Innovation and Multilateral Security

SEC. 1091. DEFINITIONS.

In this subtitle:
(1) 3GPP.—The term “3GPP” means the Third Generation Partnership Project.
(2) 5G NETWORK.—The term “5G network” means a radio network as described by 3GPP Release 15 or higher.
(3) COMMISSION.—The term “Commission” means the Federal Communications Commission.
(4) NTIA ADMINISTRATOR.—The term “NTIA Administrator” means the Assistant Secretary of Commerce for Communications and Information.
(6) RELEVANT COMMITTEES OF CONGRESS.—The term “relevant committees of Congress” means—
(A) the Select Committee on Intelligence of the Senate;
(B) the Committee on Homeland Security and Governmental Affairs of the Senate;
(C) the Committee on Armed Services of the Senate;
(D) the Committee on Appropriations of the Senate;
(E) the Committee on Commerce, Science, and Transportation of the Senate;
(F) the Committee on Appropriations of the House of Representatives;
(G) the Permanent Select Committee on Intelligence of the House of Representatives;
(H) the Committee on Foreign Affairs of the House of Representatives;
(I) the Committee on Homeland Security of the House of Representatives;
(J) the Committee on Energy and Commerce of the House of Representatives; and
(K) the Committee on Appropriations of the House of Representatives.

SEC. 1092. COMMUNICATIONS TECHNOLOGY SECURITY FUNDS.

(a) USE OF SPECTRUM AUCTION PROCEEDS.—Notwithstanding section 309(j)(8)(A) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(A)) or any other provision of law, with respect to any proceeds from the use of a competitive bidding system by the Commission to grant a license, permit, or other right to use electromagnetic spectrum during the 5-year period beginning on the date of this Act that would otherwise be deposited in the Treasury, the Commission shall first—
(1) 5 percent of the proceeds or $750,000,000, whichever is greater, in the Public Wireless Supply Chain Innovation Fund established under subsection (b) of this section; and
(2) $500,000,000 in the Multilateral Telecommunications Security Fund established under section 1(c) of this section.

(b) PUBLIC WIRELESS SUPPLY CHAIN INNOVATION FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the “Public Wireless Supply Chain Innovation Fund” (referred to in this subsection as the “R&D Fund”).

(2) AVAILABILITY.—

(i) IN GENERAL.—Amounts deposited in the R&D Fund shall remain available through the end of the tenth fiscal year beginning after the date of enactment of this Act.

(ii) REMAINDER TO TREASURY.—Any amounts remaining in the R&D Fund after the end of the tenth fiscal year beginning after the date of enactment of this Act shall be deposited in the general fund of the Treasury.

(c) MULTILATERAL TELECOMMUNICATIONS SECURITY FUND.—

(1) ESTABLISHMENT OF FUND.—(A) IN GENERAL.—There is established in the Treasury of the United States a trust fund to be known as the “Multilateral Telecommunications Security Fund”.

(B) USE OF FUND.—Amounts deposited in the Multilateral Telecommunications Security Fund shall be available to the Secretary of State to make expenditures under this subsection in such amounts as the Secretary of State determines appropriate.

(C) AVAILABILITY.—

(i) IN GENERAL.—Amounts deposited in the Multilateral Telecommunications Security Fund shall remain available through the end of the tenth fiscal year beginning after the date of enactment of this Act; and

(ii) MAY BE USED.—Any amounts remaining in the Multilateral Telecommunications Security Fund after the end of the tenth fiscal year beginning after the date of enactment of this Act shall be deposited in the general fund of the Treasury.

(2) ADMINISTRATION OF FUND.—The Secretary of State, in consultation with the NTIA Administrator, the Secretary of Homeland Security, the Secretary of the Treasury, the Director of National Intelligence, and
the Commission, shall establish a common funding mechanism, in coordination with foreign partners, that uses amounts from the Multilateral Telecommunications Security Fund to support the development and adoption of secure and trusted telecommunications technologies.

(3) ANNUAL REPORT TO CONGRESS.—Not later than one year after the date of enactment of this Act, and annually thereafter for each fiscal year during which amounts in the Multilateral Telecommunications Security Fund are available, the Secretary of State shall submit to the relevant committees of Congress a report on the status and progress of the funding mechanism established under paragraph (2), including—

(A) any funding commitments from foreign partners, including each specific amount committed;

(B) governing criteria for use of the Multilateral Telecommunications Security Fund; and

(C) an account of—

(i) how, and to whom, funds have been deployed;

(ii) amounts remaining in the Multilateral Telecommunications Security Fund; and

(iii) the progress of the Secretary of State in meeting the objective described in paragraph (2); and

(D) additional authorities needed to enhance the effectiveness of the Multilateral Telecommunications Security Fund in achieving the security goals of the United States.

SEC. 1093. PROMOTING UNITED STATES LEADERSHIP IN INTERNATIONAL ORGANIZATIONS AND COMMUNICATIONS STANDARDS-SETTING BODIES.

(a) IN GENERAL.—The Secretary of State, the Secretary of Commerce, and the Chairman of the Commission, or their designees, shall prioritize the use of Federal funds to enhance representation of the United States at international fora that set standards for 5G networks and for future generations of wireless communications networks, including—

(1) the International Telecommunication Union (commonly known as “ITU”);

(2) the International Organization for Standardization (commonly known as “ISO”); and

(3) the Inter-American Telecommunications Commission (commonly known as “CITEL”); and

the voluntary standards organizations that develop protocols for wireless devices and other equipment, such as the 3GPP and the Institute of Electrical and Electronics Engineers (commonly known as “IEEE”).

(b) ANNUAL REPORT.—The Secretary of State, the Secretary of Commerce, and the Chairman of the Commission shall jointly submit to the relevant committees of Congress an annual report on the progress made under subsection (a).

SA 2198. Mr. CRAPO (for himself, Mr. BROWN, Mr. COTTON, Mr. WARNER, Mr. ROUNDS, Mr. JONES, Mr. MORAN, Mr. MENENDEZ, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe the military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table;
United States financial system from illicit finance risks.

(ii) The extension of financial services to the underbanked and remittances coming from diaspora and abroad in ways that simultaneously prevent criminal underbanked persons from abusing formal or informal financial services networks are key policy goals.

(iii) Effective anti-money laundering and countering the financing of terrorism programs safeguard national security and generate confidence in the United States financial system by avoiding terrorist use of the financial system and by assisting law enforcement agencies in identifying and disrupting the financial operations of persons attempting to launder money and undertake other illicit activity through the financial system.

(iv) Anti-money laundering and countering the financing of terrorism programs described in paragraph (1) should be—

(1) reasonably designed to assure and monitor compliance with the requirements of this subchapter and regulations promulgated under this subchapter; and

(2) risk based, including ensuring that more of the resources of financial institutions should be directed toward higher risk customers and activities, consistent with the risk profile of a financial institution, the need to prevent higher risk customers and activities., 

and (C) by adding at the end the following:

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Secretary of the Treasury, in consultation with the Attorney General, Federal functional regulators (as defined in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809)), relevant State financial regulators, national security agencies, and any State Secretary of Homeland Security, shall establish and make public priorities for anti-money laundering and countering the financing of terrorism policy.

(B) UPDATES.—Not less frequently than once every 4 years, the Secretary of the Treasury, in consultation with the Attorney General, Federal functional regulators (as defined in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809)), relevant State financial regulators, national security agencies, and any State Secretary of Homeland Security, shall update the priorities established under subparagraph (A).

(C) F INANCIAL CRIMES ENFORCEMENT NETWORK.—The Secretary of the Treasury shall ensure that the priorities established under subparagraph (A) are consistent with the national strategy for countering the financing of terrorism and related forms of illicit finance developed under section 261 of the Countering Russian Influence in Europe and EurAsia Act of 2017 (Public Law 115-144; 31 Stat. 934).

(D) RULEMAKING.—Not later than 180 days after the date on which the Secretary of the Treasury is notified that the Secretary of Homeland Security shall update the priorities established under subparagraph (A), the Secretary of the Treasury, acting through the Director of the Financial Crimes Enforcement Network and in consultation with the Federal functional regulators (as defined in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809)) and relevant State financial regulators, shall, as appropriate, promulgate regulations to carry out this paragraph.

(E) SUPERVISION AND EXAMINATION.—The Secretary of the Treasury, in consultation with the Attorney General, Federal functional regulators (as defined in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809)) and relevant State financial regulators, and the Federal financial authorities, shall, as appropriate, promulgate regulations and oversight procedures to assure that financial institutions are accessible to, and subject to oversight and supervision by, the Secretary of the Treasury and the appropriate Federal functional regulators (as defined in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809)).

(F) FINANCIAL CRIMES ENFORCEMENT NETWORK.—Section 310(b)(2) of title 31, United States Code, is amended—

(1) by redesignating subparagraph (J) as subparagraph (O); and

(2) by inserting after subparagraph (I) the following:

(I) Promulgate regulations under section 5318(b)(4)(D), as appropriate, to implement the government-wide anti-money laundering and countering the financing of terrorism examination and supervision priorities established by the Secretary of the Treasury under section 5318(b)(4)(A).

(J) Communicate regularly with financial institutions, relevant State financial regulators that examine financial institutions for compliance with subchapter II of chapter 53 and regulations promulgated under that subchapter, and law enforcement authorities to obtain and make available the information necessary to explain the United States Government’s anti-money laundering and countering the financing of terrorism examination and supervision priorities.

(K) Give and receive feedback to and from financial institutions, State bank supervisors, and State credit union supervisors (as those terms are defined in section 5003 of the Anti-Money Laundering Act of 2020) regarding the matters addressed in subsection II of chapter 53 and regulations promulgated under that subchapter.

(L) Maintain money laundering and terrorist financing investigation financial experts capable of identifying, tracking, and tracing financial transactions and identifying emerging threats to support Federal civil and criminal investigations.

(M) Maintain the technology expertise to encourage the development of and identify emerging technologies that can assist the United States Government or financial institutions in countering money laundering and the financing of terrorism.

SEC. 5102. STRENGTHENING FINCEN.

(a) FINDINGS.—Congress finds the following:

(1) The mission of FinCEN is to safeguard the financial system from illicit use, counter money laundering and the financing of terrorism, and promote national security through the collection, analysis, and dissemination of financial intelligence.

(2) In its mission to safeguard the financial system from the abuses of financial crime, including the financing of terrorism, money laundering, and other illicit activity, the United States should prioritize working with partners in Federal, State, local, Tribal, and foreign law enforcement authorities.

(3) Although the use and trading of virtual currencies are legal practices, some terrorist financiers, including international criminal organizations, seek to exploit vulnerabilities in the global financial system and increasingly rely on substitutes for currency and financial services (such as virtual currencies), to move illicit funds.

(4) In carrying out its mission, FinCEN should ensure that its efforts fully support countering the financing of terrorism efforts, including making sure that steps to address such methods of such illicit financing are high priorities.

(b) EXPANDING INFORMATION SHARING WITH FINANCIAL AUTHORITIES.—Section 310(b)(2) of title 31, United States Code, is amended—

(1) in subparagraphs (C), (E), and (P), by inserting “Tribal”, after “local,” each place that term appears; and

(2) in subparagraph (C)(vi), by striking “international”.

(c) EXPANSION OF REPORTING AUTHORITIES TO COUNT MONEY LAUNDERING.—Section 5318(a)(2) of title 31, United States Code, is amended—

(1) by inserting “”, including the collection and reporting of certain information as the Secretary of the Treasury may prescribe by regulation,” after “appropriate procedures”; and

(2) by inserting “the financing of terrorism, or other forms of illicit finance after “money laundering”.

(d) VALUE THAT SUBSTITUTES FOR CURRENCY.—

(1) DEFINITIONS.—Section 5312(a) of title 31, United States Code, is amended—

(1) in paragraph (1), by striking “, or a transaction in money, credit, securities, or gold” and inserting “a transaction in money, credit, securities, or gold, or a service involving respect to money, securities, futures, precious metals, stones and jewels, or value that substitutes for money”; 

(2) in paragraph (2), (i) in subparagraph (J), by inserting “, or a business engaged in the exchange of currency, funds, or value that substitutes for currency or funds” before the semicolon at the end; and

(ii) in subparagraph (B), by striking “,” and inserting “and” at the end; and

(iii) in subparagraphs (C), by striking the periods at the end and inserting “; and”;

(2) in subparagraph (C), by inserting at the end the following:

(D) as the Secretary shall provide by regulation, value that substitutes for any money instrument described in subparagraph (A), (B), or (C).”;

(3) REGISTRATION OF MONEY TRANSMITTING BUSINESSES.—Section 5318 of title 31, United States Code, is amended—

(A) in paragraph (1)(A)—

(i) by striking “funds,” and inserting “currency, funds, or value that substitutes for currency,”;

(ii) by striking “system,” and inserting “system”; and

(iii) by striking “currency, funds, or value that substitutes for currency,”;

and

(B) in paragraph (2)—

(i) by striking “currency or funds denominated in the currency of any country” and inserting “currency, funds, or value that substitutes for currency,”;

(ii) by striking “currency or funds, or the value of the currency or funds,” and inserting “currency, funds, or value that substitutes for currency,”;

and

(iii) by inserting “, including after “means”.

SEC. 5103. FINCEN EXCHANGE.

(a) IN GENERAL.—Section 310 of title 31, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (l); and

(2) by inserting after subsection (c) the following:

(d) FINCEN EXCHANGE.—

(1) DEFINITIONS.—In this subsection—

(A) the term ‘Bank Secrecy Act’ has the meaning given the term in section 5003 of the Anti-Money Laundering Act of 2020; and
“(B) the term ‘financial institution’ has the meaning given the term in section 5312.

“(2) ESTABLISHMENT.—The FinCEN Exchange is hereby established within FinCEN.

“(3) Functions of FinCEN Exchange. The FinCEN Exchange shall—

(A) effectively and efficiently combat money laundering, terrorism financing, organized crime, and other financial crimes, including by promoting innovation and technical advances in reporting—

(i) under subchapter II of chapter 53 and the regulations promulgated under that subchapter; and

(ii) with respect to other anti-money laundering requirements;

(B) protect the financial system from illicit use; and

(C) promote national security.

“(4) Reform. —

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, and once every 2 years thereafter for the next 5 years, the Secretary of the Treasury shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report containing—

(i) an analysis of the efforts undertaken by the FinCEN Exchange, which shall include an analysis of—

(I) the results of those efforts; and

(II) the extent and effectiveness of those efforts, including any benefits realized by law enforcement agencies from partnering with financial institutions, which shall be consistent with standards protecting sensitive information; and

(ii) any legislative, administrative, or other actions the Secretary may have to strengthen the efforts of the FinCEN Exchange.

(B) CLASSIFIED ANNEX.—Each report under subparagraph (A) may include a classified annex.

“(5) INFORMATION SHARING REQUIREMENT.—Information shared under this subsection shall be—

(A) in compliance with all other applicable Federal laws and regulations;

(B) in a manner as to ensure the appropriate confidentiality of personal information; and

(C) at the discretion of the Director, with the written approval of the Assistant Secretary for Financial Institutions, as defined in section 5001 of the Anti-Money Laundering Act of 2020.

“(6) PROTECTION OF SHARED INFORMATION.—

(1) IN GENERAL.—FinCEN shall, as appropriate, promulgate regulations that establish procedures for the protection of information shared and exchanged by FinCEN with the private sector in accordance with this section, consistent with the capacity, size, and nature of the financial institution to which the particular procedures apply.

(2) DESTRUCTION.—Information received by a financial institution pursuant to this section shall not be used for any purpose other than identifying and reporting on activities that may involve terrorist acts, money laundering activities, proliferation financing activities, or other financial crimes.

“(7) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to create new information sharing authorities relating to the Bank Secrecy Act.’’.

SEC. 5104. INTERAGENCY ANTI-MONEY LAUNDERING, TERRORISM FINANCING, AND COUNTERING THE SPONSORSHIP OF TERRORISM PERSONNEL ROTATION PROGRAM.

To promote robustness and efficiency in combating money laundering, terrorism financing, organized crime, and other financial crimes, the Secretary shall maintain and accelerate efforts to strengthen anti-money laundering and countering the financing of terrorism efforts through a permanent interagency roster of personnel from the Federal functional regulators, the Department of Justice, the Federal Bureau of Investigation, the Department of Homeland Security, the Department of Defense, and such other agencies as the Secretary determines are appropriate.

SEC. 5105. TERRORISM AND FINANCIAL INTELLIGENCE SPECIAL HIRING AUTHORITY.

(a) FinCEN.—Section 310 of title 31, United States Code, as amended by section 5103 of this division, is amended by inserting after subsection (d) the following:

‘‘(e) SPECIAL HIRING AUTHORITY.—

‘‘(1) IN GENERAL.—The Secretary of the Treasury may appoint, without regard to the provisions of sections 3309 through 3318 of title 5, candidates directly to positions in the competitive service, as defined in section 2102 of that title, in FinCEN.

‘‘(2) PRIMARY RESPONSIBILITIES.—The primary responsibility of candidates appointed under this subsection shall be to provide substantive support in support of the duties described in subparagraphs (A) through (O) of subsection (b).’’.

(b) OFFICE OF TERRORISM AND FINANCIAL INTELLIGENCE.—Section 312 of title 31, United States Code, is amended by adding at the end the following:

‘‘(g) SPECIFIC HIRING AUTHORITY.—

‘‘(1) IN GENERAL.—The Secretary of the Treasury may appoint, without regard to the provisions of sections 3309 through 3318 of title 5, candidates directly to positions in the competitive service (as defined in section 2102 of that title) in the OTFI.

‘‘(2) PRIMARY RESPONSIBILITIES.—The primary responsibility of candidates appointed under paragraph (1) shall be to provide substantive support in support of the duties described in subparagraphs (A) through (G) of subsection (a).

(1) DEPARTMENT OF STAFF.—The Secretary of the Treasury may detail, without regard to the provisions of section 330.501 of title 5, Code of Federal Regulations, any employee in the OTFI to any position in the OTFI for which the Secretary has determined there is a need.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, and every 2 years thereafter for 5 years, the Secretary shall submit to the Senate Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that includes the number of new employees hired during the previous year under the authorities described in sections 310 and 312 of title 31, United States Code, along with position titles and associated pay grades for such hires.

SEC. 5106. TREASURY ATTACHE PROGRAM.

(a) In General.—Subchapter I of chapter 3 of title 31, United States Code, is amended by adding at the end the following:

‘‘316. Treasury Attaché Program.

(a) In General.—There is established the Treasury Financial Attache Program, under which the Secretary of the Treasury shall appoint employees of the Department of the Treasury as a Treasury Financial Attache, who shall—

(1) further the work of the Department of the Treasury in developing and executing the financial and economic policy of the United States Government and the international fight against terrorism, money laundering, and other illicit financial activity;

(2) be co-located in a United States Embassy, a similar United States Government facility, or a foreign government facility, as the Secretary determines is appropriate; and

(3) establish and maintain relationships with foreign counterparts, including employing financial and economic officers.

(b) Number of Attachés.—

(1) In General.—The number of Treasury Financial Attaches appointed under this section at any one time shall not be fewer than—

(A) in general, 6 employees; and

(B) the higher of—

(i) the number of employees of the Department of the Treasury serving as Treasury attaches on the date of enactment of this section; and

(ii) 6 more employees than the number of employees of the Department of the Treasury serving as Treasury attaches on the date of enactment of this section.

(2) Additional Posts.—The Secretary of the Treasury may establish additional posts subject to the availability of appropriations.

(c) Compensation.—

(1) In General.—Each Treasury Financial Attaché appointed under this section and located at a United States Embassy shall receive compensation, including allowances, at the higher of—

(A) the rate of compensation, including allowances, provided to a Foreign Service officer serving at the same embassy; and

(B) the rate of compensation, including allowances, the Treasury attaché would otherwise have received, absent the application of this subsection.

(2) Phase In.—The compensation described in paragraph (1) shall be phased in over 2 years.

(b) Clerical Amendment.—The table of sections for chapter 3 of title 31, United States Code, is amended by inserting after the item relating to section 315 the following:

‘‘316. Treasury Attaché Program.’’.

SEC. 5107. ESTABLISHMENT OF FINCEN DOMESTIC LIAISON.

Section 310 of title 31, United States Code, as amended by sections 5103 and 5105 of this division, is amended by inserting after subsection (e) the following:

‘‘(f) FINCEN DOMESTIC LIASIONS.

(1) ESTABLISHMENT OF OFFICE.—There is established in FinCEN an Office of Domestic Liaison, which shall be headed by the Chief Domestic Liaison.

(2) LOCATION.—The Office of the Domestic Liaison shall be located in the District of Columbia.

(3) CHIEF DOMESTIC LIAISON.—

(1) IN GENERAL.—The Chief Domestic Liaison shall—

(A) report directly to the Director; and

(B) be appointed by the Director, from among individuals with experience or familiarity with anti-money laundering program evaluations, supervision, and enforcement.

(2) COMPENSATION.—The annual rate of pay for the Chief Domestic Liaison shall be equal to the highest rate of annual pay for the most senior executives who report to the Director.

(3) STAFF OF OFFICE.—The Chief Domestic Liaison, with the concurrence of the Director, may retain or employ counsel, research staff, and service staff, as the Liaison determines necessary to carry out the functions, powers, and duties under this subsection.

(4) STAFF OF OFFICE.—The Chief Domestic Liaison, with the concurrence of the Director, shall appoint not fewer than 6 senior
FinCEN employees as FinCEN Domestic Liaisons, who shall—

(A) report to the Chief Domestic Liaison;

(B) each be assigned to focus on a specific region or regions of the United States; and

(C) be located at an office in such region or co-located at an office of the Board of Governors of the Federal Reserve System in such region.

(5) FUNCTIONS OF THE DOMESTIC LIAISONS.—

(A) IN GENERAL.—Each Domestic Liaison shall—

(i) in coordination with relevant Federal functional regulators, perform outreach to BSA officers at financial institutions, including nonbank financial institutions, and personnel that are not financial institutions, especially with respect to actions taken by FinCEN that require specific actions by, or have specific effects on, such institutions or persons, as determined by the Director;

(ii) in accordance with applicable agreements, receive feedback from financial institutions and examiners of Federal functional regulators regarding their examinations under the Bank Secrecy Act and communicate that feedback to FinCEN, the Federal functional regulators, and State bank supervisors;

(iii) promote coordination and consistency of supervisory guidance from FinCEN, the Federal functional regulators, State bank supervisors, State credit union supervisors with respect to information sharing matters involving the Bank Secrecy Act and regulations promulgated thereunder;

(iv) establish safeguards to maintain the confidentiality of communications between the persons described in clause (ii) and the Office of Domestic Liaison;

(v) to the extent practicable, periodically propose to the Director changes in the regulations, guidance, or orders of FinCEN, including any legislative or administrative changes that may be appropriate to ensure improved coordination and expand information sharing under this paragraph.

(B) ACCESS TO DOCUMENTS.—Nothing in this paragraph may be construed to permit the Domestic Liaisons to have authority over supervision, examination, or enforcement matters.

(6) ACCESS TO DOCUMENTS.—FinCEN, to the extent practicable and consistent with appropriate safeguards for sensitive enforcement matters, shall provide to the Domestic Liaisons such administrative and legislative actions taken by FinCEN that are necessary to carry out the functions of the Office of Domestic Liaison.

(7) ANNUAL REPORTS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this sub-section, and 2 years thereafter for 5 years, the Director shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the objectives of the Office of Domestic Liaison for the following fiscal year and the activities of the Office during the immediately preceding fiscal year.

(B) CONTENTS.—Each report required under subparagraph (A) shall include—

(i) appropriate statistical information and future projections of the Office of Domestic Liaison; and

(ii) information on steps that the Office of Domestic Liaison has taken during the reporting period to address feedback received by the Director from financial institutions and examiners of Federal functional regulators relating to examinations under the Bank Secrecy Act;

(iii) recommendations to the Director for such administrative and legislative actions as may be appropriate to address information sharing and coordination issues encountered in examinations of financial institutions; and

(iv) any other information, as determined appropriate by the Director.

(8) RULE OF CONSTRUCTION.—Notwithstanding subparagraph (D), FinCEN shall review each report required under subparagraph (A) before the report is submitted to ensure the report does not disclose sensitive information.

(D) INDEPENDENCE.—

(i) IN GENERAL.—Each report required under subparagraph (A) shall be provided directly to the committees listed in that subparagraph, except that a Federal functional regulator, a State bank supervisor, the Office of Management and Budget, and a State credit union supervisor shall have the opportunity for review or comment before the submission of the report.

(ii) RULE OF CONSTRUCTION.—Nothing in clause (i) may be construed to preclude FinCEN or any other department or agency from reviewing a report required under subparagraph (A) for the sole purpose of protecting—

(I) sensitive information obtained by a law enforcement agency; and

(II) classified information.

(E) CLASSIFIED INFORMATION.—No report required under subparagraph (A) may contain classified information.

(F) DEFINITIONS.—In this subsection:

(A) BANK SECRECY ACT.—The term ‘Bank Secrecy Act’ has the meaning given the term in section 5003 of the Anti-Money Laundering Act of 2020.

(B) BSA OFFICER.—The term ‘BSA officer’ means an employee of a financial institution whose primary job responsibility involves compliance with subchapter II of chapter 53.

(C) FEDERAL FUNCTIONAL REGULATOR.—The term ‘Federal functional regulator’ has the meaning given the term in section 5003 of the Anti-Money Laundering Act of 2020.

(D) FINANCIAL INSTITUTION.—The term ‘financial institution’ has the meaning given the term under section 5012.

(E) STATE BANK SUPERVISOR; STATE CREDIT UNION SUPERVISOR.—The terms ‘State bank supervisor’ and ‘State credit union supervisor’ have the meanings given the terms in section 5003 of the Anti-Money Laundering Act of 2020.

(SECTION 5108. FOREIGN FINANCIAL INTELLIGENCE UNIT LIAISON.)

Section 310 of title 31, United States Code, as amended by sections 5103, 5105, and 5107 of this division, is amended by inserting after subsection (h) the following:

(1) DEFINITIONS.—In this subsection:

(A) FOREIGN ANTI-MONEY LAUNDERING AND COUNTERING THE FINANCING OF TERRORISM AUTHORITIES.—The term ‘foreign anti-money laundering and countering the financing of terrorism authority’ means any foreign agency or authority that is empowered under foreign law to regulate or supervise foreign financial institutions (or designated non-financial businesses and professions) with respect to laws concerning anti-money laundering and countering the financing of terrorism and proliferation.

(B) FOREIGN FINANCIAL INTELLIGENCE UNIT.—The term ‘foreign financial intelligence unit’ means any foreign agency or authority, including a foreign financial intelligence unit that is a member of the Egmont Group of Financial Intelligence Units, that is empowered under foreign law as a jurisdiction’s national center for—

(i) receipt and analysis of suspicious transaction reports and other information relevant to money laundering, associate predicate offenses, and financing of terrorism; and

(ii) the dissemination of the results of the analysis described in clause (i).

(C) FOREIGN LAW ENFORCEMENT AUTHORITY.—The term ‘foreign law enforcement authority’ means any foreign agency or authority that is empowered under foreign law to detect, investigate, or prosecute potential violations of law.

(2) INFORMATION EXCHANGED WITH FOREIGN LAW ENFORCEMENT AUTHORITIES, FOREIGN FINANCIAL INTELLIGENCE UNITS, AND FOREIGN ANTI-MONEY LAUNDERING AND COUNTERING THE FINANCING OF TERRORISM AUTHORITIES.—

(A) IN GENERAL.—The Department of the Treasury may not be compelled to search for or disclose information exchanged with a foreign law enforcement authority, foreign financial intelligence unit, or foreign anti-money laundering and countering the financing of terrorism authority.
(2) An evaluation of which markets, by size, domestic or international geographical location, or otherwise, should be subject to any qualitative data or statistics;

(3) Whether thresholds should apply in determining which entities, if any, to regulate;

(4) An evaluation of whether certain exemptions, if any, to any regulations described in paragraph (3) and any other matter the Secretary determines appropriate.

(b) Rulemakings.—Not later than 180 days after the date of enactment of this Act, the Secretary, in coordination with the Director of the Federal Bureau of Investigation, the Attorney General, and the Secretary of Homeland Security, shall perform a study on the facilitation of money laundering and the financing of terrorism through the trade of works of art or antiquities, including an analysis of—

(1) The extent to which the facilitation of money laundering and the financing of terrorism through the trade of works of art or antiquities may enter or affect the financial system of the United States, including any qualitative data or statistics;

(2) An evaluation of which markets, by size, or otherwise, should be subject to any qualitative data or statistics;

(3) Whether thresholds should apply in determining which entities, if any, to regulate.

(c) Implementation, and Rulemakings.—Not later than 180 days after the date of enactment of this Act, the Secretary, in coordination with the Director of the Federal Bureau of Investigation, the Attorney General, and the Secretary of Homeland Security, shall—

(1) submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that contains all findings and determinations made in carrying out the study required under subsection (a); and

(2) propose rulemakings, if appropriate, to implement the findings and determinations described in paragraph (1).

