

SA 2378. Mrs. BLACKBURN (for herself, Mr. MENENDEZ, Mr. SCOTT of Florida, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2379. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2380. Mr. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2381. Mr. SCOTT, of Florida submitted an amendment intended to be proposed by him to the bill S. 4116, to extend the authority for commitments for the paycheck protection program and separate amounts authorized for other loans under section 7(a) of the Small Business Act, and for other purposes; which was ordered to lie on the table.

SA 2382. Ms. HARRIS 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.

SA 2383. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2384. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2385. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2386. Mrs. GILLIBRAND (for herself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2387. Mr. UDALL submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2388. Mr. PERDUE (for Mr. MERKLEY) proposed an amendment to the bill S. 3758, to amend the Klamath Basin Water Supply Enhancement Act of 2000 to make certain technical corrections.

TEXT OF AMENDMENTS

SA 2326. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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 3152.

SA 2327. Mr. YOUNG submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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. ____ . STUDY AND PLAN ON THE USE OF ADDITIVE MANUFACTURING AND THREE-DIMENSIONAL BIOPRINTING IN SUPPORT OF THE WARFIGHTER.

(a) **STUDY.**—The Secretary of Defense shall conduct a study on the use of additive manufacturing and three-dimensional bioprinting across the Military Health System.

(b) **ELEMENTS.**—The study required by subsection (a) shall examine the activities currently underway by each of the military services and the Department agencies, including costs, sources of funding, oversight, collaboration, and outcomes.

(c) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense 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 results of the study conducted under subsection (a).

SA 2328. Mr. YOUNG submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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 IX.

SA 2329. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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 1532.

SA 2330. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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 XII, 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 GLOBAL ENGAGEMENT CENTER.**—Notwithstanding any other provision of law, the Secretary of State, during the five-year period beginning on the date of the enactment of this Act and solely to carry out functions 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 2331. Mr. SHELBY submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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 235, strike the section heading and insert the following:

SEC. 235. REPORT ON MICRO NUCLEAR REACTOR PROGRAMS.

In section 235, strike subsections (e) and (f).

SA 2332. Mr. CRAMER (for himself, Mrs. GILLIBRAND, Mr. HOEVEN, Mr. MENENDEZ, Ms. KLOBUCHAR, Mrs. CAPITO, Mr. TESTER, Mrs. SHAHEEN, Mr. LANKFORD, Mr. BLUMENTHAL, Mr. SCHUMER, Ms. COLLINS, Ms. HASSAN, Mr. ROUNDS, Mr. BOOKER, and Ms. MCSALLY) 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 ____ . INCLUSION ON THE VIETNAM VETERANS MEMORIAL WALL OF THE NAMES OF THE LOST CREW MEMBERS OF THE U.S.S. FRANK E. EVANS KILLED ON JUNE 3, 1969.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Defense shall authorize the inclusion on the Vietnam Veterans Memorial Wall in the District of Columbia of the names of the 74 crew members of the U.S.S. Frank E. Evans killed on June 3, 1969.

(b) **REQUIRED CONSULTATION.**—The Secretary of Defense shall consult with the Secretary of the Interior, the American Battlefield Monuments Commission, and other applicable authorities with respect to any adjustments to the nomenclature and placement of names pursuant to subsection (a) to address any space limitations on the placement of additional names on the Vietnam Veterans Memorial Wall.

(c) **NONAPPLICABILITY OF COMMEMORATIVE WORKS ACT.**—Chapter 89 of title 40, United

States Code (commonly known as the “Commemorative Works Act”), shall not apply to any activities carried out under subsection (a) or (b).

SA 2333. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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 1602 and insert the following:

SEC. 1602. DISTRIBUTION OF LAUNCHES FOR PHASE TWO OF ACQUISITION STRATEGY FOR NATIONAL SECURITY SPACE LAUNCH PROGRAM.

In carrying out phase two of the acquisition strategy for the National Security Space Launch program, the Secretary of the Air Force shall ensure—

(1) that launch services are procured only from launch service providers that the Secretary assesses will meet all payload-to-reference orbit requirements, as outlined in the phase two acquisition strategy; and

(2) the viability of the domestic space launch industrial base while providing for cost-effective and reliable launch services.

SA 2334. Mr. COTTON (for himself, Mr. TILLIS, and 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:

Strike section 377 and insert the following:

SEC. 377. COMMISSION ON THE NAMING OF ASSETS OF THE DEPARTMENT OF DEFENSE THAT COMMEMORATE THE CONFEDERATE STATES OF AMERICA OR ANY PERSON WHO SERVED VOLUNTARILY WITH THE CONFEDERATE STATES OF AMERICA.

(a) IN GENERAL.—The Secretary of Defense shall establish a commission relating to the naming or other commemorative properties of assets of the Department of Defense that commemorate the Confederate States of America or any person who served voluntarily with the Confederate States of America (in this section referred to as the “Commission”).

(b) DUTIES.—The Commission shall—

(1) develop procedures and criteria to assess whether an asset of the Department of Defense commemorates the Confederate States of America or any person who served voluntarily with the Confederate States of America;

(2) using the procedures and criteria developed in paragraph (1), develop a list of all assets of the Department of Defense that commemorate the Confederate States of America or any person who served voluntarily with the Confederate States of America; and

(3) for each asset identified under paragraph (2), gather information relating to the history, heritage, and local sensitivities regarding the naming or other commemorative properties of such asset.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of eight members, of whom—

(A) four shall be appointed by the President, one of whom shall be designated by the President as the Chair of the Commission;

(B) one shall be appointed by the Chairman of the Committee on Armed Services of the Senate;

(C) one shall be appointed by the Ranking Member of the Committee on Armed Services of the Senate;

(D) one shall be appointed by the Chairman of the Committee on Armed Services of the House of Representatives; and

(E) one shall be appointed by the Ranking Member of the Committee on Armed Services of the House of Representatives.

(2) APPOINTMENT.—Members of the Commission shall be appointed not later than 45 days after the date of the enactment of this Act.

(d) INITIAL MEETING.—The Commission shall hold its initial meeting at the call of the Chair, but not later than 60 days after the date of the enactment of this Act.

(e) OTHER PROCEDURES; VOTING.—The Commission may establish the procedures of the Commission by majority vote, except that in the case of a tied vote the position of the Chair shall be adopted as the majority vote of the Commission.

(f) DETAIL OF EMPLOYEES AND ACCESS TO INFORMATION.—

(1) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request by the Commission, an employee of the Federal Government may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(2) ACCESS TO OTHER RESOURCES.—

(A) IN GENERAL.—The Commission shall have reasonable access to materials, resources, and other information the Commission determines necessary to carry out its duties from—

- (i) the Library of Congress;
- (ii) the Department of Defense;
- (iii) the National Archives and Records Administration;
- (iv) the Smithsonian Institution; and
- (v) any other agency of the executive or legislative branch of the Federal Government.

(B) REQUESTS FOR RESOURCES.—The Chair of the Commission shall make requests for access to materials, resources, and other information described in subparagraph (A) in writing when necessary.

(g) BRIEFINGS AND REPORTS.—

(1) BRIEFING.—Not later than October 1, 2021, the Commission shall brief the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives detailing the progress of the Commission in carrying out the requirements of the Commission under subsection (b).

(2) FINAL BRIEFING AND REPORT.—Not later than October 1, 2022, the Commission shall brief and provide a written report to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives detailing the results of the work of the Commission under subsection (b), including—

(A) a list of assets of the Department of Defense identified by the Commission as commemorating the Confederate States of America or any person who served voluntarily with the Confederate States of America;

(B) a description of the criteria and procedures used to identify such assets;

(C) information relating to the history, heritage, and local sensitivities regarding the naming or other commemorative properties of each such asset; and

(D) for each such asset, information relating to whether the asset is a grave marker.

(h) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$2,000,000 to carry out this section.

(2) OFFSET.—The amount authorized to be appropriated by this Act for fiscal year 2021 for Operation and Maintenance, Army, sub activity group 434, other personnel support is hereby reduced by \$2,000,000.

(i) DEFINITIONS.—In this section:

(1) ASSETS OF THE DEPARTMENT OF DEFENSE.—The term “assets of the Department of Defense” includes any base, installation, street, building, facility, aircraft, ship, plane, weapon, equipment, plaque, monument, memorial, or any other property owned or controlled by the Department of Defense.

(2) COMMEMORATIVE PROPERTIES.—The term “commemorative properties” includes any name, symbol, design, display, or other property of an asset of the Department of Defense that is intended to commemorate or has the effect of commemorating an individual, group, idea, or historical event.

(3) GRAVE MARKER.—The term “grave marker” includes any monument, memorial, plaque, or other item which, due to its nature, location, or presentation, may be reasonably viewed as commemorating the death or final resting place of war dead.

SA 2335. 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 end of subtitle D of title X, add the following:

SEC. 1035. PROHIBITION ON THE INDEFINITE DETENTION OF PERSONS BY THE UNITED STATES.

(a) LIMITATION ON DETENTION.—Section 4001 of title 18, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

“(a) No person shall be imprisoned or otherwise detained by the United States except consistent with the Constitution.”;

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

“(b)(1) A general authorization to use military force, a declaration of war, or any similar authority, on its own, shall not be construed to authorize the imprisonment or detention without charge or trial of a person apprehended in the United States.

“(2) Paragraph (1) applies to an authorization to use military force, a declaration of war, or any similar authority enacted before, on, or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2021.

“(3) This section shall not be construed to authorize the imprisonment or detention of any person who is apprehended in the United States.”.

(b) REPEAL OF AUTHORITY OF THE ARMED FORCES OF THE UNITED STATES TO DETAIN COVERED PERSONS PURSUANT TO THE AUTHORIZATION FOR USE OF MILITARY FORCE.—Section 1021 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 10 U.S.C. 801 note) is repealed.

SA 2336. Mr. WARNER (for himself and Mr. KING) 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 VIII, add the following:

SEC. 815. 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 develop and submit to Congress a comprehensive report on the national strategy for the information and communications technology (ICT) industrial base for the following 4-year period, or a longer period, if appropriate. The report should include inputs from the Department of Defense, the Department of Homeland Security, the Department of Commerce, the Department of State, the Office of the Director of National Intelligence, and relevant private sector entities.

(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. 3043);

(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 necessary for the manufacture and development of ICT deemed critical to the United States national and economic security; 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, resourcing, and authorities for evaluating ICT components, products, and materials and promoting availability and integrity of trusted technologies.

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after developing the strategy under subsection (a), the President shall submit a report to the appropriate congressional committees with the strategy.

(2) FORM.—The report required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, the Committee on Com-

merce, Science, and Transportation, 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 Homeland Security, the Committee on Energy and Commerce, the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

(2) INFORMATION AND COMMUNICATIONS TECHNOLOGY.—The term “information and communications technology” means information technology and other equipment, systems, technologies, or processes, for which the principal function is the creation, manipulation, storage, display, receipt, protection, or transmission of electronic data and information, as well as any associated content.

SA 2337. 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 end of subtitle E of title X, add the following:

SEC. 1052. REPEAL OF AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002.

The Authorization for Use of Military Force Against Iraq Resolution of 2002 (50 U.S.C. 1541 note) is repealed.

SA 2338. Mr. MORAN (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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, add the following:

TITLE XVII—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS

SEC. 1701. REFERENCES TO NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS ACT OF 2002.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3001 et seq.).

Subtitle A—General Provisions

SEC. 1711. STRENGTH AND DISTRIBUTION IN GRADE.

Section 214 (33 U.S.C. 3004) is amended to read as follows:

“SEC. 214. STRENGTH AND DISTRIBUTION IN GRADE.

“(a) GRADES.—The commissioned grades in the commissioned officer corps of the Administration are the following, in relative rank with officers of the Navy:

“(1) Vice admiral.

“(2) Rear admiral.

“(3) Rear admiral (lower half).

“(4) Captain.

“(5) Commander.

“(6) Lieutenant commander.

“(7) Lieutenant.

“(8) Lieutenant (junior grade).

“(9) Ensign.

“(b) GRADE DISTRIBUTION.—The Secretary shall prescribe, with respect to the distribution on the lineal list in grade, the percentages applicable to the grades set forth in subsection (a).

“(c) ANNUAL COMPUTATION OF NUMBER IN GRADE.—

“(1) IN GENERAL.—Not less frequently than once each year, the Secretary shall make a computation to determine the number of officers on the lineal list authorized to be serving in each grade.

“(2) METHOD OF COMPUTATION.—The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving on active duty on the date the computation is made.

“(3) FRACTIONS.—If a final fraction occurs in computing the authorized number of officers in a grade, the nearest whole number shall be taken. If the fraction is one-half, the next higher whole number shall be taken.

“(d) TEMPORARY INCREASE IN NUMBERS.—The total number of officers authorized by law to be on the lineal list during a fiscal year may be temporarily exceeded if the average number on that list during that fiscal year does not exceed the authorized number.

“(e) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Officers serving in positions designated under section 228(a) and officers recalled from retired status shall not be counted when computing authorized strengths under subsection (c) and shall not count against those strengths.

“(f) PRESERVATION OF GRADE AND PAY.—No officer may be reduced in grade or pay or separated from the commissioned officer corps of the Administration as the result of a computation made to determine the authorized number of officers in the various grades.”

SEC. 1712. RECALLED OFFICERS.

(a) IN GENERAL.—Section 215 (33 U.S.C. 3005) is amended to read as follows:

“SEC. 215. NUMBER OF AUTHORIZED COMMISSIONED OFFICERS.

“(a) IN GENERAL.—The total number of authorized commissioned officers on the lineal list of the commissioned officer corps of the Administration shall not exceed 500.

“(b) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Officers serving in positions designated under section 228 and officers recalled from retired status or detailed to an agency other than the Administration—

“(1) may not be counted in determining the total number of authorized officers on the lineal list under this section; and

“(2) may not count against such number.”

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372) is amended by striking the item relating to section 215 and inserting the following:

“Sec. 215. Number of authorized commissioned officers.”

SEC. 1713. OBLIGATED SERVICE REQUIREMENT.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.) is amended by adding at the end the following:

“SEC. 216. OBLIGATED SERVICE REQUIREMENT.

“(a) IN GENERAL.—

“(1) REGULATIONS.—The Secretary shall prescribe the obligated service requirements for appointments, training, promotions, separations, continuations, and retirements of officers not otherwise covered by law.

“(2) WRITTEN AGREEMENTS.—The Secretary and officers shall enter into written agreements that describe the officers’ obligated service requirements prescribed under paragraph (1) in return for such appointments, training, promotions, separations, continuations, and retirements as the Secretary considers appropriate.

“(b) REPAYMENT FOR FAILURE TO SATISFY REQUIREMENTS.—

“(1) IN GENERAL.—The Secretary may require an officer who fails to meet the service requirements prescribed under subsection (a)(1) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the training provided to that officer by the Secretary as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve.

“(2) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to reimburse the Secretary under paragraph (1) is, for all purposes, a debt owed to the United States.

“(3) DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11 that is entered less than five years after the termination of a written agreement entered into under subsection (a)(2) does not discharge the individual signing the agreement from a debt arising under such agreement.

“(c) WAIVER OR SUSPENSION OF COMPLIANCE.—The Secretary may waive the service obligation of an officer who—

“(1) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that officer; or

“(2) is—

“(A) not physically qualified for appointment; and

“(B) determined to be unqualified for service in the commissioned officer corps of the Administration because of a physical or medical condition that was not the result of the officer’s own misconduct or grossly negligent conduct.”

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372) is amended by inserting after the item relating to section 215 the following:

“Sec. 216. Obligated service requirement.”

SEC. 1714. TRAINING AND PHYSICAL FITNESS.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 1713(a), is further amended by adding at the end the following:

“SEC. 217. TRAINING AND PHYSICAL FITNESS.

“(a) TRAINING.—The Secretary may take such measures as may be necessary to ensure that officers are prepared to carry out their duties in the commissioned officer corps of the Administration and proficient in the skills necessary to carry out such duties. Such measures may include the following:

“(1) Carrying out training programs and correspondence courses, including establishing and operating a basic officer training program to provide initial indoctrination and maritime vocational training for officer candidates as well as refresher training, mid-career training, aviation training, and such other training as the Secretary considers necessary for officer development and proficiency.

“(2) Providing officers and officer candidates with educational materials.

“(3) Acquiring such equipment as may be necessary for training and instructional purposes.

“(b) PHYSICAL FITNESS.—The Secretary shall ensure that officers maintain a high physical state of readiness by establishing standards of physical fitness for officers that are substantially equivalent to those prescribed for officers in the Coast Guard.”

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372), as amended by section 1713(b), is further amended by inserting after the item relating to section 216 the following:

“Sec. 217. Training and physical fitness.”

SEC. 1715. AVIATION ACCESSION TRAINING PROGRAMS.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 1714(a), is further amended by adding at the end the following:

“SEC. 218. AVIATION ACCESSION TRAINING PROGRAMS.

“(a) DEFINITIONS.—In this section:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Under Secretary of Commerce for Oceans and Atmosphere and the Administrator of the National Oceanic and Atmospheric Administration.

“(2) MEMBER OF THE PROGRAM.—The term ‘member of the program’ means a student who is enrolled in the program.

“(3) PROGRAM.—The term ‘program’ means an aviation accession training program of the commissioned officer corps of the Administration established pursuant to subsection (b).

“(b) AVIATION ACCESSION TRAINING PROGRAMS.—

“(1) ESTABLISHMENT AUTHORIZED.—The Administrator, under regulations prescribed by the Secretary, shall establish and maintain one or more aviation accession training programs for the commissioned officer corps of the Administration at institutions described in paragraph (2).

“(2) INSTITUTIONS DESCRIBED.—An institution described in this paragraph is an educational institution—

“(A) that requests to enter into an agreement with the Administrator providing for the establishment of the program at the institution;

“(B) that has, as a part of its curriculum, a four-year baccalaureate program of professional flight and piloting instruction that is accredited by the Aviation Accreditation Board International;

“(C) that is located in a geographic area that—

“(i) experiences a wide variation in climate-related activity, including frequent high winds, convective activity (including tornadoes), periods of low visibility, heat, and snow and ice episodes, to provide opportunities for pilots to demonstrate skill in all weather conditions compatible with future encounters during their service in the commissioned officer corps; and

“(ii) has a climate that can accommodate both primary and advanced flight training activity at least 75 percent of the year; and

“(D) at which the Administrator determines that—

“(i) there will be at least one student enrolled in the program; and

“(ii) the provisions of this section are otherwise satisfied.

“(3) LIMITATIONS IN CONNECTION WITH PARTICULAR INSTITUTIONS.—The program may not be established or maintained at an institution unless—

“(A) the senior commissioned officer or employee of the commissioned officer corps who is assigned as an advisor to the program at that institution is given the academic rank of adjunct professor; and

“(B) the institution fulfills the terms of its agreement with the Administrator.

“(4) MEMBERSHIP IN CONNECTION WITH STATUS AS STUDENT.—At institutions at which the program is established, the membership of students in the program shall be elective,

as provided by State law or the authorities of the institution concerned.

“(c) MEMBERSHIP.—

“(1) ELIGIBILITY.—To be eligible for membership in the program, an individual must—

“(A) be a student at an institution at which the program is established;

“(B) be a citizen of the United States;

“(C) contract in writing, with the consent of a parent or guardian if a minor, with the Administrator, to—

“(i) accept an appointment, if offered, as a commissioned officer in the commissioned officer corps of the Administration; and

“(ii) serve in the commissioned officer corps for not fewer than four years;

“(D) enroll in—

“(i) a four-year baccalaureate program of professional flight and piloting instruction; and

“(ii) other training or education, including basic officer training, which is prescribed by the Administrator as meeting the preliminary requirement for admission to the commissioned officer corps; and

“(E) execute a certificate or take an oath relating to morality and conduct in such form as the Administrator prescribes.

“(2) COMPLETION OF PROGRAM.—A member of the program may be appointed as a regular officer in the commissioned officer corps if the member meets all requirements for appointment as such an officer.

“(d) FINANCIAL ASSISTANCE FOR QUALIFIED MEMBERS.—

“(1) EXPENSES OF COURSE OF INSTRUCTION.—

“(A) IN GENERAL.—In the case of a member of the program who meets such qualifications as the Administrator establishes for purposes of this subsection, the Administrator may pay the expenses of the member in connection with pursuit of a course of professional flight and piloting instruction under the program, including tuition, fees, educational materials such as books, training, certifications, travel, and laboratory expenses.

“(B) ASSISTANCE AFTER FOURTH ACADEMIC YEAR.—In the case of a member of the program described in subparagraph (A) who is enrolled in a course described in that subparagraph that has been approved by the Administrator and requires more than four academic years for completion, including elective requirements of the program, assistance under this subsection may also be provided during a fifth academic year or during a combination of a part of a fifth academic year and summer sessions.

“(2) ROOM AND BOARD.—In the case of a member eligible to receive assistance under paragraph (1), the Administrator may, in lieu of payment of all or part of such assistance, pay the room and board expenses of the member, and other educational expenses, of the educational institution concerned.

“(3) FAILURE TO COMPLETE PROGRAM OR ACCEPT COMMISSION.—A member of the program who receives assistance under this subsection and who does not complete the course of instruction, or who completes the course but declines to accept a commission in the commissioned officer corps when offered, shall be subject to the repayment provisions of subsection (e).

“(e) REPAYMENT OF UNEARNED PORTION OF FINANCIAL ASSISTANCE WHEN CONDITIONS OF PAYMENT NOT MET.—

“(1) IN GENERAL.—A member of the program who receives or benefits from assistance under subsection (d), and whose receipt of or benefit from such assistance is subject to the condition that the member fully satisfy the requirements of subsection (c), shall repay to the United States an amount equal to the assistance received or benefitted from if the member fails to fully satisfy such requirements and may not receive or benefit

from any unpaid amounts of such assistance after the member fails to satisfy such requirements, unless the Administrator determines that the imposition of the repayment requirement and the termination of payment of unpaid amounts of such assistance with regard to the member would be—

“(A) contrary to a personnel policy or management objective;

“(B) against equity and good conscience; or

“(C) contrary to the best interests of the United States.

“(2) REGULATIONS.—The Administrator may establish, by regulations, procedures for determining the amount of the repayment required under this subsection and the circumstances under which an exception to repayment may be granted. The Administrator may specify in the regulations the conditions under which financial assistance to be paid to a member of the program will not be made if the member no longer satisfies the requirements in subsection (c) or qualifications in subsection (d) for such assistance.

“(3) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to repay the United States under this subsection is, for all purposes, a debt owed to the United States.”

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372), as amended by section 1714(b), is further amended by inserting after the item relating to section 217 the following:

“Sec. 218. Aviation accession training programs.”

SEC. 1716. RECRUITING MATERIALS.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 1715(a), is further amended by adding at the end the following:

“SEC. 219. USE OF RECRUITING MATERIALS FOR PUBLIC RELATIONS.

“The Secretary may use for public relations purposes of the Department of Commerce any advertising materials developed for use for recruitment and retention of personnel for the commissioned officer corps of the Administration. Any such use shall be under such conditions and subject to such restrictions as the Secretary shall prescribe.”

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372), as amended by section 1715(b), is further amended by inserting after the item relating to section 218 the following:

“Sec. 219. Use of recruiting materials for public relations.”

SEC. 1717. TECHNICAL CORRECTION.

Section 101(21)(C) of title 38, United States Code, is amended by inserting “in the commissioned officer corps” before “of the National”.

Subtitle B—Parity and Recruitment

SEC. 1721. EDUCATION LOANS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.) is amended by adding at the end the following:

“SEC. 267. EDUCATION LOAN REPAYMENT PROGRAM.

“(a) AUTHORITY TO REPAY EDUCATION LOANS.—For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty who have skills required by the commissioned officer corps, the Secretary may repay, in the case of a person described in subsection (b), a loan that—

“(1) was used by the person to finance education; and

“(2) was obtained from a governmental entity, private financial institution, edu-

cational institution, or other authorized entity.

“(b) ELIGIBLE PERSONS.—To be eligible to obtain a loan repayment under this section, a person must—

“(1) satisfy one of the requirements specified in subsection (c);

“(2) be fully qualified for, or hold, an appointment as a commissioned officer in the commissioned officer corps of the Administration; and

“(3) sign a written agreement to serve on active duty, or, if on active duty, to remain on active duty for a period in addition to any other incurred active duty obligation.

“(c) ACADEMIC AND PROFESSIONAL REQUIREMENTS.—One of the following academic requirements must be satisfied for purposes of determining the eligibility of an individual for a loan repayment under this section:

“(1) The person is fully qualified in a profession that the Secretary has determined to be necessary to meet identified skill shortages in the commissioned officer corps.

“(2) The person is enrolled as a full-time student in the final year of a course of study at an accredited educational institution (as determined by the Secretary of Education) leading to a degree in a profession that will meet identified skill shortages in the commissioned officer corps.

“(d) LOAN REPAYMENTS.—

“(1) IN GENERAL.—Subject to the limits established under paragraph (2), a loan repayment under this section may consist of the payment of the principal, interest, and related expenses of a loan obtained by a person described in subsection (b).

“(2) LIMITATION ON AMOUNT.—For each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(3), the Secretary may pay not more than the amount specified in section 2173(e)(2) of title 10, United States Code.

“(e) ACTIVE DUTY SERVICE OBLIGATION.—

“(1) IN GENERAL.—A person entering into an agreement described in subsection (b)(3) incurs an active duty service obligation.

“(2) LENGTH OF OBLIGATION DETERMINED UNDER REGULATIONS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the length of the obligation under paragraph (1) shall be determined under regulations prescribed by the Secretary.

“(B) MINIMUM OBLIGATION.—The regulations prescribed under subparagraph (A) may not provide for a period of obligation of less than one year for each maximum annual amount, or portion thereof, paid on behalf of the person for qualified loans.

“(3) PERSONS ON ACTIVE DUTY BEFORE ENTERING INTO AGREEMENT.—The active duty service obligation of persons on active duty before entering into the agreement shall be served after the conclusion of any other obligation incurred under the agreement.

“(4) CONCURRENT COMPLETION OF SERVICE OBLIGATIONS.—A service obligation under this section may be completed concurrently with a service obligation under section 216.

“(f) EFFECT OF FAILURE TO COMPLETE OBLIGATION.—

“(1) ALTERNATIVE OBLIGATIONS.—An officer who is relieved of the officer’s active duty obligation under this section before the completion of that obligation may be given any alternative obligation, at the discretion of the Secretary.

“(2) REPAYMENT.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (b)(3), or the alternative obligation imposed under paragraph (1), shall be subject to the repayment provisions under section 216.

“(g) RULEMAKING.—The Secretary shall prescribe regulations to carry out this section, including—

“(1) standards for qualified loans and authorized payees; and

“(2) other terms and conditions for the making of loan repayments.”

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372) is amended by inserting after the item relating to section 266 the following:

“Sec. 267. Education loan repayment program.”

SEC. 1722. INTEREST PAYMENTS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by section 1721(a), is further amended by adding at the end the following:

“SEC. 268. INTEREST PAYMENT PROGRAM.

“(a) AUTHORITY.—The Secretary may pay the interest and any special allowances that accrue on one or more student loans of an eligible officer, in accordance with this section.

“(b) ELIGIBLE OFFICERS.—An officer is eligible for the benefit described in subsection (a) while the officer—

“(1) is serving on active duty;

“(2) has not completed more than three years of service on active duty;

“(3) is the debtor on one or more unpaid loans described in subsection (c); and

“(4) is not in default on any such loan.

“(c) STUDENT LOANS.—The authority to make payments under subsection (a) may be exercised with respect to the following loans:

“(1) A loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.).

“(2) A loan made under part D of such title (20 U.S.C. 1087a et seq.).

“(3) A loan made under part E of such title (20 U.S.C. 1087aa et seq.).

“(d) MAXIMUM BENEFIT.—Interest and any special allowance may be paid on behalf of an officer under this section for any of the 36 consecutive months during which the officer is eligible under subsection (b).

“(e) FUNDS FOR PAYMENTS.—The Secretary may use amounts appropriated for the pay and allowances of personnel of the commissioned officer corps of the Administration for payments under this section.

“(f) COORDINATION WITH SECRETARY OF EDUCATION.—

“(1) IN GENERAL.—The Secretary shall consult with the Secretary of Education regarding the administration of this section.

“(2) TRANSFER OF FUNDS.—The Secretary shall transfer to the Secretary of Education the funds necessary—

“(A) to pay interest and special allowances on student loans under this section (in accordance with sections 428(o), 455(1), and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1078(o), 1087e(1), and 1087dd(j)); and

“(B) to reimburse the Secretary of Education for any reasonable administrative costs incurred by the Secretary in coordinating the program under this section with the administration of the student loan programs under parts B, D, and E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.).

“(g) SPECIAL ALLOWANCE DEFINED.—In this section, the term ‘special allowance’ means a special allowance that is payable under section 438 of the Higher Education Act of 1965 (20 U.S.C. 1087-1).”

(b) CONFORMING AMENDMENTS.—

(1) Section 428(o) of the Higher Education Act of 1965 (20 U.S.C. 1078(o)) is amended—

(A) by striking the subsection heading and inserting “ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS”; and

(B) in paragraph (1)—

(i) by inserting “or section 268 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002” after “Code,”; and

(ii) by inserting “or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively,” after “Armed Forces”.

(2) Sections 455(1) and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1087e(1) and 1087dd(j)) are each amended—

(A) by striking the subsection heading and inserting “ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS”; and

(B) in paragraph (1)—

(i) by inserting “or section 268 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002” after “Code,”; and

(ii) by inserting “or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively” after “Armed Forces”.