SEC. 5111. INCREASED TECHNICAL ASSISTANCE FOR INTERNATIONAL COOPERATION.

(a) Authorization of Appropriations.—

(1) In general.—There is authorized to be appropriated to the Secretary for each of fiscal years 2020 through 2024 for the purpose described in paragraph (2) an amount equal to twice the amount authorized to be appropriated for that purpose for fiscal year 2019.

(2) Purpose described.—The purpose described in paragraph (1) is the provision of technical assistance to foreign countries, and financial institutions in foreign countries, that promotes compliance with international standards and best practices, including in particular international standards and best practices relating to the establishment, development, and implementation of programs and programs for countering the financing of terrorism.

(3) SENSE OF CONGRESS.—It is the sense of Congress that such technical assistance affect a number of Federal agencies and departments and the Secretary should, as appropriate, consult with the heads of those affected agencies and departments, including the Attorney General, in providing the technical assistance required under this subsection.

(b) Report on Technical Assistance Provided by Office of Technical Assistance.—

(1) in general.—Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter for 5 years, the Secretary shall submit to Congress a report on the assistance described in subsection (a)(2) provided by the Office of Technical Assistance of the Department of the Treasury.

(2) Elements.—Each report required under paragraph (1) shall include—

(A) a description of the strategic goals of the Office of Technical Assistance in the year preceding submission of the report, including an explanation of how technical assistance provided by the Office in that year advanced those goals;

(B) A description of technical assistance provided by the Office in that year, including the objectives and delivery methods of the assistance;

(C) A list of beneficiaries and providers (other than Office staff) of the technical assistance during that year; and

(D) A description of how—

(i) technical assistance provided by the Office complements, duplicates, or otherwise affects technical assistance provided by the international financial institutions (as defined in section 1701(c) of the International Financial Institutions Act (22 U.S.C. 262r(c))); and

(ii) efforts to coordinate the technical assistance described in clause (i).

SEC. 5112. INTERNATIONAL COORDINATION.

(a) In general.—The Secretary shall work with foreign counterparts of the Secretary, including through bilateral contacts, the Financial Action Task Force, the Egmont Group of Financial Intelligence Units, the Organisation for Economic Co-operation and Development Financial Action Task Force Committee on Banking Supervision, and the United Nations, to promote stronger anti-money laundering frameworks and enforcement of anti-money laundering and terrorist financing laws.

(b) National Advisory Council Report to Congress.—The Chairman of the National Advisory Council on International Monetary and Financial Policies shall include in each report required by section 1701 of the International Financial Institutions Act (22 U.S.C. 262r(c)) a description of the activities of the International Monetary Fund in the fiscal year covered by the report to provide technical assistance that strengthens the capacity of members of the Fund to prevent money laundering and the financing of terrorism, and the effectiveness of the assistance.

(c) Trends, Patterns, and Threats.—Each report required under subsection (a) and each section included under subsection (b) shall contain a description of retrospective trends and emerging patterns and threats in money laundering and the financing of terrorism, including national and regional trends, patterns, and threats relevant to the classes of financial institutions that the Attorney General determines appropriate.

(d) Use of Report Information.—The Secretary shall use the information reported under subsections (a), (b), and (c) to—

(1) help assess the usefulness of reporting under the Bank Secrecy Act to—

(A) criminal and civil law enforcement agencies;

(B) intelligence, defense, and homeland security agencies; and

(C) Federal functional regulators to enhance feedback and communications with financial institutions and other entities subject to requirements under the Bank Secrecy Act, including by providing information on trends and patterns distributed under section 314(d) of the USA Patriot Act (31 U.S.C. 5311 note);
(3) to assist FinCEN in considering revisions to the reporting requirements promulgated under section 314(d) of the USA Patriot Act (31 U.S.C. § 5311 note); and

(4) in determining the Secretary determines is appropriate.

(c) Confidentiality.—Any information received by a financial institution under this section shall be subject to confidentiality requirements established by the Secretary.

SEC. 5202. ADDITIONAL CONSIDERATIONS FOR SUSPICIOUS ACTIVITY REPORTING REQUIREMENTS

Section 313(b)(1) of title 31, United States Code, is amended by adding at the end the following:

"(5) CONSIDERATIONS IN IMPOSING REPORTING REQUIREMENTS.—

"(A) DEFINITIONS.—In this paragraph, the terms ‘Bank Secrecy Act’, ‘Federal functional regulator’, ‘State bank supervisor’, and ‘State credit union supervisor’ have the meanings given the terms in section 5003 of the Anti-Money Laundering Act of 2020.

"(B) REQUIREMENTS.—In imposing any requirement to report any suspicious transaction under this subsection, the Secretary of the Treasury, in consultation with the Attorney General, appropriate representatives of State bank supervisors, State credit union supervisors, and the Federal functional regulators, shall consider items that include—

"(i) the purposes described in section 3131; and

"(ii) the means by or in which the Secretary shall receive such reporting, including the burdens imposed by such means or form of reporting on persons required to provide such reporting, the efficiency of the means or form of reporting, the benefits derived by the means or form of reporting by Federal law enforcement agencies and the intelligence community in countering financial crime, including money laundering and the financing of terrorism;

"(C) COMPLIANCE PROGRAM.—Reports filed under this subsection shall be guided by the compliance program of a covered financial institution with respect to the Bank Secrecy Act, including the risk assessment processes of the central institution that shall include a consideration of priorities established by the Secretary of the Treasury under section 5318.

"(D) STREAMLINED DATA AND REAL-TIME REPORTING.—

"(I) REQUIREMENT TO ESTABLISH SYSTEM.—In considering the means by or in which the Secretary of the Treasury shall receive reporting pursuant to subparagraph (B)(iii), the Secretary of the Treasury, acting through the Director of the Financial Crime Enforcement Network, and in consultation with appropriate representatives of the State bank supervisors, State credit union supervisors, and Federal functional regulators, shall—

"(aa) establish streamlined, including automated, processes to, as appropriate, permit the filing of noncomplex categories of reports;

"(bb) reduce burdens imposed on persons required to report; and

"(cc) do not diminish the usefulness of the reporting to law enforcement agencies, national security officials, and the intelligence community in countering financial crime, including the financing of terrorism;

"(II) IN GENERAL.—FinCEN shall—

"(aa) permit streamlined, including automated, reporting for the categories described in subparagraph (I) that relate to an ongoing investigation or implicates the national security of the United States.

"(III) establish additional systems and processes as necessary to allow for the reporting described in item (aa).

"(ii) STANDARDS.—The Secretary of the Treasury shall—

"(I) in carrying out clause (i), shall establish standards to ensure that streamlined reports relate to suspicious transactions relevant to potential investigations of laws (including regulations); and

"(II) in establishing the standards under subparagraph (I), shall consider transactions, including structured transactions, designed to evade any regulation promulgated under this subchapter, certain fund and asset transfers with low-value, low-volume, low-risk purpose, transactions without lawful purposes, and any other transaction that the Secretary determines to be appropriate.

"(iii) RULE OF CONSTRUCTION.—Nothing in this subparagraph may be construed to preclude the Secretary of the Treasury from—

"(I) requiring reporting as provided for in subparagraphs (B) and (C); or

"(II) notifying Federal law enforcement with respect to any transaction that the Secretary determines implicates a national priority established by the Secretary.

SEC. 5203. LAW ENFORCEMENT FEEDBACK ON SUSPICIOUS ACTIVITY REPORTS

(a) FEEDBACK.—

"(1) IN GENERAL.—FinCEN shall, to the extent practicable, periodically solicit feedback from individuals designated under section 5311 of title 31, United States Code, by a variety of financial institutions representing a cross-section of the reporting industry to review the suspicious activity reports filed by those financial institutions and discuss trends in suspicious activity observed by FinCEN.

"(2) COORDINATION WITH FEDERAL FUNCTIONAL REGULATORS, STATE BANK SUPERVISORS, AND STATE CREDIT UNION SUPERVISORS.—FinCEN shall provide any feedback solicited under paragraph (1) to the appropriate Federal functional regulator, State bank supervisor, or State credit union supervisor during the regularly scheduled examination of the applicable financial institution by the Federal functional regulator, State bank supervisor, or State credit union supervisor, as applicable.

(b) DURATION.—

"(1) IN GENERAL.—

"(A) PERIODIC DISCLOSURE.—Except as provided in paragraph (2), FinCEN shall, to the extent practicable, disclose to the Secretary of the Treasury each financial institution, in summary form, information on suspicious activity reports filed that proved useful to Federal or State criminal, national security, or construction agencies during the period since the most recent disclosure under this paragraph to the financial institution.

"(B) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to require the public disclosure of any information filed with the Department of the Treasury under the Bank Secrecy Act.

"(2) EXCEPTION FOR ONGOING AND CLOSED INVESTIGATIONS AND TO PROTECT NATIONAL SECURITY.—FinCEN shall not be required to disclose to a financial institution any information under paragraph (1) that relates to an ongoing investigation or implicates the national security of the United States.

"(3) MAINTENANCE OF STATISTICS.—With respect to the actions described in paragraph (1), FinCEN shall keep records of all such actions taken to assist with the production of information under paragraph (1) for a period of 7 years.

"(4) COORDINATION WITH DEPARTMENT OF JUSTICE.—The information disclosed by FinCEN under this subsection shall include information from the Department of Justice regarding—

"(A) the review and use by the Department of suspicious activity reports filed by the appropriate financial institution during the period since the most recent disclosure under this subsection; and

"(B) any trends in suspicious activity observed by the Department of Justice.

SEC. 5204. STREAMLINING REQUIREMENTS FOR CURRENCY TRANSACTION REPORTS AND SUSPICIOUS ACTIVITY REPORTS.

(a) REVIEW.—The Secretary, in consultation with the Attorney General, Federal law enforcement agencies, the Department of Homeland Security, the Federal functional regulators, State bank supervisors, State credit union supervisors, and other relevant stakeholders, shall undertake a formal review of the financial institution reporting requirements relating to currency transaction reports and suspicious activity reports, as in effect on the date of enactment of this Act, including the processes used to submit reports under the Bank Secrecy Act, regulations implementing the Bank Secrecy Act, and related guidance, and propose changes to those reports to reduce any unnecessarily burdensome regulatory requirements and ensure that the requirements provided fulfills the purposes described in section 5311 of title 31, United States Code, as amended by section 5101(a). (b) REQUIREMENTS.—The review required under subsection (a) shall—

"(1) rely substantially on the materials submitted through the BSA Value Analysis Project conducted by FinCEN; and

"(2) include a study of—

"(A) whether the circumstances under which a financial institution determines whether to file a continuing suspicious activity report, including insider abuse, or the processes followed by a financial institution in determining whether to file a continuing suspicious activity report, or both, should be adjusted;

"(B) whether different thresholds should apply to different categories of activities;

"(C) the fields designated as critical on the suspicious activity report form, the fields on the currency transaction report form, and whether the number of fields and the fields on those forms should be adjusted;

"(D) the categories, types, and characteristics of suspicious activity reports and currency transaction reports that are of the greatest value to, and that best support, investigatory priorities of law enforcement and national security agencies; and

"(E) the increased use of the expansion of exemption provisions to reduce currency transaction reports that may be of little or no value to the efforts of law enforcement agencies.

"(F) the most appropriate ways to promote financial inclusion and address the adverse consequences of financial institutions de-
fields and the automatic submission of transaction data for suspicious transactions, without bypassing the obligation of each reporting financial institution to assess the specific transaction and report it. The challenge, therefore, is to:

(1) ensure the privacy and confidentiality of personally identifiable information;

(2) prevent the cross-referencing of individuals or entities operating at multiple financial institutions and across international borders;

(3) ensure that there are ways to improve current transaction report aggregation for entities with common ownership; and

(4) determine what other matter the Secretary determines is appropriate.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Attorney General, the Director of the Financial Crimes and Other Illicit Finance, the Federal functional regulators, the Director of National Intelligence, the Secretary of Homeland Security, and the Financial Crimes and Other Illicit Finance, shall—

(1) submit to Congress a report that contains all findings and determinations made in carrying out the review required under subsection (a); and

(2) propose rulemakings, as appropriate, to implement the findings and determinations described in paragraph (1).

SEC. 5206. CURRENCY TRANSACTION REPORTS AND SUSPICIOUS ACTIVITY REPORTS THRESHOLDS REVIEW

(a) REVIEW OF THRESHOLDS FOR CERTAIN CURRENCY TRANSACTION REPORTS.—The Secretary, in consultation with the Attorney General, the Director of National Intelligence, the Secretary of Homeland Security, the Federal functional regulators, State bank supervisors, and other relevant stakeholders, shall—

(1) study and determine whether the dollar thresholds, including aggregate thresholds, under sections 313, 313a, and 313b of title 31, United States Code, should be adjusted.

(b) CONSIDERATIONS.—In making the determinations required under subsection (a), the Secretary, in consultation with the Attorney General, the Director of National Intelligence, the Secretary of Homeland Security, the Federal functional regulators, State bank supervisors, State credit union supervisors, and other relevant stakeholders, shall consider:

(1) the effects that adjusting the thresholds would have on law enforcement, intelligence, national security, and homeland security agencies;

(2) the costs likely to be incurred or saved by financial institutions from any adjustment to the thresholds;

(3) whether adjusting the thresholds would better conform the United States with international norms and standards to counter money laundering and the financing of terrorism; and

(4) any other matter that the Secretary determines is appropriate.

(c) RULEMAKINGS.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Attorney General, the Director of National Intelligence, the Secretary of Homeland Security, the Federal functional regulators, State bank supervisors, State credit union supervisors, and other relevant stakeholders, shall—

(1) publish a report of the findings from the study required under subsection (a); and

(2) propose rulemakings, as appropriate, to implement the findings described in paragraph (1).

SEC. 5206. SHARING OF THREAT PATTERN AND TREND INFORMATION

Section 5318(g) of title 31, United States Code, as amended by section 5302 of this division, is amended by adding at the end the following:

(6) SHARING OF THREAT PATTERN AND TREND INFORMATION.—

(A) Definitions.—In this paragraph—

(i) the terms ‘Bank Secrecy Act’ and ‘Federal functional regulator’ have the meanings given the terms in section 5003 of the Anti-Money Laundering Act of 2020, and

(ii) the term ‘typology’ means a technique to launder money or finance terrorism.

(B) SUSPICIOUS ACTIVITY REPORT ACTIVITY REVIEW.—The Secretary of Homeland Security, the Federal functional regulators, the Director of National Intelligence, the Director of the Financial Crimes Enforcement Network shall conduct a timely review of the application of the Bank Secrecy Act regulations to determine whether there are ways to improve the sharing of money laundering and terrorist financing threat patterns and trends.

(C) INCLUSION OF TYPOLOGIES.—In each publication published under subparagraph (B), the Director shall provide financial institutions and the Federal functional regulators with typologies, including data that can be adapted in algorithms if appropriate, relating to the analysis of laundering and terrorist financing threat patterns and trends.

(D) RULES OF CONSTRUCTION.—Nothing in this subsection may be construed as precluding the Secretary of the Treasury from—

(A) requiring reporting as provided under subparagraphs (A) and (B) of paragraph (6); or

(B) notifying a financial law enforcement agency with respect to any transaction that the Secretary has determined directly implicates a national priority established by the Secretary.

SEC. 5207. SUBCOMMITTEE ON INNOVATION AND TECHNOLOGY

Section 1564 of the Annunzio-Wylie Anti-Money Laundering Act (31 U.S.C. 5311 note) is amended by adding at the end the following:

(g) SUBCOMMITTEE ON INNOVATION AND TECHNOLOGY.—

(I) DEFINITIONS.—In this subsection, the term ‘Bank Secrecy Act’, ‘State bank supervisor’, and ‘State credit union supervisor’ have the meanings given the terms in section 5003 of the Anti-Money Laundering Act of 2020.

(J) ESTABLISHMENT.—There shall be within the Department of the Treasury a subcommittee, in the Committee on Innovation and Technology, to be known as the Subcommittee on Innovation and Technology to—

(1) advise the Secretary of the Treasury regarding money laundering and the financing of terrorism and other illicit finance, to the extent practicable, obstacles to innovation that may arise from existing regulations, guidance, and examination practices related to compliance of financial institutions with the Bank Secrecy Act.

(K) MEMBERSHIP.—

(A) IN GENERAL.—The subcommittee established under paragraph (1) shall consist of the representatives of the heads of the Federal functional regulators, a representative of State bank supervisors, a representative of State credit union supervisors, representatives of State financial institutions subject to the Bank Secrecy Act, the Financial Crimes Enforcement Network, and any other representative as determined by the Secretary of the Treasury.

(B) REQUIREMENTS.—Each agency representative described in subparagraph (A) shall be an individual who has demonstrated knowledge and competence concerning the application of the Bank Secrecy Act.

(4) SUNSET.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Subcommittee on Innovation and Technology shall terminate on the date that is 5 years after the date of enactment of this subsection.

(B) EXCEPTION.—The Secretary of the Treasury may renew the Subcommittee on Innovation for 1-year periods beginning on the date that is 5 years after the date of enactment of this subsection.

SEC. 5208. FINANCIAL TECHNOLOGY ASSESSMENT

(a) CONFERENCE.—In general.—The Secretary, in consultation with financial regulators, technology experts, national security experts, law enforcement, and any other group the Secretary determines are appropriate, shall analyze the impact of financial technology on financial crimes compliance, including money laundering, the financing of terrorism, proliferation finance, serious tax fraud, human and drug trafficking, sanctions evasion, and other illicit finance.

(b) CONVENING TERMINATION.—In carrying out the duties required under this section, the Secretary shall coordinate with and consider other interagency efforts and data relating to employing the potential of new technology, including activities conducted by—

(1) cyber security working groups at the Department of the Treasury;

(2) the Executive Exchange Program identified by the Attorney General and the Secretary of Homeland Security;

(3) the intelligence community; and

(4) the Financial Stability Oversight Council.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Affairs of the Senate and the Committee on Financial Services and the Committee on Foreign Affairs of the House of Representatives a report containing any findings under subsection (a), including legislative and administrative recommendations.

SEC. 5209. FINANCIAL CRIMES TECH SYMPOSIUM

(a) PURPOSE.—The purposes of this section are to—

(1) promote greater international collaboration in the effort to prevent and detect financial crimes and suspicious activities; and

(2) facilitate the integration of developing and timely adoption of new technologies aimed at preventing and detecting financial crimes and other illicit activities.

(b) PERIODIC MEETINGS.—The Secretary shall, in coordination with the Subcommittee on Innovation and Technology established under subsection (d) of section 1564 of the Annunzio-Wylie Anti-Money Laundering Act, as added by section 5307 of this division, periodically convene a global anti-money laundering and financial crime symposium focused on how new technology can be used to more effectively combat financial crimes and other illicit activities.

(c) ATTENDEES.—Attendees at each symposium convened under this section shall include domestic and international financial regulators, senior executives from regulated firms, technology providers, representatives from law enforcement agencies, academic and other experts, and other individuals that the Secretary determines are appropriate.

(d) PANELS.—At each symposium convened under this section, the Secretary shall convene panels in order to review new technologies and permit attendees to demonstrate proof of concept.

(e) IMPLEMENTATION AND REPORTS.—The Secretary shall, to the extent practicable
and necessary, work to provide policy clarity, which may include providing reports or guidance to stakeholders, regarding innovative technologies and practices presented at each event, in accordance with this section, to the extent that those technologies and practices further the purposes of this section.

(f) FinCEN Briefing.—Not later than 90 days after the date of enactment of this Act, the Director of FinCEN shall brief the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the extent of emerging technologies, including:

(1) the status of implementation and internal use of emerging technologies, including international, digital identity technologies, emerging ledger technologies, and other innovative technologies within FinCEN;

(2) whether artificial intelligence, digital identity technologies, emerging ledger technologies, and other innovative technologies can be further leveraged to make data analysis by FinCEN more efficient and effective;

(3) whether FinCEN could better use artificial intelligence, digital identity technologies, emerging ledger technologies, and other innovative technologies to—

(A) more actively analyze and disseminate the information FinCEN collects and stores to provide investigative leads to Federal, State, and local law enforcement agencies and other Federal agencies; and

(B) better support ongoing investigations by FinCEN when referring a case to the agencies described in subparagraph (A);

(4) with respect to each of paragraphs (1), (2), and (3), any best practices or significant concerns identified by the Director, and their applicability to artificial intelligence, digital identity technologies, emerging ledger technologies, and other innovative technologies with respect to United States efforts to combat money laundering and other forms of illicit finance;

(5) any policy recommendations that could facilitate and improve communication and coordination between the private sector, FinCEN, and the agencies described in paragraph (3) through the implementation of innovative technologies to meet the obligations of the agencies under the Bank Secrecy Act and anti-money laundering and anti-terrorism compliance; and

(6) any other matter the Director determines appropriate.

SEC. 5210. PILOT PROGRAM ON SHARING OF INFORMATION RELATED TO SUSPICIOUS TRANSACTION REPORTS WITHIN A FINANCIAL GROUP.

(a) Sharing With Foreign Branches and Affiliates.—Section 331(b)(9) of title 31, United States Code, as amended by sections 5202 and 5203 of this division, is amended by adding at the end the following:

'(b) PILOT PROGRAM DESCRIBED.—The pilot program described in this paragraph shall—

'(i) permit a financial institution with a reporting obligation under this subsection to share information related to reports under this subsection, including that such a report has been filed, with the institution’s foreign branches, subsidiaries, and affiliates for the purposes of combatting financial risks, notwithstanding any other provision of law except subparagraph (A) or (C);

'(ii) permit an institution to consider, implement, and enforce provisions that would hold a foreign affiliate of a United States financial institution liable for the disclosure of information related to reports under this section;

'(iii) terminate on the date that is 3 years after the date of enactment of this paragraph, except that the Secretary of the Treasury may extend the pilot program for not more than 2 years upon submitting to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that includes—

'(I) a certification that the extension is in the national interest of the United States, with a detailed explanation of the reasons that the extension is in the national interest of the United States;

'(II) after appropriate consultation by the Secretary with participants in the pilot program, an evaluation of the usefulness of the pilot program, including a detailed analysis of any illicit activity identified or prevented as a result of the program; and

'(III) a detailed legislative proposal providing for the sharing of activities under the pilot program, measures to ensure data security, and confidentiality of personally identifiable information, including expected budgetary resources for those activities, if the Secretary of the Treasury determines that a long-term extension is appropriate.

'(c) PROHIBITION INVOLVING CERTAIN JURISDICTIONS.—In issuing the rules required under subparagraph (A), the Secretary of the Treasury may not permit a financial institution to attach to a report under this subsection with a foreign branch, subsidiary, or affiliate located in a jurisdiction that—

'(i) is a state sponsor of terrorism;

'(ii) is subject to sanctions imposed by the Federal Government; or

'(iii) the President has determined cannot reasonably protect the security and confidentiality of such information.

'(d) IMPLEMENTATION UPDATES.—Not later than 60 days after the rules required under subparagraph (A) and any rules required by subparagraph (e) are issued under this subsection, the Secretary shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on—

'(i) the degree of any information sharing permitted under the pilot program and a description of criteria used by the Secretary to evaluate the appropriateness of the information sharing;

'(ii) the effectiveness of the pilot program in identifying or preventing the violation of a United States law or regulation and mechanisms that may improve that effectiveness; and

'(iii) any recommendations to amend the design of the pilot program.

'(e) TREATMENT OF FOREIGN JURISDICTION-ORIGINATED REPORTS.—Information related to a report received by a financial institution from a foreign affiliate with respect to a suspicious transaction relevant to a possible violation of law or regulation shall be subject to the same confidentiality requirements provided under this Act for a report of a suspicious transaction described in paragraph (1).

'(f) NO OFFSHORE COMPLIANCE.—No financial institution may maintain any operation located outside of the United States the primary purpose of which is to ensure compliance with the Bank Secrecy Act as a result of the sharing granted under this subsection.

'(g) DEFINITIONS.—In this subsection:

'(A) AFFILIATE.—The term ‘affiliate’ means an entity that is controlled by, or is under common control with another entity.

'(B) BANK SECRECY ACT; STATE BANK SUPERVISOR; STATE CREDIT UNION SUPERVISOR.—The terms ‘Bank Secrecy Act’, ‘State bank supervisor’, and ‘State credit union supervisor’ have the meanings given the terms in section 5003 of the Anti-Money Laundering Act of 2020.

'(h) NOTIFICATION PROHIBITIONS.—Section 5318(g)(2)(A) of title 31, United States Code, is amended—

'(1) in clause (i), by inserting ‘‘or otherwise reveal any information that would reveal that the transaction has been reported,’’ after ‘‘at the same time the transaction is reported’’ and (2) in clause (ii), by inserting ‘‘or otherwise reveal any information that would reveal that the transaction has been reported,’’ after ‘‘(and)’’.

SEC. 5211. SHARING OF COMPLIANCE RESOURCES.

(a) IN GENERAL.—Section 5318 of title 31, United States Code, is amended by adding at the end the following:

'(c) SHARING OF COMPLIANCE RESOURCES.—

'(1) SHARING PERMITTED.—In order to more effectively comply with requirements of this subchapter, 2 or more financial institutions may enter into collaborative arrangements, as described in the statement entitled ‘Interagency Statement on Sharing Bank Secrecy Act Resources’, published on October 3, 2018, by the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, the National Credit Union Administration, and the Office of the Comptroller of the Currency.

'(2) OUTREACH.—The Secretary of the Treasury and the appropriate supervising agencies shall carry out an outreach program to provide financial institutions with information, including with respect to the collaborative arrangements described in paragraph (1).'

'(b) RULE OF CONSTRUCTION.—The amendment made by subsection (a) may not be construed to require financial institutions to share resources.

SEC. 5212. ENCOURAGING INFORMATION SHARING AND PUBLIC-PRIVATE PARTNER- SHIPS.

(a) IN GENERAL.—The Secretary shall convene a supervisory team of relevant Federal agencies, private sector experts in banking, national security, and law enforcement, and other stakeholders to examine strategies to increase cooperation between the public and private sectors for purposes of countering proliferation finance and sanctions evasion.

(b) MEETINGS.—The supervisory team convened under subsection (a) shall meet periodically to identify strategies to combat the risk relating to proliferation financing.

(c) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C., App.) shall not apply to the supervisory team convened under subsection (a) or to the activities of the supervisory team.
SEC. 5213. FINANCIAL SERVICES DE-RISKING.

(a) FINDINGS.—Congress finds the following:

(1) The practice known as de-risking, whereby financial institutions avoid rather than manage the compliance risk making effective anti-money laundering, countering the financing of terrorism, and sanctions compliance burdensome for nonfinancial institutions, has negatively impacted the ability of nonprofit organizations to conduct lifesaving activities around the globe.

(2) It has been estimated that 5% of nonprofit organizations based in the United States with international activities face difficulties with financial access, most commonly the difficulties and burdens internationally through transparent, regulated financial channels.

(3) Without access to timely and predictable banking services, nonprofit organizations cannot carry out essential humanitarian activities that can mean life or death to those in affected communities.

(4) De-risking can ultimately drive money into less transparent channels through the carrying of cash or use of unlicensed or unregistered money service remitters, thus reducing the transparency and control which are critical for financial integrity, and can increase the risk of money falling into the wrong hands.

(5) Federal agencies must continue to work to address de-risking through the establishment of guidance enabling financial institutions to bank with nonprofit organizations and promoting rules and proportionate measures consistent with a risk-based approach.

(6) As the 2020 National Strategy for Combating Terrorist and Other Illicit Financing of the Department of the Treasury observes, “Treasuries and interagency partners will continue to engage with charitable organizations and financial institutions to help and communicate the actual risk that these organizations may be misused to support terrorism and that financial institutions apply the risk-based approach to the opening and maintenance of charity accounts, as the vast majority of U.S.-based tax exempt charitable organizations are not high risk for terrorist financing.”

(7) The Federal Government should work cooperatively with other donor states to promote a multi-stakeholder approach to risk-sharing mechanisms, international institutions, and nonprofit organizations.

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

(1) to improve, as appropriate, the efficiency of the international financial system through a risk-based approach.

(2) a financial institution may determine is appropriate.

(3) C ONTENTS.—The review required under subsection (a) to ensure the Department of the Treasury provides, on a continuing basis, for appropriate safeguards to protect the financial system from threats, including money laundering and the financing of terrorism and other financial crimes; and

(4) to ensure that the Department of the Treasury shall submit to Congress a report containing—

(A) all findings and determinations made in carrying out the review; and

(B) the strategy developed under paragraph (4).

SEC. 5214. REVIEW OF REGULATIONS AND GUIDANCE.

(a) IN GENERAL.—The Secretary, in consultation with the Federal functional regulators, the Federal Financial Institutions Examination Council, the Attorney General, Federal law enforcement agencies, the Director of National Intelligence, the Secretary of Homeland Security, and the Commissioner of Internal Revenue, shall—

(1) undertake a formal review of the regulations implementing the Bank Secrecy Act and guidance related to that Act; and

(2) ensure that the Department of the Treasury determines is appropriate.