(c) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372), as amended by section 1721(b), is further amended by inserting after the item relating to section 267 the following:

“Sec. 268. Interest payment program.”.

SEC. 1723. STUDENT PRE-COMMISSIONING PROGRAM.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by section 1722(a), is further amended by adding at the end the following:

“SEC. 269. STUDENT PRE-COMMISSIONING EDUCATIONAL ASSISTANCE PROGRAM.

“(a) AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE.—For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty, the Secretary may provide financial assistance to a person described in subsection (b) for expenses of the person while the person is pursuing on a full-time basis at an accredited educational institution (as determined by the Secretary of Education) a program of education approved by the Secretary that leads to—

“(1) a baccalaureate degree in not more than five academic years; or

“(2) a postbaccalaureate degree.

“(b) ELIGIBLE PERSONS.—

“(1) IN GENERAL.—A person is eligible to obtain financial assistance under subsection (a) if the person—

“(A) is enrolled on a full-time basis in a program of education referred to in subsection (a) at any educational institution described in such subsection;

“(B) meets all of the requirements for acceptance into the commissioned officer corps of the Administration except for the completion of a baccalaureate degree; and

“(C) enters into a written agreement with the Secretary described in paragraph (2).

“(2) AGREEMENT.—A written agreement referred to in paragraph (1)(C) is an agreement between the person and the Secretary in which the person—

“(A) agrees to accept an appointment as an officer, if tendered; and

“(B) upon completion of the person’s educational program, agrees to serve on active duty, immediately after appointment, for—

“(i) up to three years if the person received less than three years of assistance; and

“(ii) up to five years if the person received at least three years of assistance.

“(c) QUALIFYING EXPENSES.—Expenses for which financial assistance may be provided under subsection (a) are the following:

“(1) Tuition and fees charged by the educational institution involved.

“(2) The cost of educational materials.

“(3) In the case of a program of education leading to a baccalaureate degree, laboratory expenses.

“(4) Such other expenses as the Secretary considers appropriate.

“(d) LIMITATION ON AMOUNT.—The Secretary shall prescribe the amount of financial assistance provided to a person under subsection (a), which may not exceed the amount specified in section 2173(e)(2) of title 10, United States Code, for each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(2).

“(e) DURATION OF ASSISTANCE.—Financial assistance may be provided to a person under subsection (a) for not more than five consecutive academic years.

“(f) SUBSISTENCE ALLOWANCE.—

“(1) IN GENERAL.—A person who receives financial assistance under subsection (a) shall be entitled to a monthly subsistence allowance at a rate prescribed under paragraph (2) for the duration of the period for which the person receives such financial assistance.

“(2) DETERMINATION OF AMOUNT.—The Secretary shall prescribe monthly rates for subsistence allowance provided under paragraph (1), which shall be equal to the amount specified in section 2144 of title 10, United States Code.

“(g) INITIAL CLOTHING ALLOWANCE.—

“(1) TRAINING.—The Secretary may prescribe a sum which shall be credited to each person who receives financial assistance under subsection (a) to cover the cost of the person’s initial clothing and equipment issue.

“(2) APPOINTMENT.—Upon completion of the program of education for which a person receives financial assistance under subsection (a) and acceptance of appointment in the commissioned officer corps of the Administration, the person may be issued a subsequent clothing allowance equivalent to that normally provided to a newly appointed officer.

“(h) TERMINATION OF FINANCIAL ASSISTANCE.—

“(1) IN GENERAL.—The Secretary shall terminate the assistance provided to a person under this section if—

“(A) the Secretary accepts a request by the person to be released from an agreement described in subsection (b)(2);

“(B) the misconduct of the person results in a failure to complete the period of active duty required under the agreement; or

“(C) the person fails to fulfill any term or condition of the agreement.

“(2) REIMBURSEMENT.—The Secretary may require a person who receives assistance described in subsection (c), (f), or (g) under an agreement entered into under subsection (b)(1)(C) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the assistance provided to that person as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve under the agreement.

“(3) WAIVER.—The Secretary may waive the service obligation of a person through an agreement entered into under subsection (b)(1)(C) if the person—

“(A) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that person; or

“(B) is—

“(i) not physically qualified for appointment; and

“(ii) determined to be unqualified for service in the commissioned officer corps of the Administration because of a physical or medical condition that was not the result of

the person’s own misconduct or grossly negligent conduct.

“(4) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to reimburse the Secretary imposed under paragraph (2) is, for all purposes, a debt owed to the United States.

“(5) DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11, United States Code, that is entered less than five years after the termination of a written agreement entered into under subsection (b)(1)(C) does not discharge the person signing the agreement from a debt arising under such agreement or under paragraph (2).

“(i) REGULATIONS.—The Secretary may prescribe such regulations and orders as the Secretary considers appropriate to carry out this section.

“(j) CONCURRENT COMPLETION OF SERVICE OBLIGATIONS.—A service obligation under this section may be completed concurrently with a service obligation under section 216.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372), as amended by section 1722(c), is further amended by inserting after the item relating to section 268 the following:

“Sec. 269. Student pre-commissioning education assistance program.”.

SEC. 1724. LIMITATION ON EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Each fiscal year, beginning with the fiscal year in which this title is enacted, the Secretary of Commerce shall ensure that the total amount expended by the Secretary under section 267 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (as added by section 1721(a)), section 268 of such Act (as added by section 1722(a)), and section 269 of such Act (as added by section 1723(a)) does not exceed the amount by which—

(1) the total amount the Secretary would pay in that fiscal year to officer candidates under section 203(f)(1) of title 37, United States Code (as added by section 1735(d)), if such section entitled officer candidates to pay at monthly rates equal to the basic pay of a commissioned officer in the pay grade O-1 with less than 2 years of service, exceeds

(2) the total amount the Secretary actually pays in that fiscal year to officer candidates under section 203(f)(1) of such title (as so added).

(b) OFFICER CANDIDATE DEFINED.—In this section, the term “officer candidate” has the meaning given the term in paragraph (4) of section 212(b) of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3002), as added by section 1735(c).

SEC. 1725. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 10, UNITED STATES CODE, AND EXTENSION OF CERTAIN AUTHORITIES APPLICABLE TO MEMBERS OF THE ARMED FORCES TO COMMISSIONED OFFICER CORPS.

(a) APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 10.—Section 261(a) (33 U.S.C. 3071(a)) is amended—

(1) by redesignating paragraphs (13) through (16) as paragraphs (22) through (25), respectively;

(2) by redesignating paragraphs (7) through (12) as paragraphs (14) through (19), respectively;

(3) by redesignating paragraphs (4) through (6) as paragraphs (8) through (10), respectively;

(4) by inserting after paragraph (3) the following:

“(4) Section 771, relating to unauthorized wearing of uniforms.

“(5) Section 774, relating to wearing religious apparel while in uniform.

“(6) Section 982, relating to service on State and local juries.

“(7) Section 1031, relating to administration of oaths.”;

(5) by inserting after paragraph (10), as redesignated, the following:

“(11) Section 1074n, relating to annual mental health assessments.

“(12) Section 1090a, relating to referrals for mental health evaluations.

“(13) Chapter 58, relating to the Benefits and Services for members being separated or recently separated.”; and

(6) by inserting after paragraph (19), as redesignated, the following:

“(20) Subchapter I of chapter 88, relating to Military Family Programs.

“(21) Section 2005, relating to advanced education assistance, active duty agreements, and reimbursement requirements.”.

(b) EXTENSION OF CERTAIN AUTHORITIES.—

(1) NOTARIAL SERVICES.—Section 1044a of title 10, United States Code, is amended—

(A) in subsection (a)(1), by striking “armed forces” and inserting “uniformed services”; and

(B) in subsection (b)(4), by striking “armed forces” both places it appears and inserting “uniformed services”.

(2) ACCEPTANCE OF VOLUNTARY SERVICES FOR PROGRAMS SERVING MEMBERS AND THEIR FAMILIES.—Section 1588 of such title is amended—

(A) in subsection (a)(3), in the matter before subparagraph (A), by striking “armed forces” and inserting “uniformed services”; and

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

“(g) SECRETARY CONCERNED FOR ACCEPTANCE OF SERVICES FOR PROGRAMS SERVING MEMBERS OF NOAA CORPS AND THEIR FAMILIES.—For purposes of the acceptance of services described in subsection (a)(3), the term ‘Secretary concerned’ in subsection (a) shall include the Secretary of Commerce with respect to members of the commissioned officer corps of the National Oceanic and Atmospheric Administration.”.

(3) CAPSTONE COURSE FOR NEWLY SELECTED FLAG OFFICERS.—Section 2153 of such title is amended—

(A) in subsection (a)—

(i) by inserting “or the commissioned officer corps of the National Oceanic and Atmospheric Administration” after “in the case of the Navy”; and

(ii) by striking “other armed forces” and inserting “other uniformed services”; and

(B) in subsection (b)(1), in the matter before subparagraph (A), by inserting “or the Secretary of Commerce, as applicable,” after “the Secretary of Defense”.

SEC. 1726. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 37, UNITED STATES CODE.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.) is amended by inserting after section 261 the following:

“SEC. 261A. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 37, UNITED STATES CODE.

“(a) PROVISIONS MADE APPLICABLE TO COMMISSIONED OFFICER CORPS.—The provisions of law applicable to the Armed Forces under the following provisions of title 37, United States Code, shall apply to the commissioned officer corps of the Administration:

“(1) Section 324, relating to accession bonuses for new officers in critical skills.

“(2) Section 403(f)(3), relating to prescribing regulations defining the terms ‘field duty’ and ‘sea duty’.

“(3) Section 403(1), relating to temporary continuation of housing allowance for dependents of members dying on active duty.

“(4) Section 415, relating to initial uniform allowances.

“(5) Section 488, relating to allowances for recruiting expenses.

“(6) Section 495, relating to allowances for funeral honors duty.

“(b) REFERENCES.—The authority vested by title 37, United States Code, in the ‘military departments’, ‘the Secretary concerned’, or ‘the Secretary of Defense’ with respect to the provisions of law referred to in subsection (a) shall be exercised, with respect to the commissioned officer corps of the Administration, by the Secretary of Commerce or the Secretary’s designee.”.

(b) PERSONAL MONEY ALLOWANCE.—Section 414(a)(2) of title 37, United States Code, is amended by inserting “or the director of the commissioned officer corps of the National Oceanic and Atmospheric Administration” after “Health Service”.

(c) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372) is amended by inserting after the item relating to section 261 the following:

“Sec. 261A. Applicability of certain provisions of title 37, United States Code.”.

SEC. 1727. PROHIBITION ON RETALIATORY PERSONNEL ACTIONS.

(a) IN GENERAL.—Subsection (a) of section 261 (33 U.S.C. 3071), as amended by section 1725(a), is further amended—

(1) by redesignating paragraphs (8) through (25) as paragraphs (9) through (26), respectively; and

(2) by inserting after paragraph (7) the following:

“(8) Section 1034, relating to protected communications and prohibition of retaliatory personnel actions.”.

(b) CONFORMING AMENDMENT.—Subsection (b) of such section is amended by adding at the end the following: “For purposes of paragraph (8) of subsection (a), the term ‘Inspector General’ in section 1034 of such title 10 shall mean the Inspector General of the Department of Commerce.”.

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

“(c) REGULATIONS REGARDING PROTECTED COMMUNICATIONS AND PROHIBITION OF RETALIATORY PERSONNEL ACTIONS.—The Secretary may prescribe regulations to carry out the application of section 1034 of title 10, United States Code, to the commissioned officer corps of the Administration, including by prescribing such administrative procedures for investigation and appeal within the commissioned officer corps as the Secretary considers appropriate.”.

SEC. 1728. APPLICATION OF CERTAIN PROVISIONS OF COMPETITIVE SERVICE LAW.

Section 3304(f) of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting “and members of the commissioned officer corps of the National Oceanic and Atmospheric Administration (or its predecessor organization the Coast and Geodetic Survey) separated from such uniformed service” after “separated from the armed forces”; and

(2) in paragraph (2), by striking “or veteran” and inserting “, veteran, or member”; and

(3) in paragraph (4), by inserting “and members of the commissioned officer corps of the National Oceanic and Atmospheric Administration (or its predecessor organization the Coast and Geodetic Survey) separated from such uniformed service” after “separated from the armed forces”.

SEC. 1729. EMPLOYMENT AND REEMPLOYMENT RIGHTS.

Section 4303(16) of title 38, United States Code, is amended by inserting “the commissioned officer corps of the National Oceanic and Atmospheric Administration,” after “Public Health Service.”.

SEC. 1730. TREATMENT OF COMMISSION IN COMMISSIONED OFFICER CORPS FOR PURPOSES OF CERTAIN HIRING DECISIONS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by this title, is further amended by adding at the end the following:

“SEC. 269A. TREATMENT OF COMMISSION IN COMMISSIONED OFFICER CORPS AS EMPLOYMENT IN ADMINISTRATION FOR PURPOSES OF CERTAIN HIRING DECISIONS.

“(a) IN GENERAL.—In any case in which the Secretary accepts an application for a position of employment with the Administration and limits consideration of applications for such position to applications submitted by individuals serving in a career or career-conditional position in the competitive service within the Administration, the Secretary shall deem an officer who has served as an officer in the commissioned officer corps for at least three years to be serving in a career or career-conditional position in the competitive service within the Administration for purposes of such limitation.

“(b) CAREER APPOINTMENTS.—If the Secretary selects an application submitted by an officer described in subsection (a) for a position described in such subsection, the Secretary shall give such officer a career or career-conditional appointment in the competitive service, as appropriate.

“(c) COMPETITIVE SERVICE DEFINED.—In this section, the term ‘competitive service’ has the meaning given the term in section 2102 of title 5, United States Code.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372) is amended by inserting after the item relating to section 269, as added by section 1723(b), the following new item:

“Sec. 269A. Treatment of commission in commissioned officer corps as employment in Administration for purposes of certain hiring decisions.”.

Subtitle C—Appointments and Promotion of Officers

SEC. 1731. APPOINTMENTS.

(a) ORIGINAL APPOINTMENTS.—Section 221 (33 U.S.C. 3021) is amended to read as follows:

“SEC. 221. ORIGINAL APPOINTMENTS AND REAPPOINTMENTS.

“(a) ORIGINAL APPOINTMENTS.—

“(1) GRADES.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), an original appointment of an officer may be made in such grades as may be appropriate for—

“(i) the qualification, experience, and length of service of the appointee; and

“(ii) the commissioned officer corps of the Administration.

“(B) APPOINTMENT OF OFFICER CANDIDATES.—

“(i) LIMITATION ON GRADE.—An original appointment of an officer candidate, upon graduation from the basic officer training program of the commissioned officer corps of the Administration, may not be made in any other grade than ensign.

“(ii) RANK.—Officer candidates receiving appointments as ensigns upon graduation from the basic officer training program shall take rank according to their proficiency as shown by the order of their merit at date of graduation.

“(2) SOURCE OF APPOINTMENTS.—An original appointment may be made from among the following:

“(A) Graduates of the basic officer training program of the commissioned officer corps of the Administration.

“(B) Graduates of the military service academies of the United States who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

“(C) Graduates of the maritime academies of the States who—

“(i) otherwise meet the academic standards for enrollment in the training program described in subparagraph (A);

“(ii) completed at least three years of regimented training while at a maritime academy of a State; and

“(iii) obtained an unlimited tonnage or unlimited horsepower Merchant Mariner Credential from the United States Coast Guard.

“(D) Licensed officers of the United States merchant marine who have served two or more years aboard a vessel of the United States in the capacity of a licensed officer, who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

“(3) DEFINITIONS.—In this subsection:

“(A) MARITIME ACADEMIES OF THE STATES.—The term ‘maritime academies of the States’ means the following:

“(i) California Maritime Academy, Vallejo, California.

“(ii) Great Lakes Maritime Academy, Traverse City, Michigan.

“(iii) Maine Maritime Academy, Castine, Maine.

“(iv) Massachusetts Maritime Academy, Buzzards Bay, Massachusetts.

“(v) State University of New York Maritime College, Fort Schuyler, New York.

“(vi) Texas A&M Maritime Academy, Galveston, Texas.

“(B) MILITARY SERVICE ACADEMIES OF THE UNITED STATES.—The term ‘military service academies of the United States’ means the following:

“(i) The United States Military Academy, West Point, New York.

“(ii) The United States Naval Academy, Annapolis, Maryland.

“(iii) The United States Air Force Academy, Colorado Springs, Colorado.

“(iv) The United States Coast Guard Academy, New London, Connecticut.

“(v) The United States Merchant Marine Academy, Kings Point, New York.

“(b) REAPPOINTMENT.—

“(1) IN GENERAL.—Except as provided in paragraph (2), an individual who previously served in the commissioned officer corps of the Administration may be appointed by the Secretary to the grade the individual held prior to separation.

“(2) REAPPOINTMENTS TO HIGHER GRADES.—An appointment under paragraph (1) to a position of importance and responsibility designated under section 228 may only be made by the President.

“(c) QUALIFICATIONS.—An appointment under subsection (a) or (b) may not be given to an individual until the individual’s mental, moral, physical, and professional fitness to perform the duties of an officer has been established under such regulations as the Secretary shall prescribe.

“(d) ORDER OF PRECEDENCE.—Appointees under this section shall take precedence in the grade to which appointed in accordance with the dates of their commissions as commissioned officers in such grade. The order of precedence of appointees whose dates of commission are the same shall be determined by the Secretary.

“(e) INTER-SERVICE TRANSFERS.—For inter-service transfers (as described in Department

of Defense Directive 1300.4 (dated December 27, 2006)) the Secretary shall—

“(1) coordinate with the Secretary of Defense and the Secretary of the Department in which the Coast Guard is operating to promote and streamline inter-service transfers;

“(2) give preference to such inter-service transfers for recruitment purposes as determined appropriate by the Secretary; and

“(3) reappoint such inter-service transfers to the equivalent grade in the commissioned officer corps.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372) is amended by striking the item relating to section 221 and inserting the following:

“Sec. 221. Original appointments and reappointments.”.

SEC. 1732. PERSONNEL BOARDS.

Section 222 (33 U.S.C. 3022) is amended to read as follows:

“SEC. 222. PERSONNEL BOARDS.

“(a) CONVENING.—Not less frequently than once each year and at such other times as the Secretary determines necessary, the Secretary shall convene a personnel board.

“(b) MEMBERSHIP.—

“(1) IN GENERAL.—A board convened under subsection (a) shall consist of five or more officers who are serving in or above the permanent grade of the officers under consideration by the board.

“(2) RETIRED OFFICERS.—Officers on the retired list may be recalled to serve on such personnel boards as the Secretary considers necessary.

“(3) NO MEMBERSHIP ON 2 SUCCESSIVE BOARDS.—No officer may be a member of two successive personnel boards convened to consider officers of the same grade for promotion or separation.

“(c) DUTIES.—Each personnel board shall—

“(1) recommend to the Secretary such changes as may be necessary to correct any erroneous position on the lineal list that was caused by administrative error; and

“(2) make selections and recommendations to the Secretary and the President for the appointment, promotion, involuntary separation, continuation, and involuntary retirement of officers in the commissioned officer corps of the Administration as prescribed in this title.

“(d) ACTION ON RECOMMENDATIONS NOT ACCEPTABLE.—If any recommendation by a board convened under subsection (a) is not accepted by the Secretary or the President, the board shall make such further recommendations as the Secretary or the President considers appropriate.

“(e) AUTHORITY FOR OFFICERS TO OPT OUT OF PROMOTION CONSIDERATION.—

“(1) IN GENERAL.—The Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps may provide that an officer, upon the officer’s request and with the approval of the Director, be excluded from consideration for promotion by a personnel board convened under this section.

“(2) APPROVAL.—The Director shall approve a request made by an officer under paragraph (1) only if—

“(A) the basis for the request is to allow the officer to complete a broadening assignment, advanced education, another assignment of significant value to the Administration, a career progression requirement delayed by the assignment or education, or a qualifying personal or professional circumstance, as determined by the Director;

“(B) the Director determines the exclusion from consideration is in the best interest of the Administration; and

“(C) the officer has not previously failed selection for promotion to the grade for which the officer requests the exclusion from consideration.”.

SEC. 1733. POSITIONS OF IMPORTANCE AND RESPONSIBILITY.

Section 228 (33 U.S.C. 3028) is amended—

(1) in subsection (c)—

(A) in the first sentence, by striking “The Secretary shall designate one position under this section” and inserting “The President shall designate one position”; and

(B) in the second sentence, by striking “That position shall be filled by” and inserting “The President shall fill that position by appointing, by and with the advice and consent of the Senate.”;

(2) in subsection (d)(2), by inserting “or immediately beginning a period of terminal leave” after “for which a higher grade is designated”;

(3) by amending subsection (e) to read as follows:

“(e) LIMIT ON NUMBER OF OFFICERS APPOINTED.—The total number of officers serving on active duty at any one time in the grade of rear admiral (lower half) or above may not exceed five, with only one serving in the grade of vice admiral.”; and

(4) in subsection (f), by inserting “or in a period of annual leave used at the end of the appointment” after “serving in that grade”.

SEC. 1734. TEMPORARY APPOINTMENTS.

(a) IN GENERAL.—Section 229 (33 U.S.C. 3029) is amended to read as follows:

“SEC. 229. TEMPORARY APPOINTMENTS.

“(a) APPOINTMENTS BY PRESIDENT.—Temporary appointments in the grade of ensign, lieutenant junior grade, or lieutenant may be made by the President.

“(b) TERMINATION.—A temporary appointment to a position under subsection (a) shall terminate upon approval of a permanent appointment for such position made by the President.

“(c) ORDER OF PRECEDENCE.—Appointees under subsection (a) shall take precedence in the grade to which appointed in accordance with the dates of their appointments as officers in such grade. The order of precedence of appointees who are appointed on the same date shall be determined by the Secretary.

“(d) ANY ONE GRADE.—When determined by the Secretary to be in the best interest of the commissioned officer corps, officers in any permanent grade may be temporarily promoted one grade by the President. Any such temporary promotion terminates upon the transfer of the officer to a new assignment.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372) is amended by striking the item relating to section 229 and inserting the following:

“Sec. 229. Temporary appointments.”.

SEC. 1735. OFFICER CANDIDATES.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.) is amended by adding at the end the following:

“SEC. 234. OFFICER CANDIDATES.

“(a) DETERMINATION OF NUMBER.—The Secretary shall determine the number of appointments of officer candidates.

“(b) APPOINTMENT.—Appointment of officer candidates shall be made under regulations, which the Secretary shall prescribe, including regulations with respect to determining age limits, methods of selection of officer candidates, term of service as an officer candidate before graduation from the basic officer training program of the Administration, and all other matters affecting such appointment.

“(c) DISMISSAL.—The Secretary may dismiss from the basic officer training program of the Administration any officer candidate who, during the officer candidate’s term as an officer candidate, the Secretary considers unsatisfactory in either academics or conduct, or not adapted for a career in the commissioned officer corps of the Administration. Officer candidates shall be subject to rules governing discipline prescribed by the Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps.

“(d) AGREEMENT.—

“(1) IN GENERAL.—Each officer candidate shall sign an agreement with the Secretary in accordance with section 216(a)(2) regarding the officer candidate’s term of service in the commissioned officer corps of the Administration.

“(2) ELEMENTS.—An agreement signed by an officer candidate under paragraph (1) shall provide that the officer candidate agrees to the following:

“(A) That the officer candidate will complete the course of instruction at the basic officer training program of the Administration.

“(B) That upon graduation from such program, the officer candidate—

“(i) will accept an appointment, if tendered, as an officer; and

“(ii) will serve on active duty for at least four years immediately after such appointment.

“(e) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section. Such regulations shall include—

“(1) standards for determining what constitutes a breach of an agreement signed under subsection (d)(1); and

“(2) procedures for determining whether such a breach has occurred.

“(f) REPAYMENT.—An officer candidate or former officer candidate who does not fulfill the terms of the obligation to serve as specified under subsection (d) shall be subject to the repayment provisions of section 216(b).”

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372) is amended by inserting after the item relating to section 233 the following:

“Sec. 234. Officer candidates.”

(c) OFFICER CANDIDATE DEFINED.—Section 212(b) (33 U.S.C. 3002(b)) is amended—

(1) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively; and

(2) by inserting after paragraph (3) the following:

“(4) OFFICER CANDIDATE.—The term ‘officer candidate’ means an individual who is enrolled in the basic officer training program of the Administration and is under consideration for appointment as an officer under section 221(a)(2)(A).”

(d) PAY FOR OFFICER CANDIDATES.—Section 203 of title 37, United States Code, is amended by adding at the end the following:

“(f)(1) An officer candidate enrolled in the basic officer training program of the commissioned officer corps of the National Oceanic and Atmospheric Administration is entitled, while participating in such program, to monthly officer candidate pay at monthly rates equal to the basic pay of an enlisted member in the pay grade E-5 with less than two years of service.

“(2) An individual who graduates from such program shall receive credit for the time spent participating in such program as if such time were time served while on active duty as a commissioned officer. If the individual does not graduate from such program,

such time shall not be considered creditable for active duty or pay.”

SEC. 1736. PROCUREMENT OF PERSONNEL.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.), as amended by section 1735(a), is further amended by adding at the end the following:

“SEC. 235. PROCUREMENT OF PERSONNEL.

“The Secretary may make such expenditures as the Secretary considers necessary in order to obtain recruits for the commissioned officer corps of the Administration, including advertising.”

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372), as amended by section 1735(b), is further amended by inserting after the item relating to section 234 the following:

“235. Procurement of personnel.”

SEC. 1737. CAREER INTERMISSION PROGRAM.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.), as amended by section 1736(a), is further amended by adding at the end the following:

“SEC. 236. CAREER FLEXIBILITY TO ENHANCE RETENTION OF OFFICERS.

“(a) PROGRAMS AUTHORIZED.—The Secretary may carry out a program under which officers may be inactivated from active duty in order to meet personal or professional needs and returned to active duty at the end of such period of inactivation from active duty.

“(b) PERIOD OF INACTIVATION FROM ACTIVE DUTY; EFFECT OF INACTIVATION.—

“(1) IN GENERAL.—The period of inactivation from active duty under a program under this section of an officer participating in the program shall be such period as the Secretary shall specify in the agreement of the officer under subsection (c), except that such period may not exceed three years.

“(2) EXCLUSION FROM RETIREMENT.—Any period of participation of an officer in a program under this section shall not count toward eligibility for retirement or computation of retired pay under subtitle C.

“(c) AGREEMENT.—Each officer who participates in a program under this section shall enter into a written agreement with the Secretary under which that officer shall agree as follows:

“(1) To undergo during the period of the inactivation of the officer from active duty under the program such inactive duty training as the Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps shall require in order to ensure that the officer retains proficiency, at a level determined by the Director to be sufficient, in the technical skills, professional qualifications, and physical readiness of the officer during the inactivation of the officer from active duty.

“(2) Following completion of the period of the inactivation of the officer from active duty under the program, to serve two months on active duty for each month of the period of the inactivation of the officer from active duty under the program.

“(d) CONDITIONS OF RELEASE.—The Secretary shall—

“(1) prescribe regulations specifying the guidelines regarding the conditions of release that must be considered and addressed in the agreement required by subsection (c); and

“(2) at a minimum, prescribe the procedures and standards to be used to instruct an officer on the obligations to be assumed by the officer under paragraph (1) of such subsection while the officer is released from active duty.

“(e) ORDER TO ACTIVE DUTY.—Under regulations prescribed by the Secretary, an offi-

cer participating in a program under this section may, in the discretion of the Secretary, be required to terminate participation in the program and be ordered to active duty.

“(f) PAY AND ALLOWANCES.—

“(1) BASIC PAY.—During each month of participation in a program under this section, an officer who participates in the program shall be paid basic pay in an amount equal to two-thirtieths of the amount of monthly basic pay to which the officer would otherwise be entitled under section 204 of title 37, United States Code, as a member of the uniformed services on active duty in the grade and years of service of the officer when the officer commences participation in the program.

“(2) SPECIAL OR INCENTIVE PAY OR BONUS.—

“(A) PROHIBITION.—An officer who participates in a program under this section shall not, while participating in the program, be paid any special or incentive pay or bonus to which the officer is otherwise entitled under an agreement under chapter 5 of title 37, United States Code, that is in force when the officer commences participation in the program.

“(B) NOT TREATED AS FAILURE TO PERFORM SERVICES.—The inactivation from active duty of an officer participating in a program under this section shall not be treated as a failure of the officer to perform any period of service required of the officer in connection with an agreement for a special or incentive pay or bonus under chapter 5 of title 37, United States Code, that is in force when the officer commences participation in the program.

“(3) RETURN TO ACTIVE DUTY.—

“(A) SPECIAL OR INCENTIVE PAY OR BONUS.—Subject to subparagraph (B), upon the return of an officer to active duty after completion by the officer of participation in a program under this section—

“(i) any agreement entered into by the officer under chapter 5 of title 37, United States Code, for the payment of a special or incentive pay or bonus that was in force when the officer commenced participation in the program shall be revived, with the term of such agreement after revival being the period of the agreement remaining to run when the officer commenced participation in the program; and

“(ii) any special or incentive pay or bonus shall be payable to the officer in accordance with the terms of the agreement concerned for the term specified in clause (i).

“(B) LIMITATION.—

“(i) IN GENERAL.—Subparagraph (A) shall not apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to an officer if, at the time of the return of the officer to active duty as described in that subparagraph—

“(I) such pay or bonus is no longer authorized by law; or

“(II) the officer does not satisfy eligibility criteria for such pay or bonus as in effect at the time of the return of the officer to active duty.