(ii) the reasons why financial institutions are engaging in de-risking; and

(iii) the association with and effects of de-risking on money laundering and financial crime actors and activities;

(iv) the most appropriate ways to promote financial inclusion, particularly with respect to developing countries, while maintaining compliance with the Bank Secrecy Act, including an assessment of policy options to—

(I) more effectively tailor Federal actions and penalties to the size of foreign financial institutions and any capacity limitations of foreign governments; and

(II) reduce compliance costs that may lead to the adverse consequences described in clause (i); and

(v) formal and informal feedback provided by examiners that may have led to de-risking;

(vi) the relationship between resources dedicated to compliance and overall sophistication of compliance efforts at entities that may be experiencing de-risking versus those that have not experienced de-risking; and

(vii) any best practices from the private sector that facilitate correspondent bank relationships; and

(viii) any other matter that the Secretary determines is appropriate.

(4) STRATEGY ON DE-RISKING.—Upon the completion of the review required under this subsection, the Secretary of the Treasury, in consultation with the Federal functional regulators, State bank supervisors, State credit union supervisors, public and private sector stakeholders, and other appropriate parties, shall develop a strategy to reduce de-risking and adverse consequences related to de-risking.

(b) REPORT.—Not later than 1 year after the completion of the review required under this subsection, the Secretary shall submit to Congress a report containing—

(A) all findings and determinations made in carrying out the review; and

(B) the strategy developed under paragraph (4).
(b) PUBLIC COMMENT.—The Secretary shall solicit public comment as part of the review required under subsection (a).

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Federal Financial Institutions Examination Council, the Federal Reserve, the FDIC, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, the Board of Governors, the Federal Reserve, the OTS, and the Director of the Office of Financial Research and Analysis, shall submit to Congress a report that contains all findings and determinations made in carrying out the review required under subsection (a), including administrative or legislative recommendations.

TITLE III—IMPROVING ANTI-MONEY LAUNDERING AND COUNTERING THE FINANCING OF TERRORISM, SURVEILLANCE, COMMUNICATION, OVERSIGHT, AND PROCESSES

SEC. 3301. IMPROVED INTERAGENCY COORDINATION AND CONSULTATION

Section 5312 of title 31, United States Code, as amended by section 5211(a) of this division, is amended by adding at the end the following:

'(p) INTERAGENCY COORDINATION AND CONSULTATION.—

'(1) IN GENERAL.—The term ‘appropriate State bank supervisor’ means a Capitol Banking, Housing, and Urban Affairs, and Treasury, and the Federal Reserve System, and other appropriate Committees of the House of Representatives and the Senate and the Committee on Financial Services of the House of Representatives and the Committee on Financial Services of the Senate, shall—and the Committee on Financial Services of the Senate, and the Federal Financial Institutions Examination Council, in consultation with the Federal Reserve, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, the Board of Governors, the Federal Reserve, the OTS, and the Director of the Office of Financial Research and Analysis, shall submit to Congress a report that contains all findings and determinations made in carrying out the review required under subsection (a), including administrative or legislative recommendations.

SEC. 3302. SUBCOMMITTEE ON INFORMATION SECURITY AND CONFIDENTIALITY

Section 5302 of title 31, United States Code, as amended by section 5207 of this division, is amended by adding at the end the following:

'(e) SUBCOMMITTEE ON INFORMATION SECURITY AND CONFIDENTIALITY.—

'(1) IN GENERAL.—There shall be within the Bank Secrecy Act Advisory Group a subcommittee known as the Subcommittees on Information Security and Confidentiality (in this subsection referred to as the Subcommittees) to advise the Secretary of the Treasury regarding the information security and confidentiality implications of regulations, guidance, information sharing programs, and the examination for compliance with and enforcement of the provisions of the Bank Secrecy Act.

'(2) MEMBERSHIP.—

'(A) IN GENERAL.—The Subcommittees shall consist of representatives of the heads of the Federal financial regulators and representatives from financial institutions subject to the Bank Secrecy Act, law enforcement, FinCEN, and any other representatives as determined by the Secretary of the Treasury.

'(B) REQUIREMENTS.—Each agency representative described in subparagraph (A) shall be an individual who has demonstrated knowledge and competence concerning the application of the Bank Secrecy Act and familiarity with and expertise in applicable laws.

'(3) SUNSET.—

'(A) IN GENERAL.—Except as provided in subparagraph (B), the Subcommittees shall terminate on the date that is 5 years after the date of enactment of this subsection.

'(B) EXCEPTED.—The Secretary may renew the Subcommittees for 1-year periods beginning on the date that is 5 years after the date of enactment of this subsection.

'(f) DEFINITIONS.—In this section:

'(1) BANK SECRECITY ACT.—the term ‘Bank Secrecy Act’ has the meaning given the term in section 503 of the Anti-Money Laundering Act of 2020.

'(2) FEDERAL FUNCTIONAL REGULATOR.—The term ‘Federal functional regulator’ has the meaning given the term in section 503 of the Anti-Money Laundering Act of 2020.

'(3) FINANCIAL INSTITUTION.—The term ‘financial institution’ has the meaning given the term in section 503 of the Anti-Money Laundering Act of 2020.

'(2) MEMBERSHIP.—

'(A) IN GENERAL.—The Subcommittees shall consist of representatives of the heads of the Federal financial regulators and representatives from financial institutions subject to the Bank Secrecy Act, law enforcement, FinCEN, and any other representatives as determined by the Secretary of the Treasury.

'(B) REQUIREMENTS.—Each agency representative described in subparagraph (A) shall be an individual who has demonstrated knowledge and competence concerning the application of the Bank Secrecy Act and familiarity with and expertise in applicable laws.

'(3) SUNSET.—

'(A) IN GENERAL.—Except as provided in subparagraph (B), the Subcommittees shall terminate on the date that is 5 years after the date of enactment of this subsection.

'(B) EXCEPTED.—The Secretary may renew the Subcommittees for 1-year periods beginning on the date that is 5 years after the date of enactment of this subsection.

'(1) DEFINITIONS.—In this section:

'(1) BANK SECRECITY ACT.—the term ‘Bank Secrecy Act’ has the meaning given the term in section 503 of the Anti-Money Laundering Act of 2020.

'(2) FEDERAL FUNCTIONAL REGULATOR.—The term ‘Federal functional regulator’ has the meaning given the term in section 503 of the Anti-Money Laundering Act of 2020.

'(3) FINANCIAL INSTITUTION.—The term ‘financial institution’ has the meaning given the term in section 503 of the Anti-Money Laundering Act of 2020.

'(4) STATE BANK SUPERVISOR.—The term ‘State bank supervisor’ has the meaning given the term in section 503 of the Anti-Money Laundering Act of 2020.

'(5) STATE CREDIT UNION SUPERVISOR.—The term ‘State credit union supervisor’ means a person for a no-action letter.

'(6) SUBCOMMITTEE.—The term ‘Subcommittees on Information Security and Confidentiality’ means a person for a no-action letter.

'(7) VEHICLE.—The term ‘vehicle’ has the meaning given the term in section 503 of the Anti-Money Laundering Act of 2020.

'(8) VEHICLE.—The term ‘vehicle’ has the meaning given the term in section 503 of the Anti-Money Laundering Act of 2020.
the financial institution a written request that the financial institution keep that account or transaction open (referred to in this section as a 'keep open request').

"(1) The financial institution shall not be liable under this subchapter for maintaining that account or transaction consistent with the parameters and timing of the request; and

"(2) no Federal or State department or agency may take any adverse supervisory action under this subchapter with respect to the financial institution solely for maintaining that account or transaction consistent with the parameters of the request.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

"(1) to prevent a Federal or State department or agency from verifying the validity of a keep open request submitted under subsection (a) with the law enforcement agency submitting that request;

"(2) to relieve a financial institution from complying with any reporting requirements, including the reporting of suspicious transactions under section 5318(g); or

"(3) to extend the safe harbor described in subsection (b) to any actions taken by the financial institution—

"(A) before the date of the keep open request to maintain a customer account; or

"(B) after the termination date stated in the keep open request.

"[§ 130. Safe harbor with respect to keep open directives.]

"(c) LETTER TERMINATION DATE.—For the purposes of this section, any keep open request submitted under subsection (a) shall include a termination date after which that request shall no longer apply.

"(d) RECORD KEEPING.—Any Federal, State, Tribal, or local law enforcement agency that submits to a financial institution a keep open request shall, not later than 2 business days after the date on which the request is submitted to the financial institution—

"(1) submit to FinCEN a copy of the request; and

"(2) alert FinCEN as to whether the financial institution has implemented the request.

"(e) GUIDANCE.—The Secretary of the Treasury, in consultation with the Attorney General and Federal, State, Tribal, and local law enforcement agencies, shall issue guidance on the required elements of a keep open request.

(2) AMENDMENT TO PUBLIC LAW 91–508.—Chapter 2 of title I of Public Law 91–508 (12 U.S.C. 1951 et seq.) is amended by adding at the end the following:

"§ 130. Safe harbor with respect to keep open directives."

(a) DEFINITION.—In this section, the term 'financial institution' means an entity to which section 1332(b) applies.

"(b) SAFE HARBOR.—With respect to a customer account or customer transaction of a financial institution, if a Federal law enforcement agency, the head of the Federal financial agency, or the Attorney General of FinCEN, or a State, Tribal, or local law enforcement agency with the acknowledgment and concurrence of FinCEN, submits to the financial institution a written request that the financial institution keep that account or transaction open (referred to in this section as a 'keep open request')—

"(1) the financial institution shall not be liable under this chapter for maintaining that account or transaction consistent with the parameters and timing of the request; and

"(2) no Federal or State department or agency may take any adverse supervisory action under this chapter with respect to the financial institution solely for maintaining that account or transaction consistent with the parameters of the request.

"(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed—

"(1) to prevent a Federal or State department or agency from verifying the validity of a keep open request submitted under subsection (b) with the law enforcement agency submitting that request;

"(2) to relieve a financial institution from complying with any reporting requirements, including the reporting of suspicious transactions under section 5318(g) of title 31, United States Code; or

"(3) to extend the safe harbor described in subsection (b) to any actions taken by the financial institution—

"(A) before the date of the keep open request to maintain a customer account; or

"(B) after the termination date stated in the keep open request.

"(d) LETTER TERMINATION DATE.—For the purposes of this section, any keep open request submitted under subsection (b) shall include a termination date after which that request shall no longer apply.

"(e) RECORD KEEPING.—Any Federal, State, Tribal, or local law enforcement agency that submits to a financial institution a keep open request shall, not later than 2 business days after the date on which the request is submitted to the financial institution—

"(1) submit to FinCEN a copy of the request; and

"(2) alert FinCEN as to whether the financial institution has implemented the request.

(2) PUBLIC LAW 91–508.—The table of sections for chapter 2 of title I of Public Law 91–508 (12 U.S.C. 1951 et seq.) is amended by adding at the end the following:

"§ 130. Safe harbor with respect to keep open directives."

SEC. 5306. TRAINING FOR EXAMINERS ON ANTI-MONEY LAUNDERING AND COUNTERING THE FINANCING OF TERRORISM

(a) IN GENERAL.—Subchapter II of chapter 53 of title 31, United States Code, is amended—

"(1) to extend the safe harbor described in—

"(I) to prevent a Federal or State department or agency from verifying the validity of a keep open request submitted under subsection (b) with the law enforcement agency submitting that request;

"(II) to relieve a financial institution from complying with any reporting requirements, including the reporting of suspicious transactions under section 5318(g) of title 31, United States Code; or

"(III) to extend the safe harbor described in subsection (b) to any actions taken by the financial institution—

"(A) before the date of the keep open request to maintain a customer account; or

"(B) after the termination date stated in the keep open request.

"(d) LETTER TERMINATION DATE.—For the purposes of this section, any keep open request submitted under subsection (b) shall include a termination date after which that request shall no longer apply.

"(e) RECORD KEEPING.—Any Federal, State, Tribal, or local law enforcement agency that submits to a financial institution a keep open request shall, not later than 2 business days after the date on which the request is submitted to the financial institution—

"(1) submit to FinCEN a copy of the request; and

"(2) alert FinCEN as to whether the financial institution has implemented the request.

(2) AMENDMENT TO PUBLIC LAW 91–508.—Chapter 2 of title I of Public Law 91–508 (12 U.S.C. 1951 et seq.) is amended by adding at the end the following:

"§ 130. Safe harbor with respect to keep open directives."

(a) DEFINITION.—In this section, the term 'financial institution' means an entity to which section 1332(b) applies.

"(b) SAFE HARBOR.—With respect to a customer account or customer transaction of a financial institution, if a Federal law enforcement agency, the head of the Federal financial agency, or the Attorney General of FinCEN, or a State, Tribal, or local law enforcement agency with the acknowledgment and concurrence of FinCEN, submits to the financial institution a written request that the financial institution keep that account or transaction open (referred to in this section as a 'keep open request')—

"(1) the financial institution shall not be liable under this chapter for maintaining that account or transaction consistent with the parameters and timing of the request; and

"(2) no Federal or State department or agency may take any adverse supervisory action under this chapter with respect to the financial institution solely for maintaining that account or transaction consistent with the parameters of the request.

"(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed—

"(1) to prevent a Federal or State department or agency from verifying the validity of a keep open request submitted under subsection (b) with the law enforcement agency submitting that request;

"(2) to relieve a financial institution from complying with any reporting requirements, including the reporting of suspicious transactions under section 5318(g) of title 31, United States Code; or

"(3) to extend the safe harbor described in subsection (b) to any actions taken by the financial institution—

"(A) before the date of the keep open request to maintain a customer account; or

"(B) after the termination date stated in the keep open request.

"(d) LETTER TERMINATION DATE.—For the purposes of this section, any keep open request submitted under subsection (b) shall include a termination date after which that request shall no longer apply.

"(e) RECORD KEEPING.—Any Federal, State, Tribal, or local law enforcement agency that submits to a financial institution a keep open request shall, not later than 2 business days after the date on which the request is submitted to the financial institution—

"(1) submit to FinCEN a copy of the request; and

"(2) alert FinCEN as to whether the financial institution has implemented the request.

(2) PUBLIC LAW 91–508.—The table of sections for chapter 2 of title I of Public Law 91–508 (12 U.S.C. 1951 et seq.) is amended by adding at the end the following:

"§ 130. Safe harbor with respect to keep open directives."

SEC. 5307. OBTAINING FOREIGN BANK RECORDS FROM BANKS WITH UNITED STATES CORRESPONDENT ACCOUNTS.

(a) GRAND JURY AND TRIAL SUBPOENAS.—Section 5310(k) of title 31, United States Code, is amended—

"(1) in paragraph (1)—

"(A) by redesignating subparagraph (B) as subparagraph (C); and

"(B) by inserting after subparagraph (A) the following:

"(B) COVERED FINANCIAL INSTITUTION.—The term 'covered financial institution' means an institution referred to in subsection (j)(1); and

"(2) by striking paragraph (3) and inserting the following:

"(C) FOREIGN BANK RECORDS.—

"(1) A SUBPOENA OF RECORDS.—

"(I) IN GENERAL.—Notwithstanding subsection (b), the Secretary of the Treasury or the Attorney General may issue a subpoena to any foreign bank that maintains a correspondent account in the United States and require any records relating to the correspondent account or any account at the foreign bank, including records maintained outside of the United States, that are the subject of—

"(i) any investigation of a violation of a criminal law of the United States;

"(ii) any investigation of a violation of a Federal or State law or treaty,

"(III) a civil forfeiture action; or

"(IV) an administrative proceeding under section 518A.

"(2) PRODUCTION OF RECORDS.—The foreign bank on which a subpoena described in clause (i) is served shall produce all requested records and authenticate all requested records with testimony in the manner described in—

"(I) rule 902(12) of the Federal Rules of Evidence;

"(II) section 3505 of title 18.

"(ii) ISSUANCE AND SERVICE OF SUBPOENA.—A subpoena described in clause (i)—

"(I) shall designate—

"(aa) a return date; and

"(bb) the judicial district in which the related investigation is proceeding; and

"(II) may be—

"(I) served outside of the United States by—

"(aa) mail or fax in the United States if the foreign bank has a representative in the United States; or

"(bb) by mail or fax in a foreign country under any mutual legal assistance treaty, multilateral agreement, or other request for international legal or law enforcement assistance;

"(II) RELIEF FROM SUBPOENA.—

"(I) In general.—At any time before the return date of a subpoena described in clause (i), the foreign bank on which the subpoena is served may petition the district court for the judicial district in which the related investigation is proceeding, as designated in the subpoena, to modify or quash—

"(aa) the subpoena; or

"(bb) the prohibition against disclosure described in subparagraph (C).
"(II) CONFLICT WITH FOREIGN SECRETARY OR CONFIDENTIALITY.—An assertion that compliance with a subpoena described in clause (i) would conflict with a provision of foreign secrecy or confidentiality law shall not be a basis for quashing or modifying the subpoena.

"(B) ACCEPTANCE OF SERVICE.—

"(1) MAINTAINING RECORDS IN THE UNITED STATES.—Any covered financial institution that maintains a correspondent account in the United States for a foreign bank shall maintain records in the United States identifying—

"(i) the owners of record and the beneficial owner of the foreign bank; and

"(ii) the name and address of a person who—

"(aa) resides in the United States; and

"(bb) to accept service of legal process for records covered under this subsection.

"(2) CIVIL PENALTY.—

"(I) IN GENERAL.—If a covered financial institution fails to maintain a record described in clause (i) of this paragraph, a covered financial institution shall not be liable to any person in any court or arbitration proceeding for—

"(a) terminating a correspondent relationship under this subparagraph; or

"(B) ENFORCEMENT.—

"(I) IN GENERAL.—If a covered financial institution fails to terminate a correspondent relationship under clause (i), it shall be liable for a civil penalty in an amount equal to—

"(aa) the amount described in clause (i); and

"(bb) the amount described in clause (ii);

"(II) LIMITATION ON LIABILITY.—A covered financial institution shall not be liable to any person in any court or arbitration proceeding for—

"(i) terminating a correspondent relationship under this subparagraph; or

"(ii) complying with a non-disclosure order under subparagraph (C).

"(ii) FAILURE TO TERMINATE RELATIONSHIP.—A covered financial institution shall not be liable to any person in any court or arbitration proceeding for—

"(i) terminating a correspondent relationship under this subparagraph; or

"(ii) complying with a non-disclosure order under subparagraph (C).

"(iii) LIMITATION ON LIABILITY.—A covered financial institution shall not be liable to any person in any court or arbitration proceeding for—

"(i) terminating a correspondent relationship under this subparagraph; or

"(ii) complying with a non-disclosure order under subparagraph (C).

"(iv) TERMINATION UPON RECEIPT OF NOTICE.—A covered financial institution shall terminate any correspondent relationship with a foreign bank not later than 7 days after receipt of notice from the Secretary of the Treasury or the Attorney General if, after consultation with the Secretary of the Treasury or the Attorney General, as applicable, determines that the foreign bank has failed—

"(I) to comply with a subpoena issued under subparagraph (A)(i); or

"(II) to prevail in proceedings before—

"(aa) the appropriate district court of the United States after appealing a decision of a district court of the United States under item (aa);

"(bb) a court of appeals of the United States after appealing a decision of a district court of the United States under item (aa).

"(III) LIMITATION ON LIABILITY.—A covered financial institution shall not be liable to any person in any court or arbitration proceeding for—

"(i) terminating a correspondent relationship under this subparagraph; or

"(ii) complying with a non-disclosure order under subparagraph (C).

"(F) ENFORCEMENT OF CIVIL PENALTIES.—

"(1) APPLICABILITY.—

"(i) IN GENERAL.—Upon application by the Attorney General for a violation of this subparagraph, a court of appeals of the United States shall have jurisdiction to—

"(aa) enjoin the owner of record from entering into any covered agreement.

"(BB) section 3505 of title 18; or

"(CC) 1960, an order or item of the Anti-Money Laundering Act of 2020, or any rules or regulations issued under the Bank Secrecy Act shall be barred from entering on the board of directors of a United States financial institution during the 10-year period that begins on the date on which the conviction or judgment, as applicable, with respect to the egregious violation is entered.

"(ii) BAR.—An individual found to have committed an egregious violation of the Bank Secrecy Act, as defined in section 5033 of the Bank Secrecy Act, after conviction or judgment, as applicable, with respect to the egregious violation is entered.

"(G) CIVIL VIOLATION.—

"(1) IN GENERAL.—

"(i) for which the individual is convicted; and

"(ii) for which the maximum term of imprisonment is more than 1 year; and

"(III) LIMITATION ON LIABILITY.—A covered financial institution shall not be liable to any person in any court or arbitration proceeding for—

"(i) terminating a correspondent relationship under this subparagraph; or

"(ii) complying with a non-disclosure order under subparagraph (C).

"(4) THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS OF THE SENATE;
SEC. 5311. RETURN OF PROFITS AND BONUSES.
(a) In general.—Section 5322 of title 31, United States Code, as amended by adding at the end the following:

"(e) A person convicted of violating a provision of (or rule issued under) the Bank Secrecy Act, as defined in section 5360 of the Anti-Money Laundering Act of 2020, shall—

"(1) in addition to any other fine under this section, be fined in an amount that is equal to the profit gained by such person by reason of such violation, as determined by the court; and

"(2) if the person is an individual who was a partner, director, officer, or employee of a financial institution at the time the violation occurred, repay to such financial institution any bonus paid to the individual during the calendar year in which the violation occurred or the calendar year after which the violation occurred.

(b) Enforcement.—The amendment made by subsection (a) may not be construed to prohibit a financial institution from requiring the repayment of a bonus paid to an employee if the financial institution determines that the partner, director, officer, or employee engaged in unethical, but not criminal, activity.

SEC. 5312. PROHIBITION ON CONCEALMENT OF THE SOURCE OF ASSETS IN MONETARY TRANSACTIONS.
(a) In general.—Subchapter II of chapter 53 of title 31, United States Code, as amended by sections 5305(a)(1) and 5306(a) of this division, is amended by adding at the end the following:

"S 3355. Prohibition on concealment of the source of assets in monetary transactions

"(a) Definition of monetary transaction.—In this section, the term ‘monetary transaction’—

"(1) means the deposit, withdrawal, transfer, or exchange, in or affecting interstate or foreign commerce, of funds, or any monetary instrument (as defined in section 1956(c)(5) of title 18) by, through, or to a financial institution (as defined in section 1956(c)(6) of title 18);

"(2) includes any transaction that would be a financial transaction under section 1956(c)(2)(B) of title 18; and

"(3) does not include any transaction necessary to preserve the right to representation of a person as guaranteed by the Sixth Amendment to the Constitution of the United States.

(b) Prohibition.—No person shall knowingly conceal, falsify, or misrepresent, or attempt to conceal, falsify, or misrepresent, from or to a financial institution, a material fact concerning the ownership or control of assets involved in a monetary transaction if—

"(1) the person or entity who owns or controls the assets is a senior foreign political figure, or any immediate family member or close associate of a senior foreign political figure, as set forth in this title or the regulations promulgated under this title; and

"(2) the aggregate value of the assets involved in or more monetary transactions is not less than $1,000,000.

(c) Source of funds.—No person shall knowingly conceal, falsify, or misrepresent, or attempt to conceal, falsify, or misrepresent, from or to a financial institution, a material fact concerning the source of funds in a monetary transaction that—

"(1) involves an entity found to be a private money laundering concern under section 5318A or the regulations promulgated under this title; and

"(2) violates the prohibitions or conditions prescribed under section 5318A(b)(5) or the regulations promulgated under this title.

(d) Penalties.—A person convicted of an offense under subsection (b) or (c), or a conspiracy to commit an offense under subsection (b) or (c), shall be imprisoned for not more than 10 years, fined not more than $1,000,000, or both.

(e) Forfeiture.—

"(1) Criminal forfeiture.—

"(A) In general.—The court, in imposing a sentence under subsection (d), shall order that the person be forbidden to transfer to the United States any property involved in the offense and any property traceable thereto.

"(B) Procedure.—The seizure, restraint, and forfeiture of property under this paragraph shall be governed by section 413 of the Controlled Substances Act (21 U.S.C. 853).

"(2) Civil forfeiture.—

"(A) In general.—Any property involved in a violation of subsection (b) or (c), or a conspiracy to commit a violation of subsection (b) or (c), and any property traceable thereto may be seized and forfeited to the United States.

"(B) Procedure.—Seizures and forfeitures under this paragraph shall be governed by the provisions of title 18 relating to civil forfeitures, except that such duties, under the customs laws described in section 981(d) of title 18, given to the Secretary of the Treasury, shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security or the Attorney General.

(f) Authorized action.—The table of sections for chapter 53 of title 31, United States Code, as amended by sections 5305(b)(1) and 5306(b) of this division, title 31, United States Code, as amended by sections 5305(b)(1) and 5306(b) of this division, is amended by adding at the end the following:

"S 3355. Prohibition on concealment of the source of assets in monetary transactions.

SEC. 5313. UPDATING WHISTLEBLOWER INCENTIVES AND PROTECTION.
(a) Whistleblower incentives and protection.—

"(1) In General.—Section 5323 of title 31, United States Code, is amended to read as follows:

"§ 5323. Whistleblower incentives and protections

"(a) Definitions.—In this section:

"(1) Covered judicial or administrative action.—The term ‘covered judicial or administrative action’ means any judicial or administrative action brought by the Secretary of the Treasury (referred to in this section as the ‘Secretary’) or the Attorney General under subchapter II or subchapter III to the United States Attorney pursuant to subsection (b) that led to the successful enforcement of the action by the Secretary or the Attorney General.

"(2) Payment of awards.—Any amount paid under paragraph (1) shall be paid from the Fund.

"(b) Determination of amount of award.—

"(1) Determination of amount of award.—

"(A) Discretion.—The determination of the amount of an award made under subsection (b) shall be in the discretion of the Secretary.

"(B) Criteria.—In determining the amount of an award made under subsection (b), the Secretary—

"(i) shall take into consideration—

"(I) the significance of the information provided by the whistleblower to the success of the covered judicial or administrative action;

"(II) the degree of assistance provided by the whistleblower and the material representativeness of the whistleblower in a covered judicial or administrative action;
{(III) The programmatic interest of the Department of the Treasury in deterring violations of this subchapter and subchapter III by making awards to whistleblowers who provide information to the Secretary that lead to the successful enforcement of either such subchapter; and

(IV) such additional relevant factors as the Secretary, in consultation with the Attorney General, may establish by rule or regulation; and

(ii) shall not take into consideration the balance of the Fund, or

(2) DENIAL OF AWARD.—No award under subsection (b) may be made—

(a) to any whistleblower who is, or was at the time the whistleblower acquired the original information submitted to the Secretary or the Attorney General, as applicable, a member, officer, or employee of—

(i) an appropriate regulatory agency;

(ii) the Department of the Treasury or the Department of Justice; or

(iii) a law enforcement agency;

(b) to any whistleblower who is convicted of a criminal violation related to the judicial or administrative action for which the whistleblower otherwise could receive an award under this section;

(c) to any whistleblower who fails to submit information to the Secretary or the Attorney General, as applicable, in such form as the Secretary, in consultation with the Attorney General, may, by rule, require.

(d) REPRESENTATION.—

(1) PERMITTED REPRESENTATION.—Any whistleblower who makes a claim for an award under subsection (b) may be represented by counsel.

(2) REQUIRED REPRESENTATION.—

(A) IN GENERAL.—Any whistleblower who anonymously makes a claim for an award under subsection (b) shall be represented by counsel if the whistleblower anonymously submits the information upon which the claim is based.

(B) DISCLOSURE OF IDENTITY.—Before the payment of an award, a whistleblower shall disclose the identity of the whistleblower and provide such other information as the Secretary may require, directly or through counsel for the whistleblower.

(e) CONSIDERATION.—No contract with the Department of the Treasury is necessary for any whistleblower to receive an award under subsection (b), unless otherwise required by the Secretary by rule or regulation.

(f) APPEALS.—

(1) IN GENERAL.—Any determination made under this section, including whether, to whom, or in what amount to make awards, shall be in the discretion of the Secretary.

(2) REQUIREMENTS.—

(A) IN GENERAL.—Any determination described in paragraph (1), except the determination of the amount of an award if the award was made in accordance with subsection (b), may be appealed to the appropriate court of appeals of the United States not more than 30 days after the determination is issued by the Secretary.

(B) SCOPE OF REVIEW.—The court to which a determination by the Secretary is appealed under subparagraph (A) shall review the determination in accordance with section 706 of title 5.

(g) ANTI-MONEY LAUNDERING AND COUNTER-TERRORISM FINANCING FUND.—

(1) FUND ESTABLISHED.—There is established in the Treasury the Fund to be known as the ‘Anti-Money Laundering and Counter-Terrorism Financing Fund’. No award under this section shall be made from the Fund for the payment of any monetary sanction or award collected by the applicable official or agency subject to the jurisdiction of the Department of the Treasury, or a violation of section 1956, 1957, or 1960 of title 18 (or any rule or regulation under any subchapter), or

(i) a person with supervisory authority over the whistleblower at the employer of the whistleblower; or

(ii) another individual working for the employer described in clause (i) who the whistleblower reasonably believes has the authority to—

(I) investigate, discover, or terminate the misconduct;

(II) take any other action to address the misconduct.

(2) ENFORCEMENT.—Any individual who alleges discharge or other discrimination, or is otherwise aggrieved by an employer, in violation of paragraph (1), may seek relief by filing a complaint with the Secretary of Labor in accordance with the requirements of this subsection; or

(B) if the Secretary of Labor has not issued a final decision within 180 days of the filing of a complaint under subparagraph (A), and there is no showing that such a delay is due to the bad faith of the claimant, bring an action against the employer at law or in equity in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy.

(3) PROCEDURE.—

(A) DEPARTMENT OF LABOR COMPLAINT.—

(i) IN GENERAL.—Except as provided in clause (i) and subparagraph (C), the requirements under section 42121(b) of title 49, including the legal burdens of proof described in such section 42121(b), shall apply with respect to a complaint filed under subparagraph (A) by an individual against an employer.

(ii) EXCEPTION.—With respect to a complaint filed under subparagraph (A), notification required to be given pursuant to section 42121(b)(1) of title 49 shall be made to each person named in the complaint, including the employer.

(B) DISTRICT COURT COMPLAINT.—

(i) JURY TRIAL.—A party to an action brought under paragraph (2)(B) shall be entitled to trial by jury.

(ii) STATUTE OF LIMITATIONS.—

(A) IN GENERAL.—An action may not be brought under paragraph (2)(B)—

(1) more than 6 years after the date on which the violation of paragraph (1) occurs; or

(2) more than 3 years after the date on which when facts material to the right of action are known, or reasonably should have been known, by the employee alleging a violation of paragraph (1).

(B) REQUIREMENT OF NEW VIOLATION.—No action brought under paragraph (2)(B) may not in any circumstance be brought more than 10 years after the date on which the violation of paragraph (1) occurred.

(C) PREVENTING RELIANCE.—If an employee prevails with respect to a complaint filed under subparagraph (A) of paragraph (2) or an action brought under subparagraph (B) of that paragraph shall be reinstated and compensation of employment because of any unlawful act done by the whistleblower—

(1) the employment because of any lawful act done by the employee—

(A) in providing information to the Secretary or the Attorney General in accordance with this section;
but for the conduct that is the subject of the complaint or action, as applicable; “(ii) 2 times the amount of back pay otherwise owed to the individual, with interest; “(iii) obtain an appropriate remedy with respect to the conduct that is the subject of the complaint or action, as applicable; “(iv) a provision of false information knowing the writing or document contains any false, fictitious, or fraudulent statement or entry; “(5) RULEMAKING AUTHORITY.—The Secretary, in consultation with the Attorney General, shall have the authority to issue such rules and regulations as may be necessary or appropriate to implement the provisions of this section consistent with the purposes of this section. “(k) NONENFORCEABILITY OF CERTAIN PROVISIONS WAIVING RIGHTS AND REMEDIES OR REQUIRING ARBITRATION OF DISPUTES.— “(1) WAIVER OF RIGHTS AND REMEDIES.—The rights and remedies in this section may not be waived by any agreement, policy form, or condition of employment, including by a predispute arbitration agreement. “(2) PREDISPUTE ARBITRATION AGREEMENTS.—No predispute arbitration agreement shall be valid or enforceable, if the agreement requires arbitration of a dispute arising under this section. “(l) REPEAL OF SECTION 5326 OF TITLE 31.— Section 5326 of title 31, United States Code, is repealed. “(m) TECHNICAL AND CONFORMING AMENDMENTS.—The tables of sections for subchapter II of chapter 33 of title 31, United States Code, is amended— (1) by striking the item relating to section 5323 and inserting the following: “5323. Whistleblower incentives and protections.”; and (2) by striking the item relating to section 5326. TITLE LIV—ESTABLISHING BENEFICIAL OWNERSHIP INFORMATION REPORTING REQUIREMENTS SEC. 5401. FINDINGS. Congress finds the following: “(1) More than 2,000,000 corporations and limited liability companies are being formed under the laws of the States each year. “(2) Most or all States do not require information about the beneficial owners of the corporations, limited liability companies, or other similar entities formed under the laws of the States. “(3) Malign actors seek to conceal their ownership of corporations, limited liability companies, or other similar entities in the United States for illicit activity, including money laundering, the financing of terrorism, proliferation financing, serious tax fraud, human and drug trafficking, counterfeiting, identity theft, securities fraud, financial fraud, and acts of foreign corruption, harming the national security interests of the United States and allies of the United States. “(4) Money launderers and others involved in commercial activity intentionally conduct transactions through corporate structures in order to facilitate tax evasion, and layer such structures, much like Russian ‘Matroyshka’ dolls, across various secretive jurisdictions such that each time an investigator obtains ownership records for a domestic or foreign entity, the newly identified entity is yet another corporate entity, necessitating a repeat of the same process. “(5) National security, intelligence, and law enforcement investigations have been consistently impeded by an inability to reliably and promptly identify the individuals who ultimately own corporations, limited liability companies, or other similar entities suspected of engaging in illicit activity, as documented in reports and testimony by officials from the Department of Justice, the Department of Homeland Security, the Department of the Treasury, the Government Accountability Office, and other agencies. “(6) In July 2006, the leading international anti-money laundering standard-setting organization, the Financial Action Task Force on Money Laundering (in this section referred to as ‘FATF’), of which the United States is a member, issued a report that criticized the United States for failing to meet with a FATF standard on the need to collect beneficial ownership information and urged the United States to correct this deficiency by June 2008. “(7) In December 2016, FATF issued another evaluation of the United States, which found that little progress had been made over the past 10 years to address this problem. FATF identified the ‘[l]ack of timely access to adequate, accurate and current beneficial ownership (BO) information’ as a ‘fundamental gap’ in efforts of the United States to counter money laundering and the financing of terrorism. “(8) In contrast to practices in the United States, all 27 countries in the European Union are required to have corporate registries that include beneficial ownership information. The United Kingdom, its 3 crown dependencies, and 14 overseas territories also require such registries. “(9) According to the 2020 National Strategy for Combating Terrorist and other Illicit Financing, used by the Department of the Treasury, ‘Misuse of legal entities to hide a criminal beneficial owner or illegal source of funds continues to be a common, if not the dominant, feature of illicit finance schemes, especially those involving money laundering, predicate offenses, tax evasion, and proliferating financing.’ “(10) Federal legislation providing for the collection of beneficial ownership information for corporations, limited liability companies, or other similar entities formed under the laws of the States is needed to— (A) set a clear, Federal standard for incorporation practices; (B) protect vital United States national security interests; (C) protect interstate and foreign commerce; “(D) better enable critical national security, intelligence, and law enforcement efforts to counter money laundering, the financing of terrorism, and other illicit activities; “(E) bring the United States into compliance with international anti-money laundering and countering the financing of terrorism standards. SENSE OF CONGRESS. It is the sense of Congress that— “(1) beneficial ownership information collected under the amendments made by this title is sensitive information and will be directly available only to authorized government authorities, subject to effective safeguards and controls, to— (A) mitigate important national security, intelligence, and law enforcement activities; and (B) confirm beneficial ownership information provided to financial institutions to facilitate the compliance of the institutions with customer due-diligence requirements under applicable law; “(D) consistent with applicable law, the Secretary of the Treasury shall— (A) maintain the information described in paragraph (1) in a secure, nonpublic database using information technology and methods and techniques that are appropriate to protect nonclassified information systems at the highest security level; and (B) make all steps, including regular audits, to ensure that government authorities accessing beneficial ownership information
do so only for authorized purposes consistent with this section; and
(3) in prescribing regulations to provide for the reporting of beneficial ownership information in the manner and in the format to the greatest extent practicable consistent with the purpose of this title;
(A) seek to minimize burdens on reporting companies consistent with the collection of beneficial ownership information;
(B) provide clarity to reporting companies concerning the identification of their beneficial owners; and
(C) collect information in a form and manner that is reasonably designed to generate a database that is useful to national security agencies, the Department of Homeland Security, and Federal functional regulators.

SEC. 5403. BENEFICIAL OWNERSHIP INFORMATION REPORTING REQUIREMENTS.

(a) In General.—Subchapter II of chapter 53 of title 31, United States Code, as amended by sections 5305(a)(1), 5306(a), and 5313(a) of this division, is amended by adding at the end the following:

85336. Beneficial ownership information reporting requirements

(‘(a) Definitions.—In this section:
(‘‘(1) ACCEPTABLE IDENTIFICATION DOCUMENT.—The term 'acceptable identification document' means, with respect to an individual—
(A) a nonexpired passport issued by the United States;
(B) a nonexpired identification document issued by a State, local government, or Indian Tribe to the individual for the purpose of identification of that individual;
(C) a nonexpired driver's license issued by a State;
(D) the individual does not have a document described in subparagraph (A), (B), or (C), a nonexpired passport issued by a foreign government;
(‘‘(2) APPLICANT.—The term 'applicant' means any individual who—
(A) files an application to form a corporation, limited liability company, or other similar entity under the laws of a State or Indian Tribe; or
(B) registers a corporation, limited liability company, or other similar entity formed under the laws of a foreign country and registered to do business in a State by filing a document with the secretary of state or similar office under the laws of the State.
(‘‘(3) BENEFICIAL OWNER.—The term 'beneficial owner'—
(A) means, with respect to an entity, an individual who directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise—
(i) exercises substantial control over the entity; or
(ii) owns not less than 25 percent of the equity interests of the entity; and
(B) does not include—
(i) a minor child, as defined in the State in which the child is located, if the information of the parent or guardian of the minor child is reported in accordance with this section;
(ii) an individual acting as a nominee, intermediary, custodian, or agent on behalf of another individual;
(iii) an individual acting solely as an employee of a corporation, limited liability company, or other similar entity and whose control over or economic benefits from such entity is derived solely from the employment status of the person;
(iv) an individual whose only interest in a corporation, limited liability company, or other similar entity is through a right of inheritance;
(v) a creditor of a corporation, limited liability company, or other similar entity, unless the creditor meets the requirements of subparagraph (A);
(‘‘(d) DIRECTOR.—The term 'Director' means the Director of FinCEN.
(‘‘(e) FINANCIAL CRIMES ENFORCEMENT NETWORK.—The term 'FinCEN' means the Financial Crimes Enforcement Network of the Department of the Treasury.
(‘‘(f) IDENTIFIER.—The term 'identifier' means the unique identifying number assigned by FinCEN to a person under this section.
(‘‘(g) FOREIGN PERSON.—The term 'foreign person' means an individual who is not a United States person, as defined in section 7001(a) of the Internal Revenue Code of 1986.
(‘‘(h) INDIAN TRIBE.—The term 'Indian Tribe' has the meaning given the term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5130).
(‘‘(i) LAWFUL PERMANENT RESIDENCE.—The term 'lawfully admitted for permanent residence' has the meaning given in title 1 of the Immigration and Nationality Act (8 U.S.C. 1101(a)).
(‘‘(j) POOLED INVESTMENT VEHICLE.—The term 'pooled investment vehicle' means—
(A) any investment company, as defined in section 3(a)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a-3(a)); or
(B) any company that—
(i) would be an investment company under that section if the exclusion provided from that definition by paragraph (1) or (7) of section 3(c) of that Act (15 U.S.C. 80a-3(c)); and
(ii) is identified by its legal name by the applicable investment adviser in its Form ADV (or successor form) filed with the Securities and Exchange Commission.
(‘‘(k) REPORTING COMPANY.—The term 'reporting company'—
(A) means a corporation, limited liability company, or other similar entity that is—
(i) created by the filing of a document with a secretary of state or a similar office under the law of a State or Indian Tribe; or
(ii) formed under the law of a foreign country and registered to do business in a State by the filing of a document with a secretary of state or a similar office under the law of the State; and
(B) does not include—
(i) an issuer;
(ii) a broker or dealer registered under section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78i); or
(iii) that is required to file supplementary and periodic information under section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(d));
(iii) an entity—
(I) formed under the laws of the United States, an Indian tribe, a State, or a political subdivision of a State, or under an interstate compact between 2 or more States; and
(II) that exercises governmental authority on behalf of the United States or any such Indian Tribe, State, or political subdivision;
(iv) a depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813));
(v) a Federal credit union or a State credit union (as those terms are defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752));
(vi) a bank holding company (as defined in section 2 of the Bank Holding Company Act of 1946 (12 U.S.C. 1841)), or a savings and loan holding company (as defined in section 169(a) of the Home Owners’ Loan Act (12 U.S.C. 1467a(a)));
(vii) a money transmitting business registered with the Secretary of the Treasury under section 1559 of title 15, United States Code, that is registered under section 15 of that Act (15 U.S.C. 78p(c));
(viii) an exchange or clearing agency (as those terms are defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c) that is registered under section 6 or 17A of that Act (15 U.S.C. 78f, 78q-1); and
(ix) any other entity described in clause (i), (vii), or (viii) that is registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.); and
(‘‘x) a person that—
(I) is an investment company (as defined in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a-2) or exempt from tax under section 5330 of title 31, United States Code, as amended by section 701(a) of the Internal Revenue Code of 1986); or
(II) is registered with the Securities and Exchange Commission under the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.) or the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.);
(‘‘xi) an investment adviser—
(I) described in section 203(l) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-3) and
(ii) that has filed the records required by the Securities and Exchange Commission; or
(‘‘xii) an insurance company (as defined in section 2 of the Investment Company Act of 1940 (15 U.S.C. 80a-2));
(‘‘xiii)(I) a registered entity (as defined in section 1a of the Commodity Exchange Act (7 U.S.C. 1a)); or
(II) a person that is—
(aa)(AA) a futures commission merchant, introducing broker, swap dealer, major swap participant, commodity pool operator, or commodity trading advisor (as those terms are defined in section 1a of the Commodity Exchange Act (7 U.S.C. 1a)); or
(bb) registered with the Commodity Futures Trading Commission under the Commodity Exchange Act (7 U.S.C. 11); and
(‘‘xiv) a public accounting firm registered in accordance with section 102 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7212); or
(‘‘xvi) any pooled investment vehicle that is operated or advised by a person described in clause (i), (iv), (vii), (ix), (x), or (xii);
(‘‘xvii) any—
(I) organization which is described in section 501(c) of the Internal Revenue Code of 1986 (determined without regard to section 508(a)) and exempt from tax under section 501(a) of such Code, except that in the case of any such organization which loses an exemption from tax, such organization shall be considered to be continued to be described in this subclause for the 180-day period beginning on the date of the loss of such tax-exempt status;
(II) any other organization (as defined in section 527(e)(1) of such Code) that is exempt from tax under section 527(a) of such Code;
(III) trust described in paragraph (1) or (2) of section 4947(a) of the Internal Revenue Code of 1986 (determined without regard to section 4947(a)(1));
(IV) any corporation, limited liability company, or other similar entity that—
(i) operates exclusively to provide financial assistance to, or hold governance rights over, any entity described in clause (xvii); and
(II) is a United States person;
“(III) is beneficially owned or controlled exclusively by 1 or more United States persons that are United States citizens or lawfully admitted for permanent residence; and
“(IV) is a majority of the funding or revenue, from 1 or more United States persons that are United States citizens or lawfully admitted for permanent residence;
“(v) any entity that—
“(I) employs more than 20 employees on a full-time basis in the United States;
“(II) has annual gross receipts or sales in the aggregate, including related fees, in excess of $5,000,000;
“(III) is an operating presence at a physical office within the United States;
“(IV) any corporation, limited liability company, or other similar entity, directly or indirectly, by 1 or more entities described in clause (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv), (xvi), (xvii), (xviii), or (xix) of paragraph (D) and the information contained in the report is delivered, residential or business street address; and
“(xx) any corporation, limited liability company, or other similar entity—
“(A) in existence for over 1 year;
“(B) engaged in active business;
“(C) that has not, in the preceding 12-month period, undergone a change in ownership or sent or received funds in an amount greater than $1,000 (including all funds sent to or received from any source through a financial account or accounts in which the entity, or an affiliate of the entity, maintains an interest); and
“(D) that does not otherwise hold any kind or type of assets, including an ownership interest in any corporation, limited liability company, or other similar entity;
“(xxi) any entity or class of entities that the Secretary of the Treasury, with the written concurrence of the Attorney General and the Secretary of Homeland Security, has determined should be exempt from the requirements of subsection (b) because requiring beneficial ownership information from the entity or class of entities—
“(I) would not serve the public interest; and
“(II) would not be highly useful in national security, intelligence, and law enforcement agencies’ efforts to detect and prevent money laundering, the financing of terrorism, proliferation finance, serious tax fraud, or other crimes.

“(D) REPORTING AT TIME OF FORMATION.—In accordance with regulations prescribed by the Secretary of the Treasury, a reporting company shall, in a timely manner, and not later than 1 year after the date on which there is a change with respect to any information described in paragraph (2), submit to FinCEN a report that updates the information relating to the change.

“(E) TREASURY REVIEW OF UPDATED REPORTING FOR CHANGES IN BENEFICIAL OWNERSHIP.—In accordance with regulations prescribed by the Secretary of the Treasury, a reporting company shall, in a timely manner, and not later than 1 year after the date on which there is a change with respect to any information described in paragraph (2), submit to FinCEN a report that contains the information described in paragraph (2).

“(F) REGULATION REQUIREMENTS.—In promulgating the regulations prescribed in paragraphs (A) through (D), the Secretary of the Treasury shall ensure, to the greatest extent practicable—
“(i) to partner with State, local, and Tribal governmental agencies,
“(ii) to collect information described in paragraph (2) through existing Federal, State, and Tribal procedures;
“(iii) to minimize burdens on reporting companies associated with the collection of the information described in paragraph (2) in light of the private compliance costs placed on legitimate businesses;
“(iv) to collect information described in paragraph (2) in a form and manner that ensures the information is highly useful in the following:
“(I) facilitating important national security, intelligence, and law enforcement activities; and
“(II) complying beneficial ownership information provided to financial institutions to facilitate the compliance of the institutions with anti-money laundering, countering the financing of terrorism, proliferation finance, serious tax fraud, or other crimes.

“(G) USE OF FINCEN IDENTIFIER FOR INDIVIDUALS.—In accordance with regulations prescribed by the Secretary of the Treasury, a report delivered under paragraph (1) shall, except as provided in subparagraph (B), identify each beneficial owner of the applicable reporting company and each applicant with respect to that reporting company by—
“(i) full legal name;
“(ii) date of birth;
“(iii) current, as of the date on which the report is delivered, residential or business street address; and
“(iv) unique identifying number from an acceptable identification document; or
“(V) that does not otherwise hold any kind or type of assets, including an ownership interest in any corporation, limited liability company, or other similar entity that is an exempt entity described in subsection (a)(11)(B)(xxi)(A) and is formed after the date on which FinCEN issues a written certification that provides identification information of an individual that exercises substantial control over the pooled investment vehicle in the same manner as required under this subsection.

“(H) REPORTING REQUIREMENT FOR FOILED INVESTMENT VEHICLES.—Any corporation, limited liability company, or other similar entity that is an exempt entity described in subsection (a)(11)(B)(xxi) shall, in accordance with regulations prescribed by the Secretary, submit to FinCEN a report containing the information required under paragraph (A) promptly after the date on which the entity no longer meets the criteria described in subsection (a)(11)(B)(xxi), but in no case later than 90 days after that date.

“(I) REPORTING REQUIREMENT FOR GRAND PARENT COMPANY Beneficial Ownership.—Any corporation, limited liability company, or other similar entity that is an exempt entity described in subsection (a)(11)(B)(xxi) shall, in accordance with regulations prescribed by the Secretary, submit to FinCEN a report containing the information required under paragraph (A) promptly after the date on which the entity no longer meets the criteria described in subsection (a)(11)(B)(xxi), but in no case later than 90 days after such date.

“(J) REPORTING REQUIREMENT FOR FOREIGN SUBSIDIARIES.—Any corporation, limited liability company, or other similar entity that is an exempt entity described in subsection (a)(11)(B)(xxi) shall, in accordance with regulations prescribed by the Secretary, submit to FinCEN a report containing the information required under paragraph (A) promptly after the date on which the entity no longer meets the criteria described in subsection (a)(11)(B)(xxi), but in no case later than 90 days after such date.

“(K) FINCEN IDENTIFIER.—
“(i) IN GENERAL.—Upon request by an individual who has provided FinCEN with the information described in paragraph (2) per the approval of the individual, or by an entity that has reported its beneficial ownership information to FinCEN in accordance with this section, FinCEN shall issue a FinCEN identifier to such individual or entity.

“(ii) UPDATING OF INFORMATION.—An individual with a FinCEN identifier shall submit filings with FinCEN pursuant to paragraph (1) updating any information described in paragraph (2) in a manner consistent with subparagraph (D).

“(L) USE OF FINCEN IDENTIFIER FOR INDIVIDUALS.—Any person required to report the information described in paragraph (2) with respect to an individual may instead report the FinCEN identifier of the individual.
(C) USE OF FINCEN IDENTIFIER FOR ENTITIES.—If an individual is or may be a beneficial owner of a reporting company by an interest held by the individual in an entity that, directly or indirectly, holds an interest in the reporting company, the reporting company may report the FinCEN identifier of the entity in lieu of providing the information required by the paragraphs (A) or (B) with respect to the individual.

(4) REGULATIONS.—The Secretary of the Treasury shall—

(A) promulgate regulations to provide for procedures and enforcement agency to enforce, to the extent practicable, consistent with the purposes of this section;

(i) to minimize burdens on reporting companies associated with the collection of beneficial ownership information; and

(ii) to ensure the beneficial ownership information reported to FinCEN is accurate, complete, and highly useful.

(5) EFFECTIVE DATE.—The requirements of this subsection shall take effect on the effective date prescribed by the Secretary of the Treasury under this subsection, which shall not be later than 1 year after the date of enactment of this section.

(6) RETENTION AND DISCLOSURE OF FINANCIAL INSTITUTIONS AND REGULATORY AGENCY INFORMATION.—

(1) RETENTION OF INFORMATION.—Beneficial ownership information required under subsection (b) relating to each reporting company shall be maintained by FinCEN.

(2) RETENTION AND DISCLOSURE.—

(A) PROHIBITION.—Except as authorized by the Secretary of the Treasury, access to beneficial ownership information reported under this section shall be confidential and may not be disclosed—

(i) to an officer or employee of the United States;

(ii) to an officer or employee of any State, local, or Tribal agency;

(iii) an officer or employee of any financial institution or regulatory agency receiving information under this subsection;

(iv) to a State, local, or Tribal law enforcement agency, if a court of competent jurisdiction has authorized the law enforcement agency to seek the information in a criminal or civil investigation;

(v) to a request, through appropriate protocols—

(I) from a Federal agency engaged in national security, intelligence, or law enforcement activity;

(II) from a State, local, or Tribal agencies, as determined by the Secretary of the Treasury, shall, to the greatest extent practicable, update the information described in subsection (b) by working collaboratively with other relevant Federal, State, and Tribal agencies.

(vi) from the Secretary of the Treasury in connection with an audit of the accuracy, completeness, and usefulness of the information reported under this subsection;

(vii) for purposes of maintaining an accurate, complete, and highly useful database for beneficial ownership information.

(B) DISCLOSURE.—

(A) require that beneficial ownership information be disclosed, to the extent practicable, consistent with applicable legal protections, cooperate with other relevant Federal, State, and Tribal agencies, as determined by the Secretary of the Treasury, shall, to the extent practicable, and consistent with applicable legal protections, cooperate with and provide information requested by FinCEN for purposes of maintaining an accurate, complete, and highly useful database for beneficial ownership information.

(B) TAX ADMINISTRATION PURPOSES.—Officers and employees of the Department of the Treasury shall obtain access to beneficial ownership information for tax administration purposes in accordance with this subsection.

(3) REGULATION OF REQUEST.—The Secretary of the Treasury shall—

(A) shall reject a request not submitted in the form and manner prescribed by the Secretary under paragraph (2)(C); and

(B) may decline to provide information requested under this subsection upon finding that—

(i) the request being requested has failed to meet any other requirement of this subsection;

(ii) the information is being requested for an unlawful purpose; or

(iii) no other cause exists to deny the request.

(4) SUSPENSION.—The Secretary of the Treasury may suspend or debar a requesting agency from access for a reasonable period of time, if a serious or catastrophic adverse effect that may have a severe or catastrophic adverse effect.

(5) DEPARTMENT OF THE TREASURY AGENCY COORDINATION.—

(A) shall request the Secretary of the Treasury to conduct an annual audit of the adherence of the agencies to the protocols established under paragraph (B) and agencies which are required to report on the collection and compliance.

(B) incorporate Federal internal controls for high-reposability systems, excluding national security systems, consistent with applicable law to prevent the loss of confidentiality, integrity, or availability of information that may have a severe or catastrophic adverse effect.

(C) REQUIREMENTS.—

(1) FEDERAL.—The Secretary of the Treasury shall, to the extent practicable, update the information described in subsection (b) by working collaboratively with other relevant Federal, State, and Tribal agencies.

(2) INFORMATION FROM RELEVANT FEDERAL, STATE, AND TRIBAL AGENCIES.—Relevant Federal, State, and Tribal agencies, as determined by the Secretary of the Treasury, shall, to the extent practicable, and consistent with applicable legal protections, cooperate with and provide information requested by FinCEN for purposes of maintaining an accurate, complete, and highly useful database for beneficial ownership information.

(3) REGULATIONS.—The Secretary of the Treasury, in consultation with the heads of other relevant Federal agencies, may promulgate regulations as necessary to carry out any other provision of this section.

(6) NOTIFICATION OF FEDERAL AGENCIES.

(1) FEDERAL.—The Secretary of the Treasury shall take reasonable steps to provide notice to persons of their obligations to report beneficial ownership information under.
this section, including by causing appropriate informational materials describing such obligations to be included in 1 or more forms or other informational materials regularly distributed by the Internal Revenue Service and FinCEN.

(2) STATES AND INDIAN TRIBES.—

(A) IN GENERAL.—As a condition of the funds under this section, each State and Indian Tribe shall, not later than 2 years after the effective date of regulations promulgated under subsection (b)(5), take the following actions:

(i) The Secretary of a State or a similar office in each State or Indian Tribe responsible for the establishment of entities created by the filing of a public document with the office under the law of the State or Indian Tribe shall periodically, including at the time of any initial formation or registration of an entity, assessment of an annual fee, or renewal of any license to do business in the State or Indian country and in connection with State or Indian Tribe corporate tax assessments or renewals—

(I) notify filers of their requirements as reporting companies under this section, including the requirements to file and update reports required under paragraphs (A) and (B) of subsection (b)(1); and

(ii) provide the filers with a copy of the reporting company form created by the Secretary or the Treasury under this subsection or an internet link to that form.

(B) notification from the department of the Treasury.—A notification under clause (i) or (ii) of subparagraph (A) shall explicitly state that the notification is on behalf of the Department of the Treasury for the purpose of identifying such entities, including the financing of terrorism, proliferation financing, serious tax fraud, and other financial crimes, ensuring nonpublic registrants of business entities forms or records to do business in the United States.

(C) No bearer share corporations or limited liability companies.—A corporation, partnership, or similar entity formed under the laws of a State or Indian Tribe may not issue a certificate in bearer form evidencing either a whole or fractional interest in the entity.

(g) regulations.—In promulgating regulations carrying out this section, the Director shall reach out to members of the small business community and other appropriate parties to ensure efficiency and effectiveness of the process for the entities subject to the requirements of this section.

(h) penalties.—

(A) reporting violations.—It shall be unlawful for any person to—

(I) willfully provide, or attempt to provide, false or fraudulent beneficial ownership information, including a false or fraudulent identifying photograph or document, to FinCEN in accordance with subsection (b); or

(ii) fail to report complete or updated beneficial ownership information to FinCEN in accordance with subsection (b).

(B) unauthorized disclosure or use.—Except as authorized by this section, it shall be unlawful for any person knowingly or willfully to disclose or knoingly use the beneficial ownership information obtained by the person through

(i) a report submitted to FinCEN under subsection (b); or

(ii) a disclosure made by FinCEN under subsection (c).

(iii) criminal and civil penalties.—

(A) reporting violations.—Any person who violates subparagraph (A) or (B) of paragraph (1)—

(I) shall be liable to the United States for a civil penalty of not more than $500 for each day that the violation continues or has not been remedied; and

(ii) may be fined not more than $10,000, imprisoned for not more than 2 years, or both.

(B) unauthorized disclosure or use violations.—Any person who violates paragraph (2)—

(I) shall be liable to the United States for a civil penalty of not more than $500,000, or imprisoned for not more than 5 years, or both; or

(ii) while violating another law of the United States or as part of a pattern of any illegal activity, for more than $108,000 in a 12-month period, shall be fined not more than $500,000, imprisoned for not more than 10 years, or both.

(C) safe harbor.—

(i) in general.—Except as provided in clause (II), a person shall not be subject to civil or criminal penalty under subparagraph (A) if the person—

(aa) has reason to believe that any report submitted by the person in accordance with subsection (b) contains inaccurate information; and

(bb) in accordance with regulations issued by the Secretary, voluntarily and promptly, and in no case later than 90 days, submits a report containing corrected information.