“(ii) PAY OR BONUS CEASES BEING AUTHORIZED.—Subparagraph (A) shall cease to apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to an officer if, during the term of the revived agreement of the officer under subparagraph (A)(i), such pay or bonus ceases being authorized by law.

“(C) REPAYMENT.—An officer who is ineligible for payment of a special or incentive pay or bonus otherwise covered by this paragraph by reason of subparagraph (B)(i)(II) shall be subject to the requirements for repayment of such pay or bonus in accordance with the terms of the applicable agreement

of the officer under chapter 5 of title 37, United States Code.

“(D) REQUIRED SERVICE IS ADDITIONAL.—Any service required of an officer under an agreement covered by this paragraph after the officer returns to active duty as described in subparagraph (A) shall be in addition to any service required of the officer under an agreement under subsection (c).

“(4) TRAVEL AND TRANSPORTATION ALLOWANCE.—

“(A) IN GENERAL.—Subject to subparagraph (B), an officer who participates in a program under this section is entitled, while participating in the program, to the travel and transportation allowances authorized by section 474 of title 37, United States Code, for—

“(i) travel performed from the residence of the officer, at the time of release from active duty to participate in the program, to the location in the United States designated by the officer as the officer’s residence during the period of participation in the program; and

“(ii) travel performed to the residence of the officer upon return to active duty at the end of the participation of the officer in the program.

“(B) SINGLE RESIDENCE.—An allowance is payable under this paragraph only with respect to travel of an officer to and from a single residence.

“(5) LEAVE BALANCE.—An officer who participates in a program under this section is entitled to carry forward the leave balance existing as of the day on which the officer begins participation and accumulated in accordance with section 701 of title 10, but not to exceed 60 days.

“(g) PROMOTION.—

“(1) IN GENERAL.—An officer participating in a program under this section shall not, while participating in the program, be eligible for consideration for promotion under subtitle B.

“(2) RETURN TO SERVICE.—Upon the return of an officer to active duty after completion by the officer of participation in a program under this section—

“(A) the Secretary may adjust the date of rank of the officer in such manner as the Secretary shall prescribe in regulations for purposes of this section; and

“(B) the officer shall be eligible for consideration for promotion when officers of the same competitive category, grade, and seniority are eligible for consideration for promotion.

“(h) CONTINUED ENTITLEMENTS.—An officer participating in a program under this section shall, while participating in the program, be treated as a member of the uniformed services on active duty for a period of more than 30 days for purposes of—

“(1) the entitlement of the officer and of the dependents of the officer to medical and dental care under the provisions of chapter 55 of title 10; and

“(2) retirement or separation for physical disability under the provisions of subtitle C.”

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107–372), as amended by section 1736(b), is further amended by inserting after the item relating to section 235 the following:

“Sec. 236. Career flexibility to enhance retention of officers.”

Subtitle D—Separation and Retirement of Officers

SEC. 1741. INVOLUNTARY RETIREMENT OR SEPARATION.

Section 241 (33 U.S.C. 3041) is amended by adding at the end the following:

“(d) DEFERMENT OF RETIREMENT OR SEPARATION FOR MEDICAL REASONS.—

“(1) IN GENERAL.—If the Secretary determines that the evaluation of the medical condition of an officer requires hospitalization or medical observation that cannot be completed with confidence in a manner consistent with the officer’s well-being before the date on which the officer would otherwise be required to retire or be separated under this section, the Secretary may defer the retirement or separation of the officer.

“(2) CONSENT REQUIRED.—A deferment may only be made with the written consent of the officer involved. If the officer does not provide written consent to the deferment, the officer shall be retired or separated as scheduled.

“(3) LIMITATION.—A deferment of retirement or separation under this subsection may not extend for more than 30 days after completion of the evaluation requiring hospitalization or medical observation.”

SEC. 1742. SEPARATION PAY.

Section 242 (33 U.S.C. 3042) is amended by adding at the end the following:

“(d) EXCEPTION.—An officer discharged for twice failing selection for promotion to the next higher grade is not entitled to separation pay under this section if the officer—

“(1) expresses a desire not to be selected for promotion; or

“(2) requests removal from the list of selectees.”

Subtitle E—Sexual Harassment and Assault Prevention at the National Oceanic and Atmospheric Administration

SEC. 1751. IMPROVEMENTS RELATING TO SEXUAL HARASSMENT AND ASSAULT PREVENTION AT THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) ANONYMOUS REPORTING.—Subtitle C of title XXXV of the National Defense Authorization Act for Fiscal Year 2017 (33 U.S.C. 894 et seq.) is amended—

(1) in section 3541(b)(3)(B) (33 U.S.C. 894(b)(3)(B)), by striking “confidentially” and inserting “anonymously”; and

(2) in section 3542(b)(5)(B) (33 U.S.C. 894a(b)(5)(B)), by striking “confidentially” and inserting “anonymously”.

(b) INVESTIGATIVE REQUIREMENT.—Such subtitle is amended—

(1) by redesignating sections 3546 and 3547 as sections 3548 and 3549, respectively; and

(2) by inserting after section 3545 the following:

“SEC. 3546. INVESTIGATION REQUIREMENT.

“(a) REQUIREMENT TO INVESTIGATE.—

“(1) IN GENERAL.—The Secretary of Commerce, acting through the Under Secretary for Oceans and Atmosphere, shall ensure that each allegation of sexual harassment reported under section 3541 and each allegation of sexual assault reported under section 3542 is investigated thoroughly and promptly.

“(2) SENSE OF CONGRESS ON COMMENCEMENT OF INVESTIGATION.—It is the sense of Congress that the Secretary should ensure that an investigation of an alleged sexual harassment reported under section 3541 or sexual assault reported under section 3542 commences not later than 48 hours after the time at which the allegation was reported.

“(b) NOTIFICATION OF DELAY.—In any case in which the time between the reporting of an alleged sexual harassment or sexual assault under section 3541 or 3542, respectively, and commencement of an investigation of the allegation exceeds 48 hours, the Secretary shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives of the delay.

“SEC. 3547. CRIMINAL REFERRAL.

“If the Secretary of Commerce finds, pursuant to an investigation under section 3546, evidence that a crime may have been committed, the Secretary shall refer the matter to the appropriate law enforcement authorities, including the appropriate United States Attorney.”

(c) CLERICAL AMENDMENT.—The table of contents in section 2(b) of such Act is amended by striking the items relating to sections 3546 and 3547 and inserting the following new items:

“Sec. 3546. Investigation requirement.

“Sec. 3547. Criminal referral.

“Sec. 3548. Annual report on sexual assaults in the National Oceanic and Atmospheric Administration.

“Sec. 3549. Sexual assault defined.”

Subtitle F—Environmental Sensitivity Index Products

SEC. 1761. UPDATE TO ENVIRONMENTAL SENSITIVITY INDEX PRODUCTS OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FOR GREAT LAKES.

(a) UPDATE REQUIRED FOR ENVIRONMENTAL SENSITIVITY INDEX PRODUCTS FOR GREAT LAKES.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary for Oceans and Atmosphere shall commence updating the environmental sensitivity index products of the National Oceanic and Atmospheric Administration for each coastal area of the Great Lakes.

(b) PERIODIC UPDATES FOR ENVIRONMENTAL SENSITIVITY INDEX PRODUCTS GENERALLY.—Subject to the availability of appropriations and the priorities set forth in subsection (c), the Under Secretary shall—

(1) periodically update the environmental sensitivity index products of the Administration; and

(2) endeavor to do so not less frequently than once every 7 years.

(c) PRIORITIES.—When prioritizing geographic areas to update environmental sensitivity index products, the Under Secretary shall consider—

(1) the age of existing environmental sensitivity index products for the areas;

(2) the occurrence of extreme events, be it natural or man-made, which have significantly altered the shoreline or ecosystem since the last update;

(3) the natural variability of shoreline and coastal environments; and

(4) the volume of vessel traffic and general vulnerability to spilled pollutants.

(d) ENVIRONMENTAL SENSITIVITY INDEX PRODUCT DEFINED.—In this section, the term “environmental sensitivity index product” means a map or similar tool that is utilized to identify sensitive shoreline, coastal, or offshore resources prior to an oil spill event in order to set baseline priorities for protection and plan cleanup strategies, typically including information relating to shoreline type, biological resources, and human use resources.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Under Secretary \$7,500,000 to carry out subsection (a).

(2) AVAILABILITY.—Amounts appropriated or otherwise made available pursuant to paragraph (1) shall be available to the Under Secretary for the purposes set forth in such paragraph until expended.

SA 2339. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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. ____ . PLAN FOR USE OF COMMERCIAL SOLUTIONS FOR WIDEBAND SATELLITE COMMUNICATIONS ROAMING AND MULTIDOMAIN COMMAND AND CONTROL CAPABILITIES.

No later than 180 days after enactment of this Act, the Department of Defense shall submit to the congressional defense committees a plan for integrating a digital ground architecture that will utilize commercial innovations and solutions to enable wideband satellite communications roaming and multidomain command and control capabilities without unnecessary additional investment in terminal hardware.

SA 2340. Mr. MANCHIN (for himself, Ms. MURKOWSKI, Mr. HEINRICH, Mrs. MURRAY, Ms. CANTWELL, and Mr. CRAMER) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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 2341. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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 XXVII, add the following:

SEC. 2703. PLAN TO FINISH REMEDIATION ACTIVITIES CONDUCTED BY THE SECRETARY OF THE ARMY IN UMATILLA, OREGON.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a plan to finish remediation activities conducted by the Secretary in Umatilla, Oregon, by not later than three years after such date of enactment.

SA 2342. Mr. UDALL (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 F of title XXXI, add the following:

SEC. 3168. SENSE OF THE SENATE REGARDING URANIUM MINING AND NUCLEAR WEAPONS TESTING.

It is the sense of the Senate that the United States should compensate and recognize all of the miners, workers, downwinders, and others suffering from the effects of uranium mining and nuclear weapons testing carried out during the Cold War.

SA 2343. Mr. UDALL (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 F of title XXXI, add the following:

SEC. 3168. EXTENDING RADIATION EXPOSURE COMPENSATION TRUST FUND.

(a) IN GENERAL.—Section 3(d) of the Radiation Exposure Compensation Act (Public Law 101-426; 42 U.S.C. 2210 note) is amended—

(1) by striking “22 years” and inserting “24 years”; and

(2) by striking “22-year” and inserting “24-year”.

(b) LIMITATION ON CLAIMS.—Section 8(a) of such Act (Public Law 101-426; 42 U.S.C. 2210 note) is amended by striking “22 years” and inserting “24 years”.

SA 2344. 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 XII, add the following:

SEC. 1287. OUTREACH TO UNITED STATES DUAL-USE SECTORS RELATING TO PREVENTION OF INDUSTRIAL AND CYBER ESPIONAGE.

The Director of the Federal Bureau of Investigation, in coordination with the Under Secretary of Commerce for International Trade, the Securities and Exchange Commission, the Secretary of Homeland Security, the interagency working group established by section 1746(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92), and the heads of such other agencies as the Director considers appropriate, shall expand outreach to, and develop educational materials and tools for, United States academics, businesses, venture capitalists, and startups in sectors that produce technology that has both military and civilian applications, with respect to—

(1) the potential risks associated with investors and partners who reside in, or are subject to the jurisdiction of, malign actors, including the Russian Federation, Iran, and the People’s Republic of China;

(2) the role of the governments of malign actors, including the Russian Federation, Iran, and the People’s Republic of China, in acquiring, directly or indirectly, technology through programs such as the Thousand Talents Program and Project 11 of the People’s Republic of China;

(3) steps that can be taken to prevent industrial and cyber espionage; and

(4) such other issues related to undue influence from governments of malign actors, including the Russian Federation, Iran, and the People’s Republic of China, or entities owned or controlled by such governments, as the Director considers important.

SA 2345. Mr. SCHUMER 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 I, insert the following:

SEC. 156. REPORT ON LC-130 AIRCRAFT INVENTORY.

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report describing how the Department of Defense plans to modernize the LC-130 aircraft in its inventory.

SA 2346. Mr. SCHUMER 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 X, add the following:

SEC. 1026. SENSE OF CONGRESS ON THE NAMING OF A NAVAL VESSEL IN HONOR OF SENIOR CHIEF PETTY OFFICER SHANNON KENT.

It is the sense of Congress that the Secretary of the Navy should name the next available naval vessel appropriate for such name in honor of Senior Chief Petty Officer Shannon Kent.

SA 2347. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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, insert the following:

SEC. 1656. SENSE OF CONGRESS ON SUPPORT FOR UNITED STATES URANIUM PRODUCERS.

It is the sense of Congress that the Secretary of Defense should provide support to producers of uranium in the United States in light of the threat to national security posed by uranium producers owned or controlled by foreign governments, as identified in the report of the Department of Commerce on its investigation into uranium production under section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862).

SA 2348. Mr. INHOFE submitted an amendment intended to be proposed to

amendment SA 2301 proposed by Mr. INHOFE 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. 320. PARTICIPATION IN POLLUTANT BANKING AND WATER QUALITY TRADING PROGRAMS.

(a) **AUTHORITY TO PARTICIPATE.**—The Secretary of a military department, and the Secretary of Defense with respect to matters concerning a Defense Agency, when engaged in an authorized activity that may or will result in the discharge of pollutants, may make payments to a pollutant banking program or water quality trading program approved in accordance with the Water Quality Trading Policy dated January 13, 2003, set forth by the Office of Water of the Environmental Protection Agency, or any successor administrative guidance or regulation.

(b) **TREATMENT OF PAYMENTS.**—Payments made under subsection (a) to a pollutant banking program or water quality trading program may be treated as eligible project costs for military construction.

(c) **DISCHARGE OF POLLUTANTS DEFINED.**—In this section, the term “discharge of pollutants” has the meaning given that term in section 502(12) of the Federal Water Pollution Control Act (33 U.S.C. 1362(12)) (commonly referred to as the “Clean Water Act”).

SA 2349. Mr. KENNEDY (for himself, Ms. BALDWIN, and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

“(VV) DEPARTMENT OF DEFENSE PILOT PROGRAM.—

“(1) **DEFINITION.**—In this section, the term ‘Department’ means the Department of Defense.

“(2) **ESTABLISHMENT.**—The Secretary of Defense shall establish a pilot program to provide small business concerns 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 award made to the small business concern by another agency, establish a streamlined transfer and fast track approval process for that Phase II award;

“(B) establish a phase during which additional funding may be provided during the gap between a Phase I and Phase II award—

“(i) which shall be limited to small business concerns located in eligible States, and

defined by the Defense Established Program to Stimulate Competitive Research (DEPSCoR); and

“(ii) under which the Department may provide SBIR and STTR awards—

“(I) to provide funding for 12 to 24 months to continue the development of technology;

“(II) of not more than \$1,000,000, for each individual award; and

“(III) of not more than \$30,000,000, in the aggregate, per year; and

“(C) carry out subparagraph (B) along with other mentorship programs.

“(4) **DURATION.**—The pilot program established under this subsection 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 provided to small business concerns located in eligible States, as defined by the Defense Established Program to Stimulate Competitive Research (DEPSCoR).”.

SA 2350. Mr. HAWLEY submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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 the funding table in section 4101, in the item relating to Joint Assault Bridge, strike the amount in the Senate Authorized column and insert “72,178”.

In the funding table in section 4101, in the item relating to Total Procurement of W&TCV, Army, strike the amount in the Senate Authorized column and insert “3,651,740”.

SA 2351. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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. AMENDMENT TO SECTION 151 OF THE FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1990 AND 1991 TO ALLOW DANGER PAY FOR THE U.S. MARSHALS SERVICE.

Section 151 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246; 5 U.S.C. 5928 note) is amended—

(1) by striking “or” after “Drug Enforcement Administration” and inserting “, the”; and

(2) by inserting “, or the United States Marshals Service” after “Federal Bureau of Investigation”.

SA 2352. Mr. HAWLEY (for himself, Mr. SCOTT of Florida, Mr. CRAMER, Mr. WICKER, and Mrs. HYDE-SMITH) submitted an amendment intended to be

proposed to amendment SA 2301 proposed by Mr. INHOFE 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 377 and insert the following:

SEC. 377. COMMISSION ON THE NAMING OF ASSETS OF THE DEPARTMENT OF DEFENSE THAT COMMEMORATE THE CONFEDERATE STATES OF AMERICA OR ANY PERSON WHO SERVED VOLUNTARILY WITH THE CONFEDERATE STATES OF AMERICA.

(a) **IN GENERAL.**—The Secretary of Defense shall establish a commission relating to the assigning, modifying, keeping, or removing of names, symbols, displays, monuments, and paraphernalia of assets of the Department of Defense that commemorate the Confederate States of America or any person who served voluntarily with the Confederate States of America (in this section referred to as the “Commission”).

(b) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The Commission shall be composed of eight members, of whom—

(A) two shall be appointed by the President;

(B) two shall be appointed by the Secretary of Defense;

(C) one shall be appointed by the Chairman of the Committee on Armed Services of the Senate;

(D) one shall be appointed by the Ranking Member of the Committee on Armed Services of the Senate;

(E) one shall be appointed by the Chairman of the Committee on Armed Services of the House of Representatives; and

(F) one shall be appointed by the Ranking Member of the Committee on Armed Services of the House of Representatives.

(2) **APPOINTMENT.**—Members of the Commission shall be appointed not later than 45 days after the date of the enactment of this Act.

(c) **INITIAL MEETING.**—The Commission shall hold its initial meeting on the date that is 60 days after the date of the enactment of this Act.

(d) **DUTIES.**—The Commission shall do the following:

(1) Assess the cost of renaming or removing names, symbols, displays, monuments, or paraphernalia on assets of the Department of Defense that commemorate the Confederate States of America or any person who served voluntarily with the Confederate States of America.

(2) Develop criteria to assess whether an existing name, symbol, display, monument, or paraphernalia commemorates or valorizes the Confederate States of America or any person who served voluntarily with the Confederate States of America.

(3) Develop criteria to assess whether the predominant meaning now given by the local community to an existing name, symbol, display, monument, or paraphernalia that commemorates the Confederate States of America or any person who served voluntarily with the Confederate States of America has changed since the name, symbol, monument, display, or paraphernalia first became associated with an asset of the Department of Defense.

(4) Nominate names, symbols, displays, monuments, or paraphernalia to be potentially renamed or removed from assets of the Department of Defense based on the criteria developed under paragraphs (2) and (3).

(5) Develop proposed procedures for renaming or removing names, symbols, displays, monuments, or paraphernalia that commemorate the Confederate States of America or any person who served voluntarily with the Confederate States of America that the Commission nominates as suitable candidates for renaming or removal, as the case may be, if such procedures do not already exist within directives, issuances, or regulations issued by the Department of Defense.

(6) Ensure that input from State and local stakeholders is substantially reflected in the criteria developed under paragraphs (2) and (3), nominations made under paragraph (4), and procedures developed under paragraph (5), including by—

(A) conducting public hearings on such criteria, nominations, and procedures in the States that would be affected by any renaming or removal; and

(B) soliciting input on such criteria, nominations, and procedures from the State entities, local government entities, military families, veterans service organizations, military service organizations, community organizations, and other non-government entities that would be affected by any renaming or removal.

(c) PROCEDURES.—

(1) HEARINGS.—Not later than 14 days before a hearing to be conducted under subsection (d)(6)(A), the Commission shall publish on a website of the Department of Defense—

(A) an announcement of such hearing; and

(B) an agenda for the hearing and a list of materials relevant to the topics to be discussed at the hearing.

(2) SOLICITATION OF INPUT.—Not later than 60 days before soliciting input under subsection (d)(6)(B) with respect to a renaming or removal, the Commission shall provide notice to State entities, local government entities, military families, veterans service organizations, military service organizations, community organizations, and other non-government entities that would be affected by the renaming or removal to provide those individuals and entities time to consider and comment on the criteria, nominations, and procedures being developed under subsection (d).

(f) EXEMPTION FOR GRAVE MARKERS.—

(1) IN GENERAL.—Any renaming or removal proposed under this section or conducted pursuant to this section shall not apply to grave markers.

(2) GRAVE MARKERS DEFINED.—For purposes of this subsection, the term “grave marker” has the meaning given that term by the Commission.

(g) BRIEFINGS AND REPORTS.—

(1) BRIEFING.—Not later than October 1, 2021, the Commission shall brief the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives detailing the progress of the Commission in carrying out the requirements of the Commission under subsection (d).

(2) BRIEFING AND REPORT.—Not later than October 1, 2022, the Commission shall brief and provide a written report to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives detailing the results of requirements of the Commission under subsection (d), including the following:

(A) A list of assets of the Department of Defense to be renamed or removed.

(B) The costs associated with the renaming or removal of such assets.

(C) A description of the criteria used to nominate such assets for renaming or removal.

(D) A description of the feedback received and incorporated from State and local stake-

holders pursuant to subsection (d)(6), including a detailed explanation of any decision by the Commission to overrule concerns raised by State or local stakeholders when developing and issuing recommendations on the criteria, nominations, and proposed procedures described in paragraphs (2) through (5) of subsection (d).

(h) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$2,000,000 to carry out this section.

(2) OFFSET.—The amount authorized to be appropriated by this Act for fiscal year 2021 for Operation and Maintenance, Army, sub activity group 434, other personnel support is hereby reduced by \$2,000,000.

(i) ASSETS OF THE DEPARTMENT OF DEFENSE DEFINED.—In this section, the term “assets of the Department of Defense” includes any base, installation, street, building, facility, aircraft, ship, plane, weapon, equipment, or any other property owned or controlled by the Department of Defense.

SA 2353. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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:

Amend section 144 to read as follows:

SEC. 144. MINIMUM AIR FORCE BOMBER AIRCRAFT LEVEL.

(a) MINIMUM.—The Secretary of Defense shall submit to the congressional defense committees recommendations for a 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) REPORTS ON B-1 FLEET SUSTAINMENT.—

(1) INITIAL REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report 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 70 percent and the structural life of such fleet is sufficient to 2040. The report shall include a cost benefit analysis for bombers versus arsenal planes.

(2) QUARTERLY BRIEFING.—If the mission capable rate and structural life levels specified in paragraph (1) have not been met, not later than 60 days after the report is submitted under such paragraph, and not less frequently 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 to address issues identified under subparagraph (A).

(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 address issues identified under subparagraph (A).

(G) A recovery timeline to resolve issues identified under subparagraph (A).

(c) LIMITATION.—None of the funds authorized to be appropriated by this Act or any other Act for the Department of Defense may be obligated or expended in support of the Air Force Arsenal Plane program, and the Department may not otherwise implement any such activity, until the report required under subsection (b)(1) is submitted.

SA 2354. 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 appropriate place, insert the following:

SEC. ____ . PROPERTY OF THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF VETERANS AFFAIRS.

Section 1361 of title 18, United States Code, is amended by adding at the end the following:

“If such property is property of or which has been or is being manufactured or constructed for the Department of Defense or the Department of Veterans Affairs, the maximum fine under this section shall be twice the otherwise applicable maximum fine under section 3571.”.

SA 2355. Mr. GARDNER submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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. PROCUREMENT OF LITTER-ATTACHED LOAD STABILITY SYSTEMS FOR UH-60 AIRCRAFT.

(a) INCREASE.—The amount authorized to be appropriated by this Act for fiscal year 2021 for Aircraft Procurement, Army for Utility Helicopters/UH-60 mods is increased by \$11,091,000, with the amount of such increase to be available for the procurement of additional litter-attached load stability systems to be deployed at the bottom of the helicopter hoist, on 39 aircraft.

(b) OFFSET.—The amount authorized to be appropriated for fiscal year 2021 for Operation and Maintenance, Air Force for Other Combat Operations Support Programs is reduced by \$11,091,000.

SA 2356. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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—Sanctions Relating to South China Sea and East China Sea

SEC. 1291. SHORT TITLE.

This subtitle may be cited as the “South China Sea and East China Sea Sanctions Act of 2020”.

SEC. 1292. DEFINITIONS.

In this subtitle:

(1) **ACCOUNT; CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.**—The terms “account”, “correspondent account”, and “payable-through account” have the meanings given those terms in section 5318A of title 31, United States Code.

(2) **ALIEN.**—The term “alien” has the meaning given that term in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

(3) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

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

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

(4) **CHINESE PERSON.**—The term “Chinese person” means—

(A) an individual who is a citizen or national of the People’s Republic of China; or

(B) an entity organized under the laws of the People’s Republic of China or otherwise subject to the jurisdiction of the Government of the People’s Republic of China.

(5) **FINANCIAL INSTITUTION.**—The term “financial institution” means a financial institution specified in subparagraph (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (K), (M), (N), (P), (R), (T), (Y), or (Z) of section 5312(a)(2) of title 31, United States Code.

(6) **FOREIGN FINANCIAL INSTITUTION.**—The term “foreign financial institution” has the meaning given that term in section 1010.605 of title 31, Code of Federal Regulations (or any corresponding similar regulation or ruling).

(7) **KNOWINGLY.**—The term “knowingly”, 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.

(8) **PERSON.**—The term “person” means any individual or entity.

(9) **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.

SEC. 1293. POLICY OF THE UNITED STATES WITH RESPECT TO THE SOUTH CHINA SEA AND THE EAST CHINA SEA.

It is the policy of the United States—

(1) to support the principle that disputes between countries should be resolved peacefully consistent with international law;

(2) to reaffirm its unwavering commitment and support for allies and partners in the Asia-Pacific region, including longstanding United States policy—

(A) regarding Article V of the Mutual Defense Treaty, signed at Washington, August 30, 1951 (3 UST 3947), between the United States and the Philippines; and

(B) that Article V of the Mutual Defense Assistance Agreement, with Annexes, signed at Tokyo, March 8, 1954 (5 UST 661), between the United States and Japan, applies to the Senkaku Islands, which are administered by Japan; and

(3) to support the principle of freedom of navigation and overflight and to continue to use the sea and airspace wherever international law allows.

SEC. 1294. SENSE OF CONGRESS WITH RESPECT TO THE SOUTH CHINA SEA AND THE EAST CHINA SEA.

It is the sense of Congress that—

(1) the United States—

(A) opposes all claims in the maritime domains that impinge on the rights, freedoms, and lawful use of the seas that belong to all countries;

(B) opposes unilateral actions by the government of any country seeking to change the status quo in the South China Sea through the use of coercion, intimidation, or military force;

(C) opposes actions by the government of any country to interfere in any way in the free use of waters and airspace in the South China Sea or East China Sea;

(D) opposes actions by the government of any country to prevent any other country from exercising its sovereign rights to the resources of the exclusive economic zone and continental shelf by making claims that have no support in international law; and

(E) upholds the principle that territorial and maritime claims, including with respect to territorial waters or territorial seas, must be derived from land features and otherwise comport with international law;

(2) the People’s Republic of China should not continue to pursue illegitimate claims and to militarize an area that is essential to global security;

(3) the United States should—

(A) continue and expand freedom of navigation operations and overflights;

(B) reconsider the traditional policy of not taking a position on individual claims; and

(C) respond to provocations by the People’s Republic of China with commensurate actions that impose costs on any attempts to undermine security in the region;

(4) the Senkaku Islands are covered by Article V of the Mutual Defense Assistance Agreement, with Annexes, signed at Tokyo, March 8, 1954 (5 UST 661), between the United States and Japan; and

(5) the United States should firmly oppose any unilateral actions by the People’s Republic of China that seek to undermine Japan’s control of the Senkaku Islands.

SEC. 1295. SANCTIONS WITH RESPECT TO CHINESE PERSONS RESPONSIBLE FOR CHINA’S ACTIVITIES IN THE SOUTH CHINA SEA AND THE EAST CHINA SEA.

(a) **INITIAL IMPOSITION OF SANCTIONS.**—On and after the date that is 60 days after the date of the enactment of this Act, the President shall impose the sanctions described in subsection (b) with respect to—

(1) any Chinese person that contributes to construction or development projects, including land reclamation, island-making, lighthouse construction, building of base stations for mobile communications services, building of electricity and fuel supply facilities, or civil infrastructure projects, in areas of the South China Sea contested by one or more members of the Association of Southeast Asian Nations;

(2) any Chinese person that is responsible for or complicit in, or has engaged in, directly or indirectly, actions or policies that threaten the peace, security, or stability of areas of the South China Sea contested by one or more members of the Association of Southeast Asian Nations or areas of the East China Sea administered by Japan or the Republic of Korea, including through the use of vessels and aircraft to impose the sovereignty of the People’s Republic of China in those areas;

(3) any Chinese person that engages, or attempts to engage, in an activity or trans-

action that materially contributes to, or poses a risk of materially contributing to, an activity described in paragraph (1) or (2); and

(4) any person that—

(A) is owned or controlled by a person described in paragraph (1), (2), or (3);

(B) is acting for or on behalf of such a person; or

(C) provides, or attempts to provide—

(i) financial, material, technological, or other support to a person described in paragraph (1), (2), or (3); or

(ii) goods or services in support of an activity described in paragraph (1), (2), or (3).

(b) **SANCTIONS DESCRIBED.**—

(1) **BLOCKING OF PROPERTY.**—The President shall block and prohibit, in accordance with the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), all transactions in all property and interests in property of any person subject to subsection (a) 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.

(2) **EXCLUSION FROM UNITED STATES.**—The Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any person subject to subsection (a) that is an alien.

(3) **CURRENT VISA REVOKED.**—The issuing consular officer, the Secretary of State, or the Secretary of Homeland Security (or a designee of one of such Secretaries) shall revoke any visa or other entry documentation issued to any person subject to subsection (a) that is an alien, regardless of when issued. The revocation shall take effect immediately and shall automatically cancel any other valid visa or entry documentation that is in the alien’s possession.