(II) exceptions.—A person shall not be exempt from penalty under clause (i) if, at the time the person submits the report required under subsection (b), the person—

(aa) acts for the purpose of evading the reporting requirements under subsection (b); and

(bb) has actual knowledge that any information contained in the report is inaccurate.

(III) Assistance.—FinCEN shall provide assistance to any person seeking to submit a corrected report in accordance with clause (i)(I).

(4) user complaint process.—

(A) in general.—The Inspector General of the Department of the Treasury, in coordination with the Secretary of the Treasury, shall provide public contact information to receive external comments or complaints regarding the beneficial ownership information, notification and collection process or regarding the accuracy, completeness, or timeliness of such information.

(B) report.—The Inspector General of the Department of the Treasury shall submit to Congress a periodic report that—

(i) summarizes external comments or complaints and related investigations conducted by the Inspector General related to the collection of beneficial ownership information; and

(ii) includes recommendations, in coordination with FinCEN, to improve the form and manner of the notification, collection and updating processes of the beneficial ownership information reporting requirements to ensure that the information reported to FinCEN is accurate, complete, and highly useful.

(5) Treasury office of inspector general investigation in the event of a cyber-security breach.—

(A) in general.—In the event of a cyber-security breach such that there is a substantial unauthorized access and disclosure of sensitive beneficial ownership information, the Inspector General of the Department of the Treasury shall submit to the Secretary of the Treasury a report on each investigation conducted under subparagraph (A).

(C) actions of the Secretary.—Upon receiving a report submitted under subparagraph (B), the Secretary of the Treasury shall—

(i) determine whether the Director had any responsibility for the cybersecurity breach or whether policies, practices, or procedures implemented at the direction of the Director led to the cyber breach; and

(ii) submit to Congress a written report outlining the findings of the Secretary, including a determination by the Secretary on whether to retain or dismiss the individual serving as the Director.

(6) definition.—In this subsection, the term ‘willfully’ means the voluntary, intentional violation of a known legal duty.

(i) continuous review of exempt entities.—

(A) in general.—On and after the effective date of the regulations promulgated under this section, if the Secretary of the Treasury makes a determination, which may be based on information contained in the report required under section 3336 of the Anti-Money Laundering Act of 2020 or on any other information available to the Secretary, that an entity or class of entities in the list in subsection (a)(11)(B) has been subject to significant abuse relating to money laundering, the financing of terrorism, proliferation finance, serious tax fraud, or other financial crimes, the Secretary, after the date on which the Secretary makes the determination, shall submit to the Committee on Banking, Housing, and Urban Affairs of the Committee on Financial Services of the House of Representatives a report that explains the reasons for the determination and any administrative or legislative recommendations to prevent such abuse.

(2) classified annex.—The report required by paragraph (1)—

(A) shall be submitted in unclassified form; and

(B) may include a classified annex.

(b) conforming amendments.—Title 31, United States Code, is amended—

(1) in section 5321(a)—

(A) by striking ‘‘sections 5314 and 5315’’ each place that term appears and inserting ‘‘sections 5314, 5315, and 5336’’; and

(B) in paragraph (6), by inserting ‘‘except section 5336’’ after ‘‘subchapter’’ each place that term appears; and

(2) in section 5322, by striking ‘‘section 5315 or 5324’’ each place that term appears and inserting ‘‘section 5315, 5324, or 5336’’ in the table of sections for chapter 53, as amended by sections 5305(b)(1), 5306(b), and 5312(b) of this division, is amended by adding at the end the following: ‘‘5336. Beneficial ownership information reporting requirements.’’
(c) REPORTING REQUIREMENTS FOR FEDERAL CONTRACTORS.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall revise the Federal Acquisition Regulation maintained under section 3306(a)(1) of title 41, United States Code, to require any contractor or subcontractor who is subject to the requirement to disclose beneficial ownership information under section 3306 of title 31, United States Code, as added by subsection (a) of this section, to provide the information required to be disclosed under such section to the Federal Government on any bid or proposal for a contract with a value threshold in excess of the simplified acquisition threshold under section 134 of title 41, United States Code.

(2) The revision required under paragraph (1) shall not apply to a covered contractor or subcontractor, as defined in section 487 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), that is subject to the beneficial ownership disclosure and review requirements under that section.

(d) BENEFICIAL OWNERSHIP RULEMAKING.—

(1) IN GENERAL.—Not later than 1 year after the effective date of the regulations promulgated under section 5336(b)(5) of title 31, United States Code, as added by subsection (a) of this section, the Secretary shall revise the final rule entitled ‘‘Customer Due Diligence for Financial Institutions’’ (81 Fed. Reg. 23997 (May 11, 2016)) to—

(A) bring the rule into conformance with this division and the amendments made by this division;

(B) account for the access of financial institutions to beneficial ownership information filed by reporting companies, and provide any contractor or subcontractor described in paragraph (1) of this section, as defined in section 5336(b)(5) of title 31, United States Code, as added by subsection (a) of this section, to account for the facilitated access provided by the Secretary, to confirm the beneficial ownership information provided directly to financial institutions to facilitate the compliance of those institutions with anti-money laundering, countering the financing of terrorism, and customer due diligence requirements under applicable law; and

(C) reduce any burdens on financial institutions that are, in light of the enactment of this division and the amendments made by this division, unnecessary or duplicative.

(2) CONSIDERATIONS.—In fulfilling the requirements under this subsection, the Secretary shall consider—

(A) the degree of reliance by financial institutions on information provided by FinCEN for purposes of obtaining and updating beneficial ownership information;

(B) the degree of reliance by financial institutions on information provided by FinCEN for purposes of obtaining and updating beneficial ownership information;

(C) strategies to improve the accuracy, completeness, and timeliness of the beneficial ownership information reported to the Secretary; and

(D) any other matter that the Secretary determines relevant.

TITLE LV—MISCELLANEOUS

SEC. 5501. INVESTIGATIONS AND PROSECUTION OF OFFENSES FOR VIOLATIONS OF THE SECURITIES LAWS

(a) IN GENERAL.—Section 21(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(d)) is amended—

(1) in paragraph (3)—

(i) by inserting ‘‘CIVIL’’ before ‘‘MONEY PENALTIES’’;

(ii) by striking ‘‘CIVIL ACTIONS’’ and inserting ‘‘AND AUTHORITY TO SEEK DISGORGEMENT’’;

(b) in subparagraph (A), by striking ‘‘jurisdiction that allows the person to—’’ and all that follows through the end and inserting the following: ‘‘jurisdiction to—’’;

(1) impose, upon a proper showing, a civil penalty to be paid by the person who committed such violation; and

(2) require disgorgement under paragraph (7) of any unjust enrichment by the person who committed such violation as a result of such violation.’’;

(c) in subparagraph (B)—

(1) in the first sentence, by striking ‘‘the penalty’’ and inserting ‘‘a civil penalty imposed under subparagraph (A)(i)’’;

(2) in clause (i), by striking ‘‘amount of penalty’’ and inserting ‘‘amount of a civil penalty imposed under subparagraph (A)(i)’’;

(3) in clause (ii), by striking the matter preceding item (a), by striking ‘‘amount of penalty for each such violation’’ and inserting ‘‘amount of a civil penalty imposed under subparagraph (A)(i) for each violation described in that subparagraph.’’

(2) in paragraph (4), by inserting ‘‘under paragraph (7) after ‘funds disgorged’’; and

(3) by adding at the end the following:

‘‘(7) DISGORGEMENT.—In any action or proceeding brought by the Commission under any provision of the securities laws, the Commission may seek, and any Federal court may order disgorgement of any money, property, or other thing of value obtained in a violation of such section to the Federal Government for disposition for the benefit of the General Fund of the Treasury or for the benefit of any person who suffered any loss as a result of such violation. The Commission may seek, and any Federal court may order disgorgement of any money, property, or other thing of value obtained in a violation of such section, for the benefit of the General Fund of the Treasury or for the benefit of any person who suffered any loss as a result of such violation, and for the benefit of the General Fund of the Treasury or for the benefit of any person who suffered any loss as a result of such violation.’’

SEC. 5502. CIVIL ENFORCEMENT STUDIES

(a) EFFECTIVENESS OF INCORPORATION PRACTICES.—Not later than 2 years after the effective date of the regulations promulgated under section 5336(b)(5) of title 31, United States Code, as added by subsection (a) of this division, the Comptroller General of the United States shall conduct a study and submit to the relevant committees of jurisdiction—

(A) findings described in subparagraph (A).

(b) IN GENERAL.—Not later than 2 years after the effective date of the regulations promulgated under section 5336(b)(5) of title 31, United States Code, as added by subsection (a) of this division, the Comptroller General of the United States shall conduct a study and submit to the relevant committees of jurisdiction—

(A) findings described in subparagraph (A).

(c) REPORTING REQUIREMENTS FOR FEDERAL CONTRACTORS.—

(1) IN GENERAL.—Not later than 2 years after the effective date of the regulations promulgated under section 5336(b)(5) of title 31, United States Code, as added by subsection (a) of this division, the Comptroller General of the United States shall conduct a study and submit to the relevant committees of jurisdiction—

(A) findings described in subparagraph (A).

(d) IN GENERAL.—Not later than 2 years after the effective date of the regulations promulgated under section 5336(b)(5) of title 31, United States Code, as added by subsection (a) of this division, the Comptroller General of the United States shall conduct a study and submit to the relevant committees of jurisdiction—

(A) findings described in subparagraph (A).
trusts, or other legal entities, and the nature of those procedures;
(2) identifying each State that requires persons seeking to form or register partnerships, trusts, or other legal entities under the laws of the State to provide beneficial owners (as defined in section 5336(a) of title 31, United States Code, as added by section 5403 of this division) or beneficiaries of those entities, and the nature of the required information;
(3) evaluating whether the lack of available feedback information for partnerships, trusts, or other legal entities—
(A) raises concerns about the involvement of those entities in terrorism, money laundering, drugs, evasion, securities fraud, or other misconduct; and
(B) has impeded investigations into entities suspected of the misconduct described in subparagraph (A);
(4) evaluating whether the failure of the United States Government to provide feedback information for partnerships, trusts, or other legal entities under the laws of the United States has elicited international criticism; and
(5) what steps, if any, the United States has taken, is planning to take, or should take in response to the criticism described in paragraph (4).

SEC. 5503. GAO STUDY ON FEEDBACK LOOPS.
(a) Definition.—In this section, the term ‘feeding loop’ means feedback provided by the United States Government to relevant parties.
(b) Study.—The Comptroller General of the United States shall conduct a study on—
(1) best practices within the United States Government for feedback loops, including regular and periodic updates, on the usage and usefulness of personally identifiable information, sensitive but unclassified data, or similar information provided by the parties to United States Government users of the information and data, including law enforcement agencies and regulators;
(2) any practice or standard inside or outside the United States for providing feedback through sensitive information and public-private partnership information sharing efforts, specifically related to efforts to combat money laundering and other forms of illicit finance.
(c) Report.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report containing—
(1) all findings and determinations made in carrying out the study required under subsection (b);
(2) with respect to each of paragraphs (1) and (2) of subsection (b), any best practice or significant information made available by the Comptroller General, and the applicability to public-private partnerships and feedback loops with respect to efforts by the United States Government to combat money laundering and other forms of illicit finance; and
(3) recommendations of the Comptroller General to reduce or eliminate any unnecessary collection by the United States Government of the information described in subsection (b)(1).

SEC. 5504. GAO STUDY ON FIGHTING ILLICIT NETWORKS AND DETECTING HUMAN TRAFFICKING AND DRUG TRAFFICKING.
(a) Findings.—Congress finds the following:
(1) According to the Drug Enforcement Administration’s 2018 National Drug Threat Assessment, transnational criminal organizations are increasingly using virtual currencies.
(2) In the 2015 National Money Laundering Risk Assessment, the Department of the Treasury has recognized, “The development of virtual currencies is an attempt to meet a growing demand, particularly among drug dealers. The Federal Reserve Bank of Chicago economist, U.S. consumers want payment options that are versatile and that provide immediate finality. No physical payment method meets that description, although cash may come closest. Virtual currencies can mimic cash’s immediacy and anonymity and are therefore used for both licit and illicit purposes including cross-border transactions, making virtual currencies vulnerable for illicit transactions.”.
(3) In the 2018 National Money Laundering Risk Assessment, the Department of the Treasury concluded, “To the extent that virtual currencies are able to provide the same level of anonymity as physical cash, they create even a greater risk because virtual currencies can be transmitted and used globally. In addition to providing another means to pay for contraband or illicit services, virtual currencies also are now being used in the layering stage of money laundering to disguise the origin of illicit proceeds.”.
(4) Virtual currencies may be increasingly used, facilitated by online marketplaces, to pay for goods and services associated with human trafficking and drug trafficking.
(5) Online marketplaces, including the dark web, are becoming a prominent platform to buy, sell, and advertise for illicit goods and services associated with human trafficking and drug trafficking.
(6) According to the International Labour Organization, in 2016, 4,800,000 people in the world were victims of forced sexual exploitation; and in 2014, the global profit from commercial sexual exploitation was $99,000,000,000.
(7) During the 2018 National Money Laundering Risk Assessment, the Department of the Treasury estimated that there were 64,000 deaths related to drug overdose, and the most severe increase in drug overdoses were those associated with synthetic opioids, including fentanyl and fentanyl analogs, which amounted to over 20,000 overdose deaths.
(8) According to 2018 National Money Laundering Risk Assessment, an estimated $100,000,000,000 annually from United States drug trafficking sales.
(9) Illegal fentanyl in the United States originated primarily from China, and it is readily available to purchase through online marketplaces.
(b) Definition of Human Trafficking.—In this section, the term “human trafficking” means the prosecution of the term “severe forms of trafficking in persons” in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).
(c) GAO Study.—The Comptroller General of the United States shall conduct a study on how a range of payment systems and methods, including virtual currencies associated with human trafficking, human smuggling, human slavery, trafficking in persons, and trafficking and drug trafficking, which shall contain—
(1) how online marketplaces, including the dark web, may be used as platforms to buy, sell, or facilitate the financing of goods or services associated with human trafficking or drug trafficking, specifically, opioids and synthetic opioids including fentanyl, fentanyl analogs, and any precursor chemical associated with manufacturing fentanyl or fentanyl analogs, destined for, originating from, or within the United States;
(2) how financial payment methods, including virtual currencies and peer-to-peer mobile payment services, may be utilized by online marketplaces to facilitate the buying, selling, or financing of goods and services associated with human trafficking or drug trafficking destined for, originating from, or within the United States;
(3) how virtual currencies may be used to facilitate the buying, selling, or financing of goods and services associated with human trafficking or drug trafficking, destined for, originating from, or within the United States, when an online platform is not otherwise accredited;
(4) how illicit funds that have been transmitted online and through virtual currencies are repatriated into the formal banking system of the United States through money laundering or other means;
(5) the participants, including state and non-state actors, throughout the entire supply chain that may participate in any one of the proceeds from human trafficking or drug trafficking from entering the United States banking system;
(6) how virtual currencies and their underlying technologies can be used to detect and deter these illicit activities; and
(7) what steps are required to achieve the meaningful and verifiable reduction of illicit traffic.

SEC. 5505. TREASURY STUDY AND REPORT ON TRADE-BASED MONEY LAUNDERING.
(a) Study Required.—
(1) In General.—The Secretary shall carry out a study that includes—
(A) a comprehensive legislative or regulatory action that would improve the efforts of Federal agencies to combat money laundering.
(B) any recommendations for legislative or regulatory action that would improve the efforts of Federal agencies to combat money laundering.
(2) Contracting Authority.—The Secretary may enter into a contract with a private third-party entity to carry out the study required by paragraph (1).
(b) Report Required.—
(1) In General.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that includes—
(A) all findings and determinations made in carrying out the study required by subsection (a); and
(B) proposed strategies to combat trade-based money laundering.
(2) Classified Annex.—The report required by paragraph (1)—
(A) shall be submitted in unclassified form; and
(B) may include a classified annex.

SEC. 5506. TREASURY STUDY AND STRATEGY ON MONEY LAUNDERING BY THE PEOPLE’S REPUBLIC OF CHINA.
(a) Study.—The Secretary shall carry out a study which shall rely substantially on information obtained through the trade-based...
money laundering analyses conducted by the Comptroller General of the United States, on—

(1) the extent and effect of illicit finance risk pursuant to the Government of the People's Republic of China and Chinese firms, including financial institutions;

(2) an assessment of the illicit finance risks emanating from the People’s Republic of China;

(3) those risks allowed, directly or indirectly, by the Government of the People’s Republic of China, including those enabled by weak regulatory or administrative controls of that government; and

(4) the ways in which the increasing amounts of trade and investment by the Government of the People’s Republic of China and Chinese firms exposes the international financial system to increased risk relating to the Government of the People’s Republic of China.

(b) STRATEGY TO COUNTER CHINESE MONEY Laundering.—Upon the completion of the study how, the Secretary, in consultation with such other Federal agencies as the Secretary determines appropriate, shall build a strategy to combat Chinese money laundering activities.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report containing—

(1) all findings and determinations made in carrying out the study required under subsection (a); and

(2) the strategy developed under subsection (b).

SEC. 5507. TREASURY AND JUSTICE STUDY ON THE EFFORTS OF AUTHORITARIAN REGIMES TO EXPLOIT THE FINANCIAL SYSTEM OF THE UNITED STATES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on the Budget, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives a report that contains—

(1) the results of the study required under subsection (a); and

(2) any recommendations for legislative or regulatory action, or steps to be taken by the United States financial institutions, that would address exploitation of the financial system of the United States by foreign authoritarian regimes.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives a report that contains—

(1) the implementation plan for implementation of the requirements of this section, including all findings and recommendations to mitigate pollution or debris from the Tijuana River on the personnel, activities, and investments of the Department of Defense;

(2) an assessment of the illicit finance risks relating to the Government of the People’s Republic of China and Chinese firms exposes the international financial system to increased risk relating to the Government of the People’s Republic of China.

(b) STRATEGY TO COUNTER CHINESE MONEY Laundering.—Upon the completion of the study how, the Secretary, in consultation with such other Federal agencies as the Secretary determines appropriate, shall build a strategy to combat Chinese money laundering activities.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report containing—

(1) all findings and determinations made in carrying out the study required under subsection (a); and

(2) the strategy developed under subsection (b).

SEC. 5508. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subsection (l) of section 310, of title 31, United States Code, as redesignated by section 339 of the American Rescue Plan Act, is amended by striking paragraph (1) and inserting the following:

“(1) $126,000,000 for fiscal year 2020; and

“(2) $50,000,000 for fiscal year 2021; and

“(3) $25,000,000 for each of fiscal years 2022 through 2025.”.

(b) BENEFICIAL OWNERSHIP INFORMATION Reporting REQUIREMENTS.—Section 5336 of title 31, United States Code, as added by section 5303 of the American Rescue Plan Act, is amended by adding at the end the following:

“(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to FinCEN for each of the fiscal years beginning after the date of enactment of this Act for the expenses necessary to carry out this section, including $20,000,000 for each of fiscal years 2021 through 2025, to carry out the requirements of this section.

“(2) REQUIREMENTS FOR RESPONSIBILITY DETERMINATIONS.—Subparagraph (B) of paragraph (1) of section 5336(b) of the National Defense Authorization Act for Fiscal Year 2021, and for each fiscal year thereafter, to fully implement section 847 of the National Defense Authorization Act for Fiscal Year 2021, as added by this section.

“(3) TIMELINES AND MILESTONES FOR IMPLEMENTATION.—(A) IMPLEMENTATION PLAN.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services and the Committee on Intelligence of the Senate, and to the Committee on Armed Services of the House of Representatives, a plan and schedule for implementation of the requirements of section 847 of the National Defense Authorization Act for Fiscal Year 2021, as added by this section, including all findings and recommendations to mitigate pollution or debris from the Tijuana River on the personnel, activities, and investments of the Department of Defense.

“(B) NON-GOVERNMENTAL ORGANIZATIONS SUPPORT.—The Secretary shall make Federal funds available to nongovernmental organizations for assistance in implementation of the plan submitted under subsection (A), including all findings and recommendations to mitigate pollution or debris from the Tijuana River.

“(C) $25,000,000 for each of fiscal years 2022 through 2025.

“(D) AGENCY REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives, a report that includes—

“(1) a timeline for issuance of regulations, development of training for appropriate officials, and development of systems for reporting of beneficial ownership and FOCI by contractor subcontractors;

“(2) designation of officials and organizations responsible for execution; and

“(3) interim milestones to be met in implementing the plan.

“(E) CONSULTATION.—In carrying out the implementation plan, the Secretary shall consult with the Administrator of the Environmental Protection Agency and the United States Commissioner of the International Boundary and Water Commission, shall commission an independent scientific study of the impacts of transboundary flows, spills, or discharges of pollution or debris from the Tijuana River, and include recommendations to mitigate such impacts.

“(B) PROVISIONS.—The Secretary shall make Federal funds available to nongovernmental organizations for assistance in implementation of the plan submitted under subsection (A), including all findings and recommendations to mitigate pollution or debris from the Tijuana River.

“(B) NON-GOVERNMENTAL ORGANIZATIONS SUPPORT.—The Secretary shall make Federal funds available to nongovernmental organizations for assistance in implementation of the plan submitted under subsection (A), including all findings and recommendations to mitigate pollution or debris from the Tijuana River.

“(C) $25,000,000 for each of fiscal years 2022 through 2025.

“(D) AGENCY REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives, a report that includes—

“(1) a timeline for issuance of regulations, development of training for appropriate officials, and development of systems for reporting of beneficial ownership and FOCI by contractor subcontractors;

“(2) designation of officials and organizations responsible for execution; and

“(3) interim milestones to be met in implementing the plan.

“(E) CONSULTATION.—In carrying out the implementation plan, the Secretary shall consult with the Administrator of the Environmental Protection Agency and the United States Commissioner of the International Boundary and Water Commission, shall commission an independent scientific study of the impacts of transboundary flows, spills, or discharges of pollution or debris from the Tijuana River, and include recommendations to mitigate such impacts.

“(B) PROVISIONS.—The Secretary shall make Federal funds available to nongovernmental organizations for assistance in implementation of the plan submitted under subsection (A), including all findings and recommendations to mitigate pollution or debris from the Tijuana River.

“(B) NON-GOVERNMENTAL ORGANIZATIONS SUPPORT.—The Secretary shall make Federal funds available to nongovernmental organizations for assistance in implementation of the plan submitted under subsection (A), including all findings and recommendations to mitigate pollution or debris from the Tijuana River.

“(C) $25,000,000 for each of fiscal years 2022 through 2025.

“(D) AGENCY REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives, a report that includes—

“(1) a timeline for issuance of regulations, development of training for appropriate officials, and development of systems for reporting of beneficial ownership and FOCI by contractor subcontractors;

“(2) designation of officials and organizations responsible for execution; and

“(3) interim milestones to be met in implementing the plan.

“(E) CONSULTATION.—In carrying out the implementation plan, the Secretary shall consult with the Administrator of the Environmental Protection Agency and the United States Commissioner of the International Boundary and Water Commission, shall commission an independent scientific study of the impacts of transboundary flows, spills, or discharges of pollution or debris from the Tijuana River, and include recommendations to mitigate such impacts.

“(B) PROVISIONS.—The Secretary shall make Federal funds available to nongovernmental organizations for assistance in implementation of the plan submitted under subsection (A), including all findings and recommendations to mitigate pollution or debris from the Tijuana River.

“(B) NON-GOVERNMENTAL ORGANIZATIONS SUPPORT.—The Secretary shall make Federal funds available to nongovernmental organizations for assistance in implementation of the plan submitted under subsection (A), including all findings and recommendations to mitigate pollution or debris from the Tijuana River.

“(C) $25,000,000 for each of fiscal years 2022 through 2025.

“(D) AGENCY REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives, a report that includes—

“(1) a timeline for issuance of regulations, development of training for appropriate officials, and development of systems for reporting of beneficial ownership and FOCI by contractor subcontractors;

“(2) designation of officials and organizations responsible for execution; and

“(3) interim milestones to be met in implementing the plan.

“(E) CONSULTATION.—In carrying out the implementation plan, the Secretary shall consult with the Administrator of the Environmental Protection Agency and the United States Commissioner of the International Boundary and Water Commission, shall commission an independent scientific study of the impacts of transboundary flows, spills, or discharges of pollution or debris from the Tijuana River, and include recommendations to mitigate such impacts.

“(B) PROVISIONS.—The Secretary shall make Federal funds available to nongovernmental organizations for assistance in implementation of the plan submitted under subsection (A), including all findings and recommendations to mitigate pollution or debris from the Tijuana River. 
(1) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) it is in the national and economic security interests of the United States to maintain a continuous human presence in low-Earth orbit;

(B) the International Space Station is a strategic national security asset vital to the continuing exploration and scientific advancements of the United States; and

(C) low-Earth orbit should be utilized as a testbed to advance human space exploration, scientific discoveries, and United States economic competitiveness and commercial participation.

(2) HUMAN PRESENCE REQUIREMENT.—The United States shall continuously maintain the capability for a continuous human presence in low-Earth orbit through and beyond the useful life of the International Space Station.

(b) MAINTAINING A NATIONAL LABORATORY IN SPACE.

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

(A) the United States national laboratory in space, which currently consists of the United States segment of the International Space Station (designated as a national laboratory under section 70905 of title 51, United States Code) and the United States Code, is amended—

(i) benefits the scientific community and promotes commerce in space;

(ii) fosters stronger relationships among the National Laboratories and Space Facilities and Space station (referred to in this section as ‘‘NASA’’) and other Federal agencies, the private sector, and research groups and universities;

(iii) advances science, technology, engineering, and mathematics education through utilization of the unique microgravity environment of space;

(iv) advances human knowledge and international cooperation;

(B) after the International Space Station is decommissioned, the United States should maintain a national microgravity laboratory in space; and

(C) in maintaining a national microgravity laboratory described in subparagraph (B), the United States should make appropriate accommodations for different types of ownership and operational structures for the International Space Station and future space stations;

(D) the national microgravity laboratory described in subparagraph (B) should be maintained on a date on which the International Space Station is decommissioned and, if possible, in cooperation with international space partners to the extent practicable; and

(E) NASA should continue to support fundamental science research on future platforms in low-Earth orbit and cis-lunar space, short duration suborbital flights, drop towers, and other microgravity testing environments.

(2) REPORT.—The Administrator of NASA shall produce, in coordination with the National Space Council and other Federal agencies as the Administrator considers relevant, a report detailing the feasibility of establishing a microgravity national laboratory Federally Funded Research and Development Center to undertake the work related to the study and utilization of in-space conditions.

(c) CONTINUATION OF AUTHORITY.—

(1) IN GENERAL.—Section 501(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18351(a)) is amended by striking ‘‘2024’’ and inserting ‘‘2030’’.

(2) MAINTENANCE OF THE UNITED STATES SECTOR OF THE INTERNATIONAL SPACE STATION.—Section 503(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18353(a)) is amended by striking ‘‘2024’’ and inserting ‘‘2030’’.

(3) RESEARCH CAPACITY ALLOCATION AND INTEGRATION OF RESEARCH PAYLOADS.—Section 504(d) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18354(d)) is amended by striking ‘‘2024’’ each place it appears and inserting ‘‘2030’’. GENERAL.—The Administrator of NASA shall produce, in coordination with the National Aeronautics and Space Administration, a report detailing the feasibility of establishing a national Space Council and other Federal agencies, and inserting ‘‘2024’’ each place it appears and inserting ‘‘2030’’. TRANSITION PLAN REPORTS.—Section 50111(c)(2) of title 51, United States Code, is amended—

(A) in the section heading, by striking ‘‘2023’’ and inserting ‘‘2026’’; and

(B) in subparagraph (J), by striking ‘‘2026’’ and inserting ‘‘2030’’.

(2) HUMAN PRESENCE REQUIREMENT.—The United States should continuously maintain a continuous human presence in low-Earth orbit; and

(3) RESEARCH CAPACITY ALLOCATION AND INTEGRATION OF RESEARCH PAYLOADS.—Section 504(d) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18354(d)) is amended by striking ‘‘2024’’ each place it appears and inserting ‘‘2030’’.

(2) REPORT.—The Administrator of NASA shall produce, in coordination with the Department of Defense, the Department of Commerce, the Department of State, and the Department of Energy, a report detailing the feasibility of establishing a microgravity national laboratory Federally Funded Research and Development Center to undertake the work related to the study and utilization of in-space conditions.

(c) CONTINUATION OF AUTHORITY.—

(1) IN GENERAL.—Section 501(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18351(a)) is amended by striking ‘‘2024’’ and inserting ‘‘2030’’.

(2) MAINTENANCE OF THE UNITED STATES SECTOR OF THE INTERNATIONAL SPACE STATION.—Section 503(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18353(a)) is amended by striking ‘‘2024’’ and inserting ‘‘2030’’.

(3) RESEARCH CAPACITY ALLOCATION AND INTEGRATION OF RESEARCH PAYLOADS.—Section 504(d) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18354(d)) is amended by striking ‘‘2024’’ each place it appears and inserting ‘‘2030’’.

(4) MAINTAINING USE THROUGH AT LEAST 2030.—Section 501, title 51, United States Code, is amended—

(A) in the section heading, by striking ‘‘2024’’ and inserting ‘‘2030’’; and

(B) by striking ‘‘2030’’ each place it appears and inserting ‘‘2033’’. TRANSITION PLAN REPORTS.—Section 50111(c)(2) of title 51, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by striking ‘‘2023’’ and inserting ‘‘2026’’; and

(2) in subparagraph (J), by striking ‘‘2026’’ and inserting ‘‘2030’’.

(e) EXEMPTION FROM THE IRAN, NORTH KOREA, AND SYRIA NONPROLIFERATION ACT.—Section 7(1) of the Iran, North Korea, and Syria Nonproliferation Act (Public Law 106–178; 50 U.S.C. 1701 note) is amended, in the undesignated matter following subparagraph (B), by striking ‘‘December 31, 2030’’ and inserting ‘‘December 31, 2030’’. DEPARTMENT OF DEFENSE ACTIVITIES ON INTERNATIONAL SPACE STATION.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall—

(A) identify and review each activity, program, and project of the Department of Defense completed, being carried out, or planned to be carried out related to the International Space Station as of the date of the review; and

(B) provide to the appropriate committees of Congress a briefing that describes the results of the review.

(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ‘‘appropriate committees of Congress’’ means—

(A) the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, and the Committee on Appropriations; and

(B) the Committee on Armed Services, the Committee on Science, Space, and Technology, and the Committee on Appropriations of the House of Representatives.

SA 2202. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1. SENSE OF SENATE ON THE STATE OF DEMOCRACY IN THE REPUBLIC OF GEORGIA.

(a) FINDINGS.—The Senate makes the following findings:

(1) Since gaining its independence from the Soviet Union in 1991, the United States has strongly supported the Republic of Georgia’s democratic transition and Euro-Atlantic aspirations.

(2) Since its liberation from a communist lock, implement Organization for Security Co-operation in Europe recommendations on electoral reform, and move Georgian democracy forward.

(14) The parties reached a consensus ‘‘on the importance of upholding and striving for the highest standards in the functioning of Tunisia’s judiciary, the necessity of addressing actions that could be perceived as inappropriate politicization of Tunisia’s judicial and electoral processes’’.

(b) AGREEMENT.—The agreement detailed the changes that would be made to the electoral law of the Republic of Tunisia under which the 2020 parliamentary elections would be conducted, to include ‘‘an election system for 2020 based on 129 proportional mandates and 30 majoritarian mandates, a fair composition of election districts, a 1% threshold, and a cap representing that no party winning less than 40% of the votes should be able to get its own majority in the next parliament’’.

(c) MACRON.—On May 11, 2020, having seen little progress in implementing the agreements of March 8, 2020, the facilitators called publicly
SA 2204. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows: At the appropriate place, insert the following:

SEC. 16. ANNUITY SUPPLEMENT.

(a) Sense of Congress.—It is the sense of Congress that:

(1) the United States has made meaningful progress in strengthening its major defense partnership with India by:

(A) maintaining a broad-based strategic partnership, underpinned by shared interests and objectives in a rules-based international system;

(B) establishing the joint tri-service exercise, Tiger TRIUMPH, focused on amphibious operations;

(C) building joint peacekeeping capacity efforts;

(D) enhancing United States-India maritime domain awareness cooperation;

(E) leveraging the secure communications equipment enabled by the Communications Compatibility and Security Agreement;

(F) deploying a pilot at United States Naval Forces Central Command and the maritime Information Fusion Center of India;

(G) establishing a secure hotline for the four 2+2 Ministers, which is the consultation mechanism between—

(i) the Secretary of State and the Secretary of Defense;

(ii) the Minister of External Affairs and the Minister of Defence of India; and

(H) discussing critical mutual defense issues at the first quadrilateral ministerial-level meeting on the sidelines of the United Nations General Assembly among the United States, India, Australia, and Japan in September 2019; and

(2) the United States should strengthen and enhance its major defense partnership with India by:

(A) expanding defense-specific engagement in multilateral frameworks, including the quadrilateral dialogue among the United States, India, Japan, and Australia, to promote regional security and defend shared values and common interests in the rules-based order;

(B) increasing the frequency and scope of exchanges between senior military officers of the United States and India to support the development and implementation of the major defense partnership;

(C) exploring additional steps to implement the major defense partner designation to better facilitate interoperability, information sharing, and appropriate technology transfers;

(D) pursuing strategic initiatives to help develop the defense capabilities of India, including conducting additional combined exercises with India in the Persian Gulf, Indian Ocean, and western Pacific regions;

(E) seeking further economic cooperation to promote trade and stability in Afghanistan;

(F) remaining committed to concluding the two remaining “enabling agreements”, which are:

(i) the Industrial Security Agreement; and

(ii) the Basic Exchange and Cooperation Agreement;

(G) fully and quickly implementing of the Communications Compatibility and Security Agreement, which is critical to advancing United States-India interoperability;

(H) continuing the efforts of the Commander of the United States Indo-Pacific Command, in cooperation with the Minister of Defence of India—

(i) to retrofit existing United States-origin equipment; and

(ii) to incorporate communications security into future United States defense sales;

(I) focusing on several priority areas for cooperation, including Air Launched Small Unmanned Aerial Systems, Lightweight Small Arms Technologies, and Intelligence Surveillance, Targeting and Reconnaissance;

(J) expanding military-to-military cooperation, including more joint/tri-service cooperation;

(K) strengthening maritime operational cooperation and information sharing;

(L) increasing Professional Military Education opportunities and exchanges between personnel and liaison officers; and

(M) developing and conducting additional practical areas for cooperation between the United States and India in and beyond the Indo-Pacific region.
such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

SEC. 10. UTILIZING SIGNIFICANT EMISSIONS WITH INNOVATIVE TECHNOLOGIES.

(a) Short Title.—This section may be cited as the “Utilizing Significant Emissions with Innovative Technologies Act” or the “USE IT Act”.

(b) Other Matters.—In addition to such investigation, training, and other activities, section 103 of the Clean Air Act (42 U.S.C. 7413) is amended—

(1) in subsection (c)(3), in the first sentence of the matter preceding subparagraph (A), by inserting “or inserting “precursors”;

(2) in subsection (g)—

(A) by redesigning paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and indenting appropriately;

(B) in the undesignated matter following subparagraph (D) (as so redesignated)—

(1) in the second sentence, by striking “The Administrator” and inserting the following: “(I) DEFINITIONS.—In this subparagraph:

(aa) an invention that is patentable under title 35, United States Code; and

(bb) any patent on an invention described in item (aa).

(II) TECHNOLOGY PRIZES.—

(I) IN GENERAL.—Not later than 1 year after the date of enactment of the USE IT Act, the Administrator, in consultation with the Secretary of Energy, shall establish a program to provide, and shall provide, financial awards on a competitive basis for direct air capture from media in which the concentration of carbon dioxide is dilute.

(II) DUTIES.—In carrying out this clause, the Administrator shall—

(aa) subject to subclause (III), develop specific requirements for—

(AA) the selection and the winning of a project designed to achieve the purposes of this subparagraph.

(bb) offer financial awards for a project designed to achieve the purposes of this subparagraph.

(III) TRANSFER OF TITLE.—The Board shall provide to the Administrator on carrying out the duties of the Administrator under this subparagraph.

(IV) FAC.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Board.

(iv) INTELLECTUAL PROPERTY.—

(I) IN GENERAL.—As a condition of receiving a financial award under this subparagraph, an applicant shall agree to vest the intellectual property of the applicant derived from the technology in 1 or more entities that are incorporated in the United States.

(II) RESERVATION OF LICENSE.—The United States—

(aa) may reserve a nonexclusive, nontransferable, irrevocable, paid-up, license, to have practiced for or on behalf of the United States, in connection with any intellectual property described in subclause (I) but shall not, in the exercise of a license reserved under item (aa), publicly disclose proprietary information relating to the license.

(III) TRANSFER OF TITLE.—Title to any intellectual property described in subclause (I) shall not be transferred or passed, except to an entity that is incorporated in the United States, until the expiration of the first patent obtained in connection with the intellectual property.

(IV) AUTHORIZATION OF APPROPRIATIONS.—

(I) IN GENERAL.—Of the amounts authorized to be appropriated for the Environmental Protection Agency, $35,000,000 shall be available to carry out this subparagraph, to remain available until expended.

(II) REQUIREMENT.—Research carried out using amounts made available under subclause (I) may not duplicate research funded by the Department of Energy.

(vi) TERMINATION OF AUTHORITY.—The Board and all authority provided under this subparagraph shall terminate not later than 10 years after the date of enactment of the USE IT Act.

(c) CARBON DIOXIDE UTILIZATION RESEARCH.—

(1) DEFINITION OF CARBON DIOXIDE UTILIZATION.—In this subparagraph, the term ‘carbon dioxide utilization’ refers to technologies or approaches that lead to the use of carbon dioxide; (I) through the fixation of carbon dioxide through photosynthesis or chemosynthesis, such as through the growing of algae or bacteria;

(II) through the chemical conversion of carbon dioxide to a material or chemical compound in which the carbon dioxide is securely stored; or

(III) through the use of carbon dioxide for any other purpose for which a commercial market exists, as determined by the Administrator.

(II) PROGRAM.—The Administrator, in consultation with the Secretary of Energy,
shall carry out a research and development program for carbon dioxide utilization to promote existing and new technologies that transform carbon dioxide generated by industrial processes into a product of commercial value, or as an input to products of commercial value.

(iii) TECHNICAL AND FINANCIAL ASSURANCE.—Not later than 3 years after the date of enactment of the USE IT Act, in carrying out this subsection, the Administrator, in consultation with the Secretaries of Energy, the Interior, and, as appropriate, the Environmental Protection Agency, and the President, shall—

(1) in subparagraph (A)—

(a) in the matter preceding clause (i), by inserting "in consultation with the Secretary of the Interior, the Executive Director of the Federal Permitting Improvement Council, and the head of any other relevant Federal agency (as determined by the President), shall prepare a report that—";

(b) by inserting after clause (i) the following:

"(ii) makes the report available to Congress a report that describes—

(A) the recipients of assistance under subparagraphs (B) and (C); and

(B) a plan for supporting additional non-regulatory strategies and technologies that could significantly reduce carbon dioxide emissions or reduce carbon dioxide levels in the air, in conjunction with other Federal agencies;"

(2) in clause (i), by inserting "that captures, utilizes, or sequesters carbon dioxide;";

(iv) ELIGIBILITY.—To be eligible to receive technical assistance and financial assistance under this subsection, the Administrator shall—

(1) have access to an emissions stream generated by a stationary source within the United States that is capable of supplying not less than 250 metric tons per day of carbon dioxide for research;

(2) have access to adequate space for a laboratory and equipment for testing small-scale carbon dioxide utilization technologies, with onsite access to larger test bays for scale-up; and

(3) shall existing partnerships with institutions of higher education, private companies, States, or other government entities.

(v) COORDINATION.—In supporting carbon dioxide utilization activities, the Administrator, under consultation with the Secretary of Energy, and, as appropriate, with the head of any other relevant Federal agency, States, the private sector, and institutions of higher education to develop methods and technologies to account for the carbon dioxide disinfected by the carbon dioxide utilization projects.

(vi) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated for the Environmental Protection Agency, $50,000,000 shall be available to carry out this subparagraph, to remain available until expended.

(II) REQUIREMENT.—Research carried out using amounts made available under subclause (I) may not duplicate research funded using amounts made available under paragraph (1).

(2) IN GENERAL.—In this subparagraph, the term ‘deep saline formation’ means a formation of subsurface geographically extensive sedimentary rock layers saturated with water that has a high dissolved solids content and that are below the depth where carbon dioxide can exist in the formation as a supercritical fluid.

(3) CLARIFICATION.—In this subparagraph, the term ‘deep saline formation’ does not include oil and gas reservoirs.

(II) IN GENERAL.—In this subparagraph, the term ‘deep saline formation’ means a formation of subsurface geographically extensive sedimentary rock layers saturated with water that has a high dissolved solids content and that are below the depth where carbon dioxide can exist in the formation as a supercritical fluid.

(III) CLARIFICATION.—In this subparagraph, the term ‘deep saline formation’ does not include oil and gas reservoirs.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (referred to in this section as the "Administrator") shall submit to Congress a report discussing how funds appropriated to the Administrator during the 5 most recent fiscal years have been used to carry out section 103 of the Clean Air Act (42 U.S.C. 7403), including a description of—

(1) the amount of funds used to carry out specific provisions; and

(2) the practices used by the Administrator to differentiate funding used to carry out that section, as compared to funding used to carry out other provisions of the Clean Air Act.

(F) GAO REPORT.—The Comptroller General of the United States shall submit to Congress a report that—

(i) identifies all Federal grant programs in which a grant is awarded for a grant program in which a grant is awarded for projects under this Act, by project or other Federal agencies; and

(ii) is covered by a programmatic plan or environmental review developed for the prior 5 years.

(ii) clarification of the permitting responsible and authorities among Federal agencies; and

(iii) practices and templates for permitting.

(iv) identifies gaps in the current Federal regulatory framework governing carbon capture, utilization, and sequestration projects and carbon dioxide pipelines, including—

(I) the appropriate points of interaction with Federal agencies; and

(II)best practices and templates for permitting.

(iv) inventories current or emerging activities that transform captured carbon dioxide into a product of commercial value, or as an input to products of commercial value;

(v) inventories existing initiatives and recent publications that analyze or identify priority carbon dioxide pipelines needed to enable efficient, orderly, and responsible development of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines; and

(vi) identifies Federal financing mechanisms available to project developers.

(d) SUBMISSION; PUBLICATION.—The Chair shall submit the report under subparagraph (A) to the Committee on Energy and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives; and

(ii) as soon as practicable, make the report publicly available.

(3) GUIDANCE.—After submission of the report under paragraph (2)(B), but not later than 1 year after the date of enactment of this Act, the Chair shall submit guidance consistent with that report to all relevant Federal agencies that—

(i) facilitates reviews associated with the deployment of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines; and

(ii) supports the efficient, orderly, and responsible development of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines.

(4) REQUIREMENTS.—
(i) In General.—The guidance under subparagraph (A) shall address requirements under—

(I) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(II) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(III) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(IV) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(V) division A of subtitle III of title 54, United States Code (formerly known as the “National Wildlife Refuge System Conservation Act”);

(VI) the Migratory Bird Treaty Act (16 U.S.C. 706 et seq.);

(VII) the Act of June 8, 1946 (16 U.S.C. 666 et seq.); and

(VIII) any other Federal law that the Chair determines to be appropriate.

(ii) Environmental Reviews.—The guidance under subparagraph (A) shall include direction to States and other interested parties for the development of programmatic environmental reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for carbon capture, utilization, and sequestration projects and carbon dioxide pipelines.

(iii) Public Involvement.—The guidance under subparagraph (A) shall be subject to the public notice, comment, and solicitation of input requirements under section 1506.9 of title 40, Code of Federal Regulations (or a successor regulation).

(C) Submission; Publication.—The Chair shall—

(i) periodically evaluate the reports of the task forces under paragraphs (4)(E) and (4)(F) and, as necessary, revise the guidance under subparagraph (A); and

(ii) each year, submit to the Committee on Environment and Public Works of the Senate, the Committee on Energy and Commerce of the House of Representatives; and

(4)(F) Evaluation.—The guidance under subparagraph (A) is intended to provide a systematic framework for project developers and operators to—

(i) develop criteria for the selection of members for each task force; and

(ii) develop recommendations for relevant Federal agencies on how to develop and implement programmatic environmental reviews under paragraph (4)(E) that are consistent with best practices that—

(III) provide technical assistance to States in the geographical area covered by the task force.

(B) Members and Selection.—

(i) In General.—The Chair shall—

(I) develop criteria for the selection of members for each task force; and

(II) select members for each task force in accordance with subclause (I) and clause (ii).

(ii) Members.—Each task force—

(I) shall not have less than 1 representative of each of—

(aa) the Environmental Protection Agency;

(bb) the Department of Energy;

(cc) the Department of the Interior;

(dd) any other Federal agency the Chair determines to be appropriate;

(ee) any other Federal agency the Chair determines to be appropriate; and

(ff) any other Federal agency the Chair determines to be appropriate.

(5) Joint Meeting.—To the maximum extent practicable, the task forces shall meet collectively no less than once each year.

(6) Duties.—Each task force shall—

(I) inventory existing or potential Federal and State approaches to facilitate reviews associated with the deployment of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines, including best practices;

(II) avoid duplicative; and

(III) engage stakeholders early in the permitting process.

(7) Meetings.—

(i) In General.—Each task force shall meet not less than twice each year.

(ii) Joint Meeting.—To the maximum extent practicable, the task forces shall meet collectively no less than once each year.

(iii) Task Force Members.—

(A) Establishment.—Not later than 18 months after the date of enactment of this Act, the Chair shall establish not less than 2 task forces.

(B) Members and Selection.—

(i) In General.—The Chair shall—

(I) develop criteria for the selection of members for each task force; and

(II) select members for each task force in accordance with subclause (I) and clause (ii).

(ii) Members.—Each task force—

(I) shall not have less than 1 representative of each of—

(aa) the Environmental Protection Agency;

(bb) the Department of Energy;

(cc) the Department of the Interior;

(dd) any other Federal agency the Chair determines to be appropriate;

(ee) any other Federal agency the Chair determines to be appropriate; and

(ff) any other Federal agency the Chair determines to be appropriate.

(5) Evaluation.—Not later than 5 years after the date of enactment of this Act, the Chair shall—

(i) reevaluate the need for the task forces; and

(ii) submit to Congress a recommendation as to whether the task forces should continue.
this subsection shall assume sole liability for the content and quality of the review.

“(B) REMEDIES AND SANCTIONS.—Except as provided in subparagraph (C), if the Secretary takes possession or release of funds to an Indian tribe for a project in accordance with subsection (b), but the Secretary or the head of another Federal agency providing additional funding for the project from imposing additional responsibilities under section 5 or from failing to comply with requirements for environmental review, decision making, and action under provisions of law that would apply to the Federal agency.

SEC. 5101. AUTHORIZATION OF APPROPRIATIONS.


SEC. 5104. STUDENT HOUSING ASSISTANCE.

Section 203(b)(2) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4132(3)) is amended by inserting “and education-related stipends, college housing assistance, and other education-related assistance for low-income college students,” after “self-sufficiency and other services.”

SEC. 5105. APPLICATION OF RENT RULE ONLY TO UNITS OWNED OR OPERATED BY INDIAN TRIBES OR TRIBALLY DESIGNATED HOUSING ENTITY.

Section 203(a)(2) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4132(3)) is amended by inserting “owned or operated by a recipient and” after “residing in a dwelling unit.”

SEC. 5106. PROGRAM REQUIREMENTS.

Section 203(b)(2) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4133(a)) as amended by section 5 is amended—

(1) in paragraph (1), by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”; and

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

“(2) APPLICATION OF TRIBAL POLICIES.—

Paragraph (3) shall not apply if—

“(A) there is a written policy governing rents and homeowner payments charged for dwelling units; and

“(B) that policy includes a provision governing maximum rents or homeowner payments, including tenant protections.”; and

(4) in paragraph (3) (as so redesignated), by striking “in the case of” and inserting “In the absence of a written policy governing rents and homeowner payments, in the case of.”

SEC. 5107. DE MINIMIS EXEMPTION FOR PROCUREMENT OF GOODS AND SERVICES.

Section 203(g) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4133(g)) is amended by striking “$5,000” and inserting “$10,000”.

SEC. 5108. HOMEOWNERSHIP OR LEASE-TO-OWN LOW-INCOME REQUIREMENT AND INCOME TARGETING.

Section 205 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4135) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (C), by striking “and” and

(B) by adding at the end the following:

“(E) notwithstanding any other provision of this paragraph, in the case of rental housing that is made available to a current renter family for conversion to a homeowner or a lease-purchase unit, that the current renter family may purchase through a contract of sale, lease-purchase agreement, or any other sales agreement, is made available for purchase only by the current renter family, if the rental family was a low-income family at the time of their initial occupancy of such unit; and; and

(2) in subsection (c)(1)—

(A) by striking “The provisions” and inserting “the following:

“(1) IN GENERAL.—The provisions”;

(B) by adding at the end the following:

“(2) APPLICABLE REGULATIONS.—The provisions of subsection (a)(2) regarding binding commitments for the remaining useful life of property shall not apply to improvements or homes if the cost of the improvements do not exceed 10 percent of the maximum total development cost for the home.”.

SEC. 5109. LEASE REQUIREMENTS AND TENANT SELECTION.

Section 207 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4137) is amended by adding at the end the following:

“(c) NOTICE OF TERMINATION.—The notice period described in subsection (a)(3) shall apply to an individual, in part by amounts authorized under this Act.”.

SEC. 5110. INDIAN HEALTH SERVICE.

(a) IN GENERAL.—Subtitle A of title II of the Indian Health Act of 1996 (25 U.S.C. 4103 et seq.) is amended by adding at the end the following:

“(b) IHS SANITATION FACILITIES CONSTRUCTION.

“Notwithstanding any other provision of law, the Director of the Indian Health Service, or a successor to the Indian Health Service, may make grants for a housing construction or renovation project under this title, may use funding from the Indian Health Service for the construction of sanitation facilities for such project.”

(b) CEREMONIAL LEGISLATION.—The table of contents in section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (Public Law 104-330; 110 Stat. 4016) is amended by inserting after the item relating to section 210 the following:

“Sec. 211. IHS sanitation facilities construction.”

SEC. 5111. STATUTORY AUTHORITY TO SUSPEND GRANT FUNDS IN EMERGENCIES.

Section 401(a)(4) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4211) is amended—

(1) in subparagraph (A), by striking “may take an action described in paragraph (1)(C)” and inserting “may immediately take an action described in paragraph (1)(C)”;

(2) by striking subparagraph (B) and inserting the following:

“(B) PROCEDURAL REQUIREMENTS.—

“(i) IN GENERAL.—If the Secretary takes an action described in subparagraph (A), the Secretary shall provide notice to the recipient at the time that the Secretary takes that action.

“(ii) NOTICE REQUIREMENTS.—The notice under clause (i) shall inform the recipient that the recipient may request a hearing by no later than 30 days after the date on which the Secretary provides the notice.”

SEC. 5112. REPORTS TO CONGRESS.

Section 407 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4167) is amended—

(1) in subsection (a), by striking “Congress” and inserting “Committee on Indian Affairs and the Committee on Banking, Housing and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives”;

(2) by adding at the end the following:

“(C) PUBLIC AVAILABILITY.—The report described in subsection (a) shall be made publicly available, including to recipients.”.

SEC. 5113. 99-YEAR LEASEHOLD INTEREST IN TRUST OR RESTRICTED LANDS FOR HOUSING PURPOSES.

Section 824 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4211) is amended—

(1) in the section heading, by striking “50-YEAR” and inserting “99-YEAR”;

(2) in subsection (c)(1), by striking “50 years” and inserting “99 years”; and

(3) in subsection (c)(2), by striking “50 years” and inserting “99 years”.

SEC. 5114. REAUTHORIZATION OF NATIVE HAWAIIAN HOMEOWNERSHIP PROVISIONS.

Section 824 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4211) shall not exceed by more than 20 percent, without prior approval of the Secretary of Housing and Urban Development, the total development cost maximum cost for all housing assisted under an affordable housing activity, including development and model activities.

SEC. 5115. TOTAL DEVELOPMENT COST MAXIMUM PROJECT COST.

Affordable housing is defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103) that is developed, acquired, or assisted under the block grant program established under section 101 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111) shall not exceed by more than 20 percent, without prior approval of the Secretary of Housing and Urban Development, the total development cost maximum cost for all housing assisted under an affordable housing activity, including development and model activities.

SEC. 5116. COMMUNITY-BASED DEVELOPMENT ORGANIZATIONS.

Section 105 of the Housing and Community Development Act of 1974 (42 U.S.C. 5305) is amended by adding at the end the following:

“(1) DEFINITIONS.—In this subsection, the terms ‘Indian tribe’ and ‘tribally designated housing entity’ have the meanings given those terms in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).”

SEC. 5117. APPLICATION OF ANY OTHER PROVISION OF LAW, AN INDIAN TRIBE OR A TRIBALLY DESIGNATED HOUSING ENTITY SHALL
quality as a community-based development organization for purposes of carrying out new housing construction under this sub-
section under a grant made under section 106(a) by a direct guarantee process for approving mortgage loans or other assistance, to include—

SEC. 5117. INDIAN TRIBE ELIGIBILITY FOR HUD HOUSING COUNSELING GRANTS.

Section 1906(c) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(a)(4)) is amended—

(A) by striking “and” and inserting a comma; and

(B) by inserting after the period at the end of the sentence the following: “; Indian tribes, and tribally designated housing entities,” after “organizations”;

(1) redesignating subparagraph (F) as subparagraph (G); and

(ii) by inserting after subparagraph (E) the following:

“(F) DEFINITIONS.—In this paragraph, the terms ‘Indian tribe’ and ‘tribally designated housing entity’ have the meanings given to those terms in section 4 of the Native American Housing and Self-Determination Act of 1996 (25 U.S.C. 4101).”.

SEC. 5118. SECTION 184 INDIAN HOME LOAN GUARANTEE PROGRAM.

(a) In General.—Section 184(b)(4) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13a(b)(4)) is amended by—

(1) redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and adjusting the margins accordingly;

(2) by striking “The loan” and inserting the following:

“(A) IN GENERAL.—The loan’’;

(3) by inserting “(A)” after “by” in paragraph (a) as so designated, by adding at the end the following:

“(v) Any entity certified as a community development financial institution by the Community Development Financial Institutions Fund established under section 109(a) of the Riegel Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4703(a));”;

and

(4) by adding at the end following:

“(B) DIRECT GUARANTEE PROCESS.—

(i) In General.—The Secretary may authorize qualifying lenders to participate in a direct guarantee process for approving mortgage loans under this section.

(ii) Direct Guarantee.—

(I) In General.—If the Secretary determines that a mortgagee has been approved through a direct guarantee process under this subparagraph that meets the requirements established by the Secretary, the Secretary may require the lender approved under this subparagraph to indemnify the Secretary for the loss, irrespective of whether the violation caused the mortgage default.

(II) FRAUD OR MISREPRESENTATION.—If fraud or a material misrepresentation is involved in a direct guarantee process under this subparagraph, the Secretary shall require the original lender approved under this subparagraph to indemnify the Secretary for the loss, irrespective of whether an insurance claim is paid.

(III) REVIEW OF MORTGAGES.—

(I) In General.—The Secretary may periodically review the mortgages that are originated, underwritten, or servicing single family mortgage loans under this section.

(ii) REQUIREMENTS.—In conducting a review the Secretary may—

(I) shall require the mortgagee with other mortgagees originating or underwriting loan guarantees for Indian housing based on sites and by as clauses (i) and (iv), re-

(2) by striking the word “and” and inserting “or” after the word “mortgagee” present an unac-

ceptable risk to the Indian Housing Loan Guarantee Fund established under subsection (i)—

(aa) based on a comparison of any of the factors set forth in this subparagraph; or

(bb) by a determination that the mort-

gagee engaged in fraud or misrepresen-

SEC. 5119. LOAN GUARANTEES FOR NATIVE HA-

WAIAN HOUSING.

Section 184(i)(5) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13a(i)(5)) is amended—

(1) in subparagraph (B), by inserting after the first sentence the following: “There are authorized to be appropriated for those costs such sums as may be necessary for each of fiscal years 2021 through 2031.”; and

(2) in subparagraph (C), by striking “2008 through 2012” and inserting “2021 through 2031”.

SEC. 5120. PARTICIPATION OF INDIAN TRIBES AND TRIBALLY DESIGNATED HOUS-

ING ENTITIES IN CONTINUUM OF CARE PROGRAM.

(a) In General.—Title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360 et seq.) is amended—

(1) in section 401(b) (42 U.S.C. 11360(b)), by inserting “Indian tribes and tribally designated housing entities’’ after “organizations’’;

(2) in section 401(b) (42 U.S.C. 11360(b)), by inserting “Indian tribes and tribally designated housing entities’’ after “organizations’’;

and

(3) in section 401(b) (42 U.S.C. 11360(b)), by inserting “Indian tribes and tribally designated housing entities’’ after “organizations’’.

(b) Eligible Activities.—Grants under this section may be used for—

(1) to the extent of such programs; and

(2) in section 8 (42 U.S.C. 3536), by striking

(2) DRUG-RELATED CRIME.—The term “drug-

relative crime’’ means the illegal manufact-

and distribution, use, or possession with intent to manufacture, sell, distribute, or use a controlled substance.