(c) **EXCEPTIONS; PENALTIES.**—

(1) **INAPPLICABILITY OF NATIONAL EMERGENCY REQUIREMENT.**—The requirements of section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701) shall not apply for purposes of subsection (b)(1).

(2) **COMPLIANCE WITH UNITED NATIONS HEADQUARTERS AGREEMENT.**—Paragraphs (2) and (3) of subsection (b) shall not apply if admission of an alien to the United States is necessary 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.

(3) **PENALTIES.**—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of regulations prescribed under subsection (b)(1) to the same extent that such penalties apply to a person that commits an unlawful act described in subsection (a) of such section 206.

(d) **ADDITIONAL IMPOSITION OF SANCTIONS.**—

(1) **IN GENERAL.**—The President shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines knowingly, on or after the date that is 60 days after the date of the enactment of this Act, conducts or facilitates a significant financial transaction for a person subject to subsection (a) if the Director of National Intelligence determines that the Government of the People’s Republic of China has—

(A) declared an air defense identification zone over any part of the South China Sea;

(B) initiated reclamation work at another disputed location in the South China Sea, such as at Scarborough Shoal;

(C) seized control of Second Thomas Shoal;

(D) deployed surface-to-air missiles to any of the artificial islands the People's Republic of China has built in the Spratly Island chain, including Fiery Cross, Mischief, or Subi Reefs;

(E) established territorial baselines around the Spratly Island chain;

(F) increased harassment of Philippine vessels; or

(G) increased provocative actions against the Japanese Coast Guard or Maritime Self-Defense Force or United States forces in the East China Sea.

(2) REPORT.—

(A) IN GENERAL.—The determination of the Director of National Intelligence referred to in paragraph (1) shall be submitted in a report to the President and the appropriate congressional committees.

(B) FORM OF REPORT.—The report required by subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1296. DETERMINATIONS AND REPORT ON CHINESE COMPANIES ACTIVE IN THE SOUTH CHINA SEA AND THE EAST CHINA SEA.

(a) IN GENERAL.—The Secretary of State shall submit to the appropriate congressional committees a report that identifies each Chinese person the Secretary determines is engaged in the activities described in section 1295(a).

(b) CONSIDERATION.—In preparing the report required under subsection (a), the Secretary shall make specific findings with respect to whether each of the following persons is involved in the activities described in section 1295(a):

(1) CCCC Tianjin Dredging Co., Ltd.

(2) CCCC Dredging (Group) Company, Ltd.

(3) China Communications Construction Company (CCCC), Ltd.

(4) China Petroleum Corporation (Sinopec Group).

(5) China Mobile.

(6) China Telecom.

(7) China Southern Power Grid.

(8) CNFC Guangzhou Harbor Engineering Company.

(9) Zhanjiang South Project Construction Bureau.

(10) Hubei Jiangtian Construction Group.

(11) China Harbour Engineering Company (CHEC).

(12) Guangdong Navigation Group (GNG) Ocean Shipping.

(13) Shanghai Leading Energy Shipping.

(14) China National Offshore Oil Corporation (CNOOC).

(15) China Oilfield Services Limited (COSL).

(16) China Precision Machinery Import/Export Corporation (CPMIEC).

(17) China Aerospace Science and Industry Corporation (CASIC).

(18) Aviation Industry Corporation of China (AVIC).

(19) Shenyang Aircraft Corporation.

(20) Shaanxi Aircraft Corporation.

(21) China Ocean Shipping (Group) Company (COSCO).

(22) China Southern Airlines.

(23) Zhan Chaoying.

(24) Sany Group.

(25) Chinese persons affiliated with any of the entities specified in paragraphs (1) through (24).

(c) SUBMISSION AND FORM.—

(1) SUBMISSION.—The report required by subsection (a) shall be submitted not later than 60 days after the date of the enactment of this Act and every 180 days thereafter until the date that is 3 years after such date of enactment.

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

the Secretary determines it is necessary for the national security interests of the United States to do so.

(3) PUBLIC AVAILABILITY.—The Secretary shall publish the unclassified part of the report required by subsection (a) on a publicly available website of the Department of State.

SEC. 1297. PROHIBITION AGAINST DOCUMENTS PORTRAYING THE SOUTH CHINA SEA OR THE EAST CHINA SEA AS PART OF CHINA.

The Government Publishing Office may not publish any map, document, record, electronic resource, or other paper of the United States (other than materials relating to hearings held by committees of Congress or internal work product of a Federal agency) portraying or otherwise indicating that it is the position of the United States that the territory or airspace in the South China Sea contested by one or more members of the Association of Southeast Asian Nations or the territory or airspace of areas of the East China Sea administered by Japan or the Republic of Korea is part of the territory or airspace of the People's Republic of China.

SEC. 1298. PROHIBITION ON FACILITATING CERTAIN INVESTMENTS IN THE SOUTH CHINA SEA OR THE EAST CHINA SEA.

(a) IN GENERAL.—No United States person may take any action to approve, facilitate, finance, or guarantee any investment, provide insurance, or underwriting in the South China Sea or the East China Sea that involves any person with respect to which sanctions are imposed under section 1295(a).

(b) ENFORCEMENT.—The Secretary of the Treasury, in consultation with the Secretary of State, is authorized to take such actions, including the promulgation of such rules and regulations, as may be necessary to carry out the purposes of this section.

(c) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of regulations prescribed under this section to the same extent that such penalties apply to a person that commits an unlawful act described in subsection (a) of such section 206.

(d) EXCEPTION.—Subsection (a) shall not apply with respect to humanitarian assistance, disaster assistance, or emergency food assistance.

SEC. 1299. DEPARTMENT OF JUSTICE AFFIRMATION OF NON-RECOGNITION OF ANNEXATION.

In any matter before any United States court, upon request of the court or any party to the matter, the Attorney General shall affirm the United States policy of not recognizing the de jure or de facto sovereignty of the People's Republic of China over territory or airspace contested by one or more members of the Association of Southeast Asian Nations in the South China Sea or the territory or airspace of areas of the East China Sea administered by Japan or the Republic of Korea.

SEC. 1299A. NON-RECOGNITION OF CHINESE SOVEREIGNTY OVER THE SOUTH CHINA SEA OR THE EAST CHINA SEA.

(a) UNITED STATES ARMED FORCES.—The Secretary of Defense may not take any action, including any movement of aircraft or vessels that implies recognition of the sovereignty of the People's Republic of China over territory or airspace contested by one or more members of the Association of Southeast Asian Nations in the South China Sea or the territory or airspace of areas of the East China Sea administered by Japan or the Republic of Korea.

(b) UNITED STATES FLAGGED VESSELS.—No vessel that is issued a certificate of docu-

mentation under chapter 121 of title 46, United States Code, may take any action that implies recognition of the sovereignty of the People's Republic of China over territory or airspace contested by one or more members of the Association of Southeast Asian Nations in the South China Sea or the territory or airspace of areas of the East China Sea administered by Japan or the Republic of Korea.

(c) UNITED STATES AIRCRAFT.—No aircraft operated by an air carrier that holds an air carrier certificate issued under chapter 411 of title 49, United States Code, may take any action that implies recognition of the sovereignty of the People's Republic of China over territory or airspace contested by one or more members of the Association of Southeast Asian Nations in the South China Sea or the territory or airspace of areas of the East China Sea administered by Japan or the Republic of Korea.

SEC. 1299B. PROHIBITION ON CERTAIN ASSISTANCE TO COUNTRIES THAT RECOGNIZE CHINESE SOVEREIGNTY OVER THE SOUTH CHINA SEA OR THE EAST CHINA SEA.

(a) PROHIBITION.—Except as provided by subsection (c) or (d), no amounts may be obligated or expended to provide foreign assistance to the government of any country identified in a report required by subsection (b).

(b) REPORT REQUIRED.—

(1) 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 3 years after such date of enactment, the Secretary of State shall submit to the appropriate congressional committees a report identifying each country that the Secretary determines recognizes, after such date of enactment, the sovereignty of the People's Republic of China over territory or airspace contested by one or more members of the Association of Southeast Asian Nations in the South China Sea or the territory or airspace of areas of the East China Sea administered by Japan or the Republic of Korea.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex if the Secretary of State determines it is necessary for the national security interests of the United States to do so.

(3) PUBLIC AVAILABILITY.—The Secretary of State shall publish the unclassified part of the report required by paragraph (1) on a publicly available website of the Department of State.

(c) EXCEPTION.—This section shall not apply with respect to Taiwan, humanitarian assistance, disaster assistance, emergency food assistance, or the Peace Corps.

(d) WAIVER.—The President may waive the application of subsection (a) with respect to the government of a country if the President determines that the waiver is in the national interests of the United States.

SA 2357. Mr. RUBIO (for himself, Mr. SCOTT of Florida, and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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. _____ . MORATORIUM ON OIL AND GAS LEASING IN CERTAIN AREAS OF GULF OF MEXICO.

Section 104(a) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109-432) is amended, in the matter preceding paragraph (1), by striking “June 30, 2022” and inserting “June 30, 2032”.

SA 2358. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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. ____ . REPORT ON THE ACTIVITIES OF THE PEOPLE'S REPUBLIC OF CHINA IN THE WESTERN HEMISPHERE.

(a) IN GENERAL.—The Director of National Intelligence shall submit to the appropriate committees of Congress a report on the economic, trade, environmental, military, security, and political activities of the People's Republic of China in the Western Hemisphere, including direct investment, development financing, loan deals, and state-owned enterprises in infrastructure and telecommunications projects.

(b) ELEMENT.—The report required by subsection (a) shall include, but is not limited to, an assessment of the activities of the People's Republic of China with respect to the following projects:

(1) The Port of Panama, Posorja Deepwater Port in Ecuador.

(2) The Port of Paranaguá in Brazil.

(3) The China Harbor in the Bahamas.

(4) The telecom infrastructure carried out by Chinese companies, including Huawei and ZTE, in Colombia and Canada.

(5) The construction of the building for the Ministry of Foreign Affairs and Foreign Trade in Kingston, Jamaica.

(6) The building of the Coca Codo Sinclair Dam in Ecuador.

(7) The space-observation station in Argentina.

(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 Select Committee on Intelligence of the Senate; and

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

SA 2359. Mr. SULLIVAN submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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, insert the following:

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.

(2) ELEMENTS.—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) A description of the resources used by the Defense Board for its report, and a description and assessment of any shortfalls in such resources for purposes of the Defense Board.

(b) REPORT ON DEFENSE ADVISORY COMMITTEE ON DIVERSITY AND INCLUSION IN THE ARMED FORCES.—

(1) IN GENERAL.—At the same time the Secretary of Defense submits the report required by subsection (a), the Secretary shall also submit to the Committee on Armed Services of the Senate and the House of Representatives a report on the Defense Advisory Committee on Diversity and Inclusion in the Armed Forces.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The mission statement or purpose of the Advisory Committee, and any proposed objectives and goals of the Advisory Committee

(B) A description of current members of the Advisory Committee and the criteria used for selecting members.

(C) A description of the duties and scope of activities of the Advisory Committee.

(D) The reporting structure of the Advisory Committee.

(E) An estimate of the annual operating costs and staff years of the Advisory Committee.

(F) An estimate of the number and frequency of meetings of the Advisory Committee.

(G) Any subcommittees, established or proposed, that would support the Advisory Committee.

(H) Such recommendations for legislative or administrative action as the Secretary considers appropriate to extend the term of the Advisory Committee beyond the proposed termination date of the Advisory Committee.

(c) REPORT ON CURRENT DIVERSITY AND INCLUSION IN THE ARMED FORCES.—

(1) IN GENERAL.—At the same time the Secretary of Defense submits the reports required by subsections (a) and (b), the Secretary shall also submit to the Committee on Armed Services of the Senate and the House of Representatives a report on current diversity and inclusion in the Armed Forces.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) An identification of the current racial and ethnic composition of each Armed Force generally.

(B) An identification of the current racial and ethnic 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 among the Armed Forces of the percentage of minority populations in each officer grade above grade O-4.

(F) A comparison among the Armed Forces of the percentage of minority populations in each enlisted grade above grade E-6.

(G) A description and assessment of barriers to minority participation in the Armed Forces in connection with accession, assessment, and training.

(d) 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-7 or higher;

(E) a regular enlisted member of the Armed Forces in a grade E-6 or lower;

(F) a member of a 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 not fewer than 20 percent of members possess—

(A) a firm understanding of the role of mentorship and best practices in finding and utilizing mentors;

(B) experience and expertise in change of culture of large organizations; or

(C) experience and expertise in implementation science; and

(4) should focus on objectives that address—

(A) barriers to promotion within the Armed Forces, including development of recommendations on mechanisms to enhance and increase racial diversity and ensure equal opportunity across all grades in the Armed Forces;

(B) participation of minority officers and senior noncommissioned officers in the Armed Forces, including development of recommendations on mechanisms to enhance and increase such participation;

(C) recruitment of minority candidates for innovative pre-service programs in the Junior Reserve Officers' Training Corps (JROTC), Senior Reserve Officers' Training Corps (SROTC), and military service academies, including programs in connection with flight instruction, special operations, and national security, including development of recommendations on mechanisms to enhance and increase such recruitment;

(D) retention of minority individuals in senior leadership and mentorship positions in the Armed Forces, including development

of recommendations on mechanisms to enhance and increase such retention; and

(E) achievement of cultural and ethnic diversity in recruitment for the Armed Forces, including development of recommendations on mechanisms to enhance and increase such diversity in recruitment.

SA 2360. 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 G of title XII, add the following:

SEC. 1287. IMPOSITION OF SANCTIONS WITH RESPECT TO MILITARY COOPERATION BETWEEN KHALIFA HAFTAR AND PMC WAGNER IN LIBYA.

(a) FINDINGS.—Congress makes the following findings:

(1) On September 20, 2018, the Department of State added PMC Wagner to the list, maintained pursuant to section 231 of the Countering America's Adversaries Through Sanctions Act (22 U.S.C. 9525), of persons that are part of, or operate for or on behalf of, the defense or intelligence sectors of the Government of the Russian Federation.

(2) The Commander of United States Africa Command, Stephen Townsend, testified to the Committee on Armed Services of the Senate on January 20, 2020, that Russian "private military companies (PMCs), such as the Wagner Group with strong links to the Kremlin, are leading the fight for the self-styled 'Libyan National Army' against the UN-backed and U.S.-recognized Government of National Accord".

(3) On May 26, 2020, United States Africa Command stated that the Government of the Russian Federation had deployed military fighter aircraft to Libya in order to support private military contractors sponsored by that Government and operating on the ground in support of the Libyan National Army, and assessed that the military actions of the Russian Federation have prolonged the conflict in Libya and exacerbated casualties and human suffering on both sides.

(4) Commander Stephen Townsend stated on May 26, 2020, "For too long, Russia has denied the full extent of its involvement in the ongoing Libya conflict. Well, there is no denying it now. . . Neither the [Libyan National Army] nor private military companies can arm, operate and sustain these fighters without state support—support they are getting from Russia. If Russia seizes basing on Libya's coast, the next logical step is they deploy permanent long-range anti-access area denial (A2D2) capabilities. If that day comes, it will create very real security concerns on Europe's southern flank.".

(b) SENSE OF CONGRESS.—It is the sense of Congress that continued violations of the United Nations arms embargo on Libya by actors including the Russian Federation, the United Arab Emirates, Egypt, and Turkey are detrimental to peace and stability in Libya.

(c) TREATMENT OF MILITARY COOPERATION AS SANCTIONABLE TRANSACTION.—For the purposes of section 231 of the Countering America's Adversaries Through Sanctions Act (22 U.S.C. 9525), the military cooperation between Libyan National Army leader Khalifa Haftar and PMC Wagner, with direct support from military fighter aircraft provided by the Government of the Russian Fed-

eration, shall be considered to be a significant transaction described in that section.

(d) IMPOSITION OF SANCTIONS.—Not later than 30 days after the date of the enactment of this Act, the President shall, in accordance with section 231 of the Countering America's Adversaries Through Sanctions Act (22 U.S.C. 9525), impose the sanctions described in paragraphs (8) and (9) of section 235(a) of that Act (22 U.S.C. 9529(a)) and 3 or more additional sanctions described in that section with respect to Khalifa Haftar and his immediate family members.

SA 2361. Mr. MANCHIN (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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 2362. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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. _____. INCREASE IN AUTHORIZATION FOR MILITARY CONSTRUCTION FOR CERTAIN CHILDCARE FACILITIES.

The amount authorized to be appropriated by this Act for fiscal year 2021 for military construction for the Army is increased by \$6,000,000, with the amount of such increase to be used to construct childcare facilities for the 7th Special Forces Group based in Crestview, Florida.

SA 2363. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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. _____. FOREIGN INFLUENCE TRANSPARENCY.

(a) LIMITING EXEMPTION FROM FOREIGN AGENT REGISTRATION REQUIREMENT FOR PERSONS ENGAGING IN ACTIVITIES IN FURTHERANCE OF CERTAIN PURSUITS TO ACTIVITIES NOT PROMOTING POLITICAL AGENDA OF FOREIGN GOVERNMENTS.—

(1) LIMITATION ON EXEMPTION.—Section 3(e) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 613(e)) is amended by striking the semicolon at the end and inserting the following: ", but only if the activities do not promote the political agenda of a government of a foreign country;".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to activities carried out on or after the date of the enactment of this Act.

(b) DISCLOSURES OF FOREIGN GIFTS.—

(1) IN GENERAL.—Section 117 of the Higher Education Act of 1965 (20 U.S.C. 1011f) is amended—

(A) in subsection (a), by striking "the value of which is \$250,000 or more, considered alone or in combination with all other gifts from or contracts with" and inserting "the value of which is \$50,000 or more for such gift from or contract with";

(B) in subsection (b)—

(i) in paragraph (1), in the first sentence, by inserting before the period at the end the following: ", and the content of each such contract"; and

(ii) in paragraph (2), by inserting before the period the following: ", and the content of each such contract";

(C) in subsection (e), by inserting "including the contents of any contracts," after "reports"; and

(D) in subsection (h)(3), by inserting before the semicolon at the end the following: ", or the fair market value of an in-kind gift".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply with respect to gifts received or contracts entered into, or other activities carried out, on or after the date of enactment of this Act.

SA 2364. Mr. RUBIO (for himself, Mr. SCHUMER, Mrs. MURRAY, Mr. CASSIDY, Mr. COTTON, Mr. CARDIN, Ms. HIRONO, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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. _____. AIR AMERICA.

(a) FINDINGS.—Congress finds the following:

(1) Air America, Incorporated (referred to in this section as "Air America") and its related cover corporate entities were wholly owned and controlled by the United States Government and directed and managed by the Department of Defense, the Department of State, and the Central Intelligence Agency from 1950 to 1976.

(2) Air America, a corporation owned by the Government of the United States, constituted a "Government corporation", as defined in section 103 of title 5, United States Code.

(3) It is established that the employees of Air America and the other entities described in paragraph (1) were Federal employees.

(4) The employees of Air America were retroactively excluded from the definition of the term "employee" under section 2105 of title 5, United States Code, on the basis of an administrative policy change in paperwork requirements implemented by the Office of Personnel Management 10 years after the service of the employees had ended and, by extension, were retroactively excluded from the definition of the term "employee" under section 8331 of title 5, United States Code, for retirement credit purposes.

(5) The employees of Air America were paid as Federal employees, with salaries subject to—

(A) the General Schedule under subchapter III of chapter 53 of title 5, United States Code; and

(B) the rates of basic pay payable to members of the Armed Forces.

(6) The service and sacrifice of the employees of Air America included—

(A) suffering a high rate of casualties in the course of employment;

(B) saving thousands of lives in search and rescue missions for downed United States airmen and allied refugee evacuations; and

(C) lengthy periods of service in challenging circumstances abroad.

(b) DEFINITIONS.—In this section—

(1) the term “affiliated company”, with respect to Air America, includes Air Asia Company Limited, CAT Incorporated, Civil Air Transport Company Limited, and the Pacific Division of Southern Air Transport; and

(2) the term “qualifying service” means service that—

(A) was performed by a United States citizen as an employee of Air America or an affiliated company during the period beginning on January 1, 1950 and ending on December 31, 1976; and

(B) is documented in the attorney-certified corporate records of Air America or any affiliated company.

(c) TREATMENT AS FEDERAL EMPLOYMENT.—Any period of qualifying service—

(1) is deemed to have been service of an employee (as defined in section 2105 of title 5, United States Code) with the Federal Government; and

(2) shall be treated as creditable service by an employee for purposes of subchapter III of chapter 83 of title 5, United States Code.

(d) RIGHTS.—An individual who performed qualifying service, or a survivor of such an individual, shall be entitled to the rights, retroactive as applicable, provided to employees and their survivors for creditable service under the Civil Service Retirement System under subchapter III of chapter 83 of title 5, United States Code, with respect to that qualifying service.

(e) DEDUCTION, CONTRIBUTION, AND DEPOSIT REQUIREMENTS.—The deposit of funds in the Treasury of the United States made by Air America in the form of a lump-sum payment apportioned in part to the Civil Service Disability & Retirement Fund in 1976 is deemed to satisfy the deduction, contribution, and deposit requirements under section 8334 of title 5, United States Code, with respect to all periods of qualifying service.

(f) APPLICATION TIME LIMIT.—Section 8345(i)(2) of title 5, United States Code, shall be applied with respect to the death of an individual who performed qualifying service by substituting “2 years after the effective date under section 1085(g) of the National Defense Authorization Act for Fiscal Year 2021” for “30 years after the death or other event which gives rise to title to the benefit”.

(g) EFFECTIVE DATE.—This section shall take effect on the date that is 30 days after the date of enactment of this Act.

SA 2365. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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. MODIFICATION OF RULES OF ORIGIN RELATING TO GOVERNMENT PROCUREMENT FOR PHARMACEUTICAL PRODUCTS.

(a) TRADE AGREEMENTS.—Section 308(4)(B) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)(B)) is amended—

(1) in clause (i), by striking “instrumentality, or” and inserting “instrumentality,”;

(2) in clause (ii)—

(A) by inserting “, other than an active pharmaceutical ingredient,” after “part of materials”; and

(B) by striking the period at the end and inserting “, or”;

(3) by inserting before the period at the end the following: “(iii) in the case of an article which consists of an active pharmaceutical ingredient, the pharmaceutical ingredient is wholly the growth, product, or manufacture of that country or instrumentality”.

(b) FEDERAL ACQUISITION REGULATION.—Not later than 180 days after the date of the enactment of this Act, the President shall prescribe regulations to update sections 52.225-5 and 25.003 of title 48, Code of Federal Regulations (or successor regulations) to be consistent with rules of origin determinations for active pharmaceutical ingredients made under section 308(4)(B) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)(B)), as amended by subsection (a).

SA 2366. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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:

SEC. —. 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 security cooperation and security assistance, and advancing United States strategic interests, 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 Latin America and the Caribbean so as to maintain consistent United States presence in the region.

(2) Activities to build the defense and security capacity (other than civilian law enforcement) of partner countries in Latin America and the Caribbean.

(3) Activities to counter malign influence of state actors and transnational criminal organizations with connections to illicit trafficking, terrorism, or weapons proliferation.

(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 institutions in the region through institutional capacity-building efforts, including efforts to ensure compliance with internationally-recognized human rights standards.

(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 organizations and institutions and national military or other security forces (other than civilian law enforcement) that carry out national or regional security missions.

(8) The provision of training and education to defense and security ministries, agencies, and headquarters-level organizations for organizations and forces described in paragraph (7).

(9) Activities to counter misinformation and disinformation campaigns and highlight corrupt, predatory and illegal practices.

(10) 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—

(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 stocks for humanitarian or health purposes to respond to unforeseen emergencies;

(D) the provision of Department humanitarian demining assistance and conducting physical security and stockpile-management activities; and

(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 efforts of the Department of State to support the capacity of partner countries in the Western Hemisphere—

(A) to ensure that women and girls are safe and secure and the rights of women and girls are protected; and

(B) to promote the meaningful participation of women in the defense and security sectors.

(12) The provision of support to increase the capacity and effectiveness of Department educational programs 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 United States defense objectives through bilateral and regional relationships.

(13) Professional military education initiatives, including International Military and Education Training (IMET) assistance.

(14) The allocation of Navy maritime vessels to the United States 4th Fleet, including the use of ships scheduled to be decommissioned.

(15) A detailed assessment of the resources required to carry out such strategy and a plan to be executed in fiscal year 2022.

(c) APPROPRIATE COMMITTEES OF CONGRESS.—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 2367. Ms. ERNST submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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. _____. INELIGIBILITY FOR FEDERAL FUNDS.

(a) DEFINITIONS.—In this section:

(1) ANARCHIST JURISDICTION.—The term “anarchist jurisdiction” means a State or political subdivision of a State that has a statute, ordinance, policy, or practice in effect that, despite ongoing danger to individuals or property, allows any entity or official of the State or political subdivision of the State to purposefully—

(A) abdicate the reserved powers of the State or political subdivision of the State, to be performed by non-governmental actors in a manner that is detrimental to the health, safety, and welfare of the citizens of the State or political subdivision of the State; and

(B) refuse to provide police, fire, or emergency medical services to 1 or more individuals in the State or political subdivision of the State as a consequence of an abdication described in subparagraph (A).

(2) EXECUTIVE AGENCY.—The term “executive agency” has the meaning given the term “Executive agency” in section 105 of title 5, United States Code.

(3) FEDERAL FINANCIAL ASSISTANCE.—The term “Federal financial assistance” has the meaning given the term in section 7501 of title 31, United States Code.

(4) NON-GOVERNMENTAL ACTOR.—The term “non-governmental actor”—

(A) means an individual who—

(i) is not an officer, employee, or contractor of a State or political subdivision of a State; and

(ii) attempts to circumvent the rule of law; and

(B) does not include a nonprofit organization.

(5) RESERVED POWER.—The term “reserved power” means a power—

(A) reserved to a State under the Tenth Amendment to the Constitution of the United States;

(B) transferred by Congress to the District of Columbia or any territory or possession of the United States; or

(C) described in subparagraph (A) or (B) that is delegated to a political subdivision of a State.

(6) STATE.—The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

(b) INELIGIBILITY.—For fiscal year 2021, and each fiscal year thereafter, a State or political subdivision of a State that is an anarchist jurisdiction at any time during a fiscal year may not receive Federal financial assistance from an executive agency during that fiscal year.

(c) RETURNED AMOUNTS.—If a State or political subdivision of a State that is ineligible to receive Federal financial assistance during a fiscal year under subsection (b) receives Federal financial assistance during that fiscal year from an executive agency, the head of the executive agency shall—

(1) direct the State or political subdivision of the State to immediately return the Federal financial assistance to the executive agency; and

(2) reallocate the Federal financial assistance returned under paragraph (1) to States or political subdivisions of States that are not anarchist jurisdictions.

SA 2368. Mr. MORAN (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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, add the following:

TITLE XVII—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS

SEC. 1701. REFERENCES TO NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS ACT OF 2002.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3001 et seq.).

Subtitle A—General Provisions

SEC. 1711. STRENGTH AND DISTRIBUTION IN GRADE.

Section 214 (33 U.S.C. 3004) is amended to read as follows:

“SEC. 214. STRENGTH AND DISTRIBUTION IN GRADE.

“(a) GRADES.—The commissioned grades in the commissioned officer corps of the Administration are the following, in relative rank with officers of the Navy:

- “(1) Vice admiral.
- “(2) Rear admiral.
- “(3) Rear admiral (lower half).
- “(4) Captain.
- “(5) Commander.
- “(6) Lieutenant commander.
- “(7) Lieutenant.
- “(8) Lieutenant (junior grade).
- “(9) Ensign.

“(b) GRADE DISTRIBUTION.—The Secretary shall prescribe, with respect to the distribution on the lineal list in grade, the percentages applicable to the grades set forth in subsection (a).

“(c) ANNUAL COMPUTATION OF NUMBER IN GRADE.—

“(1) IN GENERAL.—Not less frequently than once each year, the Secretary shall make a computation to determine the number of officers on the lineal list authorized to be serving in each grade.

“(2) METHOD OF COMPUTATION.—The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving on active duty on the date the computation is made.

“(3) FRACTIONS.—If a final fraction occurs in computing the authorized number of officers in a grade, the nearest whole number shall be taken. If the fraction is one-half, the next higher whole number shall be taken.

“(d) TEMPORARY INCREASE IN NUMBERS.—The total number of officers authorized by law to be on the lineal list during a fiscal year may be temporarily exceeded if the average number on that list during that fiscal year does not exceed the authorized number.

“(e) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Officers serving in positions designated under section 228(a) and officers recalled from retired status shall not be counted when computing authorized strengths under subsection (c) and shall not count against those strengths.

“(f) PRESERVATION OF GRADE AND PAY.—No officer may be reduced in grade or pay or separated from the commissioned officer corps of the Administration as the result of a computation made to determine the authorized number of officers in the various grades.”.

SEC. 1712. RECALLED OFFICERS.

(a) IN GENERAL.—Section 215 (33 U.S.C. 3005) is amended to read as follows:

“SEC. 215. NUMBER OF AUTHORIZED COMMISSIONED OFFICERS.

“(a) IN GENERAL.—The total number of authorized commissioned officers on the lineal list of the commissioned officer corps of the Administration shall not exceed 500.

“(b) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Officers serving in positions designated under section 228 and officers recalled from retired status or detailed to an agency other than the Administration—

“(1) may not be counted in determining the total number of authorized officers on the lineal list under this section; and

“(2) may not count against such number.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372) is amended by striking the item relating to section 215 and inserting the following:

“Sec. 215. Number of authorized commissioned officers.”.

SEC. 1713. OBLIGATED SERVICE REQUIREMENT.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.) is amended by adding at the end the following:

“SEC. 216. OBLIGATED SERVICE REQUIREMENT.

“(a) IN GENERAL.—

“(1) REGULATIONS.—The Secretary shall prescribe the obligated service requirements for appointments, training, promotions, separations, continuations, and retirements of officers not otherwise covered by law.

“(2) WRITTEN AGREEMENTS.—The Secretary and officers shall enter into written agreements that describe the officers’ obligated service requirements prescribed under paragraph (1) in return for such appointments, training, promotions, separations, continuations, and retirements as the Secretary considers appropriate.

“(b) REPAYMENT FOR FAILURE TO SATISFY REQUIREMENTS.—

“(1) IN GENERAL.—The Secretary may require an officer who fails to meet the service requirements prescribed under subsection (a)(1) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the training provided to that officer by the Secretary as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve.

“(2) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to reimburse the Secretary under paragraph (1) is, for all purposes, a debt owed to the United States.

“(3) DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11 that is entered less than five years after the termination of a written agreement entered into under subsection (a)(2) does not discharge the individual signing the agreement from a debt arising under such agreement.

“(c) WAIVER OR SUSPENSION OF COMPLIANCE.—The Secretary may waive the service obligation of an officer who—

“(1) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that officer; or

“(2) is—

“(A) not physically qualified for appointment; and

“(B) determined to be unqualified for service in the commissioned officer corps of the

Administration because of a physical or medical condition that was not the result of the officer's own misconduct or grossly negligent conduct."

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled "An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes" (Public Law 107-372) is amended by inserting after the item relating to section 215 the following:

"Sec. 216. Obligated service requirement."

SEC. 1714. TRAINING AND PHYSICAL FITNESS.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 1713(a), is further amended by adding at the end the following:

"SEC. 217. TRAINING AND PHYSICAL FITNESS.

"(a) TRAINING.—The Secretary may take such measures as may be necessary to ensure that officers are prepared to carry out their duties in the commissioned officer corps of the Administration and proficient in the skills necessary to carry out such duties. Such measures may include the following:

"(1) Carrying out training programs and correspondence courses, including establishing and operating a basic officer training program to provide initial indoctrination and maritime vocational training for officer candidates as well as refresher training, mid-career training, aviation training, and such other training as the Secretary considers necessary for officer development and proficiency.

"(2) Providing officers and officer candidates with educational materials.

"(3) Acquiring such equipment as may be necessary for training and instructional purposes.

"(b) PHYSICAL FITNESS.—The Secretary shall ensure that officers maintain a high physical state of readiness by establishing standards of physical fitness for officers that are substantially equivalent to those prescribed for officers in the Coast Guard."

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled "An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes" (Public Law 107-372), as amended by section 1713(b), is further amended by inserting after the item relating to section 216 the following:

"Sec. 217. Training and physical fitness."

SEC. 1715. AVIATION ACCESSION TRAINING PROGRAMS.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 1714(a), is further amended by adding at the end the following:

"SEC. 218. AVIATION ACCESSION TRAINING PROGRAMS.

"(a) DEFINITIONS.—In this section:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Under Secretary of Commerce for Oceans and Atmosphere and the Administrator of the National Oceanic and Atmospheric Administration.

"(2) MEMBER OF THE PROGRAM.—The term 'member of the program' means a student who is enrolled in the program.

"(3) PROGRAM.—The term 'program' means an aviation accession training program of the commissioned officer corps of the Administration established pursuant to subsection (b).

"(b) AVIATION ACCESSION TRAINING PROGRAMS.—

"(1) ESTABLISHMENT AUTHORIZED.—The Administrator, under regulations prescribed by the Secretary, shall establish and maintain one or more aviation accession training programs for the commissioned officer corps of the Administration at institutions described in paragraph (2).

"(2) INSTITUTIONS DESCRIBED.—An institution described in this paragraph is an educational institution—

"(A) that requests to enter into an agreement with the Administrator providing for the establishment of the program at the institution;

"(B) that has, as a part of its curriculum, a four-year baccalaureate program of professional flight and piloting instruction that is accredited by the Aviation Accreditation Board International;

"(C) that is located in a geographic area that—

"(i) experiences a wide variation in climate-related activity, including frequent high winds, convective activity (including tornadoes), periods of low visibility, heat, and snow and ice episodes, to provide opportunities for pilots to demonstrate skill in all weather conditions compatible with future encounters during their service in the commissioned officer corps; and

"(ii) has a climate that can accommodate both primary and advanced flight training activity at least 75 percent of the year; and

"(D) at which the Administrator determines that—

"(i) there will be at least one student enrolled in the program; and

"(ii) the provisions of this section are otherwise satisfied.

"(3) LIMITATIONS IN CONNECTION WITH PARTICULAR INSTITUTIONS.—The program may not be established or maintained at an institution unless—

"(A) the senior commissioned officer or employee of the commissioned officer corps who is assigned as an advisor to the program at that institution is given the academic rank of adjunct professor; and

"(B) the institution fulfills the terms of its agreement with the Administrator.

"(4) MEMBERSHIP IN CONNECTION WITH STATUS AS STUDENT.—At institutions at which the program is established, the membership of students in the program shall be elective, as provided by State law or the authorities of the institution concerned.

"(c) MEMBERSHIP.—

"(1) ELIGIBILITY.—To be eligible for membership in the program, an individual must—

"(A) be a student at an institution at which the program is established;

"(B) be a citizen of the United States;

"(C) contract in writing, with the consent of a parent or guardian if a minor, with the Administrator, to—

"(i) accept an appointment, if offered, as a commissioned officer in the commissioned officer corps of the Administration; and

"(ii) serve in the commissioned officer corps for not fewer than four years;

"(D) enroll in—

"(i) a four-year baccalaureate program of professional flight and piloting instruction; and

"(ii) other training or education, including basic officer training, which is prescribed by the Administrator as meeting the preliminary requirement for admission to the commissioned officer corps; and

"(E) execute a certificate or take an oath relating to morality and conduct in such form as the Administrator prescribes.

"(2) COMPLETION OF PROGRAM.—A member of the program may be appointed as a regular officer in the commissioned officer corps if the member meets all requirements for appointment as such an officer.

"(d) FINANCIAL ASSISTANCE FOR QUALIFIED MEMBERS.—

"(1) EXPENSES OF COURSE OF INSTRUCTION.—

"(A) IN GENERAL.—In the case of a member of the program who meets such qualifications as the Administrator establishes for purposes of this subsection, the Administrator may pay the expenses of the member

in connection with pursuit of a course of professional flight and piloting instruction under the program, including tuition, fees, educational materials such as books, training, certifications, travel, and laboratory expenses.

"(B) ASSISTANCE AFTER FOURTH ACADEMIC YEAR.—In the case of a member of the program described in subparagraph (A) who is enrolled in a course described in that subparagraph that has been approved by the Administrator and requires more than four academic years for completion, including elective requirements of the program, assistance under this subsection may also be provided during a fifth academic year or during a combination of a part of a fifth academic year and summer sessions.

"(2) ROOM AND BOARD.—In the case of a member eligible to receive assistance under paragraph (1), the Administrator may, in lieu of payment of all or part of such assistance, pay the room and board expenses of the member, and other educational expenses, of the educational institution concerned.

"(3) FAILURE TO COMPLETE PROGRAM OR ACCEPT COMMISSION.—A member of the program who receives assistance under this subsection and who does not complete the course of instruction, or who completes the course but declines to accept a commission in the commissioned officer corps when offered, shall be subject to the repayment provisions of subsection (e).

"(e) REPAYMENT OF UNEARNED PORTION OF FINANCIAL ASSISTANCE WHEN CONDITIONS OF PAYMENT NOT MET.—

"(1) IN GENERAL.—A member of the program who receives or benefits from assistance under subsection (d), and whose receipt of or benefit from such assistance is subject to the condition that the member fully satisfy the requirements of subsection (c), shall repay to the United States an amount equal to the assistance received or benefitted from if the member fails to fully satisfy such requirements and may not receive or benefit from any unpaid amounts of such assistance after the member fails to satisfy such requirements, unless the Administrator determines that the imposition of the repayment requirement and the termination of payment of unpaid amounts of such assistance with regard to the member would be—

"(A) contrary to a personnel policy or management objective;

"(B) against equity and good conscience; or

"(C) contrary to the best interests of the United States.

"(2) REGULATIONS.—The Administrator may establish, by regulations, procedures for determining the amount of the repayment required under this subsection and the circumstances under which an exception to repayment may be granted. The Administrator may specify in the regulations the conditions under which financial assistance to be paid to a member of the program will not be made if the member no longer satisfies the requirements in subsection (c) or qualifications in subsection (d) for such assistance.

"(3) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to repay the United States under this subsection is, for all purposes, a debt owed to the United States."

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled "An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes" (Public Law 107-372), as amended by section 1714(b), is further amended by inserting after the item relating to section 217 the following:

"Sec. 218. Aviation accession training programs."

SEC. 1716. RECRUITING MATERIALS.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 1715(a), is further amended by adding at the end the following:

“SEC. 219. USE OF RECRUITING MATERIALS FOR PUBLIC RELATIONS.

“The Secretary may use for public relations purposes of the Department of Commerce any advertising materials developed for use for recruitment and retention of personnel for the commissioned officer corps of the Administration. Any such use shall be under such conditions and subject to such restrictions as the Secretary shall prescribe.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372), as amended by section 1715(b), is further amended by inserting after the item relating to section 218 the following:

“Sec. 219. Use of recruiting materials for public relations.”.

SEC. 1717. TECHNICAL CORRECTION.

Section 101(21)(C) of title 38, United States Code, is amended by inserting “in the commissioned officer corps” before “of the National”.

Subtitle B—Parity and Recruitment**SEC. 1721. EDUCATION LOANS.**

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.) is amended by adding at the end the following:

“SEC. 267. EDUCATION LOAN REPAYMENT PROGRAM.

“(a) AUTHORITY TO REPAY EDUCATION LOANS.—For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty who have skills required by the commissioned officer corps, the Secretary may repay, in the case of a person described in subsection (b), a loan that—

“(1) was used by the person to finance education; and

“(2) was obtained from a governmental entity, private financial institution, educational institution, or other authorized entity.

“(b) ELIGIBLE PERSONS.—To be eligible to obtain a loan repayment under this section, a person must—

“(1) satisfy one of the requirements specified in subsection (c);

“(2) be fully qualified for, or hold, an appointment as a commissioned officer in the commissioned officer corps of the Administration; and

“(3) sign a written agreement to serve on active duty, or, if on active duty, to remain on active duty for a period in addition to any other incurred active duty obligation.

“(c) ACADEMIC AND PROFESSIONAL REQUIREMENTS.—One of the following academic requirements must be satisfied for purposes of determining the eligibility of an individual for a loan repayment under this section:

“(1) The person is fully qualified in a profession that the Secretary has determined to be necessary to meet identified skill shortages in the commissioned officer corps.

“(2) The person is enrolled as a full-time student in the final year of a course of study at an accredited educational institution (as determined by the Secretary of Education) leading to a degree in a profession that will meet identified skill shortages in the commissioned officer corps.

“(d) LOAN REPAYMENTS.—

“(1) IN GENERAL.—Subject to the limits established under paragraph (2), a loan repayment under this section may consist of the payment of the principal, interest, and related expenses of a loan obtained by a person described in subsection (b).

“(2) LIMITATION ON AMOUNT.—For each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(3), the Secretary may pay not more than the amount specified in section 2173(e)(2) of title 10, United States Code.

“(e) ACTIVE DUTY SERVICE OBLIGATION.—

“(1) IN GENERAL.—A person entering into an agreement described in subsection (b)(3) incurs an active duty service obligation.

“(2) LENGTH OF OBLIGATION DETERMINED UNDER REGULATIONS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the length of the obligation under paragraph (1) shall be determined under regulations prescribed by the Secretary.

“(B) MINIMUM OBLIGATION.—The regulations prescribed under subparagraph (A) may not provide for a period of obligation of less than one year for each maximum annual amount, or portion thereof, paid on behalf of the person for qualified loans.

“(3) PERSONS ON ACTIVE DUTY BEFORE ENTERING INTO AGREEMENT.—The active duty service obligation of persons on active duty before entering into the agreement shall be served after the conclusion of any other obligation incurred under the agreement.

“(4) CONCURRENT COMPLETION OF SERVICE OBLIGATIONS.—A service obligation under this section may be completed concurrently with a service obligation under section 216.

“(f) EFFECT OF FAILURE TO COMPLETE OBLIGATION.—

“(1) ALTERNATIVE OBLIGATIONS.—An officer who is relieved of the officer’s active duty obligation under this section before the completion of that obligation may be given any alternative obligation, at the discretion of the Secretary.

“(2) REPAYMENT.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (b)(3), or the alternative obligation imposed under paragraph (1), shall be subject to the repayment provisions under section 216.

“(g) RULEMAKING.—The Secretary shall prescribe regulations to carry out this section, including—

“(1) standards for qualified loans and authorized payees; and

“(2) other terms and conditions for the making of loan repayments.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372) is amended by inserting after the item relating to section 266 the following:

“Sec. 267. Education loan repayment program.”.

SEC. 1722. INTEREST PAYMENTS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by section 1721(a), is further amended by adding at the end the following:

“SEC. 268. INTEREST PAYMENT PROGRAM.

“(a) AUTHORITY.—The Secretary may pay the interest and any special allowances that accrue on one or more student loans of an eligible officer, in accordance with this section.

“(b) ELIGIBLE OFFICERS.—An officer is eligible for the benefit described in subsection (a) while the officer—

“(1) is serving on active duty;

“(2) has not completed more than three years of service on active duty;

“(3) is the debtor on one or more unpaid loans described in subsection (c); and

“(4) is not in default on any such loan.

“(c) STUDENT LOANS.—The authority to make payments under subsection (a) may be exercised with respect to the following loans:

“(1) A loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.).

“(2) A loan made under part D of such title (20 U.S.C. 1087a et seq.).

“(3) A loan made under part E of such title (20 U.S.C. 1087aa et seq.).

“(d) MAXIMUM BENEFIT.—Interest and any special allowance may be paid on behalf of an officer under this section for any of the 36 consecutive months during which the officer is eligible under subsection (b).

“(e) FUNDS FOR PAYMENTS.—The Secretary may use amounts appropriated for the pay and allowances of personnel of the commissioned officer corps of the Administration for payments under this section.

“(f) COORDINATION WITH SECRETARY OF EDUCATION.—

“(1) IN GENERAL.—The Secretary shall consult with the Secretary of Education regarding the administration of this section.

“(2) TRANSFER OF FUNDS.—The Secretary shall transfer to the Secretary of Education the funds necessary—

“(A) to pay interest and special allowances on student loans under this section (in accordance with sections 428(o), 455(l), and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1078(o), 1087e(l), and 1087dd(j)); and

“(B) to reimburse the Secretary of Education for any reasonable administrative costs incurred by the Secretary in coordinating the program under this section with the administration of the student loan programs under parts B, D, and E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.).

“(g) SPECIAL ALLOWANCE DEFINED.—In this section, the term “special allowance” means a special allowance that is payable under section 438 of the Higher Education Act of 1965 (20 U.S.C. 1087-1).”.

(b) CONFORMING AMENDMENTS.—

(1) Section 428(o) of the Higher Education Act of 1965 (20 U.S.C. 1078(o)) is amended—

(A) by striking the subsection heading and inserting “ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS”; and

(B) in paragraph (1)—

(i) by inserting “or section 268 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002” after “Code,”; and

(ii) by inserting “or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively,” after “Armed Forces”.

(2) Sections 455(l) and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1087e(l) and 1087dd(j)) are each amended—

(A) by striking the subsection heading and inserting “ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS”; and

(B) in paragraph (1)—

(i) by inserting “or section 268 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002” after “Code,”; and

(ii) by inserting “or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively,” after “Armed Forces”.

(c) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372), as amended by section 1721(b), is further amended by inserting after the item relating to section 267 the following:

“Sec. 268. Interest payment program.”.

SEC. 1723. STUDENT PRE-COMMISSIONING PROGRAM.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by section 1722(a), is further amended by adding at the end the following:

“SEC. 269. STUDENT PRE-COMMISSIONING EDUCATION ASSISTANCE PROGRAM.

“(a) AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE.—For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty, the Secretary may provide financial assistance to a person described in subsection (b) for expenses of the person while the person is pursuing on a full-time basis at an accredited educational institution (as determined by the Secretary of Education) a program of education approved by the Secretary that leads to—

“(1) a baccalaureate degree in not more than five academic years; or

“(2) a postbaccalaureate degree.

“(b) ELIGIBLE PERSONS.—

“(1) IN GENERAL.—A person is eligible to obtain financial assistance under subsection (a) if the person—

“(A) is enrolled on a full-time basis in a program of education referred to in subsection (a) at any educational institution described in such subsection;

“(B) meets all of the requirements for acceptance into the commissioned officer corps of the Administration except for the completion of a baccalaureate degree; and

“(C) enters into a written agreement with the Secretary described in paragraph (2).

“(2) AGREEMENT.—A written agreement referred to in paragraph (1)(C) is an agreement between the person and the Secretary in which the person—

“(A) agrees to accept an appointment as an officer, if tendered; and

“(B) upon completion of the person’s educational program, agrees to serve on active duty, immediately after appointment, for—

“(i) up to three years if the person received less than three years of assistance; and

“(ii) up to five years if the person received at least three years of assistance.

“(c) QUALIFYING EXPENSES.—Expenses for which financial assistance may be provided under subsection (a) are the following:

“(1) Tuition and fees charged by the educational institution involved.

“(2) The cost of educational materials.

“(3) In the case of a program of education leading to a baccalaureate degree, laboratory expenses.

“(4) Such other expenses as the Secretary considers appropriate.

“(d) LIMITATION ON AMOUNT.—The Secretary shall prescribe the amount of financial assistance provided to a person under subsection (a), which may not exceed the amount specified in section 2173(e)(2) of title 10, United States Code, for each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(2).

“(e) DURATION OF ASSISTANCE.—Financial assistance may be provided to a person under subsection (a) for not more than five consecutive academic years.

“(f) SUBSISTENCE ALLOWANCE.—

“(1) IN GENERAL.—A person who receives financial assistance under subsection (a) shall be entitled to a monthly subsistence allowance at a rate prescribed under paragraph (2) for the duration of the period for which the person receives such financial assistance.

“(2) DETERMINATION OF AMOUNT.—The Secretary shall prescribe monthly rates for subsistence allowance provided under paragraph (1), which shall be equal to the amount specified in section 2144(a) of title 10, United States Code.

“(g) INITIAL CLOTHING ALLOWANCE.—

“(1) TRAINING.—The Secretary may prescribe a sum which shall be credited to each

person who receives financial assistance under subsection (a) to cover the cost of the person’s initial clothing and equipment issue.

“(2) APPOINTMENT.—Upon completion of the program of education for which a person receives financial assistance under subsection (a) and acceptance of appointment in the commissioned officer corps of the Administration, the person may be issued a subsequent clothing allowance equivalent to that normally provided to a newly appointed officer.

“(h) TERMINATION OF FINANCIAL ASSISTANCE.—

“(1) IN GENERAL.—The Secretary shall terminate the assistance provided to a person under this section if—

“(A) the Secretary accepts a request by the person to be released from an agreement described in subsection (b)(2);

“(B) the misconduct of the person results in a failure to complete the period of active duty required under the agreement; or

“(C) the person fails to fulfill any term or condition of the agreement.

“(2) REIMBURSEMENT.—The Secretary may require a person who receives assistance described in subsection (c), (f), or (g) under an agreement entered into under subsection (b)(1)(C) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the assistance provided to that person as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve under the agreement.

“(3) WAIVER.—The Secretary may waive the service obligation of a person through an agreement entered into under subsection (b)(1)(C) if the person—

“(A) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that person; or

“(B) is—

“(i) not physically qualified for appointment; and

“(ii) determined to be unqualified for service in the commissioned officer corps of the Administration because of a physical or medical condition that was not the result of the person’s own misconduct or grossly negligent conduct.

“(4) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to reimburse the Secretary imposed under paragraph (2) is, for all purposes, a debt owed to the United States.

“(5) DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11, United States Code, that is entered less than five years after the termination of a written agreement entered into under subsection (b)(1)(C) does not discharge the person signing the agreement from a debt arising under such agreement or under paragraph (2).

“(i) REGULATIONS.—The Secretary may prescribe such regulations and orders as the Secretary considers appropriate to carry out this section.

“(j) CONCURRENT COMPLETION OF SERVICE OBLIGATIONS.—A service obligation under this section may be completed concurrently with a service obligation under section 216.”

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372), as amended by section 1722(c), is further amended by inserting after the item relating to section 268 the following:

“Sec. 269. Student pre-commissioning education assistance program.”

SEC. 1724. LIMITATION ON EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Each fiscal year, beginning with the fiscal year in which this title is enacted, the Secretary of Commerce shall ensure that the total amount expended by the Secretary under section 267 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (as added by section 1721(a)), section 268 of such Act (as added by section 1722(a)), and section 269 of such Act (as added by section 1723(a)) does not exceed the amount by which—

(1) the total amount the Secretary would pay in that fiscal year to officer candidates under section 203(f)(1) of title 37, United States Code (as added by section 1735(d)), if such section entitled officer candidates to pay at monthly rates equal to the basic pay of a commissioned officer in the pay grade O-1 with less than 2 years of service, exceeds

(2) the total amount the Secretary actually pays in that fiscal year to officer candidates under section 203(f)(1) of such title (as so added).

(b) OFFICER CANDIDATE DEFINED.—In this section, the term “officer candidate” has the meaning given the term in paragraph (4) of section 212(b) of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3002), as added by section 1735(c).

SEC. 1725. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 10, UNITED STATES CODE, AND EXTENSION OF CERTAIN AUTHORITIES APPLICABLE TO MEMBERS OF THE ARMED FORCES TO COMMISSIONED OFFICER CORPS.

(a) APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 10.—Section 261(a) (33 U.S.C. 3071(a)) is amended—

(1) by redesignating paragraphs (13) through (16) as paragraphs (22) through (25), respectively;

(2) by redesignating paragraphs (7) through (12) as paragraphs (14) through (19), respectively;

(3) by redesignating paragraphs (4) through (6) as paragraphs (8) through (10), respectively;

(4) by inserting after paragraph (3) the following:

“(4) Section 771, relating to unauthorized wearing of uniforms.

“(5) Section 774, relating to wearing religious apparel while in uniform.

“(6) Section 982, relating to service on State and local juries.

“(7) Section 1031, relating to administration of oaths.”;

(5) by inserting after paragraph (10), as redesignated, the following:

“(11) Section 1074n, relating to annual mental health assessments.

“(12) Section 1090a, relating to referrals for mental health evaluations.

“(13) Chapter 58, relating to the Benefits and Services for members being separated or recently separated.”; and

(6) by inserting after paragraph (19), as redesignated, the following:

“(20) Subchapter I of chapter 88, relating to Military Family Programs.

“(21) Section 2005, relating to advanced education assistance, active duty agreements, and reimbursement requirements.”.

(b) EXTENSION OF CERTAIN AUTHORITIES.—

(1) NOTARIAL SERVICES.—Section 1044a of title 10, United States Code, is amended—

(A) in subsection (a)(1), by striking “armed forces” and inserting “uniformed services”; and

(B) in subsection (b)(4), by striking “armed forces” both places it appears and inserting “uniformed services”.

(2) ACCEPTANCE OF VOLUNTARY SERVICES FOR PROGRAMS SERVING MEMBERS AND THEIR

FAMILIES.—Section 1588 of such title is amended—

(A) in subsection (a)(3), in the matter before subparagraph (A), by striking “armed forces” and inserting “uniformed services”; and

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

“(g) SECRETARY CONCERNED FOR ACCEPTANCE OF SERVICES FOR PROGRAMS SERVING MEMBERS OF NOAA CORPS AND THEIR FAMILIES.—For purposes of the acceptance of services described in subsection (a)(3), the term ‘Secretary concerned’ in subsection (a) shall include the Secretary of Commerce with respect to members of the commissioned officer corps of the National Oceanic and Atmospheric Administration.”.

(3) CAPSTONE COURSE FOR NEWLY SELECTED FLAG OFFICERS.—Section 2153 of such title is amended—

(A) in subsection (a)—

(i) by inserting “or the commissioned officer corps of the National Oceanic and Atmospheric Administration” after “in the case of the Navy”; and

(ii) by striking “other armed forces” and inserting “other uniformed services”; and

(B) in subsection (b)(1), in the matter before subparagraph (A), by inserting “or the Secretary of Commerce, as applicable,” after “the Secretary of Defense”.

SEC. 1726. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 37, UNITED STATES CODE.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.) is amended by inserting after section 261 the following:

“SEC. 261A. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 37, UNITED STATES CODE.

“(a) PROVISIONS MADE APPLICABLE TO COMMISSIONED OFFICER CORPS.—The provisions of law applicable to the Armed Forces under the following provisions of title 37, United States Code, shall apply to the commissioned officer corps of the Administration:

“(1) Section 324, relating to accession bonuses for new officers in critical skills.

“(2) Section 403(f)(3), relating to prescribing regulations defining the terms ‘field duty’ and ‘sea duty’.

“(3) Section 403(1), relating to temporary continuation of housing allowance for dependents of members dying on active duty.

“(4) Section 415, relating to initial uniform allowances.

“(5) Section 488, relating to allowances for recruiting expenses.

“(6) Section 495, relating to allowances for funeral honors duty.

“(b) REFERENCES.—The authority vested by title 37, United States Code, in the ‘military departments’, ‘the Secretary concerned’, or ‘the Secretary of Defense’ with respect to the provisions of law referred to in subsection (a) shall be exercised, with respect to the commissioned officer corps of the Administration, by the Secretary of Commerce or the Secretary’s designee.”.

(b) PERSONAL MONEY ALLOWANCE.—Section 414(a)(2) of title 37, United States Code, is amended by inserting “or the director of the commissioned officer corps of the National Oceanic and Atmospheric Administration” after “Health Service”.

(c) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107–372) is amended by inserting after the item relating to section 261 the following:

“Sec. 261A. Applicability of certain provisions of title 37, United States Code.”.

SEC. 1727. PROHIBITION ON RETALIATORY PERSONNEL ACTIONS.

(a) IN GENERAL.—Subsection (a) of section 261 (33 U.S.C. 3071), as amended by section 1725(a), is further amended—

(1) by redesignating paragraphs (8) through (25) as paragraphs (9) through (26), respectively; and

(2) by inserting after paragraph (7) the following:

“(8) Section 1034, relating to protected communications and prohibition of retaliatory personnel actions.”.

(b) CONFORMING AMENDMENT.—Subsection (b) of such section is amended by adding at the end the following: “For purposes of paragraph (8) of subsection (a), the term ‘Inspector General’ in section 1034 of such title 10 shall mean the Inspector General of the Department of Commerce.”.

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

“(c) REGULATIONS REGARDING PROTECTED COMMUNICATIONS AND PROHIBITION OF RETALIATORY PERSONNEL ACTIONS.—The Secretary may prescribe regulations to carry out the application of section 1034 of title 10, United States Code, to the commissioned officer corps of the Administration, including by prescribing such administrative procedures for investigation and appeal within the commissioned officer corps as the Secretary considers appropriate.”.

SEC. 1728. APPLICATION OF CERTAIN PROVISIONS OF COMPETITIVE SERVICE LAW.

Section 3304(f) of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting “and members of the commissioned officer corps of the National Oceanic and Atmospheric Administration (or its predecessor organization the Coast and Geodetic Survey) separated from such uniformed service” after “separated from the armed forces”; and

(2) in paragraph (2), by striking “or veteran” and inserting “, veteran, or member”; and

(3) in paragraph (4), by inserting “and members of the commissioned officer corps of the National Oceanic and Atmospheric Administration (or its predecessor organization the Coast and Geodetic Survey) separated from such uniformed service” after “separated from the armed forces”.

SEC. 1729. EMPLOYMENT AND REEMPLOYMENT RIGHTS.

Section 4303(16) of title 38, United States Code, is amended by inserting “the commissioned officer corps of the National Oceanic and Atmospheric Administration,” after “Public Health Service.”.

SEC. 1730. TREATMENT OF COMMISSION IN COMMISSIONED OFFICER CORPS FOR PURPOSES OF CERTAIN HIRING DECISIONS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by this title, is further amended by adding at the end the following:

“SEC. 269A. TREATMENT OF COMMISSION IN COMMISSIONED OFFICER CORPS AS EMPLOYMENT IN ADMINISTRATION FOR PURPOSES OF CERTAIN HIRING DECISIONS.

“(a) IN GENERAL.—In any case in which the Secretary accepts an application for a position of employment with the Administration and limits consideration of applications for such position to applications submitted by individuals serving in a career or career-conditional position in the competitive service within the Administration, the Secretary shall deem an officer who has served as an officer in the commissioned officer corps for at least three years to be serving in a career or career-conditional position in the competitive service within the Administration for purposes of such limitation.

“(b) CAREER APPOINTMENTS.—If the Secretary selects an application submitted by an officer described in subsection (a) for a position described in such subsection, the Secretary shall give such officer a career or career-conditional appointment in the competitive service, as appropriate.

“(c) COMPETITIVE SERVICE DEFINED.—In this section, the term ‘competitive service’ has the meaning given the term in section 2102 of title 5, United States Code.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107–372) is amended by inserting after the item relating to section 269, as added by section 1723(b), the following new item:

“Sec. 269A. Treatment of commission in commissioned officer corps as employment in Administration for purposes of certain hiring decisions.”.

Subtitle C—Appointments and Promotion of Officers

SEC. 1731. APPOINTMENTS.