(3) RECIPIENT.—The term “recipient’’—

(A) has the meaning given the term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101); and

and

(b) includes a recipient of funds under title VIII of that Act (25 U.S.C. 4221 et seq.).

(c) SECURITIES.—The term “Secretary’’ means the Secretary of Housing and Urban Development.

(d) ESTABLISHMENT.—The Secretary may make grants under this section to recipients of assistance under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) for use in eliminating drug-related and violent crime.

(e) ELIGIBLE ACTIVITIES.—Grants under this section may be used for—

(1) the employment of security personnel;

(2) reimbursement of State, local, Tribal, or Bureau of Indian Affairs law enforcement agencies for additional security and protective services;

(3) physical improvements which are specifically designed to enhance security;

(4) the employment of 1 or more individu-
(A) to investigate drug-related or violent crime in and around the real property comprising housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.); and

(b) to provide evidence relating to such crime in any administrative or judicial proceeding;

(5) the provision of training, communications equipment, and other related equipment for use by voluntary tenant patrol actions in cooperation with law enforcement officials;

(6) programs designed to reduce use of drugs or the housing projects funded under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.), including drug-abuse prevention, intervention, referral, and treatment programs;

(7) providing funding to nonprofit resident management corporations and resident councils to develop security and drug abuse prevention programs involving site residents; and

(8) sports programs and sports activities that are designed primarily youths from housing projects funded through and are operated in conjunction with, or in furtherance of, an organized program or plan designed to reduce or eliminate drug-related problems in and around those projects.

(d) APPLICATIONS.—

(1) IN GENERAL.—To receive a grant under this subsection, an eligible applicant shall submit an application to the Secretary, at such time, in such manner, and accompanied by

(A) a plan for addressing the problem of drug-related or violent crime in and around the housing administered or owned by the applicant for which the application is being submitted; and

(B) such additional information as the Secretary may reasonably require.

(2) CRITERIA.—The Secretary shall approve applications submitted under paragraph (1) on the basis of thresholds or criteria such as—

(A) the extent of the drug-related or violent crime problem in and around the housing or projects proposed for assistance;

(B) the quality of the plan to address the crime problem in the housing or projects proposed for assistance, including the extent to which the plan includes initiatives that can be sustained over a period of several years;

(C) the capability of the applicant to carry out the plan; and

(D) the extent to which tenants, the Tribal government, and the Tribal community support and participate in the design and implementation of the activities proposed to be funded under the application.

(e) HIGH INTENSITY DRUG TRAFFICKING AREAS.—In evaluating the extent of the drug-related crime problem pursuant to subsection (d)(2), the Secretary may consider whether projects proposed for assistance are located in a high intensity drug trafficking area designated pursuant to section 219 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1706(b)).

(f) REPORTS.—

(1) GRANTEE REPORTS.—The Secretary shall require grantees under this section to provide periodic reports that include the obligation and expenditure of grant funds, the progress made by the grantees in implementing the plan described in subsection (d)(1)(A), and any change in the incidence of drug-related crime in projects assisted under section 101 of this Act.

(2) HUD REPORTS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the system used to distribute funding to grantees under this section, which shall include descriptions of—

(A) the extent to which the distribution of amounts made available under this section among public housing agencies, including provisions used to provide for renewals of ongoing programs funded under this section; and

(B) actions taken by the Secretary to ensure that amounts made available under section 101 of this Act are not used to fund baseline local government services, as described in subsection (h)(2).

(g) NOTICE OF FUNDING AWARDS.—The Secretary shall publish in the Federal Register not less frequently than annually a notice of all grant awards made pursuant to this section, which shall identify the grantees and the amount of the grants.

(h) MONITORING.—

(1) IN GENERAL.—The Secretary shall audit and monitor the program funded under this subsection to ensure that assistance provided under this subsection is administered in accordance with the provisions of section 102.

(2) PROHIBITION OF FUNDING BASELINE SERVICES.—

(A) IN GENERAL.—Amounts provided under this section may not be used to reimburse or support any local law enforcement agency or unit of general government for the provision of services that are included in the baseline of services required to be provided by any such entity pursuant to a local cooperative agreement or baseline of services for the unit of Tribal government in which the jurisdiction of the grantee is located.

(B) EXCEPTION.—The Secretary shall provide for the effective enforcement of this section, which may include the use of on-site monitoring, independent public audit requirements, certification by tribal or Federal law enforcement officials with respect to Tribal government officials regarding the performance of baseline services referred to in paragraph (2), entering into agreements with the Attorney General to achieve compliance, and verification of compliance, with the provisions of this section, and any applicable enforcement authority provided to the Secretary under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.)

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each fiscal years 2021 through 2031 to carry out this section.

SEC. 512. RENTAL ASSISTANCE FOR HOMELESS OR AT-RISK INDIAN VETERANS.

Section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)) is amended by adding at the end the following:

(II) INDIAN VETERAN.—The term ‘Indian veteran’ means an Indian who is a veteran.

(III) PROGRAM.—The term ‘Program’ means the Tribal HUD–VASH program carried out under clause (ii).

(IV) ELIGIBLE VETERAN.—The term ‘Indian veteran’ means an Indian who is a veteran.

(V) TRIBAL ORGANIZATION.—The term ‘tribal organization’ has the meaning given in the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(VI) PROGRAM SPECIFICATIONS.—The Secretary shall use not less than 5 percent of the amounts made available for rental assistance under this paragraph to carry out a tribal program, and any other appropriate program, to be known as the ‘Tribal HUD–VASH program’, in conjunction with the Secretary of Veterans Affairs, by awarding grants for the benefit of eligible Indian veterans.

(VI) TRIBAL ORGANIZATION.—The term ‘tribal organization’ has the meaning given in the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(VII) PROGRAM SPECIFICATIONS.—The Secretary shall use not less than 5 percent of the amounts made available for rental assistance under this paragraph to carry out a tribal program, and any other appropriate program, to be known as the ‘Tribal HUD–VASH program’, in conjunction with the Secretary of Veterans Affairs, by awarding grants for the benefit of eligible Indian veterans.

(VIII) ELIGIBLE RECIPIENTS.—The term ‘eligible recipient’ means a recipient eligible to receive a grant under section 101 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111).

(V) INDIAN VETERAN.—If eligible Indian veteran means an Indian who is a veteran.

(V) PROGRAM.—The term ‘Program’ means the Tribal HUD–VASH program carried out under clause (ii).

(VI) TRIBAL ORGANIZATION.—The term ‘tribal organization’ has the meaning given in the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(VII) PROGRAM SPECIFICATIONS.—The Secretary shall use not less than 5 percent of the amounts made available for rental assistance under this paragraph to carry out a tribal program, and any other appropriate program, to be known as the ‘Tribal HUD–VASH program’, in conjunction with the Secretary of Veterans Affairs, by awarding grants for the benefit of eligible Indian veterans.

(VIII) ELIGIBLE RECIPIENTS.—The term ‘eligible recipient’ means a recipient eligible to receive a grant under section 101 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111).
All funds provided under a grant made pursuant to this division or the amendments made by this division may be used for purposes of meeting matching or cost participation requirements under any other Federal or non-Federal program, provided that such grants made pursuant to the Native American Housing Act of 1996 (25 U.S.C. 4101 et seq.) are spent in accordance with that Act.

SEC. 2208. Ms. MCSALLY submitted an amendment intended to be proposed by her to the bill S. 4094, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense functions of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

The amendment makes the following:

At the end, add the following:

TITLE XVIII—BUREAU OF RECLAMATION

Subtitle A—Water Supply Infrastructure Rehabilitation and Utilization

SEC. 4801. AGING INFRASTRUCTURE ACCOUNT. Section 9803 of the Omnibus Public Land Management Act of 2009 (43 U.S.C. 510b) is amended by adding at the end the following:

"(d) AGING INFRASTRUCTURE ACCOUNT.—"(1) ESTABLISHMENT.—There is established in the general fund of the Treasury a special account, to be known as the 'Aging Infrastructure Account' (referred to in this section as the 'Account'), to provide funds to, and for the extended repayment of the funds transferred works operating entity or project beneficiary responsible for repayment of reimbursable costs for the conduct of extraordinary operation and maintenance work at a project facility, which shall consist of—

(A) any amounts that are specifically appropriated to the Account under section 2606; and

(B) any amounts deposited in the Account under paragraph (3)(B).

(2) EXPENDITURES.—Subject to appropriations and paragraphs (3), the Secretary may expend amounts in the Account to fund and provide for extended repayment of the funds transferred works operating entity or project beneficiary responsible for repayment of reimbursable costs for the conduct of extraordinary operation and maintenance work at a project facility, which shall consist of—

(A) any amounts that are specifically appropriated to the Account under section 2606; and

(B) any amounts deposited in the Account under paragraph (3)(B).

(3) REPAYMENT CONTRACT.—(A) General. The Secretary may not expend amounts in paragraph (2) with respect to an eligible project described in that paragraph unless the transferred works operating entity or project beneficiary responsible for repayment of reimbursable costs has entered into a contract to repay the amounts under subsection (b)(2).

(B) DEPOSIT OF REPAYED FUNDS.—Amounts repaid by a transferred works operating entity or project beneficiary responsible for repayment of reimbursable costs receiving funds under a repayment contract entered into under this subsection shall be deposited in the Account and shall be available to the Secretary for expenditure in accordance with this subsection without further appropriation.

(4) APPLICATION FOR FUNDING.—(A) General. Not less than once per fiscal year, the Secretary shall accept, during an application period established by the Secretary, applications from transferred works operating entities or project beneficiaries responsible for repayment of reimbursable costs for funds and extended repayment for eligible projects.

(B) ELIGIBLE PROJECT.—A project eligible for funding and extended repayment under this subsection includes—

(1) qualifies as an extraordinary operation and maintenance work under this section; and

(2) includes extraordinary operation and maintenance work under this section.

(C) GUIDELINES FOR APPLICATIONS.—Not later than 60 days after the date of enactment of this subsection, the Secretary shall issue guidelines describing the information required to be provided in an application for funds and extended repayment under this subsection that require, at a minimum—

(i) a description of the project for which the funds are requested;

(ii) the amount of funds requested;

(iii) the repayment period requested by the transferred works operating entity or project beneficiary responsible for repayment of reimbursable costs;

(iv) alternative non-Federal funding options that have been evaluated;

(v) the financial justification for requesting an extended repayment period; and

(vi) the financial records of the transferred works operating entity or project beneficiary responsible for repayment of reimbursable costs.

(D) REVIEW OF APPLICATIONS.—Not later than 60 days after the date of enactment of this subsection, the Secretary shall review each application submitted under subparagraph (A) and determine whether the project is eligible for funds and an extended repayment period under this subsection:

(i) to determine whether the project has been identified by the Bureau of Reclamation as part of the major rehabilitation and replacement of a project facility; and

(ii) to conduct a financial analysis of—

(1) the project; and

(2) the transferred works operating entity or project beneficiary responsible for repayment of reimbursable costs.

(E) REPORT.—Not later than 90 days after the date on which an application period closes under paragraph (4)(A), the Secretary shall submit to the Committees on Energy and Natural Resources and Appropriations of the Senate and the Committees on Natural Resources and Appropriations of the House of Representatives a report that—

(A) identifies each project eligible for funds and extended repayment under this subsection;

(B) with respect to each eligible project identified under subparagraph (A), includes—

(i) a description of—

(ii) the eligible project;

(iii) the anticipated cost and duration of the eligible project; and

(iv) any remaining engineering or environmental compliance that is required before the eligible project commences;

(C) describes the balance of funds in the Account as of the date of the report.

(E) EFFECT OF SUBSECTION.—Nothing in this subsection affects—

(A) any funding provided, or contracts entered into, under subsection (a) before the date of enactment of this subsection; or

(B) the use of funds that were available to the Secretary to carry out subsection (a)."
SEC. 4802. AUTHORIZATION OF APPROPRIATIONS FOR THE RECLAMATION SAFETY OF DAMS ACT OF 1978.

Section 5 of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 509) is amended, in the first sentence, by inserting "and, effective October 1, 2019, not to exceed an additional $560,000,000 (October 1, 2019, price levels)" before "plus or minus.

Subtitle B—Aquifer Recharge Flexibility

SEC. 4811. DEFINITIONS.

In this subtitle:

(1) BUREAU.—The term "Bureau" means the Bureau of Reclamation.

(2) COMMISSIONER.—The term "Commissioner" means the Commissioner of Reclamation.

(3) ELIGIBLE LAND.—The term "eligible land" with respect to a Reclamation project, means land that—

(A) is authorized to receive water under State law; and

(B) shares an aquifer with land located in the service area of the Reclamation project.

(4) NET WATER STORAGE BENEFIT.—The term "net water storage benefit" means an increase in the volume of water that is—

(A) stored in 1 or more aquifers; and

(B)(i) available for use within the authorized service area of a Reclamation project; or

(ii) stored on a long-term basis to avoid or reduce groundwater overdraft.

(5) RECLAMATION FACILITY.—The term "Reclamation facility" means each of the infrasctructure assets that are owned by the Bureau at a Reclamation project.

(6) RECLAMATION PROJECT.—The term "Reclamation project" means any reclamation or irrigation project, including incidental features thereof, authorized by Federal reclamation law or the Act of August 11, 1939 (commonly known as the "Water Conservation and Utilization Act") (51 Stat. 1418, chapter 717; 16 U.S.C. 590y et seq.), or constructed by the United States pursuant to such law, or in connection with which there is a repayment or water service contract executed by the United States pursuant to such law, or any project constructed by the Secretary through the Bureau for the reclamation of land.

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4812. FLEXIBILITY TO ALLOW GREATER AQUIFER RECHARGE IN WESTERN STATES.

(a) USE OF RECLAMATION FACILITIES.—

(1) IN GENERAL.—The Commissioner may allow the use of excess capacity in Reclamation facilities for aquifer recharge of non-Reclamation project water, subject to applicable rates, charges, and public participation requirements, on a case-by-case basis.

(B) if the water is a non-Federal water right.

(ii) pumping stations;

(ii) transmission pipelines;

(iii) water treatment;

(1) FEDERAL SHARE.—

(A) Subject to subparagraph (B) of this section, the Federal share of the costs relating to the planning, design, and construction of the Musselshell-Judith Rural Water System authorized under the Act of December 27, 1924 (43 U.S.C. 509) shall be 75 percent of the total cost of the Musselshell-Judith Rural Water System.

(ii) theamining, alteration, or supersedes a Federal or State water right.

(iii) pumping stations.

(iv) appurtenant buildings, maintenance equipment, and access roads.

(v) any interconnection facility that connects a pipeline of the Musselshell-Judith Rural Water System to a pipeline of a public water system;

(vi) the use of water that is detrimental to a Bureau conveyance facility for conveyance of non-Reclamation project water for aquifer recharge is allowed.

(b) AQUIFER RECHARGE ON ELIGIBLE LAND.—

(1) IN GENERAL.—Subject to paragraphs (3) and (4), the Secretary may contract with a holder of a water service or repayment contract for a Reclamation project to allow the contractor, in accordance with applicable State laws and policies—

(A) to directly use water available under the contract for aquifer recharge on eligible land; or

(i) the holder of a right-of-way, easement, permit, or other authorization to transport water available under the contract for aquifer recharge on eligible land.

(B) before the use or transfer, the Secretary determines that a new contract or contract amendment described in this paragraph is—

(A) necessary to allow for the use of water available under the contract for aquifer recharge under this subsection;

(B) in the best interest of the Reclamation project and the United States; and

(C) approved by the contractor that is responsible for repaying the cost of construction, operations, and maintenance of the facility that delivers the water under the contract.

(2) MODIFICATIONS TO CONTRACTS.—The Secretary may modify a water service or repayment contract for a Reclamation project, under paragraph (1) if the Secretary determines that a new contract or contract amendment described in this paragraph is—

(A) the holder of a right-of-way, easement, permit, or other authorization to transport water available under the contract for aquifer recharge on eligible land.

(B) approved by the contractor that is responsible for repaying the cost of construction, operations, and maintenance of the facility that delivers the water under the contract.

(C) approved by the contractor that is responsible for repaying the cost of construction, operations, and maintenance of the facility that delivers the water under the contract.

(3) MODIFICATIONS TO CONTRACTS.—The Secretary may modify a water service or repayment contract for a Reclamation project, under paragraph (1) if the Secretary determines that a new contract or contract amendment described in this paragraph is—

(i) results in a net water storage benefit for the Reclamation project; and

(ii) contributor to the recharge of an aquifer on eligible land; and

(iii) the use or transfer complies with all applicable—

(A) Federal laws and policies; and

(B) Interstate water compacts.

(c) CONVEYANCE FOR AQUIFER RECHARGE PURPOSES.—The holder of a right-of-way, easement, permit, or other authorization to transport water across public land.

(ii) that is detrimental to—

(i) any project constructed by the United States pursuant to such law, or in connection with which there is a repayment or water service contract executed by the United States pursuant to such law, or any project constructed by the Secretary through the Bureau for the reclamation of land.

(ii) water storage; and

(iii) any power service or water contract for the Reclamation project; and

(iv) appurtenant buildings, maintenance equipment, and access roads.

(ii) water quality guidelines for the Reclamation project; or

(iii) water treatment.

(ii) transmission pipelines;

(iii) pumping stations;

(ii) transmission pipelines;

(ii) transmission pipelines;

(iii) pumping stations.

(iii) pumping stations.

(iii) pumping stations;
(vii) any other facility or service required for the development of a rural water distribution system, as determined by the Secretary; and

(viii) in consultation with the Department of Agriculture, the Secretary may carry out the construction or operation of a facility described in this subsection.

(b) Limitation.—Federal funds made available by this section shall not be used for the operation, maintenance, or replacement of the Musselshell-Judith Rural Water System.

(c) Title.—Title to the Musselshell-Judith Rural Water System shall be held by the Authority.

SEC. 4824. DRY-REDWATER FEASIBILITY STUDY.

(a) Definitions.—In this section:

(1) DRY-REDWATER REGIONAL WATER AUTHORITY.—The term the "Dry-Redwater Regional Water Authority" means—

(A) the Dry-Redwater Regional Water Authority, a publicly owned nonprofit water authority formed in accordance with Montana Code Ann. 75-6-302 (2007); and

(B) any nonprofit successor entity to the Authority described in subparagraph (A).

(2) REQUIREMENT.—The study under paragraph (A) may include the view of a prospective lessee to formally respond in writing to comments and study requests about the project previously submitted to the Commission.

(3) PARTICIPATION OF TRIBES.—If the proposed lessee and the Tribes have not agreed to the terms of a study plan agreement, notice of the dispute, consistent with paragraph (1)(F), to the extent the parties have agreed to a study plan agreement, and if the Secretary determines that the study under subsection (b) does not comply with the reclamation feasibility standards, the Secretary may enter into a cooperative agreement with the Dry-Redwater Regional Water Authority to complete additional work to ensure that the study complies with the reclamation feasibility standards.

(4) DRY-REDWATER REGIONAL WATER AUTHORITY.—Any successor to the Dry-Redwater Regional Water Authority, and any nonprofit successor entity to the Authority, a publicly owned nonprofit water authority formed in accordance with Montana Code Ann. 75-6-302 (2007), that enters into a cooperative agreement with the Authority under this section shall—

(A) be subject to ordinary fluctuations in development costs incurred after November 1, 2014, in accordance with any engineering cost indices applicable to construction activities that are similar to the construction of the Musselshell-Judith Rural Water System;

(B) enter into a cooperative agreement with the Authority or with the Department of the Interior to develop small conduit hydropower facilities and described in subsection (c).

Subtitle B.—Bureau of Reclamation Pumped Storage Hydropower Development

SEC. 4831. AUTHORITY FOR PUMPED STORAGE HYDROPOWER DEVELOPMENT USING MULTIPLE BUREAU OF RECLAMATION RESERVOIRS.

Section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485b(c)) is amended—

(1) in paragraph (1), in the fourth sentence, by striking "has been filed with the Federal Energy Regulatory Commission as of the date of the enactment of this Act" and inserting "as of the date of the enactment of this Act";

(2) in paragraph (2), by striking ''the portion of McKenzie County, North Dakota, that includes all land that is located west of the Yellowstone River in the State of North Dakota.

(3) RECLAMATION FEASIBILITY STANDARDS.—The term "reclamation feasibility standards" means the eligibility criteria and feasibility study requirements described in section 1(b) of the Reclamation Rural Water Supply Act of 2006 (43 U.S.C. 2405) (as in effect on September 29, 2016).

(4) SUBMITTED FEASIBILITY STUDY.—The term "submitted feasibility study" means the feasibility study entitled "Dry-Redwater Regional Water Authority," a publicly owned nonprofit water authority formed in accordance with Montana Code Ann. 75-6-302 (2007), and described in subsection (c).

(b) REQUIREMENT FOR ISSUANCE OF LEASES.—The Secretary shall not issue a lease of power privilege pursuant to section 3 of the Reclamation Power Act of 1926 (43 U.S.C. 485h(c)) (as amended by section 4831) for a project unless—

(1) the proposed lessee and the Tribes have entered into a study plan agreement; or

(2) the Secretary determines that the study under subsection (b) does not comply with the reclamation feasibility standards.

(c) STUDY PLAN AGREEMENT REQUIREMENTS.—

(1) GENERAL.—A study plan agreement shall—

(A) establish the deadlines for the proposed lessee to formally respond in writing to comments and study requests about the project previously submitted to the Commission;

(B) allow for the parties to submit additional comments and study requests if any aspect of the project, as proposed, differs from the findings in the report described in a preapplication document provided to the Commission;

(C) except as expressly agreed to by the parties as provided in subparagraph (B) or subsection (d), require that the proposed lessee conduct each study described in—

(i) a study request about the project previously submitted to the Commission; or

(ii) any additional study request submitted in accordance with the study plan agreement;

(D) require that the proposed lessee study any potential adverse economic effects of the project on the Tribes, including effects on—

(i) annual payments to the Confederated Tribes of the Colville Reservation under section 5(b) of the Confederated Tribes of the Colville Reservation Grant Coulee Dam Settlement Act (Public Law 103-436; 108 Stat. 4579); and

(ii) annual payments to the Spokane Tribe of Indians of the Spokane Reservation authorized after the date of enactment of this Act; and

(E) establish a protocol for communication and consultation between the parties.

(f) LIMITATIONS ON ISSUANCE OF CERTAIN LEASES OF POWER PRIVILEGE.—The Secretary shall not issue a lease of power privilege under section 3 of the Reclamation Power Act of 1926 (43 U.S.C. 485h(c)) (as amended by section 4831) for a project unless—

(1) the proposed lessee and the Tribes have not agreed to the terms of a study plan agreement; or

(2) the Secretary determines that the study under subsection (b) does not comply with the reclamation feasibility standards.

(g) STUDY PLAN.—The term "study plan agreement" means an agreement entered into under subsection (b)(1) and described in subsection (c).

(h) DETERMINATION.—The term "Secretary" means—

(A) the Secretary of the Interior;

(B) the Tribes; and

(C) the Confederated Tribes of the Colville Reservation; and

(D) the Spokane Tribe of Indians of the Spokane Reservation.

SEC. 4832. AUTHORIZATION FOR ISSUANCE OF LEASES OF POWER PRIVILEGE.—The Secretary shall not issue a lease of power privilege pursuant to section 29(c)(1) of the Reclamation Act of 1902 (43 U.S.C. 172c(b)) for a project unless—

(1) the proposed lessee and the Tribes have entered into a study plan agreement; or

(2) the Secretary determines that the study under subsection (b) does not comply with the reclamation feasibility standards.

(d) STUDY PLAN AGREEMENT REQUIREMENTS.—

(1) GENERAL.—A study plan agreement shall—

(A) include the following elements—

(i) a study request about the project previously submitted to the Commission;

(ii) any additional study request submitted in accordance with the study plan agreement;

(iii) the Secretary's determination of any adverse economic effects of the project on the Tribes, including effects on—

(aa) annual payments to the Confederated Tribes of the Colville Reservation under section 5(b) of the Confederated Tribes of the Colville Reservation Grant Coulee Dam Settlement Act (Public Law 103-436; 108 Stat. 4579); and

(bb) annual payments to the Spokane Tribe of Indians of the Spokane Reservation authorized after the date of enactment of this Act; and

(iv) any other facility or service required for the development of a rural water distribution system, as determined by the Secretary; and

(B) allow for the parties to submit additional comments and study requests if any aspect of the project, as proposed, differs from the findings in the report described in a preapplication document provided to the Commission;

(C) except as expressly agreed to by the parties as provided in subparagraph (B) or subsection (d), require that the proposed lessee conduct each study described in—

(i) a study request about the project previously submitted to the Commission; or

(ii) any additional study request submitted in accordance with the study plan agreement;

(D) require that the proposed lessee study any potential adverse economic effects of the project on the Tribes, including effects on—

(i) annual payments to the Confederated Tribes of the Colville Reservation under section 5(b) of the Confederated Tribes of the Colville Reservation Grant Coulee Dam Settlement Act (Public Law 103-436; 108 Stat. 4579); and

E) establish a protocol for communication and consultation between the parties.

(f) LIMITATIONS ON ISSUANCE OF CERTAIN LEASES OF POWER PRIVILEGE.—The Secretary shall not issue a lease of power privilege under section 3 of the Reclamation Power Act of 1926 (43 U.S.C. 485h(c)) (as amended by section 4831) for a project unless—

(1) the proposed lessee and the Tribes have not agreed to the terms of a study plan agreement; or

(2) the Secretary determines that the study under subsection (b) does not comply with the reclamation feasibility standards.

(g) STUDY PLAN.—The term "study plan agreement" means an agreement entered into under subsection (b)(1) and described in subsection (c).

(h) DETERMINATION.—The term "Secretary" means—

(A) the Secretary of the Interior;

(B) the Tribes; and

(C) the Confederated Tribes of the Colville Reservation; and

(D) the Spokane Tribe of Indians of the Spokane Reservation.

SEC. 4833. LIMITATIONS ON ISSUANCE OF CERTAIN LEASES OF POWER PRIVILEGE.—The Secretary shall not issue a lease of power privilege under section 3 of the Reclamation Power Act of 1926 (43 U.S.C. 485h(c)) (as amended by section 4831) for a project unless—

(1) the proposed lessee and the Tribes have not agreed to the terms of a study plan agreement; or

(2) the Secretary determines that the study under subsection (b) does not comply with the reclamation feasibility standards.

(d) STUDY PLAN AGREEMENT REQUIREMENTS.—

(1) GENERAL.—A study plan agreement shall—

(A) include the following elements—

(i) a study request about the project previously submitted to the Commission;

(ii) any additional study request submitted in accordance with the study plan agreement;

(iii) the Secretary's determination of any adverse economic effects of the project on the Tribes, including effects on—

(aa) annual payments to the Confederated Tribes of the Colville Reservation under section 5(b) of the Confederated Tribes of the Colville Reservation Grant Coulee Dam Settlement Act (Public Law 103-436; 108 Stat. 4579); and

(bb) annual payments to the Spokane Tribe of Indians of the Spokane Reservation authorized after the date of enactment of this Act; and

(E) establish a protocol for communication and consultation between the parties.

(f) LIMITATIONS ON ISSUANCE OF CERTAIN LEASES OF POWER PRIVILEGE.—The Secretary shall not issue a lease of power privilege under section 3 of the Reclamation Power Act of 1926 (43 U.S.C. 485h(c)) (as amended by section 4831) for a project unless—

(1) the proposed lessee and the Tribes have not agreed to the terms of a study plan agreement; or

(2) the Secretary determines that the study under subsection (b) does not comply with the reclamation feasibility standards.

(g) STUDY PLAN.—The term "study plan agreement" means an agreement entered into under subsection (b)(1) and described in subsection (c).

(h) DETERMINATION.—The term "Secretary" means—

(A) the Secretary of the Interior;

(B) the Tribes; and

(C) the Confederated Tribes of the Colville Reservation; and

(D) the Spokane Tribe of Indians of the Spokane Reservation.
plan that details the proposed methodology for performing each of the studies—

(A) identified in the study plan agreement of the proposed lessee; or

(B) approved by the Director in a final determination regarding a dispute under subsection (c)(2).

(2) INITIAL DETERMINATION.—Not later than 60 days after the date on which the Secretary receives the study plan under paragraph (1), the Secretary shall make an initial determination that—

(A) approves the study plan;

(B) rejects the study plan on the grounds that the study plan—

(i) in the exercise of the paramount hunting, fishing, and boating rights of the Tribes reserved pursuant to the Act of June 29, 1940 (54 Stat. 763; chapter 490, 16 U.S.C. 835d et seq.);

(ii) the annual payments described in clauses (i) and (ii) of subsection (c)(1)(D);

(iii) the Columbia Basin project (as defined in section 1 of the Act of May 27, 1937 (50 Stat. 208, chapter 269; 57 Stat. 14, chapter 14; 16 U.S.C. 835d));

(iv) historic properties and cultural or spiritually significant resources; and

(v) the environment.

(3) OBJECTIONS.—

(A) IN GENERAL.—Not later than 30 days after the date on which the Secretary makes an initial determination under paragraph (2), the proposed lessee may submit to the Director an objection to the initial determination.