(a) ORIGINAL APPOINTMENTS.—Section 221 (33 U.S.C. 3021) is amended to read as follows: **“SEC. 221. ORIGINAL APPOINTMENTS AND REAPPOINTMENTS.**

“(a) ORIGINAL APPOINTMENTS.—

“(1) GRADES.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), an original appointment of an officer may be made in such grades as may be appropriate for—

“(i) the qualification, experience, and length of service of the appointee; and

“(ii) the commissioned officer corps of the Administration.

“(B) APPOINTMENT OF OFFICER CANDIDATES.—

“(i) LIMITATION ON GRADE.—An original appointment of an officer candidate, upon graduation from the basic officer training program of the commissioned officer corps of the Administration, may not be made in any other grade than ensign.

“(ii) RANK.—Officer candidates receiving appointments as ensigns upon graduation from the basic officer training program shall take rank according to their proficiency as shown by the order of their merit at date of graduation.

“(2) SOURCE OF APPOINTMENTS.—An original appointment may be made from among the following:

“(A) Graduates of the basic officer training program of the commissioned officer corps of the Administration.

“(B) Graduates of the military service academies of the United States who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

“(C) Graduates of the maritime academies of the States who—

“(i) otherwise meet the academic standards for enrollment in the training program described in subparagraph (A);

“(ii) completed at least three years of regimented training while at a maritime academy of a State; and

“(iii) obtained an unlimited tonnage or unlimited horsepower Merchant Mariner Credential from the United States Coast Guard.

“(D) Licensed officers of the United States merchant marine who have served two or more years aboard a vessel of the United States in the capacity of a licensed officer, who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

“(3) DEFINITIONS.—In this subsection:

“(A) MARITIME ACADEMIES OF THE STATES.—The term ‘maritime academies of the States’ means the following:

“(i) California Maritime Academy, Vallejo, California.

“(ii) Great Lakes Maritime Academy, Traverse City, Michigan.

“(iii) Maine Maritime Academy, Castine, Maine.

“(iv) Massachusetts Maritime Academy, Buzzards Bay, Massachusetts.

“(v) State University of New York Maritime College, Fort Schuyler, New York.

“(vi) Texas A&M Maritime Academy, Galveston, Texas.

“(B) MILITARY SERVICE ACADEMIES OF THE UNITED STATES.—The term ‘military service academies of the United States’ means the following:

“(i) The United States Military Academy, West Point, New York.

“(ii) The United States Naval Academy, Annapolis, Maryland.

“(iii) The United States Air Force Academy, Colorado Springs, Colorado.

“(iv) The United States Coast Guard Academy, New London, Connecticut.

“(v) The United States Merchant Marine Academy, Kings Point, New York.

“(b) REAPPOINTMENT.—

“(1) IN GENERAL.—Except as provided in paragraph (2), an individual who previously served in the commissioned officer corps of the Administration may be appointed by the Secretary to the grade the individual held prior to separation.

“(2) REAPPOINTMENTS TO HIGHER GRADES.—An appointment under paragraph (1) to a position of importance and responsibility designated under section 228 may only be made by the President.

“(c) QUALIFICATIONS.—An appointment under subsection (a) or (b) may not be given to an individual until the individual’s mental, moral, physical, and professional fitness to perform the duties of an officer has been established under such regulations as the Secretary shall prescribe.

“(d) ORDER OF PRECEDENCE.—Appointees under this section shall take precedence in the grade to which appointed in accordance with the dates of their commissions as commissioned officers in such grade. The order of precedence of appointees whose dates of commission are the same shall be determined by the Secretary.

“(e) INTER-SERVICE TRANSFERS.—For inter-service transfers (as described in Department of Defense Directive 1300.4 (dated December 27, 2006)) the Secretary shall—

“(1) coordinate with the Secretary of Defense and the Secretary of the Department in which the Coast Guard is operating to promote and streamline inter-service transfers;

“(2) give preference to such inter-service transfers for recruitment purposes as determined appropriate by the Secretary; and

“(3) reappoint such inter-service transfers to the equivalent grade in the commissioned officer corps.”

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107–372) is amended by striking the item relating to section 221 and inserting the following:

“Sec. 221. Original appointments and reappointments.”

SEC. 1732. PERSONNEL BOARDS.

Section 222 (33 U.S.C. 3022) is amended to read as follows:

“SEC. 222. PERSONNEL BOARDS.

“(a) CONVENING.—Not less frequently than once each year and at such other times as the Secretary determines necessary, the Secretary shall convene a personnel board.

“(b) MEMBERSHIP.—

“(1) IN GENERAL.—A board convened under subsection (a) shall consist of five or more

officers who are serving in or above the permanent grade of the officers under consideration by the board.

“(2) RETIRED OFFICERS.—Officers on the retired list may be recalled to serve on such personnel boards as the Secretary considers necessary.

“(3) NO MEMBERSHIP ON 2 SUCCESSIVE BOARDS.—No officer may be a member of two successive personnel boards convened to consider officers of the same grade for promotion or separation.

“(c) DUTIES.—Each personnel board shall—

“(1) recommend to the Secretary such changes as may be necessary to correct any erroneous position on the lineal list that was caused by administrative error; and

“(2) make selections and recommendations to the Secretary and the President for the appointment, promotion, involuntary separation, continuation, and involuntary retirement of officers in the commissioned officer corps of the Administration as prescribed in this title.

“(d) ACTION ON RECOMMENDATIONS NOT ACCEPTABLE.—If any recommendation by a board convened under subsection (a) is not accepted by the Secretary or the President, the board shall make such further recommendations as the Secretary or the President considers appropriate.

“(e) AUTHORITY FOR OFFICERS TO OPT OUT OF PROMOTION CONSIDERATION.—

“(1) IN GENERAL.—The Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps may provide that an officer, upon the officer’s request and with the approval of the Director, be excluded from consideration for promotion by a personnel board convened under this section.

“(2) APPROVAL.—The Director shall approve a request made by an officer under paragraph (1) only if—

“(A) the basis for the request is to allow the officer to complete a broadening assignment, advanced education, another assignment of significant value to the Administration, a career progression requirement delayed by the assignment or education, or a qualifying personal or professional circumstance, as determined by the Director;

“(B) the Director determines the exclusion from consideration is in the best interest of the Administration; and

“(C) the officer has not previously failed selection for promotion to the grade for which the officer requests the exclusion from consideration.”

SEC. 1733. POSITIONS OF IMPORTANCE AND RESPONSIBILITY.

Section 228 (33 U.S.C. 3028) is amended—

(1) in subsection (c)—

(A) in the first sentence, by striking “The Secretary shall designate one position under this section” and inserting “The President shall designate one position”; and

(B) in the second sentence, by striking “That position shall be filled by” and inserting “The President shall fill that position by appointing, by and with the advice and consent of the Senate.”;

(2) in subsection (d)(2), by inserting “or immediately beginning a period of terminal leave” after “for which a higher grade is designated”;

(3) by amending subsection (e) to read as follows:

“(e) LIMIT ON NUMBER OF OFFICERS APPOINTED.—The total number of officers serving on active duty at any one time in the grade of rear admiral (lower half) or above may not exceed five, with only one serving in the grade of vice admiral.”; and

(4) in subsection (f), by inserting “or in a period of annual leave used at the end of the appointment” after “serving in that grade”.

SEC. 1734. TEMPORARY APPOINTMENTS.

(a) IN GENERAL.—Section 229 (33 U.S.C. 3029) is amended to read as follows:

“SEC. 229. TEMPORARY APPOINTMENTS.

“(a) APPOINTMENTS BY PRESIDENT.—Temporary appointments in the grade of ensign, lieutenant junior grade, or lieutenant may be made by the President.

“(b) TERMINATION.—A temporary appointment to a position under subsection (a) shall terminate upon approval of a permanent appointment for such position made by the President.

“(c) ORDER OF PRECEDENCE.—Appointees under subsection (a) shall take precedence in the grade to which appointed in accordance with the dates of their appointments as officers in such grade. The order of precedence of appointees who are appointed on the same date shall be determined by the Secretary.

“(d) ANY ONE GRADE.—When determined by the Secretary to be in the best interest of the commissioned officer corps, officers in any permanent grade may be temporarily promoted one grade by the President. Any such temporary promotion terminates upon the transfer of the officer to a new assignment.”

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107–372) is amended by striking the item relating to section 229 and inserting the following:

“Sec. 229. Temporary appointments.”

SEC. 1735. OFFICER CANDIDATES.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.) is amended by adding at the end the following:

“SEC. 234. OFFICER CANDIDATES.

“(a) DETERMINATION OF NUMBER.—The Secretary shall determine the number of appointments of officer candidates.

“(b) APPOINTMENT.—Appointment of officer candidates shall be made under regulations, which the Secretary shall prescribe, including regulations with respect to determining age limits, methods of selection of officer candidates, term of service as an officer candidate before graduation from the basic officer training program of the Administration, and all other matters affecting such appointment.

“(c) DISMISSAL.—The Secretary may dismiss from the basic officer training program of the Administration any officer candidate who, during the officer candidate’s term as an officer candidate, the Secretary considers unsatisfactory in either academics or conduct, or not adapted for a career in the commissioned officer corps of the Administration. Officer candidates shall be subject to rules governing discipline prescribed by the Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps.

“(d) AGREEMENT.—

“(1) IN GENERAL.—Each officer candidate shall sign an agreement with the Secretary in accordance with section 216(a)(2) regarding the officer candidate’s term of service in the commissioned officer corps of the Administration.

“(2) ELEMENTS.—An agreement signed by an officer candidate under paragraph (1) shall provide that the officer candidate agrees to the following:

“(A) That the officer candidate will complete the course of instruction at the basic officer training program of the Administration.

“(B) That upon graduation from such program, the officer candidate—

“(i) will accept an appointment, if tendered, as an officer; and

“(ii) will serve on active duty for at least four years immediately after such appointment.

“(e) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section. Such regulations shall include—

“(1) standards for determining what constitutes a breach of an agreement signed under subsection (d)(1); and

“(2) procedures for determining whether such a breach has occurred.

“(f) REPAYMENT.—An officer candidate or former officer candidate who does not fulfill the terms of the obligation to serve as specified under subsection (d) shall be subject to the repayment provisions of section 216(b).”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372) is amended by inserting after the item relating to section 233 the following:

“Sec. 234. Officer candidates.”.

(c) OFFICER CANDIDATE DEFINED.—Section 212(b) (33 U.S.C. 3002(b)) is amended—

(1) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively; and

(2) by inserting after paragraph (3) the following:

“(4) OFFICER CANDIDATE.—The term ‘officer candidate’ means an individual who is enrolled in the basic officer training program of the Administration and is under consideration for appointment as an officer under section 221(a)(2)(A).”.

(d) PAY FOR OFFICER CANDIDATES.—Section 203 of title 37, United States Code, is amended by adding at the end the following:

“(f)(1) An officer candidate enrolled in the basic officer training program of the commissioned officer corps of the National Oceanic and Atmospheric Administration is entitled, while participating in such program, to monthly officer candidate pay at monthly rates equal to the basic pay of an enlisted member in the pay grade E-5 with less than two years of service.

“(2) An individual who graduates from such program shall receive credit for the time spent participating in such program as if such time were time served while on active duty as a commissioned officer. If the individual does not graduate from such program, such time shall not be considered creditable for active duty or pay.”.

SEC. 1736. PROCUREMENT OF PERSONNEL.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.), as amended by section 1735(a), is further amended by adding at the end the following:

“SEC. 235. PROCUREMENT OF PERSONNEL.

“The Secretary may make such expenditures as the Secretary considers necessary in order to obtain recruits for the commissioned officer corps of the Administration, including advertising.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372), as amended by section 1735(b), is further amended by inserting after the item relating to section 234 the following:

“235. Procurement of personnel.”.

SEC. 1737. CAREER INTERMISSION PROGRAM.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.), as amended by section 1736(a), is further amended by adding at the end the following:

“SEC. 236. CAREER FLEXIBILITY TO ENHANCE RETENTION OF OFFICERS.

“(a) PROGRAMS AUTHORIZED.—The Secretary may carry out a program under which officers may be inactivated from active duty in order to meet personal or professional needs and returned to active duty at the end

of such period of inactivation from active duty.

“(b) PERIOD OF INACTIVATION FROM ACTIVE DUTY; EFFECT OF INACTIVATION.—

“(1) IN GENERAL.—The period of inactivation from active duty under a program under this section of an officer participating in the program shall be such period as the Secretary shall specify in the agreement of the officer under subsection (c), except that such period may not exceed three years.

“(2) EXCLUSION FROM RETIREMENT.—Any period of participation of an officer in a program under this section shall not count toward eligibility for retirement or computation of retired pay under subtitle C.

“(c) AGREEMENT.—Each officer who participates in a program under this section shall enter into a written agreement with the Secretary under which that officer shall agree as follows:

“(1) To undergo during the period of the inactivation of the officer from active duty under the program such inactive duty training as the Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps shall require in order to ensure that the officer retains proficiency, at a level determined by the Director to be sufficient, in the technical skills, professional qualifications, and physical readiness of the officer during the inactivation of the officer from active duty.

“(2) Following completion of the period of the inactivation of the officer from active duty under the program, to serve two months on active duty for each month of the period of the inactivation of the officer from active duty under the program.

“(d) CONDITIONS OF RELEASE.—The Secretary shall—

“(1) prescribe regulations specifying the guidelines regarding the conditions of release that must be considered and addressed in the agreement required by subsection (c); and

“(2) at a minimum, prescribe the procedures and standards to be used to instruct an officer on the obligations to be assumed by the officer under paragraph (1) of such subsection while the officer is released from active duty.

“(e) ORDER TO ACTIVE DUTY.—Under regulations prescribed by the Secretary, an officer participating in a program under this section may, in the discretion of the Secretary, be required to terminate participation in the program and be ordered to active duty.

“(f) PAY AND ALLOWANCES.—

“(1) BASIC PAY.—During each month of participation in a program under this section, an officer who participates in the program shall be paid basic pay in an amount equal to two-thirtieths of the amount of monthly basic pay to which the officer would otherwise be entitled under section 204 of title 37, United States Code, as a member of the uniformed services on active duty in the grade and years of service of the officer when the officer commences participation in the program.

“(2) SPECIAL OR INCENTIVE PAY OR BONUS.—

“(A) PROHIBITION.—An officer who participates in a program under this section shall not, while participating in the program, be paid any special or incentive pay or bonus to which the officer is otherwise entitled under an agreement under chapter 5 of title 37, United States Code, that is in force when the officer commences participation in the program.

“(B) NOT TREATED AS FAILURE TO PERFORM SERVICES.—The inactivation from active duty of an officer participating in a program under this section shall not be treated as a failure of the officer to perform any period of service required of the officer in connection

with an agreement for a special or incentive pay or bonus under chapter 5 of title 37, United States Code, that is in force when the officer commences participation in the program.

“(3) RETURN TO ACTIVE DUTY.—

“(A) SPECIAL OR INCENTIVE PAY OR BONUS.—Subject to subparagraph (B), upon the return of an officer to active duty after completion by the officer of participation in a program under this section—

“(i) any agreement entered into by the officer under chapter 5 of title 37, United States Code, for the payment of a special or incentive pay or bonus that was in force when the officer commenced participation in the program shall be revived, with the term of such agreement after revival being the period of the agreement remaining to run when the officer commenced participation in the program; and

“(ii) any special or incentive pay or bonus shall be payable to the officer in accordance with the terms of the agreement concerned for the term specified in clause (i).

“(B) LIMITATION.—

“(i) IN GENERAL.—Subparagraph (A) shall not apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to an officer if, at the time of the return of the officer to active duty as described in that subparagraph—

“(I) such pay or bonus is no longer authorized by law; or

“(II) the officer does not satisfy eligibility criteria for such pay or bonus as in effect at the time of the return of the officer to active duty.

“(ii) PAY OR BONUS CEASES BEING AUTHORIZED.—Subparagraph (A) shall cease to apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to an officer if, during the term of the revived agreement of the officer under subparagraph (A)(i), such pay or bonus ceases being authorized by law.

“(C) REPAYMENT.—An officer who is ineligible for payment of a special or incentive pay or bonus otherwise covered by this paragraph by reason of subparagraph (B)(i)(II) shall be subject to the requirements for repayment of such pay or bonus in accordance with the terms of the applicable agreement of the officer under chapter 5 of title 37, United States Code.

“(D) REQUIRED SERVICE IS ADDITIONAL.—Any service required of an officer under an agreement covered by this paragraph after the officer returns to active duty as described in subparagraph (A) shall be in addition to any service required of the officer under an agreement under subsection (c).

“(4) TRAVEL AND TRANSPORTATION ALLOWANCES.—

“(A) IN GENERAL.—Subject to subparagraph (B), an officer who participates in a program under this section is entitled, while participating in the program, to the travel and transportation allowances authorized by section 474 of title 37, United States Code, for—

“(i) travel performed from the residence of the officer, at the time of release from active duty to participate in the program, to the location in the United States designated by the officer as the officer’s residence during the period of participation in the program; and

“(ii) travel performed to the residence of the officer upon return to active duty at the end of the participation of the officer in the program.

“(B) SINGLE RESIDENCE.—An allowance is payable under this paragraph only with respect to travel of an officer to and from a single residence.

“(5) LEAVE BALANCE.—An officer who participates in a program under this section is entitled to carry forward the leave balance

existing as of the day on which the officer begins participation and accumulated in accordance with section 701 of title 10, but not to exceed 60 days.

“(g) PROMOTION.—

“(1) IN GENERAL.—An officer participating in a program under this section shall not, while participating in the program, be eligible for consideration for promotion under subtitle B.

“(2) RETURN TO SERVICE.—Upon the return of an officer to active duty after completion by the officer of participation in a program under this section—

“(A) the Secretary may adjust the date of rank of the officer in such manner as the Secretary shall prescribe in regulations for purposes of this section; and

“(B) the officer shall be eligible for consideration for promotion when officers of the same competitive category, grade, and seniority are eligible for consideration for promotion.

“(h) CONTINUED ENTITLEMENTS.—An officer participating in a program under this section shall, while participating in the program, be treated as a member of the uniformed services on active duty for a period of more than 30 days for purposes of—

“(1) the entitlement of the officer and of the dependents of the officer to medical and dental care under the provisions of chapter 55 of title 10; and

“(2) retirement or separation for physical disability under the provisions of subtitle C.”

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107–372), as amended by section 1736(b), is further amended by inserting after the item relating to section 235 the following:

“Sec. 236. Career flexibility to enhance retention of officers.”

Subtitle D—Separation and Retirement of Officers

SEC. 1741. INVOLUNTARY RETIREMENT OR SEPARATION.

Section 241 (33 U.S.C. 3041) is amended by adding at the end the following:

“(d) DEFERMENT OF RETIREMENT OR SEPARATION FOR MEDICAL REASONS.—

“(1) IN GENERAL.—If the Secretary determines that the evaluation of the medical condition of an officer requires hospitalization or medical observation that cannot be completed with confidence in a manner consistent with the officer’s well-being before the date on which the officer would otherwise be required to retire or be separated under this section, the Secretary may defer the retirement or separation of the officer.

“(2) CONSENT REQUIRED.—A deferment may only be made with the written consent of the officer involved. If the officer does not provide written consent to the deferment, the officer shall be retired or separated as scheduled.

“(3) LIMITATION.—A deferment of retirement or separation under this subsection may not extend for more than 30 days after completion of the evaluation requiring hospitalization or medical observation.”

SEC. 1742. SEPARATION PAY.

Section 242 (33 U.S.C. 3042) is amended by adding at the end the following:

“(d) EXCEPTION.—An officer discharged for twice failing selection for promotion to the next higher grade is not entitled to separation pay under this section if the officer—

“(1) expresses a desire not to be selected for promotion; or

“(2) requests removal from the list of selectees.”

Subtitle E—Other National Oceanic and Atmospheric Administration Matters

SEC. 1751. CHARTING AND SURVEY SERVICES.

(a) IN GENERAL.—Not later than 270 days after the development of the strategy required by section 1002(b) of the Frank LoBiondo Coast Guard Authorization Act of 2018 (33 U.S.C. 892a note), the Secretary of Commerce shall enter into not fewer than 2 multi-year contracts with 1 or more private entities for the performance of charting and survey services by vessels.

(b) CHARTING AND SURVEYS IN THE ARCTIC.—In soliciting and engaging the services of vessels under subsection (a), the Secretary shall particularly emphasize the need for charting and surveys in the Arctic.

SEC. 1752. LEASES AND CO-LOCATION AGREEMENTS.

(a) IN GENERAL.—Notwithstanding any other provision of law, in fiscal year 2020 and each fiscal year thereafter, the Administrator of the National Oceanic and Atmospheric Administration may execute non-competitive leases and co-location agreements for real property and incidental goods and services with entities described in subsection (b) for periods of not more than 30 years, if each such lease or agreement is supported by a price reasonableness analysis.

(b) ENTITIES DESCRIBED.—An entity described in this subsection is—

(1) the government of any State, territory, possession, or locality of the United States;

(2) any Tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304));

(3) any subdivision of—

(A) a government described in paragraph (1); or

(B) an organization described in paragraph (2); or

(4) any organization that is—

(A) organized under the laws of the United States or any jurisdiction within the United States; and

(B) described in section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

(c) FISCAL YEAR LIMITATION.—The obligation of amounts for leases and agreements executed under subsection (a) is limited to the fiscal year for which payments are due, without regard to sections 1341(a)(1), 1501(a)(1), 1502(a), and 1517(a) of title 31, United States Code.

(d) COLLABORATION AGREEMENTS.—Upon the execution of a lease or agreement authorized by subsection (a) with an entity, the Administrator may enter into agreements with the entity to collaborate or engage in projects or programs on matters of mutual interest for periods not to exceed the term of the lease or agreement. The cost of such agreements shall be apportioned equitably, as determined by the Administrator.

SEC. 1753. SATELLITE AND DATA MANAGEMENT.

Section 301 of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8531) is amended—

(1) in subsection (c)(1), by striking subparagraph (D) and inserting the following:

“(D) improve—

“(i) weather and climate forecasting and predictions; and

“(ii) the understanding, management, and exploration of the ocean.”; and

(2) in subsection (d)—

(A) in paragraph (1)—

(i) by striking “data and satellite systems” and inserting “data, satellite, and other observing systems”; and

(ii) by striking “to carry out” and all that follows and inserting the following: “to carry out—

“(A) basic, applied, and advanced research projects and ocean exploration missions to

meet the objectives described in subparagraphs (A) through (D) of subsection (c)(1); or

“(B) any other type of project to meet other mission objectives, as determined by the Under Secretary.”;

(B) in paragraph (2)(B)(i), by striking “satellites” and all that follows and inserting “systems, including satellites, instrumentation, ground stations, data, and data processing;”; and

(C) in paragraph (3), by striking “2023” and inserting “2030”.

SEC. 1754. IMPROVEMENTS RELATING TO SEXUAL HARASSMENT AND ASSAULT PREVENTION AT THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) ANONYMOUS REPORTING.—Subtitle C of title XXXV of the National Defense Authorization Act for Fiscal Year 2017 (33 U.S.C. 894 et seq.) is amended—

(1) in section 3541(b)(3)(B) (33 U.S.C. 894(b)(3)(B)), by striking “confidentially” and inserting “anonymously”; and

(2) in section 3542(b)(5)(B) (33 U.S.C. 894a(b)(5)(B)), by striking “confidentially” and inserting “anonymously”.

(b) INVESTIGATIVE REQUIREMENT.—Such subtitle is amended—

(1) by redesignating sections 3546 and 3547 as sections 3548 and 3549, respectively; and

(2) by inserting after section 3545 the following:

“SEC. 3546. INVESTIGATION REQUIREMENT.

“(a) REQUIREMENT TO INVESTIGATE.—

“(1) IN GENERAL.—The Secretary of Commerce, acting through the Under Secretary for Oceans and Atmosphere, shall ensure that each allegation of sexual harassment reported under section 3541 and each allegation of sexual assault reported under section 3542 is investigated thoroughly and promptly.

“(2) SENSE OF CONGRESS ON COMMENCEMENT OF INVESTIGATION.—It is the sense of Congress that the Secretary should ensure that an investigation of an alleged sexual harassment reported under section 3541 or sexual assault reported under section 3542 commences not later than 48 hours after the time at which the allegation was reported.

“(b) NOTIFICATION OF DELAY.—In any case in which the time between the reporting of an alleged sexual harassment or sexual assault under section 3541 or 3542, respectively, and commencement of an investigation of the allegation exceeds 48 hours, the Secretary shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives of the delay.

“SEC. 3547. CRIMINAL REFERRAL.

“If the Secretary of Commerce finds, pursuant to an investigation under section 3546, evidence that a crime may have been committed, the Secretary shall refer the matter to the appropriate law enforcement authorities, including the appropriate United States Attorney.”

(c) CLERICAL AMENDMENT.—The table of contents in section 2(b) of such Act is amended by striking the items relating to sections 3546 and 3547 and inserting the following new items:

“Sec. 3546. Investigation requirement.

“Sec. 3547. Criminal referral.

“Sec. 3548. Annual report on sexual assaults in the National Oceanic and Atmospheric Administration.

“Sec. 3549. Sexual assault defined.”

SEC. 1755. UPDATE TO ENVIRONMENTAL SENSITIVITY INDEX PRODUCTS OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FOR GREAT LAKES.

(a) UPDATE REQUIRED FOR ENVIRONMENTAL SENSITIVITY INDEX PRODUCTS FOR GREAT

LAKES.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary for Oceans and Atmosphere shall commence updating the environmental sensitivity index products of the National Oceanic and Atmospheric Administration for each coastal area of the Great Lakes.

(b) PERIODIC UPDATES FOR ENVIRONMENTAL SENSITIVITY INDEX PRODUCTS GENERALLY.—Subject to the availability of appropriations and the priorities set forth in subsection (c), the Under Secretary shall—

(1) periodically update the environmental sensitivity index products of the Administration; and

(2) endeavor to do so not less frequently than once every 7 years.

(c) PRIORITIES.—When prioritizing geographic areas to update environmental sensitivity index products, the Under Secretary shall consider—

(1) the age of existing environmental sensitivity index products for the areas;

(2) the occurrence of extreme events, be it natural or man-made, which have significantly altered the shoreline or ecosystem since the last update;

(3) the natural variability of shoreline and coastal environments; and

(4) the volume of vessel traffic and general vulnerability to spilled pollutants.

(d) ENVIRONMENTAL SENSITIVITY INDEX PRODUCT DEFINED.—In this section, the term “environmental sensitivity index product” means a map or similar tool that is utilized to identify sensitive shoreline, coastal, or offshore resources prior to an oil spill event in order to set baseline priorities for protection and plan cleanup strategies, typically including information relating to shoreline type, biological resources, and human use resources.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Under Secretary \$7,500,000 to carry out subsection (a).

(2) AVAILABILITY.—Amounts appropriated or otherwise made available pursuant to paragraph (1) shall be available to the Under Secretary for the purposes set forth in such paragraph until expended.

SA 2369. 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 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. LIMITATION ON REALIGNMENT OF MARINE FORCES NORTH COMMAND.

(a) IN GENERAL.—The Secretary of Defense may not realign Marine Forces North Command from New Orleans, Louisiana, to Norfolk, Virginia, until the Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives a report addressing the impact of the proposed realignment on the following:

(1) The readiness of the Armed Forces.

(2) The National Defense Strategy and supporting service strategies.

(3) The organizational structure for the Marine Corps and the administrative control, operational control, and tactical control relationships.

(4) Long-term costs for the Marine Corps, including an assessment of any requirements for new infrastructure or relocation of equipment and assets.

(5) Total force integration and general officer progression for the Marine Corps, including with respect to the reserve components.

(b) APPLICABILITY.—The prohibition under subsection (a) shall apply with respect to—

(1) any action that is not completed as of the date of the enactment of this Act; and

(2) any action commencing after such date.

SA 2370. Mrs. BLACKBURN (for herself, Mr. THUNE, Mr. GARDNER, Mr. CRAMER, Mr. JOHNSON, Mr. CORNYN, and Mr. LEE) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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 212, strike subsection (c) and insert the following:

(c) CROSS-FUNCTIONAL TEAM FOR FIFTH-GENERATION WIRELESS NETWORKING.—

(1) ESTABLISHMENT REQUIRED.—The Secretary of Defense shall, in accordance with section 911(c) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 10 U.S.C. 111 note), establish a cross-functional team for fifth-generation wireless networking in order—

(A) to advance the adoption of commercially available next generation wireless communication technologies, capabilities, security, and applications by the Department of Defense and the defense industrial base; and

(B) to support public-private partnership between the Department and industry regarding fifth-generation wireless networking.

(2) PURPOSE.—The purpose of the cross-functional team established pursuant to paragraph (1) shall be the—

(A) oversight of the implementation of the strategy developed as required by section 254 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) for harnessing fifth-generation wireless networking technologies, coordinated across all relevant elements of the Department;

(B) coordination of research and development, implementation and acquisition activities, warfighting concept development, spectrum policy, industrial policy and commercial outreach and partnership relating to fifth-generation wireless networking in the Department, and interagency and international engagement;

(C) integration of the Department’s fifth-generation wireless networking programs and policies with major Department initiatives, programs, and policies surrounding secure microelectronics and command and control; and

(D) oversight, coordination, execution, and leadership of initiatives to advance fifth-generation wireless network technologies and associated applications developed for the department.

SA 2371. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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. STUDY ON USE OF EMERGING TECHNOLOGIES BY U.S. CUSTOMS AND BORDER PROTECTION.

(a) STUDY.—The Commissioner of U.S. Customs and Border Protection shall carry out a study, in consultation with appropriate private sector stakeholders and the heads of other Federal agencies, with respect to—

(1) the status of implementation and internal use of emerging technologies, including blockchain technology and other innovative technologies, within U.S. Customs and Border Protection; and

(2) how applications of blockchain technology, cloud and edge computing, and other innovative technologies can—

(A) make the data analysis of U.S. Customs and Border Protection more efficient and effective;

(B) be used to support strategic initiatives of U.S. Customs and Border Protection; and

(C) be further leveraged to improve the informed compliance model of U.S. Customs and Border Protection and enhance the transparency of supply chains.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Commissioner shall submit to the appropriate congressional committees a report to containing—

(1) all findings and determinations made in carrying out the study required under subsection (a); and

(2) any recommendations identified in carrying out the study for using blockchain technology and other innovative technologies with respect to efforts by U.S. Customs and Border Protection—

(A) to combat money laundering and other forms of illicit finance; and

(B) to detect and deter trade-based money laundering, the distribution of counterfeit goods, and goods made with convict labor, forced labor, or indentured labor.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

(2) INFORMED COMPLIANCE MODEL.—The term “informed compliance model” means a model based on shared responsibility between U.S. Customs and Border Protection and importers under which—

(A) U.S. Customs and Border Protection effectively communicates its requirements to importers; and

(B) importers conduct their activities in accordance with those requirements and the statutes and regulations of the United States.

SA 2372. Ms. MCSALLY submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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. AMENDMENTS TO DEFENSE PRODUCTION ACT OF 1950 TO ENSURE SUPPLY OF CERTAIN MEDICAL PRODUCTS ESSENTIAL TO NATIONAL DEFENSE.

(a) STATEMENT OF POLICY.—Section 2(b) of the Defense Production Act of 1950 (50 U.S.C. 4502(b)) is amended—

(1) by redesignating paragraphs (3) through (8) as paragraphs (4) through (9), respectively; and

(2) by inserting after paragraph (2) the following:

“(3) authorities under this Act should be used when appropriate to ensure the availability of medical products essential to national defense, including through measures designed to secure the drug and medical device supply chains, and taking into consideration the importance of United States competitiveness, scientific leadership and cooperation, and innovative capacity;”.

(b) STRENGTHENING DOMESTIC CAPABILITY.—Section 107 of the Defense Production Act of 1950 (50 U.S.C. 4517) is amended—

(1) in subsection (a), by striking “and industrial resources” and inserting “industrial resources, and medical products”; and

(2) in subsection (b)(1), by striking “and industrial resources” and inserting “industrial resources, and medical products essential to national defense”.

(c) STRATEGY ON SECURING SUPPLY CHAINS FOR MEDICAL PRODUCTS.—Title I of the Defense Production Act of 1950 (50 U.S.C. 4511 et seq.) is amended by adding at the end the following:

“SEC. 109. STRATEGY ON SECURING SUPPLY CHAINS FOR MEDICAL PRODUCTS.

“(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this section, the President, in consultation with the Secretary of Health and Human Services, the Secretary of Commerce, the Secretary of Homeland Security, and the Secretary of Defense, shall transmit a strategy to the appropriate Members of Congress that includes the following:

“(1) A detailed plan to use the authorities under this title and title III, or any other provision of law, to ensure the supply of medical products essential to national defense, to the extent necessary for the purposes of this Act.

“(2) An analysis of vulnerabilities to existing supply chains for such medical products, and recommendations to address the vulnerabilities.

“(3) Measures to be undertaken by the President to diversify such supply chains, as appropriate and as required for national defense.

“(4) A discussion of—

“(A) any significant effects resulting from the plan and measures described in this subsection on the production, cost, or distribution of medical products, including vaccines;

“(B) a timeline to ensure that essential components of the supply chain for medical products are not under the exclusive control of a foreign government in a manner that the President determines could threaten the national defense of the United States; and

“(C) efforts to mitigate any risks resulting from the plan and measures described in this subsection to United States competitiveness, scientific leadership, and innovative capacity, including efforts to cooperate and proactively engage with United States allies.

“(b) PROGRESS REPORT.—Following submission of the strategy under subsection (a), the President shall submit to the appropriate Members of Congress an annual progress report evaluating the implementation of the strategy, and may include updates to the strategy as appropriate. The strategy and progress reports shall be submitted in unclassified form but may contain a classified annex.

“(c) APPROPRIATE MEMBERS OF CONGRESS.—The term ‘appropriate Members of Congress’ means—

“(1) the Speaker, majority leader, and minority leader of the House of Representatives;

“(2) the majority leader and minority leader of the Senate;

“(3) the chairman and ranking member of the Committee on Financial Services of the House of Representatives; and

“(4) the chairman and ranking member of the Committee on Banking, Housing, and Urban Affairs of the Senate.”.

SA 2373. Ms. KLOBUCHAR (for herself and Mr. LANKFORD) 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. ____ . WAIVER OF MATCHING REQUIREMENT.

The last proviso under the heading “Election 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 2374. Mr. MANCHIN (for himself and Mrs. CAPITO) 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 the funding table in section 4101, in the item relating to MQ-4 TRITON, strike the amount in the Senate Authorized column and insert “411,570”.

In the funding table in section 4101, in the item relating to Total Aircraft Procurement, Navy, strike the amount in the Senate Authorized column and insert “17,718,878”.

In the funding table in section 4301 for Operation and Maintenance, Army relating to Undistributed, in the item relating to “UNDISTRIBUTED”, strike the amount in the Senate Authorized column and insert “358,901”.

In the funding table in section 4301 for Operation and Maintenance, Army relating to Undistributed, in the item relating to Excessive standard price for fuel, strike the amount in the Senate Authorized column and insert “[35,400]”.

In the funding table in section 4301 for Operation and Maintenance, Army relating to Undistributed, in the item relating to Subtotal, Undistributed, strike the amount in the Senate Authorized column and insert “358,901”.

In the funding table in section 4301 for Operation and Maintenance, Army, in the item relating to Total Operation and Maintenance,

Army, strike the amount in the Senate Authorized column and insert “40,206,327”.

In the funding table in section 4301 for Operation and Maintenance, Defense-Wide relating to Operating Forces, in the item relating to Joint Chiefs of Staff, strike the amount in the Senate Authorized column and insert “378,111”.

In the funding table in section 4301 for Operation and Maintenance, Defense-Wide relating to Operating Forces, in the item relating to Subtotal Operating Forces, strike the amount in the Senate Authorized column and insert “7,111,746”.

In the funding table in section 4301 for Operation and Maintenance, Defense-Wide relating to Administrative and Service-Wide Activities, in the item relating to Defense Human Resources Activity, strike the amount in the Senate Authorized column and insert “749,952”.

In the funding table in section 4301 for Operation and Maintenance, Defense-Wide relating to Administrative and Service-Wide Activities, in the item relating to Office of the Secretary of Defense, strike the amount in the Senate Authorized column and insert “1,513,946”.

In the funding table in section 4301 for Operation and Maintenance, Defense-Wide relating to Administrative and Service-Wide Activities, in the item relating to Subtotal Administrative and Service-Wide Activities, strike the amount in the Senate Authorized column and insert “31,388,885”.

In the funding table in section 4301 for Operation and Maintenance, Defense-Wide, in the item relating to Total Operation and Maintenance, Defense-Wide, strike the amount in the Senate Authorized column and insert “38,619,740”.

SA 2375. Mr. REED submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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. ____ . 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 coordination with the Secretary of the Treasury in the Secretary’s capacity as the Chair of the Financial Stability Oversight Council and the heads of other relevant departments and agencies, shall seek to enter into a contract with a federally funded research and development center under which the center will conduct a study on identifying and addressing threats that individually or collectively affect national security, financial security, or both.

(b) ELEMENTS OF STUDY.—In carrying out the study referred to in subsection (a), the selected Federally funded research and development center shall be contractually obligated to —

(1) identify threats that individually or collectively affect national security, financial security, or both, including—

(A) foreign entities and governments acquiring financial interests in domestic companies that have access to critical or sensitive national security materials, technologies, or information;

(B) other currencies being used in lieu of the United States Dollar in international transactions;

(C) foreign influence in companies seeking to access capital markets by conducting initial public offerings in other countries;

(D) the use of financial instruments, markets, 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 corporations, companies, limited liability companies, limited partnerships, business trusts, business associations, or other 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 national 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 identify and characterize the threats identified under paragraph (1);

(3) assess the extent to which the United States Government is currently able to mitigate the risk posed by the threats identified under paragraph (1);

(4) assess whether current levels of information sharing and cooperation between the United States Government and allies and partners has been helpful or can be improved upon in order for the United States Government to identify, characterize, and mitigate the threats identified under paragraph (1); and

(5) recommend opportunities, and any such authorities or resources required, to improve the efficiency and effectiveness of the United States Government in identifying the threats identified under 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 federally funded research and development center selected to conduct the study under subsection (a) shall submit to the Director of National 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 Treasury in his capacity as the Chair of the Financial Stability Oversight Council and the heads of other relevant departments and agencies, may have with respect to the report.

(2) APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term “appropriate committees of Congress” means—

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

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

SA 2376. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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—Sanctions With Respect to the Russian Federation

SEC. 1291. DEFINITIONS.

In this subtitle:

(1) ADMISSION; ADMITTED; ALIEN.—The terms “admission”, “admitted”, and “alien” 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 Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, the Committee on Armed Services, the Select Committee on Intelligence, and the majority leader and the minority leader of the Senate; and

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

(3) FINANCIAL INSTITUTION.—The term “financial institution” means a financial institution specified in subparagraph (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (M), or (Y) of section 5312(a)(2) of title 31, United States Code.

(4) FOREIGN FINANCIAL INSTITUTION.—The term “foreign financial institution” has the meaning given that term in regulations prescribed by the Secretary of the Treasury.

(5) KNOWINGLY.—The term “knowingly”, 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.

(6) UNITED STATES FINANCIAL INSTITUTION.—The term “United States financial institution” has the meaning given that term in regulations prescribed by the Secretary of the Treasury.

(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.

SEC. 1292. IMPOSITION OF SANCTIONS WITH RESPECT TO GOVERNMENT OF RUSSIAN FEDERATION RELATING TO BOUNTIES ON MEMBERS OF ARMED FORCES AND ALLIED FORCES IN AFGHANISTAN.

(a) CERTIFICATION AND REPORT.—

(1) CERTIFICATION REQUIRED.—Not later than 15 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate congressional committees and leadership a certification with respect to—

(A) whether or not the Government of the Russian Federation, or proxies of that Government, was responsible for offering bounties for the killing of members of the Armed Forces of the United States or members of the Resolute Support Mission led by the

North Atlantic Treaty Organization (commonly referred to as “NATO”) in Afghanistan;

(B) whether the information described in subparagraph (A) was provided to—

(i) senior officials of the United States Government, including the President and the Vice President, and, if so, when that information was provided to those officials; and

(ii) allies of the United States serving in Afghanistan under the NATO-led Resolute Support Mission.

(2) REPORT REQUIRED.—Not later than 15 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees and leadership a report describing the measures taken by the Department of Defense to provide greater protection to members of the Armed Forces of the United States in Afghanistan.

(3) FORM.—The certification required by paragraph (1) and the report required by paragraph (2) shall be submitted in unclassified form but may include a classified annex.

(b) IMPOSITION OF SANCTIONS.—

(1) IN GENERAL.—If the Director of National Intelligence certifies under subsection (a)(1)(A) that the Government of the Russian Federation or any its proxies was responsible for bounties described in that subsection, the President shall, not later than 15 days after the date of the certification, impose the following sanctions:

(A) PROPERTY BLOCKING.—The President shall block and prohibit, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), all transactions in property and interests in property of each person described in paragraph (2) 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) ALIENS INADMISSIBLE FOR VISAS, ADMISSION, OR PAROLE.—

(i) VISAS, ADMISSION, OR PAROLE.—An alien described in paragraph (2) is—

(I) inadmissible to the United States;

(II) ineligible to receive a visa or other documentation to enter the United States; and

(III) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(ii) CURRENT VISAS REVOKED.—

(I) IN GENERAL.—The visa or other entry documentation of an alien described in paragraph (2) shall be revoked, regardless of when such visa or other entry documentation is or was issued.

(II) IMMEDIATE EFFECT.—A revocation under subclause (I) shall—

(aa) take effect immediately; and

(bb) automatically cancel any other valid visa or entry documentation that is in the alien's possession.

(C) REJECTION OF TRANSACTIONS WITH DEFENSE AND INTELLIGENCE SECTORS OF RUSSIAN FEDERATION.—The Secretary of the Treasury shall instruct all United States financial institutions to reject all financial transactions involving any person on the list, as of the date of the enactment of this Act, produced by the Secretary of State pursuant to section 231(e) of the Countering America's Adversaries Through Sanctions Act (22 U.S.C. 9525(e)).

(2) PERSONS DESCRIBED.—A person described in this paragraph is any of the following:

(A) Vladimir Putin or any person acting for or on behalf of Vladimir Putin, including any person managing any of his assets anywhere in the world.

(B) Any senior official of the Government of the Russian Federation determined by the

President to have been involved in the activity described in subsection (a)(1)(A).

(C) Any official of a defense or intelligence unit of that Government, including the Main Intelligence Agency of the General Staff of the Armed Forces of the Russian Federation, if that unit is determined by the President to have been involved in the activity described in subsection (a)(1)(A).

SEC. 1293. IMPOSITION OF SANCTIONS WITH RESPECT TO TRANSACTIONS WITH CERTAIN RUSSIAN POLITICAL FIGURES AND OLIGARCHS.

(a) IN GENERAL.—On and after the date that is 30 days after the date of the enactment of this Act, the President shall block and prohibit, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), all transactions in property and interests in property of each person described in subsection (b), 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) PERSONS DESCRIBED.—The persons described in this subsection are—

(1) political figures, oligarchs, and other persons that facilitate illicit and corrupt activities, directly or indirectly, on behalf of the President of the Russian Federation, Vladimir Putin, and persons acting for or on behalf of such political figures, oligarchs, and persons;

(2) Russian parastatal entities that facilitate illicit and corrupt activities, directly or indirectly, on behalf of the President of the Russian Federation, Vladimir Putin;

(3) family members of persons described in paragraph (1) or (2) that derive significant benefits from such illicit and corrupt activities; and

(4) persons, including financial institutions, that knowingly engage in significant transactions with persons described in paragraph (1), (2), or (3).

(c) 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 following:

“(b) UPDATED REPORT.—Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2021, the Secretary of the Treasury, 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, by—

“(1) including the matters described in paragraphs (1) through (5) of subsection (a); and

“(2) excluding from the portion of the report responsive to paragraph (1) of subsection (a) any individual with respect to which there is no credible information suggesting the individual has the close financial or political relationships, or engages in the illicit activities, described in subsection (a).”;

(3) in subsection (c), as redesignated by paragraph (1), by striking “The report required under subsection (a)” and inserting “The reports required by subsections (a) and (b).”;

(d) STRATEGY REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees and leadership a strategy describing how the President

will coordinate with the European Union and its individual member countries with respect to efforts to deny Russian persons described in the updated report required by subsection (b) of section 241 of the Countering America's Adversaries Through Sanctions Act, as amended by subsection (c), access to financial institutions or real estate in the European Union or United States.

SEC. 1294. IMPLEMENTATION; PENALTIES.

(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 subtitle.

(b) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of the provisions of subparagraph (A) or (C) of section 1292(b)(1) or section 1293(a), or any regulation, license, or order issued to carry out such provisions, 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 a person that commits an unlawful act described in subsection (a) of that section.

SEC. 1295. EXCEPTIONS.

(a) INTELLIGENCE ACTIVITIES.—This subtitle shall not apply with respect to activities 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.

(b) EXCEPTION TO COMPLY WITH INTERNATIONAL OBLIGATIONS AND FOR LAW ENFORCEMENT ACTIVITIES.—Sanctions under section 1292(b)(1)(B) 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 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; or

(2) to carry out or assist law enforcement activity in the United States.

(c) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(1) IN GENERAL.—The authorities and requirements to impose sanctions under this subtitle shall not include the authority or a requirement to impose sanctions on the importation of goods.

(2) GOOD DEFINED.—In this subsection, the term “good” means any article, natural or manmade substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

(d) EXCEPTION RELATING TO ACTIVITIES OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.—

(1) IN GENERAL.—This subtitle shall not apply with respect to activities of the National Aeronautics and Space Administration.

(2) RULE OF CONSTRUCTION.—Nothing in this subtitle or the amendments made by this title shall be construed to authorize the imposition of any sanction or other condition, limitation, restriction, or prohibition, that directly or indirectly impedes the supply by any entity of the Russian Federation of any product or service, or the procurement of such product or service by any contractor or subcontractor of the United States or any other entity, relating to or in connection with any space launch conducted for—

(A) the National Aeronautics and Space Administration; or

(B) any other non-Department of Defense customer.

SEC. 1296. RULE OF CONSTRUCTION.

Nothing in this subtitle shall be construed—

(1) to supersede the limitations or exceptions on the use of rocket engines for national security purposes under section 1608 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 128 Stat. 3626; 10 U.S.C. 2271 note), as amended by section 1607 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1100) and section 1602 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2582); or

(2) to prohibit a contractor or subcontractor of the Department of Defense from acquiring components referred to in such section 1608.

SA 2377. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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. ST. MARY UNIT AND MILK RIVER PROJECT INFRASTRUCTURE INVESTMENT.

(a) DEFINITIONS.—In this section:

(1) OPERATION, MAINTENANCE, AND REPLACEMENT.—The term “operation, maintenance, and replacement” means—

(A) any recurring or ongoing activity associated with the day-to-day operation of the St. Mary Unit;

(B) any activity relating to scheduled or unscheduled maintenance of the St. Mary Unit; and

(C) any activity relating to replacing a feature of the St. Mary Unit.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior (acting through the Commissioner of Reclamation).

(3) ST. MARY UNIT.—The term “St. Mary Unit” has the meaning given the term in section 3703 of the Water Infrastructure Improvements for the Nation Act (130 Stat. 1816).

(b) USE OF APPROPRIATED FUNDS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall use appropriated funds for the operation, maintenance, and replacement of the St. Mary Unit.

(2) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total costs of any activity relating to the operation, maintenance, and replacement of the St. Mary Unit shall be 75 percent, which shall be nonreimbursable to the United States.

(B) NON-FEDERAL SHARE.—The non-Federal share required under subparagraph (A) may be paid by the State or any other non-Federal interest.

(c) PARTICIPATION OF BLACKFEET TRIBE.—The Secretary shall coordinate with the Blackfeet Tribe in all phases relating to the replacement of a feature of the St. Mary Unit.

(d) OFFSET.—The St. Mary Diversion and Conveyance Works project authorized under section 5103 of the Water Resources Development Act of 2007 (121 Stat. 1234) is deauthorized.

SA 2378. Mrs. BLACKBURN (for herself, Mr. MENENDEZ, Mr. SCOTT of Florida, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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 of division A, insert the following:

SEC. 12. OPEN TECHNOLOGY FUND.

(a) **SHORT TITLE.**—This section may be cited as the “Open Technology Fund Authorization Act”.

(b) **FINDINGS.**—Congress finds the following:

(1) The political, economic, and social benefits of the internet are important to advancing democracy and freedom throughout the world.

(2) Authoritarian governments are investing billions of dollars each year to create, maintain, and expand repressive internet censorship and surveillance systems to limit free association, control access to information, and prevent citizens from exercising their rights to free speech.

(3) Over ⅔ of the world’s population live in countries in which the internet is restricted. Governments shut down the internet more than 200 times every year.

(4) Internet censorship and surveillance technology is rapidly being exported around the world, particularly by the Government of the People’s Republic of China, enabling widespread abuses by authoritarian governments.

(c) **SENSE OF CONGRESS.**—It is the sense of Congress that it is in the interest of the United States—

(1) to promote global internet freedom by countering internet censorship and repressive surveillance;

(2) to protect the internet as a platform for—

(A) the free exchange of ideas;

(B) the promotion of human rights and democracy; and

(C) the advancement of a free press; and

(3) to support efforts that prevent the deliberate misuse of the internet to repress individuals from exercising their rights to free speech and association, including countering the use of such technologies by authoritarian regimes.

(d) **ESTABLISHMENT OF THE OPEN TECHNOLOGY FUND.**—

(1) **IN GENERAL.**—The United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.) is amended by inserting after section 309 the following:

“SEC. 309A. OPEN TECHNOLOGY FUND.

“(a) **AUTHORITY.**—

“(1) **ESTABLISHMENT.**—There is established a grantee entity, to be known as the ‘Open Technology Fund’, which shall carry out this section.

“(2) **IN GENERAL.**—Grants authorized under section 305 shall be available to award annual grants to the Open Technology fund for the purpose of—

“(A) promoting, consistent with United States law, unrestricted access to uncensored sources of information via the internet; and

“(B) enabling journalists, including journalists employed by or affiliated with the Voice of America, Radio Free Europe/Radio Liberty, Radio Free Asia, the Middle East

Broadcasting Networks, the Office of Cuba Broadcasting, or any entity funded by or partnering with the United States Agency for Global Media to create and disseminate news and information consistent with the purposes, standards, and principles specified in sections 302 and 303.

“(b) **USE OF GRANT FUNDS.**—The Open Technology Fund shall use grant funds received pursuant to subsection (a)(2)—

“(1) to advance freedom of the press and unrestricted access to the internet in repressive environments overseas through technology development, rather than through media messaging;

“(2) to research, develop, implement, and maintain—

“(A) technologies that circumvent techniques used by authoritarian governments, nonstate actors, and others to block or censor access to the internet, including circumvention tools that bypass internet blocking, filtering, and other censorship techniques used to limit or block legitimate access to content and information; and

“(B) secure communication tools and other forms of privacy and security technology that facilitate the creation and distribution of news and enable audiences to access media content on censored websites;

“(3) to advance internet freedom by supporting private and public sector research, development, implementation, and maintenance of technologies that provide secure and uncensored access to the internet to counter attempts by authoritarian governments, nonstate actors, and others to improperly restrict freedom online;

“(4) to research and analyze emerging technical threats and develop innovative solutions through collaboration with the private and public sectors to maintain the technological advantage of the United States Government over authoritarian governments, nonstate actors, and others;

“(5) to develop, acquire, and distribute requisite internet freedom technologies and techniques for the United States Agency for Global Media, in accordance with paragraph (2), and digital security interventions, to fully enable the creation and distribution of digital content between and to all users and regional audiences;

“(6) to prioritize programs for countries, the governments of which restrict freedom of expression on the internet, that are important to the national interest of the United States in accordance with section 7050(b)(2)(C) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2020 (division G of Public Law 116-94); and

“(7) to carry out any other effort consistent with the purposes of this Act or press freedom overseas if requested or approved by the United States Agency for Global Media.

“(c) **METHODOLOGY.**—In carrying out subsection (b), the Open Technology Fund shall—

“(1)(A) support fully open-source tools, code, and components, to the extent practicable, to ensure such supported tools and technologies are as secure, transparent, and accessible as possible; and

“(B) require that any such tools, components, code, or technology supported by the Open Technology Fund remain fully open-source, to the extent practicable;

“(2) support technologies that undergo comprehensive security audits to ensure that such technologies are secure and have not been compromised in a manner detrimental to the interests of the United States or to individuals or organizations benefitting from programs supported by the Open Technology Fund;

“(3) review and periodically update, as necessary, security auditing procedures used by

the Open Technology Fund to reflect current industry security standards;

“(4) establish safeguards to mitigate the use of such supported technologies for illicit purposes;

“(5) solicit project proposals through an open, transparent, and competitive application process to attract innovative applications and reduce barriers to entry;

“(6)(A) seek input from technical, regional, and subject matter experts from a wide range of relevant disciplines; and

“(B) to review, provide feedback, and evaluate proposals to ensure that the most competitive projects are funded;

“(7) implement an independent review process, through which proposals are reviewed by such experts to ensure the highest degree of technical review and due diligence;

“(8) maximize cooperation with the public and private sectors, foreign allies, and partner countries to maximize efficiencies and eliminate duplication of efforts; and

“(9) utilize any other methodology approved by the United States Agency for Global Media in furtherance of the mission of the Open Technology Fund.

“(d) **GRANT AGREEMENT.**—Any grant agreement with, or grants made to, the Open Technology Fund under this section shall be subject to the following limitations and restrictions:

“(1) The headquarters of the Open Technology Fund and its senior administrative and managerial staff shall be located in a location which ensures economy, operational effectiveness, and accountability to the United States Agency for Global Media.

“(2) Grants awarded under this section shall be made pursuant to a grant agreement requiring that—

“(A) grant funds are only used only activities consistent with this section; and

“(B) failure to comply with such requirement shall result in termination of the grant without further fiscal obligation to the United States.

“(3) Each grant agreement under this section shall require that each contract entered into by the Open Technology Fund specify that all obligations are assumed by the grantee and not by the United States Government.

“(4) Each grant agreement under this section shall require that any lease agreements entered into by the Open Technology Fund shall be, to the maximum extent possible, assignable to the United States Government.

“(5) Administrative and managerial costs for operation of the Open Technology Fund—

“(A) should be kept to a minimum; and

“(B) to the maximum extent feasible, should not exceed the costs that would have been incurred if the Open Technology Fund had been operated as a Federal entity rather than as a grantee.

“(6) Grant funds may not be used for any activity whose purpose is influencing the passage or defeat of legislation considered by Congress.

“(e) **RELATIONSHIP TO THE UNITED STATES AGENCY FOR GLOBAL MEDIA.**—

“(1) **IN GENERAL.**—The Open Technology Fund shall be subject to the oversight and governance by the United States Agency for Global Media in accordance with section 305.

“(2) **ASSISTANCE.**—The United States Agency for Global Media, its broadcast entities, and the Open Technology Fund should render such assistance to each other as may be necessary to carry out the purposes of this section or any other provision under this Act.

“(3) **NOT A FEDERAL AGENCY OR INSTRUMENTALITY.**—Nothing in this section may be construed to make the Open Technology Fund an agency or instrumentality of the Federal Government.

“(4) DETAILEES.—Employees of a grantee of the United States Agency for Global Media may be detailed to the Agency, in accordance with the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.) and Federal employees may be detailed to a grantee of the United States Agency for Global Media, in accordance with such Act.

“(f) RELATIONSHIP TO OTHER UNITED STATES GOVERNMENT-FUNDED INTERNET FREEDOM PROGRAMS.—The United States Agency for Global Media shall ensure that internet freedom research and development projects of the Open Technology Fund are deconflicted with internet freedom programs of the Department of State and other relevant United States Government departments. Agencies should still share information and best practices relating to the implementation of subsections (b) and (c).

“(g) REPORTING REQUIREMENTS.—

“(1) ANNUAL REPORT.—The Open Technology Fund shall highlight, in its annual report, internet freedom activities, including a comprehensive assessment of the Open Technology Fund’s activities relating to the implementation of subsections (b) and (c), which shall include—

“(A) an assessment of the current state of global internet freedom, including—

“(i) trends in censorship and surveillance technologies and internet shutdowns; and

“(ii) the threats such pose to journalists, citizens, and human rights and civil society organizations; and

“(B) a description of the technology projects supported by the Open Technology Fund and the associated impact of such projects in the most recently completed year, including—

“(i) the countries and regions in which such technologies were deployed;

“(ii) any associated metrics indicating audience usage of such technologies; and

“(iii) future-year technology project initiatives.

“(2) ASSESSMENT OF THE EFFECTIVENESS OF THE OPEN TECHNOLOGY FUND.—Not later than 2 years after the date of the enactment of this section, the Inspector General of the Department of State and the Foreign Service shall submit a report to the appropriate congressional committees that indicates—

“(A) whether the Open Technology Fund is—

“(i) technically sound;

“(ii) cost effective; and

“(iii) satisfying the requirements under this section; and

“(B) the extent to which the interests of the United States are being served by maintaining the work of the Open Technology Fund.

“(h) AUDIT AUTHORITIES.—

“(1) IN GENERAL.—Financial transactions of the Open Technology Fund that relate to functions carried out under this section may be audited by the Government Accountability Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States. Any such audit shall be conducted at the place or places at which accounts of the Open Technology Fund are normally kept.

“(2) ACCESS BY GAO.—The Government Accountability Office shall have access to all books, accounts, records, reports, files, papers, and property belonging to or in use by the Open Technology Fund pertaining to financial transactions as may be necessary to facilitate an audit. The Government Accountability Office shall be afforded full facilities for verifying transactions with any assets held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of the Open Technology Fund shall remain in

the possession and custody of the Open Technology Fund.

“(3) EXERCISE OF AUTHORITIES.—Notwithstanding any other provision of law, the Inspector General of the Department of State and the Foreign Service is authorized to exercise the authorities of the Inspector General Act of 1978 with respect to the Open Technology Fund.”

(2) CONFORMING AMENDMENTS.—The United States International Broadcasting Act of 1994 is amended—

(A) in section 304(d) (22 U.S.C. 6203(d)), by inserting “the Open Technology Fund,” before “the Middle East Broadcasting Networks”;

(B) in sections 305(a)(20) and 310(c) (22 U.S.C. 6204(a)(20) and 6209(c)), by inserting “the Open Technology Fund,” before “or the Middle East Broadcasting Networks” each place such term appears; and

(C) in section 310 (22 U.S.C. 6209), by inserting “the Open Technology Fund,” before “and the Middle East Broadcasting Networks” each place such term appears.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Open Technology Fund, which shall be used to carry out section 309A of the United States International Broadcasting Act of 1994, as added by paragraph (1)—

(A) \$20,000,000 for fiscal year 2021; and

(B) \$25,000,000 for fiscal year 2022.

(e) UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.—Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) is amended by striking “October 1, 2020” and inserting “October 1, 2021”.

SA 2379. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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 NATIVE AMERICAN AFFAIRS.

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 4(b)(1) (15 U.S.C. 633(b)(1)) by adding at the end the following: “One such Associate Administrator shall be the Associate Administrator of the Office of Native American Affairs established under section 49(b).”;

(2) by redesignating section 49 (15 U.S.C. 631 note) as section 50; and

(3) by inserting after section 48 (15 U.S.C. 657u) the following:

“SEC. 49. NATIVE AMERICAN OUTREACH PROGRAM.

“(a) DEFINITIONS.—In this section—

“(1) the term ‘Associate Administrator’ means the Associate Administrator appointed under subsection (b)(2);

“(2) the terms ‘Indian tribe’ and ‘Native Hawaiian Organization’ have the meanings given those terms in section 8(a);

“(b) OFFICE OF NATIVE AMERICAN AFFAIRS.—

“(1) ESTABLISHMENT.—There is established within the Administration the Office of Native American Affairs, which, under the direction of the Associate Administrator, shall implement the programs of the Administration to provide Native American outreach assistance.

“(2) ASSOCIATE ADMINISTRATOR.—

“(A) APPOINTMENT.—The Administrator shall appoint a qualified individual to serve as Associate Administrator of the Office of Native American Affairs in accordance with this paragraph.

“(B) QUALIFICATIONS.—The Associate Administrator shall have—

“(i) knowledge of Native American cultures; and

“(ii) experience providing culturally tailored small business development assistance to Native Americans.

“(C) EMPLOYMENT STATUS.—The Associate Administrator shall—

“(i) be compensated at a rate not to exceed level V of the Executive Schedule under section 5316 of title 5, United States Code; and

“(ii) report and be directly responsible to the Administrator.

“(D) RESPONSIBILITIES AND DUTIES.—The Associate Administrator shall—

“(i) administer and manage the Native American outreach program described in subsection (c);

“(ii) act as an ombudsman for Native Americans in all programs of the Administration;

“(iii) enhance assistance to Native Americans by—

“(I) formulating and promoting policies, programs and assistance that better address their entrepreneurial, capital access, business development and contracting needs;

“(II) collaborating with the Associate Administrators of the Administration, including the Associate Administrators of Capital Access, Government Contracting and Business Development, and Entrepreneurial Development, on the development of policies and plans to implement Administration programs in ways that better serve identified capital access, government contracting, and business and entrepreneurial development needs;

“(iv) execute policies and plans formulated and developed under this section and section 1103 of the Coronavirus Aid, Relief and Economic Security Act (Public Law 116-136); and

“(v) recommend the annual administrative and program budgets for the Office of Native American Affairs.

“(c) OUTREACH PROGRAM.—

“(1) IN GENERAL.—The Associate Administrator shall carry out an outreach program to provide assistance to—

“(A) Indian tribes and Native Hawaiian Organizations, as defined section 8(a); and

“(B) small business concerns owned and controlled by individuals who are members of an Indian tribe or a Native Hawaiian Organization or who are Alaska Native or Native Hawaiian.

“(2) ASSISTANCE.—In carrying out the outreach program under this subsection, the Associate Administrator may—

“(A) provide financial assistance by grant, contract, cooperative agreement, or other assistance to deploy training and educational outreach through business development workshops and other mechanisms to advance the start up, operation, financing, and expansion of small business concerns owned and controlled by individuals who are members of an Indian tribe or a Native Hawaiian Organization or who are Alaska Native or Native Hawaiian;

“(B) hold Tribal consultations to solicit input and provide interested parties an opportunity to discuss potential modifications to programs of the Administration, including the program under section 8(a) and the HUBZone program under section 31; and

“(C) provide such other assistance as the Associate Administrator may determine necessary.”

(b) TRANSFER PROVISIONS.—Effective on the date of enactment of this Act—

(1) the Office of Native American Affairs of the Small Business Administration, as in effect on the day before the date of enactment of this Act, shall be known as the Office of Native American Affairs of the Small Business Administration, as established under section 49 of the Small Business Act, as added by subsection (a);

(2) the Office of Native American Affairs of the Small Business Administration, as established under section 49 of the Small Business Act, as added by subsection (a), shall retain the functions, personnel, assets, and liabilities held by, acquired, or incurred before the date of enactment of this Act the Office of Native American Affairs of the Small Business Administration, as in effect on the day before the date of enactment of this Act; and

(3) the individual serving as Associate Administrator of the Office of Native American Affairs of the Small Business Administration, as in effect on the day before the date of enactment of this Act, shall continue to serve as the Associate Administrator appointed under section 49 of the Small Business Act, as added by subsection (a), until a successor is appointed.

SA 2380. Mr. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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 COSTS AND BENEFITS OF MAINTAINING A MINIMUM OF 12 PRIMARY AIRCRAFT AUTHORIZED FOR EACH TYPE OF SPECIALTY MISSION AIRCRAFT.

(a) SENSE OF SENATE.—It is the sense of the Senate that it is important to maintain safety and increase mission readiness and interoperability of the weather reconnaissance, aerial spray, and firefighting system specialty mission capabilities of the Air Force Reserve Command.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on the costs and benefits of maintaining a minimum of 12 primary aircraft authorized for each type of specialty mission aircraft.

SA 2381. Mr. SCOTT, of Florida submitted an amendment intended to be proposed by him to the bill S. 4116, to extend the authority for commitments for the paycheck protection program and separate amounts authorized for other loans under section 7(a) of the Small Business Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 2. AMENDMENTS TO THE PAYCHECK PROTECTION PROGRAM.

(a) IN GENERAL.—Section 7(a)(36)(G) of the Small Business Act (15 U.S.C. 636(a)(36)(G)) is amended—

(1) in clause (i)—
 (A) by striking subclause (I); and
 (B) by redesignating subclauses (II), (III), and (IV) as subclauses (I), (II), and (III), respectively; and

(2) by adding at the end the following:

“(ii) SUBSTANTIAL REDUCTION IN REVENUE.—An eligible recipient shall not receive a covered loan unless the eligible recipient demonstrates that the eligible recipient has incurred a substantial reduction in revenue due to COVID-19.”

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to a loan under section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)) made after the date of enactment of this Act.

(c) RULEMAKING OR GUIDANCE.—

(1) IN GENERAL.—Not later than 7 days after the date of enactment of this Act, the Secretary of the Treasury, in consultation with the Administrator of the Small Business Administration, shall issue a rule or guidance defining a substantial reduction in revenue, as used in clause (ii) of section 7(a)(36)(G) of the Small Business Act (15 U.S.C. 636(a)(G)), as added by subsection (a), which shall include the documentation necessary to verify a substantial reduction in revenue.

(2) EXEMPTION FROM RULEMAKING REQUIREMENTS.—The notice and comment requirements under section 553 of title 5, United States Code, shall not apply with respect to the rule or guidance issued under paragraph (1).

SA 2382. Ms. HARRIS 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 XII of division A, add the following:

SEC. 1287. IMPROVING PANDEMIC PREPAREDNESS AND RESPONSE THROUGH DIPLOMACY.

(a) SHORT TITLE.—This section may be cited as the “Improving Pandemic Preparedness and Response Through Diplomacy Act”.

(b) FINDINGS.—Congress finds the following:

(1) According to the annual report of the Global Preparedness Monitoring Board (an independent panel of experts convened by the World Bank Group and the World Health Organization), “The world is at acute risk for devastating regional or global disease epidemics or pandemics that not only cause loss of life but upend and create social chaos.”

(2) The World Health Organization—

(A) declared the outbreak of the novel coronavirus disease 2019 (COVID-19) a Public Health Emergency of International Concern on January 30, 2020;

(B) raised its global risk assessment to “Very High” on February 28, 2020; and

(C) ultimately declared the outbreak a pandemic on March 11, 2020.

(3) The risks associated with future outbreaks of infectious disease and other global health emergencies, whether naturally-occurring, accidental, or deliberate, are increasing due to a number of factors, including—

(A) the spillover of pathogens from animals to humans;

(B) the development of antimicrobial resistance;

(C) population growth and resulting strains on the environment;

(D) urbanization;

(E) international travel and trade;

(F) forced and voluntary migration;

(G) climate change;

(H) weak public health infrastructures; and
 (I) potential acts of bioterrorism.

(4) Vulnerable populations, including those who live in poverty and in countries with weak public health and government infrastructure, and at-risk groups, such as the sick, older people, ethnic and religious minorities, women, people with disabilities, LGBTQ people, indigenous, migrants, refugees, and children, are particularly susceptible to the outbreak of infectious disease and its consequences.

(5) According to an April 2020 report of the International Monetary Fund—

(A) “It is very likely that this year the global economy will experience its worst recession since the Depression, surpassing that seen during the global financial crisis a decade ago.”; and

(B) “As a result of the pandemic, the global economy is projected to contract sharply by 3% in 2020.”

(6) As of May 14, 2020, the Department of Labor estimated that 36,500,000 workers filed for first-time unemployment claims during the previous 8 weeks, which coincides with the timeframe during which the impact of the coronavirus became widespread across the United States.

(7) The United States Government, along with the medical, scientific, and public health communities, has historically promoted global public health through—

(A) multilateral cooperation;

(B) funding of relevant research activities; and

(C) the provision of development assistance to prepare for, detect, respond to, and recover from the outbreak of infectious disease.

(8) The Global Health Security Agenda is a multi-faceted, multi-country initiative intended to improve partner countries’ measurable capabilities to prevent, detect, and respond to infectious disease, which the United States is committed to advancing.

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

(1) no country, acting alone, can effectively protect the health and safety of all its people from the outbreak and spread of infectious disease and other global health emergencies;

(2) efforts to prepare for, detect, respond to, and recover from disease outbreaks and pandemics globally—

(A) are in the interests of the United States; and

(B) are consistent with the promotion of core values of peace, prosperity, health, and equal dignity and rights of all peoples;

(3) robust diplomacy, including multilateral diplomacy and development assistance, is an essential part of a well-coordinated, whole-of-government strategy to prepare for, detect, respond to, and recover from disease outbreak and spread and other global health emergencies; and

(4) support for, and active participation in, multilateral organizations, such as the United Nations and the World Health Organization, enhance the efforts of the United States to prepare for, detect, respond to, and recover from disease outbreaks and pandemics, both domestically and globally.

(d) SPECIAL PRESIDENTIAL ENVOY FOR PANDEMIC PREPAREDNESS AND RESPONSE.—

(1) DEFINED TERM.—In this subsection, the term “appropriate congressional committees” means—

(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 Homeland Security and Governmental Affairs of the Senate;

(D) the Committee on Armed Services of the Senate;

(E) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(F) the Committee on Commerce, Science, and Transportation of the Senate;

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

(H) the Committee on Foreign Affairs of the House of Representatives;

(I) the Committee on Ways and Means of the House of Representatives;

(J) the Committee on Energy and Commerce of the House of Representatives;

(K) the Committee on Education and Labor of the House of Representatives;

(L) the Committee on Homeland Security of the House of Representatives;

(M) the Committee on Armed Services of the House of Representatives;

(N) the Committee on Agriculture of the House of Representatives; and

(O) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) OFFICE OF THE SPECIAL PRESIDENTIAL ENVOY.—There is established in the Office of the Secretary of State, an Office of the Special Presidential Envoy, which—

(A) shall be led by the Special Presidential Envoy for Pandemic Preparedness and Response (referred to in this section as the “Special Presidential Envoy”) appointed pursuant to paragraph (3);

(B) shall be staffed with—

(i) detailees from the bureaus and offices under the jurisdiction of the Under Secretary for Economic Growth, Energy, and the Environment;

(ii) detailees from the Bureau of Oceans and International Environmental and Scientific Affairs; and

(iii) any other Department of State personnel the Secretary considers necessary.

(3) APPOINTMENT.—The President, in consultation with the Secretary of State and the Secretary of Health and Human Services, shall appoint a Special Presidential Envoy for Pandemic Preparedness and Response, who shall have the rank and status of Ambassador-at-Large.

(4) QUALIFICATIONS.—The Special Presidential Envoy shall have extensive experience in global public health, diplomacy, medicine, or a related field.

(5) DUTIES.—

(A) IN GENERAL.—The principal duty of the Special Presidential Envoy shall be the overall supervision, including policy oversight of resources, of diplomatic efforts to prepare for, detect, respond to, and recover from pandemics and other global outbreaks of infectious disease. The Special Presidential Envoy shall exercise such powers as the Secretary of State may prescribe.

(B) STRATEGY DEVELOPMENT.—The Special Presidential Envoy shall develop, and, in coordination with the heads of relevant departments and agencies, direct the implementation of the diplomatic strategy described in subsection (e).

(6) REPORTS.—

(A) REPORT ON COVID-19 PANDEMIC.—Not later than 30 days after the date of the enactment of this Act, and quarterly thereafter, the Special Presidential Envoy shall submit a report to the appropriate congressional committees that describes his or her efforts to develop and implement a diplomatic strategy comprised of the elements specified in section 5 with respect to the COVID-19 pandemic.

(B) GENERAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the Special Presidential Envoy shall submit a report to the appropriate congressional committees that describes his or her efforts to develop and implement a diplomatic strategy comprised of the elements specified in section 5

with respect to any and all future outbreaks of infectious disease or pandemics.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$10,000,000 for the Office of the Special Presidential Envoy to carry out this subsection.

(e) ELEMENTS OF DIPLOMATIC STRATEGY.—The diplomatic strategy to prepare for, detect, respond to, and recover from pandemics and other global outbreaks of infectious disease should address—

(1) the development of medical countermeasures, including vaccines, antimicrobials, therapeutics, and diagnostics for emerging infectious diseases;

(2) zoonotic disease prevention, detection, and response;

(3) the development of disease surveillance systems;

(4) the promotion of disease reporting and greater transparency of disease-related information;

(5) increasing the capabilities and capacity of national laboratories;

(6) combating the spread of antimicrobial resistant microorganisms;

(7) scientific workforce development and training;

(8) the mitigation of, disruptions to, and other issues related to, global medical supply chains;

(9) efforts to prevent the outbreak and spread of infectious diseases among displaced persons and other vulnerable populations;

(10) the development and use of standards and best practices for the imposition and lifting of disease mitigation measures, including travel restrictions, social distancing, quarantining, and other restrictions on economic and social activities; and

(11) efforts to combat the spread of disinformation and racial discrimination related to the outbreak and spread of infectious disease.

(f) INTERAGENCY STEERING COMMITTEE.—

(1) IN GENERAL.—The Secretary of State, acting through the Special Presidential Envoy for Pandemic Preparedness and Response, shall regularly convene an interagency steering committee to aid in the development, coordination, and implementation of the diplomatic strategy described in subsection (e).

(2) MEMBERSHIP.—The interagency steering committee referred to in paragraph (1)—

(A) should be led by the Special Presidential Envoy; and

(B) shall include, as members—

(i) the Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs;

(ii) the Global AIDS Coordinator and United States Special Representative for Global Health Diplomacy;

(iii) any other Department of State personnel the Secretary considers necessary;

(iv) the Director of the Office of Global Affairs of the Department of Health and Human Services; and

(v) at least 1 representative from each of the following agencies:

(I) The United States Agency for International Development.

(II) The Department of Health and Human Services.

(III) The Centers for Disease Control and Prevention.

(IV) The National Institutes of Health.

(V) The Department of Agriculture.

(VI) The Department of Homeland Security.

(VII) The Department of the Treasury.

(VIII) The Department of Commerce.

(IX) The Office of the United States Trade Representative.

(X) The Department of Labor.

(XI) The White House Office of Science and Technology Policy.

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

(XIII) The Department of Defense.

(g) OUTSIDE PANEL OF EXPERTS.—

(1) IN GENERAL.—The Secretary of State, acting through the Special Presidential Envoy for Pandemic Preparedness and Response, shall regularly convene an outside panel of experts—

(A) to advise the Special Presidential Envoy regarding scientific, technical, and other policy matters; and

(B) to make recommendations for the development and implementation of the diplomatic strategy described in subsection (e).

(2) COMPOSITION.—The Special Presidential Envoy, in consultation with the interagency steering committee established pursuant to subsection (f), shall determine who will be included on the panel convened pursuant to paragraph (1).

(3) APPLICABILITY OF FACIA.—The Federal Advisory Committee Act (5 U.S.C. App. shall not apply to the panel convened pursuant to paragraph (1).

(h) HONORING FINANCIAL COMMITMENTS TO THE WORLD HEALTH ORGANIZATION.—Subject to the availability of appropriations, but notwithstanding any other provision of law, the Secretary of the Treasury shall remit all United States assessed contributions to the World Health Organization not later than the date on which such contributions are due and payable.

SA 2383. 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 end of subtitle G of title XII, add the following:

SEC. 1287. SUPPORT FOR A ROBUST GLOBAL RESPONSE TO THE COVID-19 PANDEMIC.

(a) UNITED STATES POLICIES AT THE INTERNATIONAL FINANCIAL INSTITUTIONS.—

(1) IN GENERAL.—The Secretary of the Treasury shall instruct the United States Executive Director of each international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act (22 U.S.C. 262r(c)(2)) to use the voice and vote of the United States at that institution—

(A) to seek to ensure adequate fiscal space for world economies in response to the global coronavirus disease 2019 (commonly referred to as “COVID-19”) pandemic through—

(i) the suspension of all debt service payments to the institution; and

(ii) the relaxation of fiscal targets for any government operating a program supported by the institution, or seeking financing from the institution, in response to the pandemic;

(B) to oppose the approval or endorsement of any loan, grant, document, or strategy that would lead to a decrease in health care spending or in any other spending that would impede the ability of any country to prevent or contain the spread of, or treat persons who are or may be infected with, the SARS-CoV-2 virus; and

(C) to require approval of all Special Drawing Rights allocation transfers from wealthier member countries to countries that are emerging markets or developing countries, based on confirmation of implementable transparency mechanisms or protocols to ensure the allocations are used for the public good and in response the global pandemic.

(2) IMF ISSUANCE OF SPECIAL DRAWING RIGHTS.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use the voice and vote of the United States to support the issuance of a special allocation of not less than 2,000,000,000,000 Special Drawing Rights so that governments are able to access additional resources to finance their responses to the global COVID-19 pandemic.

(b) REPORT REQUIRED.—The Chairman of the National Advisory Council on International Monetary and Financial Policies shall include in the annual report required by section 1701 of the International Financial Institutions Act (22 U.S.C. 262r) a description of progress made toward advancing the policies described in subsection (a).

(c) TERMINATION.—Subsections (a) and (b) shall have no force or effect after the earlier of—

(1) the date that is one year after the date of the enactment of this Act; or

(2) the date that is 30 days after the date on which the Secretary of the Treasury submits to the Committee on Foreign Relations of the Senate and the Committee on Financial Services of the House of Representatives a report stating that the SARS-CoV-2 virus is no longer a serious threat to public health in any part of the world.

SA 2384. Mrs. SHAHEEN 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 VIII, add the following:

SEC. ____ . PERMANENCY OF SBIR AND STTR PROGRAMS.

(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended—

(1) in the subsection heading, by striking “TERMINATION” and inserting “SBIR PROGRAM AUTHORIZATION”; and

(2) by striking “terminate on September 30, 2022” and inserting “be in effect for each fiscal year”.

(b) STTR.—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended by striking “through fiscal year 2022”.

SA 2385. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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. RESPONSE TO RELEASE OF PERFLUOROALKYL SUBSTANCES AND POLYFLUOROALKYL SUBSTANCES BY THE DEPARTMENT OF DEFENSE.

(a) PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES TASK FORCE.—

(1) IN GENERAL.—The Secretary of Defense shall establish a task force to address the ef-

fects of the release of perfluoroalkyl substances and polyfluoroalkyl substances from activities of the Department of Defense (in this subsection referred to as the “PFAS Task Force”).

(2) MEMBERSHIP.—The members of the PFAS Task Force are the following:

(A) The Assistant Secretary of Defense for Sustainment.

(B) The Assistant Secretary of the Army for Installations, Energy, and Environment.

(C) The Assistant Secretary of the Navy for Energy, Installations, and Environment.

(D) The Assistant Secretary of the Air Force for Installations, Environment, and Energy.

(E) A liaison from the Department of Veterans Affairs to be determined by the Secretary of Veterans Affairs.

(3) CHAIRMAN.—The Assistant Secretary of Defense for Sustainment shall be the chairman of the PFAS Task Force.

(4) SUPPORT.—The Under Secretary of Defense for Personnel and Readiness and such other individuals as the Secretary of Defense considers appropriate shall support the activities of the PFAS Task Force.

(5) DUTIES.—The duties of the PFAS Task Force are the following:

(A) Analysis of the health aspects of exposure to perfluoroalkyl substances and polyfluoroalkyl substances.

(B) Establishment of clean-up standards and performance requirements relating to mitigating the effects of the release of perfluoroalkyl substances and polyfluoroalkyl substances.

(C) Finding and funding the procurement of an effective substitute firefighting foam without perfluoroalkyl substances or polyfluoroalkyl substances.

(D) Establishment of standards that are supported by science for determining exposure to and ensuring clean up of perfluoroalkyl substances and polyfluoroalkyl substances.

(E) Establishment of interagency coordination with respect to mitigating the effects of the release of perfluoroalkyl substances and polyfluoroalkyl substances.

(6) REPORT.—Not later than 180 days after the date of the enactment of this Act, and semiannually thereafter, the Chairman of the PFAS Task Force shall submit to Congress a report on the activities of the task force.

(b) BLOOD TESTING FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS TO DETERMINE EXPOSURE TO PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.—

(1) IN GENERAL.—Beginning on October 1, 2020, the Secretary of Defense shall make available, on an annual basis, to each member of the Armed Forces and their dependents blood testing to determine and document potential exposure to perfluoroalkyl substances and polyfluoroalkyl substances (commonly known as “PFAS”).

(2) DEPENDENT DEFINED.—In this subsection, the term “dependent” has the meaning given that term in section 1072(2) of title 10, United States Code.

(c) OFFSET.—The amount authorized to be appropriated by this Act for fiscal year 2021 for operation and maintenance for the Air Force, SAG 12C, other combat operations support programs, is hereby reduced by \$100,000,000.

SA 2386. Mrs. GILLIBRAND (for herself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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. 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 substances and polyfluoroalkyl substances.

(b) ACCOUNTS INCREASED.—The accounts 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 \$13,600,000.

(3) The amount authorized to be appropriated for Operation and Maintenance, Army National Guard shall be increased by \$20,000,000.

(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 operation and maintenance for the Air Force, SAG 12C, shall be reduced by \$65,600,000.

SA 2387. Mr. UDALL submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE 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. ____ . INDIAN WATER RIGHTS SETTLEMENT EXTENSION.

Section 10501 of the Omnibus Public Land Management Act of 2009 (43 U.S.C. 407) is amended—

(1) in subsection (b)(1), by inserting “and for each of fiscal years 2031 through 2040” after “fiscal years 2020 through 2029”;

(2) in subsection (c)—

(A) in paragraph (1), by striking subparagraph (A) and inserting the following:

“(A) EXPENDITURES.—

“(i) IN GENERAL.—Subject to subparagraph (B)—

“(I) for each of fiscal years 2020 through 2029, the Secretary may expend from the Fund an amount not to exceed \$120,000,000, plus the interest accrued from the Fund, for the fiscal year in which expenditures are made pursuant to paragraphs (2) and (3); and

“(II) subject to clause (ii), for each of fiscal years 2031 through 2045, the Secretary may expend from the Fund an amount not to exceed \$120,000,000, plus the interest accrued in the Fund, for the fiscal year in which expenditures are made pursuant to paragraph (2).

“(ii) LIMITATION.—Of the amount described in clause (i)(II) for each of fiscal years 2031 through 2045, the Secretary may expend an amount not to exceed \$90,000,000 for an individual Indian water rights settlement, unless the Secretary determines that an expenditure of more than \$90,000,000 would not adversely affect the funding of the implementation of other congressionally approved settlement agreements.”;

(B) in paragraph (2), in the matter preceding subparagraph (A), by striking “litigation involving the United States, if the settlement agreement or implementing legislation requires the Bureau of Reclamation” and inserting “claims concerning Indian water resources, if the settlement agreement or implementing legislation authorizes the Secretary”; and

(C) in paragraph (3)—
(i) in subparagraph (A)—
(I) in clause (i)—

(aa) in subclause (I), by striking “the entire period in which the Fund is in existence” and inserting “the period of fiscal years 2020 through 2029”; and

(bb) in subclause (II), by inserting “during the period of fiscal years 2020 through 2029” after “into the Fund”; and

(II) in clause (ii), by inserting “or are deposited into the Fund after fiscal year 2029” after “subparagraph (B)”; and

(ii) in subparagraph (B), in clauses (i)(II)(bb), (iii)(II)(bb), and (iv)(II)(bb), by striking “the entire period in which the Fund is in existence” each place it appears and inserting “the period of fiscal years 2020 through 2029”;

(iii) in subparagraph (C)—

(I) by striking “December 31, 2019” and inserting “December 31, 2021”; and

(II) by striking “for any authorized use” and inserting “for any use authorized under paragraph (2)”; and

(iv) by adding at the end the following:

“(D) SUFFICIENCY OF FUNDS.—The Secretary may use amounts in the Fund in a fiscal year for multiple settlements under subparagraph (B), without regard to the priorities described in clauses (ii) through (iv) of subparagraph (B), to ensure that sufficient funds are available to meet the enforceability date or substantial completion date of a settlement.”; and

(3) in subsection (f), by striking “September 30, 2034” and inserting “September 30, 2045”.

SA 2388. Mr. PERDUE (for Mr. MERKLEY) proposed an amendment to the bill S. 3758, to amend the Klamath Basin Water Supply Enhancement Act of 2000 to make certain technical corrections; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. KLAMATH BASIN WATER SUPPLY ENHANCEMENT ACT OF 2000 TECHNICAL CORRECTIONS.

Section 4(b) of the Klamath Basin Water Supply Enhancement Act of 2000 (114 Stat. 2222; 132 Stat. 3887) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking “Pursuant to the reclamation laws and subject” and inserting “Subject”; and

(ii) by striking “may” and inserting “is authorized to”; and

(B) in subparagraph (A), by inserting “, including 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 redesignating the second paragraph (4) (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 “the Secretary—” and all that follows through “to develop” in subparagraph (A) and inserting “the Secretary to develop”.

SEC. 2. CONTINUED USE OF PICK-SLOAN MISSOURI BASIN PROGRAM PROJECT USE POWER BY THE KINSEY IRRIGATION COMPANY AND THE SIDNEY WATER USERS IRRIGATION DISTRICT.

(a) AUTHORIZATION.—Notwithstanding any other provision of law and subject to subsection (b), the Secretary of the Interior (acting through the Commissioner of Reclamation) shall continue to treat the irrigation pumping units known as the “Kinsey Irrigation Company” in Custer County, Montana and the “Sidney Water Users Irrigation District” in Richland County, Montana, or any successor to the Kinsey Irrigation Company or Sidney Water Users Irrigation District, as irrigation pumping units of the Pick-Sloan Missouri Basin Program for the purposes of wheeling, administration, and payment of project use power, including the applicability of provisions relating to the treatment of costs beyond the ability to pay under section 9 of the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (58 Stat. 891, chapter 665).

(b) LIMITATION.—The quantity of power to be provided to the Kinsey Irrigation Company and the Sidney Water Users Irrigation District (including any successor to the Kinsey Irrigation Company or the Sidney Water Users Irrigation District) under subsection (a) may not exceed the maximum quantity of power provided to the Kinsey Irrigation Company and the Sidney Water Users Irrigation District under the applicable contract for electric service in effect on the date of enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

Mr. CORNYN. Mr. President, I have 10 requests for committees to meet during today’s session of the Senate. They have the approval of the Majority and Minority leaders.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Tuesday, June 30, 2020, at 10 a.m., to conduct a hearing.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Tuesday, June 30, 2020, at 2:30 p.m., to conduct a hearing.

COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Tuesday, June 30, 2020, at 10:15 a.m., to conduct a hearing.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the ses-

sion of the Senate on Tuesday, June 30, 2020, at 10 a.m., to conduct a hearing.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Tuesday, June 30, 2020, 10 a.m., to conduct a hearing.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Tuesday, June 30, 2020, at 2:30 p.m., to conduct a hearing on the Nomination of The Honorable Derek T. Kan to be Deputy Director, Office of Management and Budget.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Tuesday, June 30, 2020, at 2:30 p.m., to conduct a hearing.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Tuesday, June 30, 2020, at 2:30 p.m., to conduct a hearing.

SUBCOMMITTEE ON TRANSPORTATION AND SAFETY

The Subcommittee on Transportation and Safety of the Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Tuesday, June 9, 2020, at 2:30 p.m., to conduct a hearing.

SUBCOMMITTEE ON INTERNATIONAL TRADE, CUSTOMS, AND GLOBAL COMPETITIVENESS

The Subcommittee on International Trade, Customs, and Global Competitiveness of the Committee on Finance is authorized to meet during the session of the Senate on Tuesday, June 30, 2020, at 2:30 p.m., to conduct a hearing.

ENSURING QUALITY CARE FOR OUR VETERANS ACT

Mr. PERDUE. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 422, S. 123.

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

The senior assistant legislative clerk read as follows:

A bill (S. 123) to require the Secretary of Veterans Affairs to enter into a contract or other agreement with a third party to review appointees in the Veterans Health Administration who had a license terminated for cause by a State licensing board for care or services rendered at a non-Veterans Health Administration facility and to provide individuals treated by such an appointee with notice if it is determined that an episode of care or services to which they received was below the standard of care, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Veterans’ Affairs.

Mr. PERDUE. I ask unanimous consent that the bill be considered read a