(B) FINAL DETERMINATION.—Not later than 120 days after the date on which the Director receives an objection under subparagraph (A), the Director shall—

(i) hold a hearing on the record regarding the objection; and

(ii) make a final determination that establishes the study plan, including a description of studies the proposed lessee is required to perform.

(4) NO OBJECTIONS.—If no objections are submitted by the deadline described in paragraph (3)(A), the initial determination of the Secretary under paragraph (2) shall be final.

(5) CONDITIONS OF LEASE.—

(A) CONSISTENCY WITH RIGHTS OF TRIBES; PROTECTION, MITIGATION, AND ENHANCEMENT OF FISH AND WILDLIFE.—

(A) IN GENERAL.—Any lease of power privilege issued by the Secretary for a project under subsection (b) shall contain such conditions that require the lessee to the Secretary for a project under subsection (b) and to adequate and reasonably protect, mitigate damages to, and enhance fish and wildlife, including related spawning grounds and habitat, affected by the development, operation, and management of the project.

(B) RECOMMENDATIONS OF THE TRIBES.—The conditions required under subparagraph (A) shall be based on joint recommendations of the Tribes.

(C) RESOLVING INCONSISTENCIES.—

(A) IN GENERAL.—If the Secretary determines that any recommendation of the Tribes under subparagraph (B) is not reasonably calculated to ensure the project is consistent with subparagraph (A) or is inconsistent with the requirements of the Reclamation Project Act of 1939 (43 U.S.C. 485 et seq.), the Secretary shall attempt to resolve any such inconsistency with the Tribes, giving due weight to the recommendations and expertise of the Tribes.

(B) PUBLICIATION OF FINDINGS.—If, after an attempt to resolve an inconsistency under clause (i), the Secretary determines that the Tribes under subparagraph (B), the Secretary shall issue each of the following findings, including a statement of the basis for each of the findings:

(I) A finding that adoption of the recommendation is inconsistent with the requirements of the Reclamation Project Act of 1939 (43 U.S.C. 485 et seq.).

(II) A finding that the conditions selected by the Secretary to be contained in the lease of power privilege under subparagraph (A) comply with the requirements of clauses (i) and (ii) of that subparagraph.

(2) ANNUAL CHARGES PAYABLE BY LESSEE.—

(A) IN GENERAL.—Subject to subparagraph (B), any lease of power privilege issued by the Secretary for a project under subsection (b) shall contain such conditions that require the lessee of the project to make direct payments to the Tribes through reasonable annual charges in an amount that compenses the Tribes for any adverse economic effects of the project identified in a study performed pursuant to the study plan agreement for the project.

(B) AGREEMENT.—

(i) IN GENERAL.—The amount of the annual charges described in subparagraph (A) shall be established through agreement between the proposed lessee and the Tribes.

(ii) CONDITION.—The agreement under clause (i), including any modification of the agreement, shall be deemed to be a condition to the lease of power privilege issued by the Secretary for a project under subsection (b).

(C) DISPUTE RESOLUTION.—

(i) IN GENERAL.—If the proposed lessee and the Tribes cannot agree to the terms of an agreement under subparagraph (B)(i), the proposed lessee and the Tribes shall submit notice of the dispute to the Director.

(ii) RESOLUTION.—The Director shall resolve the dispute described in clause (i) not later than 180 days after the date on which the Director receives notice of the dispute under that clause.

(3) ADDITIONAL CONDITIONS.—The Secretary may include in any lease of power privilege issued by the Secretary for a project under subsection (b) other conditions determined appropriate by the Secretary, on the condition that the conditions shall be consistent with the Reclamation Project Act of 1939 (43 U.S.C. 485 et seq.).

(4) CONSULTATION.—In establishing conditions under this subsection, the Secretary shall consult with the Tribes.

(5) DEADLINES.—The Secretary or any officer of the Office of Hearing and Appeals before whom a proceeding is pending under this section may extend any deadline or enlarge any timeframe described in this section—

(A) at the discretion of the Secretary or the officer; or

(B) on a showing of good cause by any party.

(g) JUDICIAL REVIEW.—Any final action of the Secretary or the Director made pursuant to this section shall be subject to judicial review in accordance with chapter 7 of title 5, United States Code.

(h) EFFECT ON OTHER PROJECTS.—Nothing in this section establishes any precedent or is binding on any other provision of law and subject to other provision of law and subject to section (a) may not exceed the maximum quantity of power provided to the Kinsey Irrigation Company and the Sidney Water Users Irrigation District, under section (a) may not exceed the maximum quantity of power provided to the Kinsey Irrigation Company and the Sidney Water Users Irrigation District, including any successor to the Kinsey Irrigation Company and the Sidney Water Users Irrigation District, as being capable of contract for electric service in effect on the date of enactment of this Act.
SEC. 4843. KLAMATH BASIN WATER SUPPLY ENHANCEMENT ACT OF 2000 TECHNICAL CORRECTIONS.

Section 401(b) of the Klamath Basin Water Supply Enhancement Act of 2000 (114 Stat. 2222; 132 Stat. 2088) is amended by—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking “Pursuant to the reclamation laws and subject” and inserting “Subject”;

(ii) by striking “may” and inserting “is authorized to”; and

(B) in subparagraph (A), by striking “, including the conservation and efficiency measures, land idling, and use of groundwater,” after “administer programs”;

(2) in paragraph (3)(A), by inserting “and after the semicolon at the end;

(3) by redesigning the second paragraph (relating to the effect of the subsection) as paragraph (5); and

(4) in paragraph (5) (as so redesignated)—

(A) by striking subparagraph (B);

(B) in subparagraph (A), by striking “; or” and inserting a period; and

(C) by striking “Secretary”— and all that follows through “develop in” in subparagraph (A) and inserting “the Secretary to develop”.

SEC. 4844. REAUTHORIZATION OF DROUGHT PROGRAM.

(a) TERMINATION OF AUTHORITY.—Section 196(c)(1) of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2214(c)) is amended by striking “2020” and inserting “2030”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 301 of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2211) is amended by striking “2020” and inserting “2030”.

SEC. 4845. REAUTHORIZATION OF COOPERATIVE WATERSHED MANAGEMENT PROGRAM.

Section 602(g)(4) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 1015a(g)(4)) is amended by striking “2020” and inserting “2030”.

SA 2209. Mrs. FISCHER (for herself, Mr. SCHATZ, Mr. GARDNER, and Mr. BOOKER) submitted an amendment intended to be offered by her to the bill S. 4098, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 2. INTERNET OF THINGS.

(a) FINDINGS; SENSE OF CONGRESS.—

(1) FINDINGS.—Congress finds that—

(A) the Internet of Things refers to the growing number of connected and inter-connected devices,

(B) estimates indicate that more than 125,000,000,000 devices will be connected to the Internet by 2030,

(C) the Internet of Things has the potential to generate trillions of dollars in new economic activity around the world in the transportation, energy, agriculture, manufacturing, and health care sectors and in other sectors that are critical to the growth of the gross domestic product of the United States,

(D) businesses across the United States can develop new services and products, improve the efficiency of operations and logistics, cut costs, improve worker and public safety, and pass savings on to consumers by utilizing the Internet of Things and related innovations; and

(E) the Internet of Things will—

(i) be vital to furthering innovation and the development of emerging technologies; and

(ii) play a key role in developing artificial intelligence and advanced computing capabilities;

(F) the United States leads the world in the development of technologies that support the Internet, the United States technology sector is well-positioned to lead in the development of technologies for the Internet of Things, and the appropriate prioritization of national strategy with respect to the Internet of Things would strengthen that position;

(G) the Federal Government can implement this technology to better deliver services to the public; and

(H) the Senate unanimously passed Senate Resolution 110, 114th Congress, agreed to March 24, 2015, calling for a national strategy for the development of the Internet of Things.

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

(A) promote solutions with respect to the Internet of Things that are secure, scalable, interoperable, industry-driven, and standards-based; and

(B) maximize the development and deployment of the Internet of Things to benefit all stakeholders, including businesses, governments, and consumers.

(c) DEFINITIONS.—In this section:

(1) COMMISSION.—The term “Commission” means the Federal Communications Commission.

(2) SECRETARY.—The term “Secretary” means the Secretary of Commerce.

(d) STEERING COMMITTEE.—The term “steering committee” means the steering committee established under subsection (c)(5)(A).

(e) WORKING GROUP.—The term “working group” means the working group convened under subsection (c)(1).

(f) FEDERAL WORKING GROUP.—

(1) IN GENERAL.—The Secretary shall convene a working group composed of Federal stakeholders for the purpose of providing recommendations and a report to Congress relating to the aspects of the Internet of Things described in paragraph (2).

(2) DUTIES.—The working group shall—

(A) identify any Federal regulations, statutes, grant practices, budgetary or jurisdictional policies that are inhibiting, or could inhibit, the development or deployment of the Internet of Things;

(B) consider policies or programs that encourage and improve coordination among Federal agencies that have responsibilities that are relevant to the objectives of this section; and

(C) consider any findings or recommendations made by the steering committee and, where appropriate, act to implement those recommendations.

(f) EXAMINE.—

(1) how Federal agencies can benefit from utilizing the Internet of Things;

(2) the use of Internet of Things technology by Federal agencies as of the date on which the working group performs the examination;

(3) the preparedness and ability of Federal agencies to adopt Internet of Things technology as of the date on which the working group performs the examination and in the future;

(4) any additional security measures that Federal agencies may need to take to—

(I) safely and securely use the Internet of Things, including measures that ensure the security of critical infrastructure; and

(II) enhance the resiliency of Federal systems against cyber threats to the Internet of Things; and

(e) in carrying out the examinations required under subclauses (I) and (II) of subparagraph (d)(4), ensure to the maximum extent possible the coordination of the current and future activities of the Federal Government relating to security with respect to the Internet of Things.

(g) AGENCY REPRESENTATIVES.—In convening the working group under paragraph (1), the Secretary shall have discretion to appoint representatives from Federal agencies and departments as appropriate and shall specifically consider seeking representation from—

(A) the Department of Commerce, including—

(i) the National Telecommunications and Information Administration;

(ii) the National Institute of Standards and Technology; and

(iii) the National Oceanic and Atmospheric Administration;

(B) the Department of Transportation;

(C) the Department of Homeland Security;

(D) the Office of Management and Budget;

(E) the National Science Foundation;

(F) the General Services Administration;

(G) the Federal Trade Commission;

(H) the Office of Science and Technology Policy;

(I) the Department of Energy; and

(J) the Federal Energy Regulatory Commission.

(h) NONGOVERNMENTAL STAKEHOLDERS.—The working group shall consult with nongovernmental stakeholders with expertise relating to the Internet of Things, including—

(A) the steering committee;

(B) information and communications technology manufacturers, suppliers, service providers, and vendors;

(C) subject matter experts representing industrial sectors other than the technology sector that can benefit from the Internet of Things, including the transportation, energy, agriculture, and health care sectors;

(D) small, medium, and large businesses;

(E) think tanks and academia;

(F) nonprofit organizations and consumer groups;

(G) security experts;

(H) rural stakeholders; and

(I) other stakeholders with relevant expertise, as determined by the Secretary.

(i) ESTABLISHMENT.—There is established within the Department of Commerce a steering committee to advise the working group.

(j) DUTIES.—The steering committee shall advise the working group with respect to—

(I) the identification of any Federal regulations, statutes, grant practices, programs, budgetary or jurisdictional policies, and other sector-specific policies that are inhibiting, or could inhibit, the development of the Internet of Things;

(II) situations in which the use of the Internet of Things is likely to deliver significant and scalable economic and societal benefits to the United States, including benefits from—

(i) smart traffic and transit technologies;

(ii) augmented logistics and supply chains;

(iii) sustainable infrastructure;

(iv) precision agriculture;

(v) environmental monitoring;

(vi) public safety; and

(vii) health care;

(III) whether adequate spectrum is available to support the growing Internet of Things and what legal or regulatory barriers
may exist to providing any spectrum needed in the future;
(iv) policies, programs, or multi-stakeholder activities that
may result in or be related to the privacy of individuals who use or are affected by the Internet of Things;
(ii) enhance the security of the Internet of Things, including the cybersecurity of critical infrastructure;
(iii) may protect users of the Internet of Things; and
(iv) encourage coordination among Federal agencies with jurisdiction over the Internet of Things;
(v) any opportunities and challenges associated with the use of Internet of Things technology by small businesses; and
(vi) any international proceeding, international organization, or other international matter affecting the Internet of Things to which the United States is or should be a party.

(C) MEMBERSHIP.—The Secretary shall appoint to the steering committee members representing a wide range of stakeholders outside of the Federal Government with expertise relating to the Internet of Things, including—
(i) information and communications technology manufacturers, suppliers, service providers, and vendors;
(ii) subject matter experts representing industrial sectors other than the technology sector that can benefit from the Internet of Things, such as transportation, energy, agriculture, and health care sectors;
(iii) small, medium, and large businesses;
(iv) think tanks and academia;
(v) nonprofit organizations and consumer groups;
(vi) security experts;
(vii) representatives of stakeholders; and
(viii) other stakeholders with relevant expertise, as determined by the Secretary.

(D) REPORT.—Not later than 1 year after the date of enactment of this Act, the steering committee shall submit to the working group a report that includes any findings or recommendations of the steering committee.

(E) INDEPENDENT ADVICE.—
(i) IN GENERAL.—The steering committee shall set the agenda of the steering committee in carrying out the duties of the steering committee under subparagraph (D).
(ii) SUGGESTIONS.—The working group may suggest topics or items for the steering committee to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to preserve military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle H—READI Act

SEC. 1091. SHORT TITLE. This subtitle may be cited as the “Reliable Emergency Alert Distribution Improvement Act of 2020 (READI Act)”.

SEC. 1092. DEFINITIONS.

In this subtitle—
(1) the term “Administrator” means the Administrator of the Federal Emergency Management Agency;
(2) the term “Commission” means the Federal Communications Commission;
(3) the term “Emergency Alert System” means the national public warning system, the rules for which are set forth in part 11 of title 47, Code of Federal Regulations (or any successor regulation);

SEC. 1093. WIRELESS EMERGENCY ALERTS SYSTEM OFFERINGS.

(a) AMENDMENT.—Section 1092(b)(2)(E) of the Warning, Alert, and Response Network Act (47 U.S.C. 1201(b)(2)(E)) is amended—
(1) by striking the second and third sentences of subsection (b); and
(2) by striking ‘‘other than an alert issued by the President’’ and inserting the following—‘‘other than an alert issued by—’’
(i) the President of the United States; and
(ii) the Administrator of the Federal Emergency Management Agency.’’.

(b) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Commission, in consultation with the Administrator, shall adopt regulations to implement the amendment made by subsection (a)(2).

SEC. 1094. STATE EMERGENCY ALERT SYSTEM PLANS AND EMERGENCY COMMUNICATION COMMITTEES.

(a) DEFINITIONS.—In this section—
(1) the term ‘‘SECC’’ means a State Emergency Communications Committee;
(2) the term ‘‘State’’ means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, and any possession of the United States; and
(3) the term ‘‘State EAS Plan’’ means a State Emergency Alert System Plan.

(b) STATE EMERGENCY COMMUNICATIONS COMMITTEE.—Not later than 180 days after the date of enactment of this Act, the Commission shall adopt regulations that—
(1) encourage the chief executive of each State—
(A) to establish an SECC if the State does not have an SECC; or
(B) if the State has an SECC, to review the composition and governance of the SECC;
(2) provide that—
(A) each SECC, not less frequently than annually, shall—
(i) meet to review and update its State EAS Plan;
(ii) certify to the Commission that the SECC has met as required under clause (1); and
(iii) submit to the Commission an updated State EAS Plan; and
(B) not later than 60 days after the date on which the Commission receives an updated State EAS Plan under subparagraph (A)(ii), the Commission shall—
(i) approve or disapprove the updated State EAS Plan; and
(ii) notify the chief executive of the State of the Commission’s findings; and
(3) establish a State EAS Plan content checklist for SECCs when reviewing and updating a State EAS Plan under submission to the Commission under paragraph (2)(A).

(c) CONSULTATION.—The Commission shall consult with the Administrator regarding the adoption of regulations under subsection (b)(3).

SEC. 1095. INTEGRATED PUBLIC ALERT AND WARNING SYSTEM GUIDANCE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall develop and issue guidance on how State, Tribal, and local governments may participate in the integrated public alert and warning system of the United States described in section 1092(a) of the Homeland Security Act of 2002 (6 U.S.C. 520) (referred to in this section as the ‘‘public alert
and warning system") while maintaining the integrity of the public alert and warning system, including—

(1) guidance on the categories of public emergencies and appropriate circumstances that warrant an alert and warning from State, Tribal, and local governments using the public alert and warning system;

(2) for State, Tribal, and local government officials to authenticate civil emergencies and initiate, modify, and cancel alerts transmitted through the public alert and warning system.

(3) for State, Tribal, and local government officials to authenticate civil emergencies and initiate, modify, and cancel alerts transmitted through the public alert and warning system;

(4) steps a State, Tribal, or local government official should take to mitigate the possibility of the issuance of a false alert through the public alert and warning system;

(5) the annual training and recertification of emergency management personnel on requirements for originating and transmitting an alert through the public alert and warning system;

(6) the procedures, protocols, and guidance concerning the protective action plans that State, Tribal, and local governments should issue to the public following an alert issued under the public alert and warning system;

(7) a plan by which State, Tribal, and local government officials may, during an emergency, contact each other as well as Federal officials and participants in the Emergency Alert System and the Wireless Emergency Alerts System, when appropriate and necessary, by telephone, text message, or other means of communication regarding an alert that has been distributed to the public; and

(8) any other procedure the Administrator considers appropriate for maintaining the integrity of and providing for public confidence in the public alert and warning system.

(b) COORDINATION WITH NATIONAL ADVISORY COUNCIL.—The Administrator shall ensure that the guidance developed under subsection (a) does not conflict with recommendations made for initiating the public alert and warning system provided in the report submitted by the National Advisory Council under section 2(b)(7)(B) of the Integrated Public Alert and Warning System Modernization Act of 2015 (Public Law 114–131; 130 Stat. 332).

(c) CONSULTATION.—In developing the guidance under subsection (a), the Administrator shall ensure appropriate public consultation and, to the extent practicable, coordinate development of the guidance with stakeholders of the public alert and warning system, including—

(1) appropriate personnel from Federal agencies, the National Institute of Standards and Technology, the Federal Emergency Management Agency, and the Commission;

(2) representatives of State and local governments and emergency services personnel, who shall be selected from among individuals nominated by national organizations representing those governments and personnel;

(3) representatives of federally recognized Indian Tribes and national Indian organizations;

(4) communications service providers;

(5) vendors, developers, and manufacturers of systems equipment, and capabilities for the provision of communications services;

(6) third-party service bureaus;

(7) the National Association representing the licensees and permittees of noncommercial broadcast television stations;

(8) technical experts from the broadcasting industry, representatives of both the non-commercial and commercial radio broadcast industries and non-commercial and commercial television broadcast industries;

(9) educators from the Emergency Management Institute; and

(10) other individuals with technical expertise as the Administrator determines appropriate.

(d) INAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the public consultation with stakeholders under subsection (c).

(e) RULE OF CONSTRUCTION.—Nothing in subsection (a) or (b) or (c) shall affect the authority of the Commission under the Communications Act of 1934 (47 U.S.C. 151 et seq.) or in any other manner give the Administrator authority over communications services providers pertaining to the Emergency Alert System or the Wireless Emergency Alerts System.

SEC. 1096. FALSE ALERT REPORTING.

Not later than 180 days after the date of enactment of this Act, the Commission, in consultation with the Administrator, shall complete a rulemaking proceeding to modify the Emergency Alert System to prevent receiving Emergency Alert System messages while an alert remains pending that is issued by—

(1) the President; or

(2) the Administrator, or

(3) any other entity under specified circumstances as determined by the Commission, in consultation with the Administrator.

(b) SCOPE OF RULEMAKING.—Subsection (a)—

(1) shall apply to warnings of national security events, meaning emergencies of national significance, such as a missile threat, terror attack, or other act of war; and

(2) shall not apply to more typical warnings, such as a weather alert, AMBER Alert, or disaster alert.

SEC. 1098. INTERNET AND ONLINE STREAMING OF EMERGENCY ALERT EXAMINATION.

(a) STUDY.—Not later than 180 days after the date of enactment of this Act, and after providing an opportunity for public comment, the Commission shall complete an inquiry to examine the feasibility of updating the Emergency Alert System to enable the Commission to improve in their delivery to consumers provided through the internet, including through streaming services.
serve as the Executive Officer from among individuals with sufficient experience in defense and industrial acquisition and production matters, including such matters as described in section 304(a)(1)(B) of title 10, United States Code.

(3) AUTHORITIES.—The Executive Officer, acting through the National Response Coordination Center, in direct consultation with the Secretary of Homeland Security, the Secretary of Defense, the Secretary of Health and Human Services, and the Secretary of the Treasury, shall use all available Federal acquisition authorities, including the authorities described under sections 101(b), 4501, 4503, 4504, 4505, 706, 708(c), and (d), and 710 of the Defense Production Act of 1950 (50 U.S.C. 4511(b), 4512, 4531, 4532, 4533, 4534, 4535, 4536, 4538 (c) and (d), and 4560), to oversee all functions and logistics functions related to the response by the National Response Coordination Center to COVID–19.

(4) RESPONSIBILITIES.—The Executive Officer, as the officer overseeing the acquisition and logistics functions of the response by the National Response Coordination Center to COVID–19, shall—

(A) receive all requests for equipment and supplies, including personal protective equipment, from States and Indian Tribes;

(B) make recommendations to the President and other appropriate Federal agencies as appropriate, all distribution of critical equipment and supplies to the States and Indian Tribes, through existing commercial distributers where practical;

(C) communicate with State and local governments and Indian Tribes with respect to availability and delivery schedule of equipment and supplies;

(D) direct, in consultation with the Federal Emergency Management Agency, the Department of Health and Human Services, the Department of Defense, Defense Logistics Agency, and other Federal agencies as appropriate, all distribution of critical equipment and supplies to the States and Indian Tribes, through existing commercial distributers where practical;

(E) publish in a timely manner in the Federal Register a summary of, a report including—

(A) the name and address of each delivery of supplies and equipment under a purchase order authorized by this subtitle;

(B) the number of such supplies and equipment delivered;

(C) the date of each such delivery.

(5) REPORTS.—

(A) REPORTS REQUIRED.—

(1) In general.—The Executive Officer shall—

(a) establish a fair and reasonable price for the sale of equipment and supplies identified in the reports required by subsection (c); and

(b) issue priority purchase orders pursuant to Department of Defense Directive 4400.1, part 101, subpart A of title 45, Code of Federal Regulations, or any other applicable acquisition authority, to procure equipment and supplies identified in the reports required by subsection (c).

(B) DISPOSITION OF UNUSED EQUIPMENT AND SUPPLIES.—Any equipment or supplies procured pursuant to paragraphs (a)(1) and (a)(2) shall be available for purchases made under section 304 of the Defense Production Act of 1950. Funds available in the Defense Production Act Fund under section 304 of the Defense Production Act of 1950 (50 U.S.C. 4531 et seq.) shall be available for purchases made under this section until the termination date described in subsection (a)(6).

(C) AUTHORIZATION OF CONGRESS TO IMPOSE PRICE CONTROLS.—

(1) In general.—Not later than 7 days after receiving a report required under subsection (c), the President, using authorities provided under the Defense Production Act of 1950 (50 U.S.C. 4501 et seq.), shall—

(A) establish a fair and reasonable price for the sale of equipment and supplies identified in the reports required by subsection (c); and

(B) issue priority purchase orders pursuant to Department of Defense Directive 4400.1, part 101, subpart A of title 45, Code of Federal Regulations, or any other applicable acquisition authority, to procure equipment and supplies identified in the reports required by subsection (c).

(2) DISPOSITION OF UNUSED EQUIPMENT AND SUPPLIES.—Any equipment or supplies procured pursuant to paragraphs (a)(1) and (a)(2) shall be available for purchases made under section 304 of the Defense Production Act of 1950. Funds available in the Defense Production Act Fund under section 304 of the Defense Production Act of 1950 (50 U.S.C. 4531 et seq.) shall be available for purchases made under this section until the termination date described in subsection (a)(6).

(D) FUNDING.—Amounts available in the Defense Production Act Fund under section 304 of the Defense Production Act of 1950 (50 U.S.C. 4531 et seq.) shall be available for purchases made under this section until the termination date described in subsection (a)(6).

(E) WAIVER OF CERTAIN REQUIREMENTS.—

(1) The requirements of sections 301(d)(1)(A), 301(d)(2)(B), and subsections (B) and (C) of section 303(a)(6) of the Defense Production Act of 1950 (50 U.S.C. 4531(d)(1)(A), 4532(d)(1), and 4533(a)(6)) are waived for purposes of this section until the termination date described in subsection (a)(6).

(2) The requirement of section 304 of the Defense Production Act of 1950 (50 U.S.C. 4534) is modified, expand, or improve production processes to manufacture such equipment and supplies;

(D) an estimate of the funding and other measures necessary to rapidly expand manufacture and production of such equipment and supplies, including—

(i) any efforts to expand, retool, or reconfigure production lines;

(ii) efforts to establish new production lines through the purchase and installation of new equipment; or

(iii) the issuance of additional contracts, purchase orders, purchase guarantees, or other similar measures;

(E) an identification of government and privately owned stockpiles of equipment and supplies identified in paragraphs (a)(1) through (a)(27) of this section, and any Strategic National Stockpile that could be repaired or reconstituted;

(F) an identification of previously distributed critical equipment and supplies that can be redistributed based on current need; and

(G) an identification of critical areas of need by county and Indian Health Service area in the United States and the metrics and criteria for their identification as critical;
year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII, add the following:

SEC. 2865. LEASE EXTENSION FOR BRYAN MULTI-SPORTS COMPLEX, WAYNE COUNTY, NORTH CAROLINA

(a) AUTHORITY.—The Secretary of the Air Force may extend to the City of Goldsboro the existing lease of the approximately 62-acre Bryan Multi-Sports Complex located in Wayne County, North Carolina, for the purpose of operating a sports and recreation facility for the benefit of both the Air Force and the community.

(b) DURATION.—At the option of the Secretary of the Air Force, the lease entered into under this section may be extended for up to 30 additional years with a total lease period not to exceed 50 years.

(c) PAYMENTS UNDER THE LEASE.—The Secretary of the Air Force may waive the requirement under section 2667(b)(4) of title 10, United States Code, with respect to the lease entered into under this section if the Secretary determines that the lease enhances the quality of life of members of the Armed Forces.

(d) SENSE OF SENATE.—It is the Sense of the Senate regarding the conditions governing the extension of the current lease for the Bryan Multi-Sports Complex that:

(1) the Senate has determined it is in the best interest of the community and the Air Force to extend the lease at no cost;

(2) the current lease allowed the Air Force to close their sports field on Seymour-Johnson Air Force Base and resulted in a savings of $15,000 per year in utilities and grounds maintenance costs;

(3) the current sports complex reduces force protection vulnerability now that the facility has improved the quality of life for military families stationed at Seymour-Johnson Air Force Base;

(4) the facility has improved the quality of life for military families stationed at Seymour-Johnson Air Force Base by allowing members of the Armed Forces and their families to have access to world class sports facilities located adjacent to the installation and on-base privatized housing with easy access by junior enlisted members residing in the dorms.

SEC. 1093. ANNUAL COMPTROLLER GENERAL REPORT.

Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Comptroller General of the United States shall submit to Congress a report assessing the Strategic National Stockpile, including:

1. recommendations for preparing for and responding to future pandemics;
2. recommendations for changes to the Strategic National Stockpile, including to the management of the stockpile;
3. in the case of the first report required to be submitted under this section—
   (A) with respect to how much personal protective equipment was used for responding to future pandemics; and
   (B) recommendations with respect to how to ensure that the United States supply chain for personal protective equipment is better equipped to respond to emergencies, including through the use of funds in the Defense Production Act Fund under section 304 of the Defense Production Act of 1950 (50 U.S.C. 4534) to address shortages in that supply chain; and
4. in the case of each subsequent report required to be submitted under this section—
   (A) an assessment with respect to how much personal protective equipment was imported into the United States in the year preceding submission of the report and, of that equipment, how much was used to prepare for and respond to a future pandemic; and
   (B) a review of the implementation during that year of the recommendations required by paragraph (3)(B).

SEC. 1094. OVERSIGHT.

(a) IN GENERAL.—The Chairperson of the Council of the Inspectors General on Integrity and Efficiency shall designate any Inspector General responsible for conducting oversight of any program or operation performed in support of this subtitle to oversee the implementation of this subtitle, to the maximum extent practicable and consistent with the duties, responsibilities, policies, and procedures of that Inspector General.

(b) REMOVAL.—The designation of an Inspector General under subsection (a) may be terminated only for permanent incapacity, inefficiency, neglect of duty, malfeasance, or conviction of a felony or conduct involving moral turpitude.

SA 2213. Mr. TILLIS submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, the military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal