

amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4102. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4103. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4104. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4105. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4106. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4107. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4108. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4109. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4110. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4111. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4112. Mr. KING (for himself, Mr. ROUNDS, Mr. SASSE, Ms. ROSEN, and Ms. HASSAN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4113. Mr. MANCHIN (for himself, Mr. LUJÁN, and Mrs. CAPITO) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4114. Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4115. Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R.

4350, supra; which was ordered to lie on the table.

SA 4116. Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4117. Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4118. Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4119. Mr. WICKER (for himself and Mr. KAINE) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4120. Mr. WICKER (for himself and Mr. KAINE) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4121. Ms. CORTEZ MASTO (for herself and Mrs. FISCHER) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4122. Ms. CORTEZ MASTO (for herself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4123. Ms. CORTEZ MASTO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4124. Mr. KING submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4125. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4126. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4127. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4128. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4129. Mrs. SHAHEEN (for herself and Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4130. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED

and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4131. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4132. Mr. SCHUMER (for Mr. MENENDEZ) proposed an amendment to the bill S. 1064, to advance the strategic alignment of United States diplomatic tools toward the realization of free, fair, and transparent elections in Nicaragua and to reaffirm the commitment of the United States to protect the fundamental freedoms and human rights of the people of Nicaragua, and for other purposes.

TEXT OF AMENDMENTS

SA 4068. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1264. REPORT ON ISRAELI SETTLEMENT ACTIVITY IN OCCUPIED WEST BANK.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit to the appropriate committees of Congress a report that assesses the status of Israeli settlement activity in the occupied West Bank.

(b) ELEMENTS.—The report required by subsection (a) shall include the following with respect to Israeli settlement activity in the West Bank:

(1) The number of permits, tenders, and housing starts approved by the Government of Israel for settlement construction and the locations concerned.

(2) The number and locations of new outposts established without the approval of the Government of Israel.

(3) The number and locations of outposts established without the approval of the Government of Israel that were retroactively legalized.

(4) An assessment of the impact of settlements and outposts on—

(A) the freedom of movement, livelihoods, and quality of life of Palestinians; and

(B) the potential for establishing in the future a viable Palestinian state.

(5) The number and locations of demolitions of homes, businesses, or infrastructure owned by, or primarily serving, Palestinians.

(6) The number and locations of evictions of Palestinians from their places of residence.

(7) The number of permits issued for Palestinians in East Jerusalem and the West Bank territory designated under the Oslo Accords as “Area C”.

(8) A description of the level of financial expenditures by the Government of Israel in Israeli settlements in the West Bank.

(9) An analysis of the impact any change in the matters described in paragraphs (1) through (8) on would have on—

(A) the diplomatic posture of the United States globally; and

(B) the national security of the United States.

(C) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

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

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

SA 4069. Mr. MERKLEY (for himself and Ms. WARREN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 3114. REALLOCATION OF FUNDING FOR B83 GRAVITY BOMB LIFE EXTENSION TO SUPPORT GLOBAL VACCINE PRODUCTION CAPACITY.

(A) REDUCTION IN AMOUNT FOR B83 GRAVITY BOMB LIFE EXTENSION.—The amount authorized to be appropriated by section 3101 and available as specified in the funding table in section 4701 for stockpile major modernization for multi-weapon systems is hereby reduced by \$98,456,000, with the amount of the reduction to be derived from amounts available for life extension for the B83 gravity bomb.

(B) FUNDING FOR GLOBAL VACCINE PRODUCTION.—There are authorized to be appropriated to the Secretary of State and other relevant agencies \$98,456,000 to provide support—

(1) for expanding global vaccine production capacity, including through the development or transfer of technology and the construction, expansion, or modernization of facilities; and

(2) to other countries, especially low and middle-income countries, with the distribution and delivery of COVID-19 vaccines.

SA 4070. Mr. GRASSLEY (for himself, Ms. STABENOW, Ms. ERNST, and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. CONSIDERATION OF FOOD INSECURITY IN DETERMINATIONS OF THE COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.

(A) IN GENERAL.—Section 721(f) of the Defense Production Act of 1950 (50 U.S.C. 4565(f)) is amended—

(1) in paragraph (10), by striking “; and” and inserting a semicolon;

(2) by redesignating paragraph (11) as paragraph (12); and

(3) by inserting after paragraph (10) the following:

“(11) the potential effects of the proposed or pending transaction on the security of the food and agriculture systems of the United States, including any effects on the availability of, access to, or safety and quality of food; and”.

(B) INCLUSION OF SECRETARIES OF AGRICULTURE AND HEALTH AND HUMAN SERVICES ON THE COMMITTEE.—Section 721(k)(2) of the Defense Production Act of 1950 (50 U.S.C. 4565(k)(2)) is amended—

(1) by redesignating subparagraphs (H), (I), and (J) as subparagraphs (J), (K), and (L), respectively; and

(2) by inserting after subparagraph (G) the following:

“(H) The Secretary of Agriculture.

“(I) The Secretary of Health and Human Services.”.

SA 4071. Ms. SINEMA (for herself and Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 744. TASK FORCE TO REVIEW SMART DEVICE MENTAL HEALTH RESILIENCY APPLICATIONS.

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall establish a task force to review mental health resiliency applications currently available for smart devices.

(B) MENTAL HEALTH RESILIENCY APPLICATIONS.—Mental health resiliency applications to be reviewed under subsection (a) may include evidence-based applications such as Virtual Hope Box.

(C) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the establishment of the task force under subsection (a), the task force, in consultation with the Director of the Defense Health Agency and the Secretary of Veterans Affairs, shall submit to the Secretary of Defense and the congressional defense committees a report on the findings of the task force.

(2) ELEMENTS.—The report submitted under paragraph (1) shall include the following:

(A) An assessment of the efficacy of the mental health resiliency applications reviewed under subsection (a) at improving behavioral health outcomes.

(B) A description of any trials or pilot programs completed or underway at the Department of Defense with respect to the use of such applications.

(C) An assessment of the cost associated with such applications.

(D) An assessment of the compatibility of the use of such applications with other initiatives of the Department.

(E) Such recommendations as the task force may have on forming a pilot program to encourage the use of one or more of such applications among members of the Armed Forces.

SA 4072. Mr. MERKLEY submitted an amendment intended to be proposed to

amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1283. SUSPENSION OF CERTAIN UNITED STATES ASSISTANCE TO HONDURAS.

(A) PROHIBITION ON COMMERCIAL EXPORT OF COVERED DEFENSE ARTICLES AND SERVICES AND COVERED MUNITIONS ITEMS TO THE HONDURAN POLICE OR MILITARY.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the President shall prohibit the issuance of licenses to export covered defense articles and services and covered munitions items to the police or military of the Republic of Honduras.

(2) TERMINATION.—The prohibition under paragraph (1) shall terminate on the date on which the President determines and reports to the appropriate congressional committees that the police or military of the Republic of Honduras have not engaged in gross violations of human rights during the one-year period ending on the date of such determination.

(3) WAIVER.—The prohibition under paragraph (1) shall not apply to the issuance of a license with respect to which the President submits to the appropriate congressional committees a written certification that the exports to be covered by such license are important to the national interests and foreign policy goals of the United States, including a description of the manner in which such exports will promote such interests and goals.

(4) DEFINITIONS.—In this subsection:

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

(i) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(ii) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

(B) COVERED DEFENSE ARTICLES AND SERVICES.—The term “covered defense articles and services” means defense articles and defense services designated by the President under section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

(C) COVERED MUNITIONS ITEMS.—The term “covered munitions items” means tear gas, pepper spray, rubber bullets, foam rounds, bean bag rounds, pepper balls, water cannons, handcuffs, shackles, stun guns, tasers, semi-automatic firearms, and their associated munitions not included in the definition under subparagraph (B).

(D) SUSPENSION AND RESTRICTIONS OF SECURITY ASSISTANCE EXTENDED TO THE REPUBLIC OF HONDURAS UNLESS CERTAIN CONDITIONS ARE MET.—

(1) SUSPENSION OF SECURITY ASSISTANCE.—No assistance may be made available for the police or military of the Republic of Honduras, including assistance for equipment and training.

(2) LOANS FROM MULTILATERAL DEVELOPMENT BANKS AND THE UNITED STATES INTERNATIONAL DEVELOPMENT FINANCE CORPORATION.—The Secretary of the Treasury shall—

(A) instruct United States representatives at multilateral development banks to use their voice and vote to oppose any loans for the police or military of the Republic of Honduras; and

(B) instruct the United States Executive Director of each international financial institution and the Chief Executive Officer of the United States International Development Finance Corporation to promote human rights due diligence and risk management in connection with any loan, grant, policy, or strategy related to the Republic of Honduras, in accordance with the criteria specified in subsection 7029(d) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2020 (division G of Public Law 116-94; 133 Stat. 2863) and accompanying report.

(3) **CONDITIONS FOR LIFTING SUSPENSIONS AND RESTRICTIONS.**—The provisions of this subsection shall terminate on the date on which the Secretary of State determines and reports to the Committees on Foreign Relations and Appropriations of the Senate and the Committees on Foreign Affairs and Appropriations of the House of Representatives that the Government of Honduras has—

(A) pursued all legal avenues to bring to trial and obtain a verdict of all those who ordered, carried out, and covered up—

(i) the March 2, 2016, murder of Berta Cáceres;

(ii) the killings of over 100 small-farmer activists in the Aguán Valley;

(iii) the killings of 22 people and forced disappearance of 1 person by state security forces in the context of the 2017 post-electoral crisis;

(iv) the killings of at least 6 people by state security forces in the context of anti-government demonstrations between March and July of 2019;

(v) the killings of at least 21 journalists and media workers between October 2016 and July 2020;

(vi) the July 18, 2020, forced disappearances of 4 Garifuna community leaders from Triunfo de la Cruz; and

(vii) the December 26, 2020, killing of indigenous Lenca leader and environmental activist Félix Vásquez at his home in La Paz, and the December 29, 2020, killing of indigenous Tolupan leader and environmental activist Adan Mejia in Yoro;

(B) investigated and successfully prosecuted members of military and police forces who are credibly found to have violated human rights and ensured that the military and police cooperated in such cases, and that such violations have ceased;

(C) withdrawn the military from domestic policing and ensured that all domestic police functions are separated from the command and control of the Armed Forces of Honduras and are instead directly responsible to civilian authority;

(D) established that it protects effectively the rights of trade unionists, journalists, small farmers, human rights and environmental defenders, indigenous and Afro-indigenous community members and rights activists, women's and LGBTQI rights activists, critics of the government, and other members of civil society to operate without interference or repression; and

(E) taken effective steps to establish the rule of law and to guarantee a judicial system that is capable of investigating, prosecuting, and bringing to justice members of the police and military who have committed human rights abuses.

(C) **POLICE OR MILITARY OF THE REPUBLIC OF HONDURAS DEFINED.**—In this section, the term “police or military of the Republic of Honduras” means—

(1) the Honduran National Police;

(2) the Honduran Armed Forces;

(3) the Military Police of Public Order of the Republic of Honduras; or

(4) para-police or paramilitary elements, acting under color of law or having received financing, training, orders, intelligence,

weapons, or other forms of material assistance from the forces identified in paragraphs (1) through (3).

SA 4073. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XV, add the following:

SEC. ____ . ACTIVE PROTECTION OF THE MAJOR RANGE AND TEST FACILITY BASE.

(a) **AUTHORITY.**—The Secretary of Defense may take, and may authorize members of the Armed Forces and officers and civilian employees of the Department of Defense to take, such actions described in subsection (b) as are necessary to mitigate the threat, as determined by the Secretary, that a space-based asset may pose to the security or operation of the Major Range and Test Facility Base (as defined in section 196(i) of title 10, United States Code).

(b) **ACTIONS DESCRIBED.**—The actions described in this subsection are the following:

(1) To detect, identify, monitor, and track a space-based asset, without prior consent, including by means of intercept or other access of an electronic communication used to control the space-based asset.

(2) To disrupt the sensors of a space-based asset, without prior consent, including by disabling, intercepting, interfering with, or causing interference with such space-based sensors.

SA 4074. Mr. HAWLEY (for himself and Mr. BLUNT) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10 ____ . HONORING MISSOURIANS WHO MADE THE ULTIMATE SACRIFICE IN AFGHANISTAN.

(a) **FINDINGS.**—Congress finds that—

(1) Marine Corps Lance Corporal Jared Schmitz of Wentzville, Missouri, was a dear and loving son, brother, and friend, who sought constantly to lift those around him and care for others in need;

(2) Lance Corporal Schmitz was a devoted patriot who knew that he wanted to serve in the Marine Corps by his sophomore year of high school and trained relentlessly on his own initiative so that he might one day wear the Eagle, Globe, and Anchor;

(3) Lance Corporal Schmitz enlisted in the Marine Corps before his 18th birthday and went on to serve with gallantry as a Marine Corps infantryman, upholding the standards and traditions of all the brave service members from the State of Missouri who came before him;

(4) Lance Corporal Schmitz went to Kabul, Afghanistan, in August 2021 and, despite the

risks, demonstrated heroic commitment to supporting the evacuation of citizens of the United States, allies of the United States, partners of the United States, and innocent civilians;

(5) on August 26, 2021, at just 20 years of age, while serving alongside his fellow citizens to provide safe passage to those in need, Lance Corporal Schmitz made the ultimate sacrifice at the international airport in Kabul, giving his life so that others might live; and

(6) Lance Corporal Schmitz was the last of the 56 Missourians who made the ultimate sacrifice as part of Operation Enduring Freedom and Operation Freedom's Sentinel and whose names shall not be forgotten, including—

(A) Christopher Michael Allgaier;
(B) Michael Chad Bailey;
(C) Michael Joe Beckerman;
(D) Brian Jay Bradbury;
(E) Paul Douglas Carron;
(F) Jacob Russell Carver;
(G) Joseph Brian Cemper;
(H) Robert Keith Charlton;
(I) Richard Michael Crane;
(J) Robert Wayne Crow, Jr.;
(K) Justin Eric Culbreth;
(L) Robert Gene Davis;
(M) Edward Fred Dixon III;
(N) Jason David Fingar;
(O) James Matthew Finley;
(P) Zachary Michael Fisher;
(Q) Jacob Rudloff Fleischer;
(R) Blake Wade Hall;
(S) Nicholas Joel Hand;
(T) James Warren Harrison, Jr.;
(U) Jonathan Michael Dean Hostetter;
(V) James Roger Ide V;
(W) Issac Brandon Jackson;
(X) Christopher M. Katzenberger;
(Y) Jeremy Andrew Katzenberger;
(Z) William Jo Kerwood;
(AA) Daniel Leon Kisling, Jr.;
(BB) Denis Deleon Kisseloff;
(CC) Donald Matthew Marler;
(DD) Matthew David Mason;
(EE) Richard Lewis McNulty III;
(FF) Bradley Louis Melton;
(GG) James Douglas Mowris;
(HH) Michael Robert Patton;
(II) Joseph Michael Peters;
(JJ) Robert Wayne Pharris;
(KK) Ricky Linn Richardson, Jr.;
(LL) Charles Montague Sadell;
(MM) Charles Ray Sanders, Jr.;
(NN) Ronald Wayne Sawyer;
(OO) Patrick Wayne Schimmel;
(PP) Jared Marcus Schmitz;
(QQ) Roslyn Littman Schulte;
(RR) Billy Joe Siercks;
(SS) Adam Olin Smith;
(TT) Tyler James Smith;
(UU) Christopher Glenn Stark;
(VV) Sean Patrick Sullivan;
(WW) Philip James Svitak;
(XX) Phillip David Vinnedge;
(YY) Matthew Herbert Walker;
(ZZ) Jeffrey Lee White, Jr.;
(AAA) Matthew Willard Wilson;
(BBB) Vincent Cortez Winston, Jr.;
(CCC) Sterling William Wyatt; and
(DDD) Gunnar William Zwilling.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) Marine Corps Lance Corporal Jared Schmitz and his fellow Missourians who made the ultimate sacrifice during the war in Afghanistan represent the very best of the State of Missouri and the United States; and

(2) the United States honors those brave service members and their families and shall never forget the services they rendered and sacrifices they made in the defense of their grateful Nation.

SA 4075. Mr. HAWLEY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 857. COMBATING TRAFFICKING IN PERSONS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should have a zero tolerance policy for human trafficking, and it is of vital importance that Government contractors who engage in human trafficking be held accountable.

(b) ANALYSIS REQUIRED.—The Secretary of Defense shall review the recommendations contained in the report of the Comptroller General of the United States titled “Human Trafficking: DOD Should Address Weaknesses in Oversight of Contractors and Reporting of Investigations Related to Contracts” (dated August 2021; GAO-21-546) and develop the following:

(1) Policies and processes to ensure contracting officers of the Department of Defense be informed of their responsibilities relating to combating trafficking in persons and to ensure that such contracting officers are accurately and completely reporting trafficking in persons investigations.

(2) Policies and processes to specify—

(A) the offices and individuals within the Department that should be receiving and reporting on trafficking in persons incidents involving contractors;

(B) the elements of the Department and persons outside the Department that are responsible for reporting trafficking in persons investigations; and

(C) requirements relating to reporting such incident in the Federal Awardee Performance and Integrity Information System (or any other contractor performance rating system).

(3) Policies and processes to ensure that combating trafficking in persons monitoring is more effectively implemented through, among other things, reviewing and monitoring contractor compliance plans relating to combating trafficking in persons.

(4) Policies and processes to ensure the Secretary of Defense has accurate and complete information about compliance with acquisition-specific training requirements relating to combating trafficking in persons by contractors.

(5) A mechanism for ensuring completion of such training within 30 days after a contractor begins performance on a contract.

(6) An assessment of the resources and staff required to support oversight of combating trafficking in persons, including resources and staff to validate annual combating trafficking in persons self-assessments by elements of the Department.

(c) INTERIM BRIEF.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall brief the congressional defense committees, the Committee on Oversight of the House of Representatives, and the Committee on Homeland Security and Government Affairs of the Senate on the preliminary findings of the analysis required by subsection (b).

(d) REPORT.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act,

the Secretary of Defense shall submit to the congressional defense committees, the Committee on Oversight of the House of Representatives, and the Committee on Homeland Security and Government Affairs of the Senate the analysis required by subsection (b).

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

SA 4076. Mr. HAWLEY (for himself, Mr. SCOTT of Florida, and Mr. COTTON) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION ON THE USE OF TIKTOK.

(a) DEFINITIONS.—In this section—

(1) the term “covered application” means the social networking service TikTok or any successor application or service developed or provided by ByteDance Limited or an entity owned by ByteDance Limited;

(2) the term “executive agency” has the meaning given that term in section 133 of title 41, United States Code; and

(3) the term “information technology” has the meaning given that term in section 11101 of title 40, United States Code.

(b) PROHIBITION ON THE USE OF TIKTOK.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Administrator of General Services, the Director of the Cybersecurity and Infrastructure Security Agency, the Director of National Intelligence, and the Secretary of Defense, and consistent with the information security requirements under subchapter II of chapter 35 of title 44, United States Code, shall develop standards and guidelines for executive agencies requiring the removal of any covered application from information technology.

(2) NATIONAL SECURITY AND RESEARCH EXCEPTIONS.—The standards and guidelines developed under paragraph (1) shall include—

(A) exceptions for law enforcement activities, national security interests and activities, and security researchers; and

(B) for any authorized use of a covered application under an exception, requirements for agencies to develop and document risk mitigation actions for such use.

SA 4077. Ms. ERNST (for herself, Mr. GRASSLEY, Mr. WARNOCK, Mrs. BLACKBURN, and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1004. INCREASED TRANSFER AUTHORITY TO REIMBURSE THE NATIONAL GUARD FOR DEFENSE SUPPORT OF CIVIL AUTHORITIES ACTIONS.

(a) TRANSFER AUTHORITY.—Notwithstanding section 2214 of title 10, United States Code, and subject to subsection (b), the Secretary of Defense may transfer without limitation amounts necessary to reimburse the National Guard for Defense Support of Civil Authorities actions upon a written request from the Chief of the National Guard Bureau to the Secretary and Congress detailing the need for the transfer and the estimated costs.

(b) REPORT.—Not later than 30 days after the Secretary transfers amount pursuant to subsection (a), the Secretary and the Chief of the National Guard Bureau shall jointly submit to Congress a report detailing the costs associated with the Defense Support of Civil Authorities actions reimbursed pursuant to such transfer.

SA 4078. Mr. OSSOFF submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 838. SUPPORT FOR FLAME-RESISTANT TEXTILE INDUSTRIAL BASE.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the capability of the textile industrial base to support the Department of Defense’s requirement for flame resistant uniforms, including—

(1) an assessment of the risk to members of the Armed Forces and National Guard presented by flash fire in combat and non-combat operations;

(2) a review of existing criteria for determining in what circumstances combat uniforms of the Armed Forces and National Guard are required to be flame-resistant;

(3) the potential benefits of flame-resistant combat uniforms on operational safety and force protection;

(4) plans for enhancing protections for members of the Armed Forces and National Guard against flash fire; and

(5) the minimum level of annual procurement by the Defense Logistics Agency necessary to sustain the flame resistant textile industrial base to be prepared to respond to emerging needs of the Armed Forces and National Guard for current and future conflicts.

SA 4079. Mr. OSSOFF submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2836. REPORT ON CAPACITY OF CHILD DEVELOPMENT CENTERS OF DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a written report providing an update on the capacity of child development centers of the Department of Defense.

(b) ELEMENTS.—The report submitted under subsection (a) shall—

(1) provide data on the capacity of child development centers through the Department, including infrastructure, staffing, waitlists, and resources, set forth in the aggregate and by installation and Armed Force;

(2) highlight, by installation, whether demand by members of the Armed Forces for child care is or is not being met by existing capacity at such centers; and

(3) determine whether plans and adequate funding authority exist to remedy any identified shortfall in child care capacity for the Department of Defense.

SA 4080. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 596. AUTHORITY OF STATES TO USE NATIONAL GUARD MEMBERS PERFORMING ACTIVE GUARD AND RESERVE DUTY DURING STATE-DIRECTED RESPONSES TO DOMESTIC INCIDENTS.

Section 328(b) of title 32, United States Code, is amended—

(1) by inserting “(1)” before “A member”; and

(2) by adding at the end the following new paragraph:

“(2) Under regulations prescribed by the Chief of the National Guard Bureau, the adjutant general of the jurisdiction concerned may authorize a member of the National Guard performing duty under subsection (a) to perform additional duties in response to a State-declared emergency or disaster provided that the adjutant general determines that members performing such additional duties will derive a benefit that satisfies or complements training requirements for the wartime mission or other training objectives of the members’ unit.”.

SA 4081. Mrs. FEINSTEIN (for herself and Mr. PADILLA) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10. ROLE OF THE COMMISSIONER AND INTERNATIONAL AGREEMENTS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) COMMISSIONER.—The term “Commissioner” means the Commissioner of the United States Section of the International Boundary and Water Commission.

(3) NEW RIVER.—The term “New River” means the river that starts in Mexicali, Mexico, flows north into the United States through Calexico, passes through the Imperial Valley, and drains into the Salton Sea.

(4) SECRETARY.—The term “Secretary” means the Secretary of State.

(5) TIJUANA RIVER.—The term “Tijuana River” means the river that rises in the Sierra de Juarez in Mexico, flows through the City of Tijuana and then north into the United States, passes through the Tijuana River estuary, and drains into the Pacific Ocean.

(b) WASTEWATER AND STORMWATER AUTHORITY.—The Commissioner may study, design, construct, operate, and maintain projects to manage, improve, and protect the quality of wastewater, stormwater runoff, and other untreated flows in the Tijuana River watershed and the New River watershed.

(c) TIJUANA AND NEW RIVER PROJECTS WITHIN THE UNITED STATES.—The Secretary, acting through the Commissioner, shall—

(1) construct, operate, and maintain projects that—

(A) are on a priority list developed by the Environmental Protection Agency for projects in the Tijuana River watershed or New River watershed;

(B) are within the United States; and

(C) improve the water quality of the Tijuana River watershed or the New River watershed, as applicable; and

(2) use available funds, including funds received from the Administrator, to construct, operate, and maintain the projects described in paragraph (1).

(d) AGREEMENTS WITH MEXICO.—The Secretary, acting through the Commissioner, may execute an agreement with the appropriate official or officials of the Government of Mexico for—

(1) the joint study and design of stormwater control and water quality projects; and

(2) on approval of the necessary plans and specifications of the projects described in paragraph (1), the construction, operation, and maintenance of those projects by the United States and Mexico, in accordance with the treaty relating to the utilization of the waters of the Colorado and Tijuana Rivers, and of the Rio Grande (Rio Bravo) from Fort Quitman, Texas, to the Gulf of Mexico, and supplementary protocol, signed at Washington February 3, 1944 (59 Stat. 1219), between the United States and Mexico.

(e) SAVINGS PROVISION.—Nothing in this section limits the authority of the International Boundary and Water Commission under any other provision of law.

SA 4082. Mrs. FEINSTEIN (for herself, Ms. ERNST, Mr. CORNYN, and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for

other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1216. STATUS OF WOMEN AND GIRLS IN AFGHANISTAN.

(a) FINDINGS.—Congress finds the following:

(1) Since May 2021, the escalation of violent conflict in Afghanistan has forcibly displaced an estimated 655,000 civilians, and 80 percent of those forced to flee are women and children.

(2) Since regaining control of Afghanistan in August 2021, the Taliban have taken actions reminiscent of their brutal rule in the late 1990s. They have cracked down on protesters, reportedly detained and beaten journalists, and reestablished their Ministry for the Promotion of Virtue and Prevention of Vice, which under previous Taliban rule enforced prohibitions on behavior deemed un-Islamic. The Taliban’s acting higher education minister said women will be permitted to study at universities in gender-segregated classrooms while wearing Islamic attire. The new Taliban government is being filled with hard-liners from the former Taliban regime. The Taliban are imposing harsh rule despite pledges to respect the rights of women and minority communities and provide amnesty for people who supported United States efforts in Afghanistan.

(3) Until the Taliban assumed control of the country in August 2021, the women and girls of Afghanistan had achieved much since 2001, even as insecurity, poverty, underdevelopment, and patriarchal norms continued to limit their rights and opportunities in much of Afghanistan.

(4) Through strong support from the United States and the international community—

(A) female enrollment in public schools in Afghanistan continued to increase through 2015 with an estimated high of 50 percent of school age girls attending; and

(B) by 2019—

(i) women held political leadership positions, and women served as ambassadors; and

(ii) women served as professors, judges, prosecutors, defense attorneys, police, military members, health professionals, journalists, humanitarian and developmental aid workers, and entrepreneurs.

(5) Women’s and girls’ rights and empowerment continue to serve the interests of Afghanistan and the United States because women are sources of peace and economic progress in Afghanistan.

(6) With the return of Taliban control, the United States has little ability to preserve the rights of women and girls in Afghanistan, and those women and girls may again face the intimidation and marginalization they faced under the last Taliban regime.

(7) Women and girls in Afghanistan are again facing gender-based violence, including—

(A) forced marriage;

(B) intimate partner and domestic violence;

(C) sexual harassment;

(D) sexual violence, including rape;

(E) gender-based denial of resources; and

(F) emotional and psychological violence.

(8) Gender-based violence has always been a significant problem in Afghanistan and is expected to become more widespread with the Taliban in control. In 2020, even before the Taliban assumed control of the country, Human Rights Watch projected that 87 percent of Afghan women and girls will experience at least one form of gender-based violence in their lifetime, with 62 percent experiencing multiple incidents of such violence.

(9) Prior to the Taliban takeover in August 2021, approximately 7,000,000 people in Afghanistan lacked or had limited access to essential health services as a result of inadequate public health coverage, weak health systems, and conflict-related interruptions in care. Women and girls faced additional challenges, as their access to life-saving services (for example, emergency obstetric services) was limited due to a shortage of female medical staff, cultural barriers, stigma and fears of reprisals following sexual violence, or other barriers to mobility, including security fears.

(10) Only approximately 50 percent of pregnant women and girls in Afghanistan deliver their children in a health facility with a professional attendant, which increases the risk of complications in childbirth and preventable maternal mortality. Food insecurity in Afghanistan is also posing a variety of threats to women and girls as malnutrition weakens their immune systems, making them more susceptible to infections, complications during pregnancy, and risks during childbirth.

(11) Adolescent girls are particularly at risk due to the lack of safe and accessible reproductive health services.

(12) With the combined impacts of ongoing conflict and COVID-19, Afghan households increasingly resort to child marriage, forced marriage, and child labor to address food insecurity and other effects of extreme poverty.

(13) In Afghanistan, the high prevalence of anemia among adolescent girls reduces their ability to survive childbirth, especially when coupled with high rates of child marriage and forced marriage and barriers to accessing safe health services and information.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) since 2001, women's rights organizations and girl-led groups and networks have been important engines of social, economic, and political development in Afghanistan;

(2) any future political order in Afghanistan should secure the political, economic, and social gains made by Afghan women and work to increase the equal treatment of women and girls and improve the safe access for women and girls to essential services and information through laws and policies pertaining to public and private life;

(3) respecting the human rights of all people is essential to securing lasting peace and sustainable development in Afghanistan;

(4) in cooperation with international partners, the United States must endeavor to preserve the hard-won gains made in Afghanistan during the past two decades, particularly as related to the political and economic role, social rights, and protection of women and girls in society;

(5) the continuing humanitarian assistance to the Afghan people is critical to support women and girls, for their protection, continued education, and well-being;

(6) immediate and ongoing humanitarian needs in Afghanistan can only be met by a humanitarian response that includes formal agreements between local nongovernmental organizations and international partners that promotes the safe access and participation of female staff at all levels and across functional roles among all humanitarian actors; and

(7) a lack of aid and essential services would result in a humanitarian crisis and serve to reinforce gender inequalities and power imbalances in Afghanistan.

(c) POLICY OF THE UNITED STATES REGARDING THE RIGHTS OF WOMEN AND GIRLS OF AFGHANISTAN.—

(1) IN GENERAL.—It is the policy of the United States—

(A) to continue to support the rights of women and girls in Afghanistan following the withdrawal of the United States Armed Forces from Afghanistan, including through mechanisms to hold all parties publicly accountable for violations of international humanitarian law and human rights violations against women and girls;

(B) to strongly oppose any weakening of the rights of women and girls in Afghanistan;

(C) to instruct representatives of the United States Government to use the voice, foreign assistance, and influence of the United States directly with the Taliban and at the United Nations, including with United Nations agencies, through participation in United Nations bodies, and with representatives of other United Nations Member States, to promote, respect, and uphold the human rights of the women and girls of Afghanistan, including the right to safely work;

(D) to continue providing aid and assistance necessary to preserve the rights of women and girls in Afghanistan so that they may continue to pursue educational and professional opportunities and be equal members of Afghan society;

(E) to identify individuals who violate the basic rights of women and girls in Afghanistan, as those rights are defined by international human right standards, such as by committing murder, lynching, and grievous domestic violence against women, and to press for bringing those individuals to justice;

(F) to systematically consult with Afghan women and girls on their needs and priorities in the development, implementation, and monitoring of humanitarian action, including women and girls who are part of the Afghan diaspora community; and

(G) to ensure all humanitarian action is informed by—

(i) a gender and power analysis conducted by the Department of State that identifies forms of inequality and oppression; and

(ii) the collection, analysis, and use of data disaggregated by sex and age.

(2) DEFINITION OF AFGHAN SOCIETY.—In this subsection, the term “Afghan society” means the range of formal and informal organizations in Afghanistan, including Afghan local nongovernmental organizations as well as international nongovernmental organizations, that reflect community interests and deliver some essential services.

(d) HUMANITARIAN AID POSITIONS FOR WOMEN IN AFGHANISTAN.—The Administrator of the United States Agency for International Development shall promote that Afghanistan-based humanitarian assistance-related positions that the United States Agency for International Development is seeking to fill are offered to women who are citizens of Afghanistan to the extent practicable.

(e) REPORT ON WOMEN AND GIRLS IN AFGHANISTAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter through 2024, the Secretary of State shall submit to the appropriate committees of Congress a report that includes the following:

(A) An assessment of the conditions of women's and girls' rights in Afghanistan in relation to humanitarian needs and key development outcomes following the departure of United States and partner military forces, including the access of those women and girls to primary and secondary education, jobs, health care, and equal status in society as compared to men.

(B) An assessment of the political and civic participation of women and girls in Afghanistan.

(C) An assessment of the prevalence of gender-based violence in Afghanistan.

(D) A report on United States funding obligated or expended during the period covered by the report in furtherance of gender equality and women's and girls' rights in Afghanistan, including how much funding has directly supported women's rights organizations at the local level in Afghanistan.

(2) ASSESSMENT.—

(A) INPUT.—The assessment described in paragraph (1)(A) shall include the input of—

(i) Afghan women and girls;

(ii) organizations employing and working with Afghan women and girls; and

(iii) humanitarian organizations providing assistance in Afghanistan.

(B) SAFETY AND CONFIDENTIALITY.—In carrying out the assessment described in paragraph (1)(A), the Secretary shall, to the maximum extent practicable, ensure the safety and confidentiality of personal information of each individual who provides information from within Afghanistan.

(3) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

SA 4083. Mrs. FEINSTEIN (for herself and Mr. PADILLA) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ IMPROVING THE MANAGEMENT OF DRIFTNET FISHING.

(a) SHORT TITLE.—This section may be cited as the “Driftnet Modernization and Bycatch Reduction Act”.

(b) DEFINITION.—Section 3(25) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802(25)) is amended by inserting “, or with a mesh size of 14 inches or greater,” after “more”.

(c) FINDINGS AND POLICY.—

(1) FINDINGS.—Section 206(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1826(b)) is amended—

(A) in paragraph (6), by striking “and” at the end;

(B) in paragraph (7), by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(8) within the exclusive economic zone, large-scale driftnet fishing that deploys nets with large mesh sizes causes significant entanglement and mortality of living marine resources, including myriad protected species, despite limitations on the lengths of such nets.”.

(2) POLICY.—Section 206(c) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1826(c)) is amended—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(4) prioritize the phase out of large-scale driftnet fishing in the exclusive economic

zone and promote the development and adoption of alternative fishing methods and gear types that minimize the incidental catch of living marine resources.”.

(d) **TRANSITION PROGRAM.**—Section 206 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1826) is amended by adding at the end the following—

“(i) **FISHING GEAR TRANSITION PROGRAM.**—

“(1) **IN GENERAL.**—During the 5-year period beginning on the date of enactment of the Driftnet Modernization and Bycatch Reduction Act, the Secretary shall conduct a transition program to facilitate the phase-out of large-scale driftnet fishing and adoption of alternative fishing practices that minimize the incidental catch of living marine resources, and shall award grants to eligible permit holders who participate in the program.

“(2) **PERMISSIBLE USES.**—Any permit holder receiving a grant under paragraph (1) may use such funds only for the purpose of covering—

“(A) any fee originally associated with a permit authorizing participation in a large-scale driftnet fishery, if such permit is surrendered for permanent revocation, and such permit holder relinquishes any claim associated with the permit;

“(B) a forfeiture of fishing gear associated with a permit described in subparagraph (A); or

“(C) the purchase of alternative gear with minimal incidental catch of living marine resources, if the fishery participant is authorized to continue fishing using such alternative gears.

“(3) **CERTIFICATION.**—The Secretary shall certify that, with respect to each participant in the program under this subsection, any permit authorizing participation in a large-scale driftnet fishery has been permanently revoked and that no new permits will be issued to authorize such fishing.”.

(e) **EXCEPTION.**—Section 307(1)(M) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(1)(M)) is amended by inserting before the semicolon the following: “, unless such large-scale driftnet fishing—

“(i) deploys, within the exclusive economic zone, a net with a total length of less than two and one-half kilometers and a mesh size of 14 inches or greater; and

“(ii) is conducted within 5 years of the date of enactment of the Driftnet Modernization and Bycatch Reduction Act”.

(f) **FEEES.**—

(1) **IN GENERAL.**—The North Pacific Fishery Management Council may recommend, and the Secretary of Commerce may approve, regulations necessary for the collection of fees from charter vessel operators who guide recreational anglers who harvest Pacific halibut in International Pacific Halibut Commission regulatory areas 2C and 3A as those terms are defined in part 300 of title 50, Code of Federal Regulations (or any successor regulations).

(2) **USE OF FEES.**—Any fees collected under this subsection shall be available for the purposes of—

(A) financing administrative costs of the Recreational Quota Entity program;

(B) the purchase of halibut quota shares in International Pacific Halibut Commission regulatory areas 2C and 3A by the recreational quota entity authorized in part 679 of title 50, Code of Federal Regulations (or any successor regulations);

(C) halibut conservation and research; and

(D) promotion of the halibut resource by the recreational quota entity authorized in part 679 of title 50, Code of Federal Regulations (or any successor regulations).

(3) **LIMITATION ON COLLECTION AND AVAILABILITY.**—Fees shall be collected and available pursuant to this subsection only to the extent and in such amounts as provided in advance in appropriations Acts, subject to paragraph (4).

(4) **FEE COLLECTED DURING START-UP PERIOD.**—Notwithstanding paragraph (3), fees may be collected through the date of enactment of an Act making appropriations for the activities authorized under this Act through September 30, 2022, and shall be available for obligation and remain available until expended.

SA 4084. Mrs. FEINSTEIN (for herself and Mr. PADILLA) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

SEC. 10. DEFINITION OF LAND USE REVENUE UNDER WEST LOS ANGELES LEASING ACT OF 2016.

Section 2(d)(2) of the West Los Angeles Leasing Act of 2016 (Public Law 114-226) is amended—

(1) in subparagraph (A), by striking “; and” and inserting a semicolon;

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph:

“(B) any funds received as compensation for an easement described in subsection (e); and”.

SA 4085. Mrs. FEINSTEIN (for herself and Mr. PADILLA) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2836. PROHIBITION ON CLOSING OR RELOCATING MARINE CORPS RECRUIT DEPOT IN SAN DIEGO, CALIFORNIA.

No Federal funds may be used to close or relocate the Marine Corps Recruit Depot in San Diego, California, or to conduct any planning or other activity related to such closure or relocation.

SA 4086. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . PROTECTIONS FOR COVERED INDIVIDUALS.

Section 7211 of title 5, United States Code, is amended—

(1) by striking “The right of employees” and inserting the following:

“(a) **IN GENERAL.**—The right of covered individuals”; and

(2) by adding at the end the following:

“(b) **REMEDIES.**—

“(1) **ADMINISTRATIVE REMEDIES.**—

“(A) **IN GENERAL.**—A covered individual with respect to a Federal agency (other than a covered individual described in subparagraph (B), (C), or (D)) who is aggrieved by a violation of subsection (a) may seek corrective action under sections 1214 and 1221 in the same manner as an individual who is aggrieved by a prohibited personnel practice described in section 2302(b)(8).

“(B) **FBI EMPLOYEES.**—A covered individual with respect to the Federal Bureau of Investigation who is aggrieved by a violation of subsection (a) may seek corrective action under section 2303.

“(C) **INTELLIGENCE COMMUNITY EMPLOYEES.**—A covered individual with respect to a covered intelligence community element (as defined in section 1104(a) of the National Security Act of 1947 (50 U.S.C. 3234(a))) who is aggrieved by a violation of subsection (a) may seek corrective action under section 1104 of the National Security Act of 1947 (50 U.S.C. 3234) or subsection (b)(7) or (j) of section 3001 of that Act (50 U.S.C. 3341).

“(D) **CONTRACTOR EMPLOYEES.**—A covered individual with respect to a Federal agency who is an employee of, former employee of, or applicant for employment with, a contractor, subcontractor, grantee, subgrantee, or personal services contractor (as those terms are used in section 2409 of title 10 and section 4712 of title 41) of the agency and who is aggrieved by a violation of subsection (a) of this section may seek corrective action under section 2409 of title 10 or section 4712 of title 41.

“(E) **BURDEN OF PROOF.**—The burdens of proof under subsection (e) of section 1221 shall apply to an allegation of a violation of subsection (a) of this section made under subparagraph (A), (B), (C), or (D) of this paragraph in the same manner as those burdens of proof apply to an allegation of a prohibited personnel practice under such section 1221.

“(F) **CLASS OF INDIVIDUALS ENTITLED TO SEEK CORRECTIVE ACTION.**—The right to seek corrective action under subparagraph (A), (B), (C), or (D) shall apply to a covered individual who is an employee of, former employee of, or applicant for employment with, a Federal agency described in the applicable subparagraph or a contractor, subcontractor, grantee, subgrantee, or personal services contractor (as those terms are used in section 2409 of title 10 and section 4712 of title 41) of such a Federal agency, notwithstanding the fact that a provision of law referenced in the applicable subparagraph does not authorize one or more of those types of covered individuals to seek corrective action.

“(2) **PRIVATE RIGHT OF ACTION.**—

“(A) **IN GENERAL.**—If a final decision providing relief for a violation of subsection (a) alleged under subparagraph (A), (B), (C), or (D) of paragraph (1) of this subsection is not issued within 210 days of the date on which the covered individual seeks corrective action under the applicable subparagraph and there is no showing that the delay is due to the bad faith of the covered individual, the

covered individual may bring an action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over the action without regard to the amount in controversy, for lost wages and benefits, reinstatement, costs and attorney fees, compensatory damages, equitable or injunctive relief, or any other relief that the court considers appropriate.

“(B) JURY TRIAL.—An action brought under subparagraph (A) shall, upon the request of the covered individual, be tried by the court with a jury.

“(C) BURDEN OF PROOF.—The burdens of proof under subsection (e) of section 1221 shall apply to an allegation of a violation of subsection (a) of this section in an action brought under this paragraph in the same manner as those burdens of proof apply to an allegation of a prohibited personnel practice under such section 1221.

“(c) DEFINITIONS.—For purposes of this section—

“(1) the term ‘covered individual’, with respect to a Federal agency, means an employee of, former employee of, or applicant for employment with—

“(A) the agency; or

“(B) a contractor, subcontractor, grantee, subgrantee, or personal services contractor (as those terms are used in section 2409 of title 10 and section 4712 of title 41) of the agency; and

“(2) the term ‘Federal agency’ means an agency, office, or other establishment in the executive, legislative, or judicial branch of the Federal Government.”.

SA 4087. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

SEC. ____ . ONE HEALTH CENTER OF EXCELLENCE.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services (referred to in this section as the “Secretary”), in consultation with the Commissioner of Food and Drugs, the Center for Veterinary Medicine, and the Office of the Chief Scientist of the Food and Drug Administration, not later than 1 year after the date of enactment of this Act, shall establish within the Food and Drug Administration a One Health Center of Excellence for purposes of strengthening inter- and intra-agency actions with respect to emerging public health threats, as described in subsection (b).

(b) ACTIVITIES.—The activities of the One Health Center of Excellence shall include the following:

(1) Developing programs and enhancing strategies to research, monitor, prevent, and respond to emerging public health threats, such as zoonotic disease outbreaks, as well as other biological, chemical, and radiological threats to public health.

(2) Supporting recruitment and training for personnel engaged in such research, monitoring, prevention, and response efforts.

(3) Conducting, promoting, and supporting research regarding public health threats.

(4) Improving public awareness and understanding of a One Health approach.

(5) Facilitating collaborative relationships among—

(A) relevant Federal agencies, such as the Department of Agriculture, the Department of the Interior, the Department of Defense, the Department of Commerce, the Department of Homeland Security, the United States Agency for International Development, the Food and Drug Administration, the Centers for Disease Control and Prevention, the National Institutes of Health, and the Environmental Protection Agency;

(B) Tribal Nations;

(C) State and local public health veterinarians and wildlife officials; and

(D) other experts, as determined by the Secretary.

(c) PUBLIC PROCESS.—The Secretary shall provide a period for public comment during the time that the One Health Center of Excellence is being implemented.

(d) ANNUAL REPORT.—Not later than January 1 of the year that begins 1 year after the One Health Center of Excellence is implemented, and annually thereafter, the Secretary shall publish on the website of the Food and Drug Administration a report on the activities of the One Health Center of Excellence and recommendations for Congress regarding additional legislation that may be needed to prevent and respond to emerging public health threats.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SA 4088. Mrs. FEINSTEIN (for herself and Mr. SCHATZ) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—CANNABIDIOL AND MARIHUANA RESEARCH EXPANSION

SEC. 5101. SHORT TITLE.

This division may be cited as the “Cannabidiol and Marihuana Research Expansion Act”.

SEC. 5102. DEFINITIONS.

In this division—

(1) the term “appropriately registered” means that an individual or entity is registered under the Controlled Substances Act (21 U.S.C. 801 et seq.) to engage in the type of activity that is carried out by the individual or entity with respect to a controlled substance on the schedule that is applicable to cannabidiol or marihuana, as applicable;

(2) the term “cannabidiol” means—

(A) the substance, cannabidiol, as derived from marihuana that has a delta-9-tetrahydrocannabinol level that is greater than 0.3 percent; and

(B) the synthetic equivalent of the substance described in subparagraph (A);

(3) the terms “controlled substance”, “dispense”, “distribute”, “manufacture”, “marihuana”, and “practitioner” have the meanings given such terms in section 102 of the Controlled Substances Act (21 U.S.C. 802), as amended by this division;

(4) the term “covered institution of higher education” means an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that—

(A)(i) has highest or higher research activity, as defined by the Carnegie Classification of Institutions of Higher Education; or

(ii) is an accredited medical school or an accredited school of osteopathic medicine; and

(B) is appropriately registered under the Controlled Substances Act (21 U.S.C. 801 et seq.);

(5) the term “drug” has the meaning given the term in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1));

(6) the term “medical research for drug development” means medical research that is—

(A) a preclinical study or clinical investigation conducted in accordance with section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) or otherwise permitted by the Department of Health and Human Services to determine the potential medical benefits of marihuana or cannabidiol as a drug; and

(B) conducted by a covered institution of higher education, practitioner, or manufacturer that is appropriately registered under the Controlled Substances Act (21 U.S.C. 801 et seq.); and

(7) the term “State” means any State of the United States, the District of Columbia, and any territory of the United States.

TITLE LI—REGISTRATIONS FOR MARIHUANA RESEARCH

SEC. 5121. MARIHUANA RESEARCH APPLICATIONS.

Section 303(f) of the Controlled Substances Act (21 U.S.C. 823(f)) is amended—

(1) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively;

(2) by striking “(f) The Attorney General” and inserting “(f)(1) The Attorney General”;

(3) by striking “Registration applications” and inserting the following:

“(2)(A) Registration applications”;

(4) by striking “Article 7” and inserting the following:

“(3) Article 7”; and

(5) by inserting after paragraph (2)(A), as so designated, the following:

“(B)(i) The Attorney General shall register a practitioner to conduct research with marihuana if—

“(I) the applicant’s research protocol—

“(aa) has been reviewed and allowed—

“(AA) by the Secretary of Health and Human Services under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i));

“(BB) by the National Institutes of Health or another Federal agency that funds scientific research; or

“(CC) pursuant to sections 1301.18 and 1301.32 of title 21, Code of Federal Regulations, or any successors thereto; and

“(II) the applicant has demonstrated to the Attorney General that there are effective procedures in place to adequately safeguard against diversion of the controlled substance for legitimate medical or scientific use pursuant to section 5125 of the Cannabidiol and Marihuana Research Expansion Act, including demonstrating that the security measures are adequate for storing the quantity of marihuana the applicant would be authorized to possess.

“(ii) The Attorney General may deny an application for registration under this subparagraph only if the Attorney General determines that the issuance of the registration would be inconsistent with the public interest. In determining the public interest, the Attorney General shall consider the factors listed in—

“(I) subparagraphs (B) through (E) of paragraph (1); and

“(II) subparagraph (A) of paragraph (1), if the applicable State requires practitioners conducting research to register with a board or authority described in such subparagraph (A).

“(iii)(I) Not later than 60 days after the date on which the Attorney General receives a complete application for registration under this subparagraph, the Attorney General shall—

“(aa) approve the application; or

“(bb) request supplemental information.

“(II) For purposes of subclause (I), an application shall be deemed complete when the applicant has submitted documentation showing that the requirements under clause (i) are satisfied.

“(iv) Not later than 30 days after the date on which the Attorney General receives supplemental information as described in clause (iii)(I)(bb) in connection with an application described in this subparagraph, the Attorney General shall approve or deny the application.

“(v) If an application described in this subparagraph is denied, the Attorney General shall provide a written explanation of the basis of denial to the applicant.”.

SEC. 5122. RESEARCH PROTOCOLS.

(a) IN GENERAL.—Paragraph (2)(B) of section 303(f) of the Controlled Substances Act (21 U.S.C. 823(f)), as amended by section 5121 of this Act, is further amended by adding at the end the following:

“(vi)(I) If the Attorney General grants an application for registration under clause (i), the registrant may amend or supplement the research protocol without reapplying if the registrant does not change—

“(aa) the quantity or type of drug;

“(bb) the source of the drug; or

“(cc) the conditions under which the drug is stored, tracked, or administered.

“(II)(aa) If a registrant under clause (i) seeks to change the type of drug, the source of the drug, or conditions under which the drug is stored, tracked, or administered, the registrant shall notify the Attorney General via registered mail, or an electronic means permitted by the Attorney General, not later than 30 days before implementing an amended or supplemental research protocol.

“(bb) A registrant may proceed with an amended or supplemental research protocol described in item (aa) if the Attorney General does not explicitly object during the 30-day period beginning on the date on which the Attorney General receives the notice under item (aa).

“(cc) The Attorney General may only object to an amended or supplemental research protocol under this subclause if additional security measures are needed to safeguard against diversion or abuse.

“(dd) If a registrant under clause (i) seeks to address additional security measures identified by the Attorney General under item (cc), the registrant shall notify the Attorney General via registered mail, or an electronic means permitted by the Attorney General, not later than 30 days before implementing an amended or supplemental research protocol.

“(ee) A registrant may proceed with an amended or supplemental research protocol described in item (dd) if the Attorney General does not explicitly object during the 30-day period beginning on the date on which the Attorney General receives the notice under item (dd).

“(III)(aa) If a registrant under clause (i) seeks to change the quantity of marihuana needed for research and the change in quantity does not impact the factors described in item (bb) or (cc) of subclause (I) of this clause, the registrant shall notify the Attorney General via registered mail or using an

electronic means permitted by the Attorney General.

“(bb) A notification under item (aa) shall include—

“(AA) the Drug Enforcement Administration registration number of the registrant;

“(BB) the quantity of marihuana already obtained;

“(CC) the quantity of additional marihuana needed to complete the research; and

“(DD) an attestation that the change in quantity does not impact the source of the drug or the conditions under which the drug is stored, tracked, or administered.

“(cc) The Attorney General shall ensure that—

“(AA) any registered mail return receipt with respect to a notification under item (aa) is submitted for delivery to the registrant providing the notification not later than 3 days after receipt of the notification by the Attorney General; and

“(BB) notice of receipt of a notification using an electronic means permitted under item (aa) is provided to the registrant providing the notification not later than 3 days after receipt of the notification by the Attorney General.

“(dd)(AA) On and after the date described in subitem (BB), a registrant that submits a notification in accordance with item (aa) may proceed with the research as if the change in quantity has been approved on such date, unless the Attorney General notifies the registrant of an objection described in item (ee).

“(BB) The date described in this subitem is the date on which a registrant submitting a notification under item (aa) receives the registered mail return receipt with respect to the notification or the date on which the registrant receives notice that the notification using an electronic means permitted under item (aa) was received by the Attorney General, as the case may be.

“(ee) A notification submitted under item (aa) shall be deemed to be approved unless the Attorney General, not later than 10 days after receiving the notification, explicitly objects based on a finding that the change in quantity—

“(AA) does impact the source of the drug or the conditions under which the drug is stored, tracked, or administered; or

“(BB) necessitates that the registrant implement additional security measures to safeguard against diversion or abuse.

“(IV) Nothing in this clause shall limit the authority of the Secretary of Health and Human Services over requirements related to research protocols, including changes in—

“(aa) the method of administration of marihuana;

“(bb) the dosing of marihuana; and

“(cc) the number of individuals or patients involved in research.”.

(b) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall promulgate regulations to carry out the amendment made by this section.

SEC. 5123. APPLICATIONS TO MANUFACTURE MARIHUANA FOR RESEARCH.

(a) IN GENERAL.—Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended—

(1) by redesignating subsections (c) through (k) as subsections (d) through (l), respectively;

(2) by inserting after subsection (b) the following:

“(c)(1)(A) As it relates to applications to manufacture marihuana for research purposes, if the Attorney General places a notice in the Federal Register to increase the number of entities registered under this Act to manufacture marihuana to supply appropriately registered researchers in the United

States, the Attorney General shall, not later than 60 days after the date on which the Attorney General receives a completed application—

“(i) approve the application; or

“(ii) request supplemental information.

“(B) For purposes of subparagraph (A), an application shall be deemed complete when the applicant has submitted documentation showing each of the following:

“(i) The requirements designated in the notice in the Federal Register are satisfied.

“(ii) The requirements under this Act are satisfied.

“(iii) The applicant will limit the transfer and sale of any marihuana manufactured under this subsection—

“(I) to researchers who are registered under this Act to conduct research with controlled substances in schedule I; and

“(II) for purposes of use in preclinical research or in a clinical investigation pursuant to an investigational new drug exemption under 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)).

“(iv) The applicant will transfer or sell any marihuana manufactured under this subsection only with prior, written consent for the transfer or sale by the Attorney General.

“(v) The applicant has completed the application and review process under subsection (a) for the bulk manufacture of controlled substances in schedule I.

“(vi) The applicant has established and begun operation of a process for storage and handling of controlled substances in schedule I, including for inventory control and monitoring security in accordance with section 5125 of the Cannabidiol and Marihuana Research Expansion Act.

“(vii) The applicant is licensed by each State in which the applicant will conduct operations under this subsection, to manufacture marihuana, if that State requires such a license.

“(C) Not later than 30 days after the date on which the Attorney General receives supplemental information requested under subparagraph (A)(ii) with respect to an application, the Attorney General shall approve or deny the application.

“(2) If an application described in this subsection is denied, the Attorney General shall provide a written explanation of the basis of denial to the applicant.”.

(3) in subsection (h)(2), as so redesignated, by striking “subsection (f)” each place it appears and inserting “subsection (g)”;

(4) in subsection (j)(1), as so redesignated, by striking “subsection (d)” and inserting “subsection (e)”;

(5) in subsection (k), as so redesignated, by striking “subsection (f)” each place it appears and inserting “subsection (g)”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) The Controlled Substances Act (21 U.S.C. 801 et seq.) is amended—

(A) in section 102 (21 U.S.C. 802)—

(i) in paragraph (16)(B)—

(I) in clause (i), by striking “or” at the end;

(II) by redesignating clause (ii) as (iii); and

(III) by inserting after clause (i) the following:

“(ii) the synthetic equivalent of hemp-derived cannabidiol that contains less than 0.3 percent tetrahydrocannabinol; or”;

(i) in paragraph (52)(B)—

(I) by striking “303(f)” each place it appears and inserting “303(g)”;

(II) in clause (i), by striking “(d), or (e)” and inserting “(e), or (f)”;

(iii) in paragraph (54), by striking “303(f)” each place it appears and inserting “303(g)”;

(B) in section 302(g)(5)(A)(iii)(I)(bb) (21 U.S.C. 822(g)(5)(A)(iii)(I)(bb)), by striking “303(f)” and inserting “303(g)”;

(C) in section 304 (21 U.S.C. 824), by striking “303(g)(1)” each place it appears and inserting “303(h)(1)”;

(D) in section 307(d)(2) (21 U.S.C. 827(d)(2)), by striking “303(f)” and inserting “303(g)”;

(E) in section 309A(a)(2) (21 U.S.C. 829a(a)(2)), in the matter preceding subparagraph (A), by striking “303(g)(2)” and inserting “303(h)(2)”;

(F) in section 311(h) (21 U.S.C. 831(h)), by striking “303(f)” each place it appears and inserting “303(g)”;

(G) in section 401(h)(2) (21 U.S.C. 841(h)(2)), by striking “303(f)” each place it appears and inserting “303(g)”;

(H) in section 403(c)(2)(B) (21 U.S.C. 843(c)(2)(B)), by striking “303(f)” and inserting “303(g)”;

(I) in section 512(c)(1) (21 U.S.C. 882(c)(1)) by striking “303(f)” and inserting “303(g)”.

(2) Section 1008(c) of the Controlled Substances Import and Export Act (21 U.S.C. 958(c)) is amended—

(A) in paragraph (1), by striking “303(d)” and inserting “303(e)”;

(B) in paragraph (2)(B), by striking “303(h)” and inserting “303(i)”.

(3) Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended—

(A) in section 520E–4(c) (42 U.S.C. 290bb–36d(c)), by striking “303(g)(2)(B)” and inserting “303(h)(2)(B)”;

(B) in section 544(a)(3) (42 U.S.C. 290dd–3(a)(3)), by striking “303(g)” and inserting “303(h)”.

(4) Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended—

(A) in section 1833(bb)(3)(B) (42 U.S.C. 1395i(bb)(3)(B)), by striking “303(g)” and inserting “303(h)”;

(B) in section 1834(o)(3)(C)(ii) (42 U.S.C. 1395m(o)(3)(C)(ii)), by striking “303(g)” and inserting “303(h)”;

(C) in section 1866F(c)(3)(C) (42 U.S.C. 1395cc–6(c)(3)(C)), by striking “303(g)” and inserting “303(h)”.

(5) Section 1903(aa)(2)(C)(ii) of the Social Security Act (42 U.S.C. 1396b(aa)(2)(C)(ii)) is amended by striking “303(g)” each place it appears and inserting “303(h)”.

SEC. 5124. ADEQUATE AND UNINTERRUPTED SUPPLY.

On an annual basis, the Attorney General shall assess whether there is an adequate and uninterrupted supply of marihuana, including of specific strains, for research purposes.

SEC. 5125. SECURITY REQUIREMENTS.

(a) IN GENERAL.—An individual or entity engaged in researching marihuana or its components shall store it in a securely locked, substantially constructed cabinet.

(b) REQUIREMENTS FOR OTHER MEASURES.—Any other security measures required by the Attorney General to safeguard against diversion shall be consistent with those required for practitioners conducting research on other controlled substances in schedules I and II in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) that have a similar risk of diversion and abuse.

SEC. 5126. PROHIBITION AGAINST REINSTATING INTERDISCIPLINARY REVIEW PROCESS FOR NON-NIH-FUNDED RESEARCHERS.

The Secretary of Health and Human Services may not—

(1) reinstate the Public Health Service interdisciplinary review process described in the guidance entitled “Guidance on Procedures for the Provision of Marijuana for Medical Research” (issued on May 21, 1999); or

(2) require another review of scientific protocols that is applicable only to research on marihuana or its components.

TITLE LII—DEVELOPMENT OF FDA-APPROVED DRUGS USING CANNABIDIOL AND MARIHUANA

SEC. 5141. MEDICAL RESEARCH ON CANNABIDIOL.

Notwithstanding any provision of the Controlled Substances Act (21 U.S.C. 801 et seq.), the Safe and Drug-Free Schools and Communities Act (20 U.S.C. 7101 et seq.), chapter 81 of title 41, United States Code, or any other Federal law, an appropriately registered covered institution of higher education, a practitioner, or a manufacturer may manufacture, distribute, dispense, or possess marihuana or cannabidiol if the marihuana or cannabidiol is manufactured, distributed, dispensed, or possessed, respectively, for purposes of medical research for drug development or subsequent commercial production in accordance with section 5142.

SEC. 5142. REGISTRATION FOR THE COMMERCIAL PRODUCTION AND DISTRIBUTION OF FOOD AND DRUG ADMINISTRATION-APPROVED DRUGS.

The Attorney General shall register an applicant to manufacture or distribute cannabidiol or marihuana for the purpose of commercial production of a drug containing or derived from marihuana that is approved by the Secretary of Health and Human Services under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), in accordance with the applicable requirements under subsection (a) or (b) of section 303 of the Controlled Substances Act (21 U.S.C. 823).

SEC. 5143. IMPORTATION OF CANNABIDIOL FOR RESEARCH PURPOSES.

The Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.) is amended—

(1) in section 1002(a) (21 U.S.C. 952(a))—

(A) in paragraph (1), by striking “and” at the end;

(B) in paragraph (2)(C), by inserting “and” after “uses.”;

(C) inserting before the undesignated matter following paragraph (2)(C) the following:

“(3) such amounts of marihuana or cannabidiol (as defined in section 5102 of the Cannabidiol and Marihuana Research Expansion Act) as are—

“(A) approved for medical research for drug development (as such terms are defined in section 5102 of the Cannabidiol and Marihuana Research Expansion Act), or

“(B) necessary for registered manufacturers to manufacture drugs containing marihuana or cannabidiol that have been approved for use by the Commissioner of Food and Drugs under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).”;

(2) in section 1007 (21 U.S.C. 957), by amending subsection (a) to read as follows:

“(a)(1) Except as provided in paragraph (2), no person may—

“(A) import into the customs territory of the United States from any place outside thereof (but within the United States), or import into the United States from any place outside thereof, any controlled substance or list I chemical, or

“(B) export from the United States any controlled substance or list I chemical, unless there is in effect with respect to such person a registration issued by the Attorney General under section 1008, or unless such person is exempt from registration under subsection (b).

“(2) Paragraph (1) shall not apply to the import or export of marihuana or cannabidiol (as defined in section 5102 of the Cannabidiol and Marihuana Research Expansion Act) that has been approved for—

“(A) medical research for drug development authorized under section 5141 of the Cannabidiol and Marihuana Research Expansion Act; or

“(B) use by registered manufacturers to manufacture drugs containing marihuana or cannabidiol that have been approved for use by the Commissioner of Food and Drugs under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).”.

TITLE LIII—DOCTOR-PATIENT RELATIONSHIP

SEC. 5161. DOCTOR-PATIENT RELATIONSHIP.

It shall not be a violation of the Controlled Substances Act (21 U.S.C. 801 et seq.) for a State-licensed physician to discuss—

(1) the currently known potential harms and benefits of marihuana derivatives, including cannabidiol, as a treatment with the legal guardian of the patient of the physician if the patient is a child; or

(2) the currently known potential harms and benefits of marihuana and marihuana derivatives, including cannabidiol, as a treatment with the patient or the legal guardian of the patient of the physician if the patient is a legal adult.

TITLE LIV—FEDERAL RESEARCH

SEC. 5181. FEDERAL RESEARCH.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services, in coordination with the Director of the National Institutes of Health and the heads of other relevant Federal agencies, shall submit to the Caucus on International Narcotics Control, the Committee on the Judiciary, and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce and the Committee on the Judiciary of the House of Representatives a report on—

(1) the potential therapeutic effects of cannabidiol or marihuana on serious medical conditions, including intractable epilepsy;

(2) the potential effects of marihuana, including—

(A) the effect of increasing delta-9-tetrahydrocannabinol levels on the human body and developing adolescent brains; and

(B) the effect of various delta-9-tetrahydrocannabinol levels on cognitive abilities, such as those that are required to operate motor vehicles or other heavy equipment; and

(3) the barriers associated with researching marihuana or cannabidiol in States that have legalized the use of such substances, which shall include—

(A) recommendations as to how such barriers might be overcome, including whether public-private partnerships or Federal-State research partnerships may or should be implemented to provide researchers with access to additional strains of marihuana and cannabidiol; and

(B) recommendations as to what safeguards must be in place to verify—

(i) the levels of tetrahydrocannabinol, cannabidiol, or other cannabinoids contained in products obtained from such States is accurate; and

(ii) that such products do not contain harmful or toxic components.

(b) ACTIVITIES.—To the extent practicable, the Secretary of Health and Human Services, either directly or through awarding grants, contacts, or cooperative agreements, shall expand and coordinate the activities of the National Institutes of Health and other relevant Federal agencies to better determine the effects of cannabidiol and marihuana, as outlined in the report submitted under paragraphs (1) and (2) of subsection (a).

SA 4089. Mrs. FEINSTEIN (for herself and Mr. PADILLA) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to

the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10. PROHIBITED USES OF ACQUIRED, DONATED, AND CONSERVATION LAND.

Section 714(a) of the California Desert Protection Act of 1994 (16 U.S.C. 410aaa–81c(a)) is amended by striking paragraph (3) and inserting the following:

“(3) CONSERVATION LAND.—The term ‘conservation land’ means—

“(A) any land within the Conservation Area that is designated to satisfy the conditions of a Federal habitat conservation plan, general conservation plan, or State natural communities conservation plan;

“(B) any national conservation land within the Conservation Area established pursuant to section 2002(b)(2)(D) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7202(b)(2)(D)); and

“(C) any area of critical environmental concern within the Conservation Area established pursuant to section 202(c)(3) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712(c)(3)).”.

SA 4090. Mrs. FISCHER (for herself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ADVANCING IOT FOR PRECISION AGRICULTURE.

(a) **SHORT TITLE.**—This section may be cited as the “Advancing IoT for Precision Agriculture Act of 2021”.

(b) **PURPOSE.**—It is the purpose of this section to promote scientific research and development opportunities for connected technologies that advance precision agriculture capabilities.

(c) **NATIONAL SCIENCE FOUNDATION DIRECTIVE ON AGRICULTURAL SENSOR RESEARCH.**—In awarding grants under its sensor systems and networked systems programs, the Director of the National Science Foundation shall include in consideration of portfolio balance research and development on sensor connectivity in environments of intermittent connectivity and intermittent computation—

(1) to improve the reliable use of advance sensing systems in rural and agricultural areas; and

(2) that considers—

(A) direct gateway access for locally stored data;

(B) attenuation of signal transmission;

(C) loss of signal transmission; and

(D) at-scale performance for wireless power.

(d) **UPDATING CONSIDERATIONS FOR PRECISION AGRICULTURE TECHNOLOGY WITHIN THE**

NSF ADVANCED TECHNICAL EDUCATION PROGRAM.—Section 3 of the Scientific and Advanced-Technology Act of 1992 (42 U.S.C. 1862i) is amended—

(1) in subsection (d)(2)—

(A) in subparagraph (D), by striking “and” after the semicolon;

(B) in subparagraph (E), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(F) applications that incorporate distance learning tools and approaches.”;

(2) in subsection (e)(3)—

(A) in subparagraph (C), by striking “and” after the semicolon;

(B) in subparagraph (D), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(E) applications that incorporate distance learning tools and approaches.”; and

(3) in subsection (j)(1), by inserting “agricultural,” after “commercial.”.

(e) **GAO REVIEW.**—Not later than 18 months

after the date of enactment of this section, the Comptroller General of the United States shall provide—

(1) a technology assessment of precision agriculture technologies, such as the existing use of—

(A) sensors, scanners, radio-frequency identification, and related technologies that can monitor soil properties, irrigation conditions, and plant physiology;

(B) sensors, scanners, radio-frequency identification, and related technologies that can monitor livestock activity and health;

(C) network connectivity and wireless communications that can securely support digital agriculture technologies in rural and remote areas;

(D) aerial imagery generated by satellites or unmanned aerial vehicles;

(E) ground-based robotics;

(F) control systems design and connectivity, such as smart irrigation control systems; and

(G) data management software and advanced analytics that can assist decision making and improve agricultural outcomes; and

(2) a review of Federal programs that provide support for precision agriculture research, development, adoption, education, or training, in existence on the date of enactment of this section.

SA 4091. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike sections 1031 through 1034 and insert the following:

SEC. 1031. PROHIBITION ON USE OF FUNDS TO OPERATE THE DETENTION FACILITY AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, AFTER SEPTEMBER 30, 2023.

None of the funds authorized to be appropriated or otherwise made available by this Act or any other Act may be used to operate the detention facility at United States Naval Station, Guantanamo Bay, Cuba, after September 30, 2023.

SEC. 1032. REPEAL OF PROHIBITIONS RELATING TO DETAINEES AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) **USE OF FUNDS FOR TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO THE UNITED STATES.**—Section 1033 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1953), as most recently amended by section 1041 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is repealed.

(b) **USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**—Section 1034 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1954), as most recently amended by section 1042 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is repealed.

(c) **USE OF FUNDS FOR TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO CERTAIN COUNTRIES.**—Section 1035 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1954), as most recently amended by section 1043 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is repealed.

SEC. 1033. REPEAL OF CERTAIN REQUIREMENTS FOR CERTIFICATIONS AND NOTIFICATIONS RELATING TO TRANSFER OF DETAINEES AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO FOREIGN COUNTRIES AND OTHER FOREIGN ENTITIES.

(a) **CERTIFICATION.**—Section 1034 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 969; 10 U.S.C. 801 note) is repealed.

(b) **NOTIFICATION.**—Section 308 of the Intelligence Authorization Act for Fiscal Year 2012 (Public Law 112–87; 125 Stat. 1883; 10 U.S.C. 801 note) is repealed.

SEC. 1034. REPEAL OF CHAPTER 47A OF TITLE 10, UNITED STATES CODE.

(a) **IN GENERAL.**—Subchapters I through VI and subchapter VIII of chapter 47A of title 10, United States Code, are repealed.

(b) **CONFORMING AMENDMENTS TO SUBCHAPTER VII.**—Subchapter VII of chapter 47A of such title is amended—

(1) in section 950d(a)(3), by inserting “(as in effect on the day before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022)” after “of this title”;

(2) in section 950f—

(A) in subsection (b)—

(i) in paragraph (2), by inserting “(as in effect on the day before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022)” after “of this title”; and

(ii) in paragraph (6)(B), by striking “section 949b(b)(4) of this title” and inserting “paragraph (7)”; and

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

“(7) No appellate military judge on the United States Court of Military Commission Review may be reassigned to other duties, except under circumstances as follows:

“(A) The appellate military judge voluntarily requests to be reassigned to other duties and the Secretary of Defense, or the designee of the Secretary, in consultation with the Judge Advocate General of the armed force of which the appellate military judge is a member, approves such reassignment.

“(B) The appellate military judge retires or otherwise separates from the armed forces.

“(C) The appellate military judge is reassigned to other duties by the Secretary of Defense, or the designee of the Secretary, in consultation with the Judge Advocate General of the armed force of which the appellate military judge is a member, based on military necessity and such reassignment is consistent with service rotation regulations (to the extent such regulations are applicable).

“(D) The appellate military judge is withdrawn by the Secretary of Defense, or the designee of the Secretary, in consultation with the Judge Advocate General of the armed force of which the appellate military judge is a member, for good cause consistent with applicable procedures under chapter 47 of this title (the Uniform Code of Military Justice).”;

(3) in section 950h(c), by inserting “(as in effect on the day before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022)” after “of this title”; and

(4) by adding at the end the following new section:

“§ 950k. Definition

“In this subchapter, the term ‘military commission under this chapter’ means a military commission under this chapter as in effect on the day before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022.”.

(c) CLERICAL AMENDMENT.—The table of subchapters at the beginning of chapter 47A of such title is amended by striking the items relating to subchapters I through VI and subchapter VIII.

SA 4092. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1264. REPORT ON ALLEGATIONS OF WAR CRIMES AND TORTURE COMMITTED IN LIBYA.

(a) IN GENERAL.—Not later than 180 days after receiving a credible allegation of the commission of a covered offense, including from a nongovernmental organization that monitors violations of human rights, the Attorney General, in consultation with the Secretary of State, shall submit to the appropriate committees of Congress a report on such allegation, including a description of any challenges to prosecution.

(b) TERMINATION.—The reporting requirement under subsection (a) shall terminate on the date that is five years after the date of the enactment of this Act.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEE OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on the Judiciary, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate; and

(B) the Committee on the Judiciary, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives.

(2) COVERED OFFENSE.—The term “covered offense” means an offense under section 2340A, 2441, or 2442 of title 18, United States Code, committed in Libya.

SA 4093. Mr. MARSHALL (for himself, Mr. LANKFORD, Mr. SCOTT of Florida, Mr. WICKER, Mr. TUBERVILLE, Mr. CRUZ, Mr. JOHNSON, Mr. CRAMER, and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 744. PROHIBITION ON ADVERSE PERSONNEL ACTIONS TAKEN AGAINST MEMBERS OF THE ARMED FORCES BASED ON DECLINING COVID-19 VACCINE.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1107a the following new section:

“§ 1107b. Prohibition on certain adverse personnel actions related to COVID-19 vaccine requirement

“Notwithstanding any other provision of law, a member of the armed forces subject to discharge on the basis of the member choosing not to receive the COVID-19 vaccine may only receive an honorable discharge.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1107a the following new item:

“1107b. Prohibition on certain adverse personnel actions related to COVID-19 vaccine requirement.”.

(c) APPLICABILITY.—The prohibition under section 1107b of title 10, United States Code, as added by subsection (a), shall apply with respect to any discharge received on or after December 11, 2020.

SA 4094. Ms. ROSEN (for herself and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, insert the following:

SEC. 318. PILOT PROGRAM TO TEST NEW SOFTWARE TO TRACK GREENHOUSE GAS EMISSIONS AT CERTAIN MILITARY INSTALLATIONS.

(a) IN GENERAL.—The Secretary of Defense may conduct a pilot program to be known as the Installations Emissions Tracking Program to evaluate the feasibility and effectiveness of using software and emerging technologies, methodologies, and capabilities to track real-time greenhouse gas emissions from installations of the Department of Defense and assets of such installations (in this section referred to as the “Program”).

(b) GOALS.—The goals of the Program are—

(1) to evaluate whether software and emerging technologies, methodologies, and capabilities are able to effectively track greenhouse gas emissions at installations of the Department and assets of such installations in real time; and

(2) to reduce energy costs and increase efficiencies of such installations and assets.

(c) LOCATIONS.—If the Secretary conducts the Program, the Secretary shall select for participation in the Program four major installations of the Department, as determined by the Secretary, located in different geographical regions of the United States that the Secretary determines—

(1) are prone to producing higher greenhouse gas emissions than the average installation of the Department;

(2) are in regions that historically have poor air quality; and

(3) have historically higher than average utility costs as compared to other installations of the Department.

SA 4095. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . . . PROVISION OF ARMED SERVICES VOCATIONAL APTITUDE BATTERY TEST RESULTS TO LOCAL WORKFORCE DEVELOPMENT BOARDS.

(a) IN GENERAL.—The Secretary of Defense shall, not later than 30 days after receiving the results of an Armed Services Vocational Aptitude Battery test for a student, provide such results to each local workforce development board selected to receive such results by the student.

(b) LOCAL WORKFORCE DEVELOPMENT BOARD.—In this section, the term “local workforce development board” has the meaning given the term “local board” in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

SA 4096. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 576. REPORT ON STATUS OF ARMY TUITION ASSISTANCE PROGRAM ARMY IGNITED PROGRAM.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report on the status of the Army Ignited program of the Army’s Tuition Assistance Program.

(b) ELEMENTS.—The report required under subsection (a) shall describe—

(1) the estimated date when the Army Ignited program will be fully functional;

(2) the estimated date when service members will be reimbursed for out of pocket expenses caused by processing delays and errors under the Army Ignited program; and

(3) the estimated date when institutions of higher education will be fully reimbursed for all costs typically provided through the Tuition Assistance Program but delayed due to processing delays and errors under the Army Ignited program.

SA 4097. Mr. LANKFORD (for himself and Mr. DAINES) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. EXECUTIVE ORDERS 14042 AND 14043.

The provisions of Executive Order 14042 (86 Fed. Reg. 50985; relating to ensuring adequate COVID safety protocols for Federal contractors) and Executive Order 14043 (86 Fed. Reg. 50989; relating to requiring Coronavirus Disease 2019 vaccination for Federal employees) are rescinded and shall have no force or effect.

SA 4098. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. USE OF SCIENTIFIC INFORMATION IN RULEMAKING.

Section 553 of title 5, United States Code, is amended by adding at the end the following:

“(f) To the extent that an agency makes a decision based on science when issuing a rule under this section, the agency shall use scientific information, technical procedures, measures, methods, protocols, methodologies, or models, employed in a manner consistent with the best available science, and shall consider as applicable—

“(1) the extent to which the scientific information, technical procedures, measures, methods, protocols, methodologies, or models employed to generate the information are reasonable for and consistent with the intended use of the information;

“(2) the extent to which the information is relevant for use by the head of the agency in making a decision related to issuing the rule;

“(3) the degree of clarity and completeness with which the data, assumptions, methods, quality assurance, and analyses employed to generate the information are documented;

“(4) the extent to which the variability and uncertainty in the information, or in the procedures, measures, methods, protocols,

methodologies, or models, are evaluated and characterized; and

“(5) the extent of independent verification or peer review of the information or of the procedures, measures, methods, protocols, methodologies, or models.

“(g) An agency shall make a decision described in subsection (f) based on the weight of the scientific evidence.

“(h) Each agency shall make available to the public—

“(1) all notices, determinations, findings, rules, consent agreements, and orders of the head of the agency in connection with a rule;

“(2) a nontechnical summary of each risk evaluation conducted in connection with a rule; and

“(3) a list of the studies considered by the agency in carrying out each risk evaluation described in paragraph (2), along with the results of those studies.”.

SA 4099. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. BLENDED FEDERAL WORKFORCE.

(a) IN GENERAL.—Section 1103(c) of title 5, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “(c)(1)” and inserting “(c)(1)(A)”; and

(B) by adding at the end the following:

“(B)(i) The Office of Personnel Management shall collect from Executive agencies, other than elements of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4))), on at least an annual basis the following:

“(I) The total number of persons employed directly by the Executive agency.

“(II) The total number of prime contractor employees and subcontractor employees, as those terms are defined in section 8701 of title 41, issued credentials allowing access to Executive agency property or computer systems.

“(III) The total number of employees of Federal grant and cooperative agreement recipients, as those legal instruments are described in sections 6304 and 6305 of title 31, respectively, who are issued credentials allowing access to Executive agency property or computer systems.

“(IV) A total count of the workforce, including employees, prime contractor employees, subcontractor employees, grantee employees, and cooperative agreement employees.

“(i) The Office of Personnel Management shall compile the data collected under clause (i) and issue, and post on its website, an annual report containing the data.”; and

(2) in paragraph (2), by striking “paragraph (1)” and inserting “paragraph (1)(A)”.

(b) SENSE OF CONGRESS ON EFFECTIVE AND EFFICIENT MANAGEMENT OF THE BLENDED FEDERAL WORKFORCE.—

(1) DEFINITION.—In this subsection, the term “Executive agency” has the meaning given the term in section 105 of title 5, United States Code.

(2) FINDINGS.—Congress finds the following:

(A) The implementation of Federal laws and the competent administration of Federal

programs require skilled and capable personnel.

(B) Executive agencies depend on a blended workforce that includes Federal employees, employees of prime contractors and subcontractors performing services to Executive agencies, and employees of State or local governments, nonprofit organizations, or institutions of higher education performing services to Executive agencies under the terms of grants and cooperative agreements (in this subsection referred to as “grantees”), all of whom make essential contributions to achieving the missions of the Government in service to the people of the United States.

(C) Approximately 2,000,000 Federal employees help to execute the laws of the United States, supplemented by an unknown number, estimated to exceed 5,000,000, of employees of prime contractors, subcontractors, and grantees providing services to Executive agencies.

(D) Policymakers, Executive agencies, and observers have often focused on individual components of the blended workforce, such as employees, without considering all components or considering the entire blended workforce and how all 3 components can work most effectively together.

(E) Executive agencies inhibit their own workforce planning and risk making decisions that may reduce the overall efficiency and cost effectiveness of the blended workforce by focusing on only 1 component in isolation.

(F) Establishing artificial limits on headcounts or full-time equivalent positions for Federal employees, administrators, and managerial employees of Executive agencies may discourage the employment of interns or entry-level employees to build a balanced employment pipeline and may inadvertently encourage managers to shift work to contractors and grantees for the purpose of complying with such numerical limits, even if those decisions are not justified by an approach to improve the efficiency or cost effectiveness of the Executive agency’s work.

(G) The Government Accountability Office has identified strategic human capital management as a high-risk area for the Federal Government, adding that critical skills gaps “impede the government from cost-effectively serving the public and achieving results”.

(3) SENSE OF CONGRESS.—It is the sense of Congress that Executive agencies should—

(A) manage the entire Federal blended workforce, including employees, contractors, and grantees, using a comprehensive and holistic approach to advance their missions as effectively and cost efficiently as possible, within appropriated budgets and without using artificial numerical limits on headcounts or full-time-equivalent positions; and

(B) conduct a holistic review of their blended workforce and develop a comprehensive plan to ensure an efficient and cost-effective blended workforce.

SA 4100. Mr. LANKFORD (for himself and Mr. BRAUN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1013. RESUMPTION OF BORDER WALL CONSTRUCTION.

(a) FINDINGS.—Congress finds that—

(1) more than 1,700,000 migrants were encountered trying to illegally enter the United States during fiscal year 2021, which represents the highest number of illegal border crossings ever recorded by U.S. Customs and Border Protection;

(2) at least 1,300,000 migrants have illegally crossed the international border between the United States and Mexico since President Biden suspended border wall construction, which represents a 314 percent increase in illegal border crossings compared to fiscal year 2020;

(3) the actual number of migrants who illegally crossed the international border between the United States and Mexico and bypassed law enforcement during fiscal year 2021 is unknown;

(4) U.S. Customs and Border Protection set twenty year records for encountering the highest number of illegal border crossers per month in March 2021, April 2021, May 2021, June 2021, and July 2021;

(5) President Biden's efforts to suspend or terminate border wall construction have cost taxpayers between \$1,837,000,000 and \$2,087,000,000 since January 20, 2021, and such costs are increasing by at least \$3,000,000 daily;

(6) Congress has voted multiple times, on a bipartisan basis, to authorize the construction of a border wall system along the international border between the United States and Mexico; and

(7) a border wall system is an effective tool for enhancing border security.

(b) RESUMPTION OF BORDER WALL CONSTRUCTION.—

(1) IN GENERAL.—Notwithstanding any other provision of law—

(A) all contracts entered into by the Secretary of Homeland Security, the Commissioner of U.S. Customs and Border Protection, the Commanding General of the Army Corps of Engineers, the Secretary of Defense, or any other Federal official for the purposes of constructing a barrier along the southwest land border of the United States shall be carried out according to the terms and conditions that were in effect on or before January 19, 2021; and

(B) all materials acquired by the Department of Homeland Security (including U.S. Customs and Border Protection), the Department of Defense (including the Army Corps of Engineers), or any other Federal agency for the construction of a barrier along the southwest land border of the United States shall remain under the custody of the agency that acquired such materials.

(2) EXECUTION OF CONTRACTS.—Any Federal agency that has acquired any materials described in the paragraph (1)(B) shall carry out all contracts involving such materials according to the terms and conditions that were in effect on or before January 19, 2021.

(3) RENEWAL OF CONTRACTS.—The Department of Homeland Security (including U.S. Customs and Border Protection), the Department of Defense (including the Army Corps of Engineers), and any other Federal agency that has terminated contracts pursuant to Presidential Proclamation 10142 (86 Fed. Reg. 7225) shall make every effort to renew and reenter such contracts according to the terms and conditions that were in effect on or before January 19, 2021.

(c) REPORT.—Not later than 90 days after the date of the enactment of the Act, the Director of the Office of Management and Budget, the Secretary of Homeland Security, the Commanding General of the Army Corps of Engineers, and the Secretary of Defense

shall jointly submit a written report to the Committee on Appropriations of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Appropriations of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and the Committee on Oversight and Reform of the House of Representatives that—

(1) identifies the contracts for border wall construction that have been terminated;

(2) calculates all of the costs incurred as a result of such terminations, including the costs for make safe and site security activities;

(3) identifies all of the materials that were liquidated as excess, including the initial purchase price and the sale price for such materials;

(4) identifies all of the lands that were liquidated as excess; including the initial purchase price and the sale price for such lands; and

(5) includes copies of any analysis or legal opinions that were developed to support the implementation of Presidential Proclamation 10142 (86 Fed. Reg. 7225).

(d) MONTHLY CERTIFICATIONS.—The Secretary of Homeland Security, the Commanding General of the Army Corps of Engineers, and the Secretary of Defense shall each submit a monthly certification to Congress that their respective departments are in fully compliance with the requirements of this section.

SA 4101. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . FLEXIBILITY FOR TEMPORARY AND TERM APPOINTMENTS.

(a) TEMPORARY AND TERM APPOINTMENTS.—Subchapter I of chapter 31 of title 5, United States Code, is amended by adding at the end the following:

“§3117. Temporary and term appointments

“(a) DEFINITIONS.—In this section:

“(1) DIRECTOR.—The term ‘Director’ means the Director of the Office of Personnel Management.

“(2) TEMPORARY APPOINTMENT.—The term ‘temporary appointment’ means an appointment in the competitive service for a period of not more than 1 year.

“(3) TERM APPOINTMENT.—The term ‘term appointment’ means an appointment in the competitive service for a period of more than 1 year and not more than 5 years.

“(b) APPOINTMENT.—

“(1) IN GENERAL.—The head of an Executive agency may make a temporary appointment or term appointment to a position in the competitive service when the need for the services of an employee in the position is not permanent.

“(2) EXTENSION.—Under conditions prescribed by the Director, the head of an Executive agency may—

“(A) extend a temporary appointment made under paragraph (1) in increments of not more than 1 year each, up to a maximum of 3 total years of service; and

“(B) extend a term appointment made under paragraph (1) in increments determined appropriate by the head of the Executive agency, up to a maximum of 6 total years of service.

“(c) APPOINTMENTS FOR CRITICAL HIRING NEEDS.—

“(1) IN GENERAL.—Under conditions prescribed by the Director, the head of an Executive agency may make a noncompetitive temporary appointment, or a noncompetitive term appointment for a period of not more than 18 months, to a position in the competitive service for which a critical hiring need exists, as determined under section 3304, without regard to the requirements of sections 3327 and 3330.

“(2) NO EXTENSIONS.—An appointment made under paragraph (1) may not be extended.

“(d) REGULATIONS.—

“(1) IN GENERAL.—Subject to paragraph (2), the Director may prescribe regulations to carry out this section.

“(2) APPLICATION.—Any regulations prescribed by the Director for the administration of this section shall not apply to the Secretary of Defense in the exercise of the authorities granted under section 1105 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2447).

“(e) SPECIAL PROVISION REGARDING THE DEPARTMENT OF DEFENSE.—Nothing in this section shall preclude the Secretary of Defense from making temporary and term appointments in the competitive service pursuant to section 1105 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2447).

“(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect the authorities granted under section 3109.”.

(b) CONFORMING AMENDMENT.—The table of sections for subchapter I of chapter 31 of title 5, United States Code, is amended by inserting after the item relating to section 3116 the following:

“3117. Temporary and term appointments.”.

SA 4102. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . REQUIREMENT TO POST A 100 WORD SUMMARY TO REGULATIONS.GOV.

Section 553(b) of title 5, United States Code, is amended—

(1) in paragraph (2), by striking “and” at the end;

(2) in paragraph (3), by striking the period at the end and inserting “; and”; and

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

“(4) the Internet address of a summary of not more than 100 words in length of the proposed rule, in plain language, that shall be posted on the Internet website under section 206(d) of the E-Government Act of 2002 (44 U.S.C. 3501 note) (commonly known as regulations.gov).”.

SA 4103. Mr. LANKFORD submitted an amendment intended to be proposed

to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 744. CONSCIENCE PROTECTIONS FOR MEMBERS OF ARMED FORCES WHO PROVIDE OR ASSIST WITH PROVISION OF HEALTH CARE.

(a) IN GENERAL.—The Secretary of Defense shall not take any adverse action against a member of the Armed Forces who provides or assists in the provision of health care for the Department of Defense (including as a behavioral, mental, or physical health professional) on the basis that such member declines to perform, assist, refer for, or otherwise participate in a particular medical procedure, counseling activity, or course of treatment because of a sincere religious belief or moral conviction of such member or because the particular medical procedure, counseling activity, or course of treatment would, in the professional medical judgment of such member, be harmful to the patient.

(b) NO IMPACT ON CARE.—The Secretary shall ensure that no patient is unduly delayed in receiving any medically indicated care they are otherwise eligible to receive, including preventative, emergency, and routine care, because of compliance by the Secretary with subsection (a).

(c) ADVERSE ACTION DEFINED.—In this section, the term “adverse action” includes any adverse personnel action, discrimination, or denial of promotion, schooling, training, or assignment.

SA 4104. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1036. BRIEFING REQUIREMENTS RELATING TO TRANSFER OF DETAINEES AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO FOREIGN COUNTRIES AND OTHER FOREIGN ENTITIES.

(a) IN GENERAL.—Section 1034 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 969; 10 U.S.C. 801 note) is amended—

(1) in the section heading, by striking “PRIOR REQUIREMENTS FOR CERTIFICATIONS” and inserting “REQUIREMENTS FOR CERTIFICATIONS AND BRIEFINGS”;

(2) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(3) by inserting after subsection (e) the following new subsection (f):

“(f) BRIEFINGS.—

“(1) IN GENERAL.—Whenever the Secretary makes a certification under subsection (b) with respect to an individual detained at Guantanamo, the Secretary shall provide to the appropriate committees of Congress a

classified briefing on the restrictions of the transfer of the individual—

“(A) before the transfer; and

“(B) after the transfer has been completed.

“(2) ELEMENTS.—Each briefing required by paragraph (1) shall address the threat posed by the individual to the national security of the United States.”.

(b) CONFORMING AMENDMENT.—Section 1034(c) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232; 132 Stat. 1954) is amended by striking “section 1034(f)(2)” and inserting “section 1034(g)”.

SA 4105. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1253. ENSURING RELIABLE SUPPLY OF RARE EARTH MINERALS.

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

(1) The People’s Republic of China is the global leader in mining, refining, and component manufacturing of rare earth elements, producing approximately 85 percent of the world’s supply between 2011 and 2017.

(2) In 2019, the United States imported an estimated 80 percent of its rare earth compounds from the People’s Republic of China.

(3) On March 26, 2014, the World Trade Organization ruled that the People’s Republic of China’s export restraints on rare earth minerals violated its obligations under its protocol of accession to the World Trade Organization, thereby harming United States manufacturers and workers.

(4) The Chinese Communist Party has threatened to leverage the People’s Republic of China’s dominant position in the rare earth market to “strike back” at the United States.

(5) The Quadrilateral Security Dialogue is an effective partnership for reliable multilateral financing, development, and distribution of goods for global consumption, as evidenced by the Quad Vaccine Partnership announced on March 12, 2021.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the People’s Republic of China’s dominant share of the global rare earth mining market is a threat to the economic stability, well being, and competitiveness of key industries in the United States;

(2) the United States should reduce reliance on the People’s Republic of China for rare earth minerals through—

(A) strategic investments in development projects, production technologies, and refining facilities in the United States; or

(B) in partnership with strategic allies of the United States that are reliable trading partners, including members of the Quadrilateral Security Dialogue; and

(3) the United States Trade Representative should initiate multilateral talks among the countries of the Quadrilateral Security Dialogue to promote shared investment and development of rare earth minerals.

(c) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the United States Trade Representative, in

consultation with the officials specified in paragraph (3), shall submit to the appropriate congressional committees a report on the work of the Trade Representative to address the national security threat posed by the People’s Republic of China’s control of nearly ¾ of the global supply of rare earth minerals.

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

(A) a description of the extent of the engagement of the United States with the other countries of the Quadrilateral Security Dialogue to promote shared investment and development of rare earth minerals during the period beginning on the date of the enactment of this Act and ending on the date of the report; and

(B) a description of the plans of the President to leverage the partnership of the countries of the Quadrilateral Security Dialogue to produce a more reliable and secure global supply chain of rare earth minerals.

(3) OFFICIALS SPECIFIED.—The official specified in this paragraph are the following:

(A) The Secretary of State.

(B) the Secretary of Commerce.

(C) The Chief Executive Officer of the United States International Development Finance Corporation.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Finance, the Committee on Foreign Relations, and the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Ways and Means, the Committee on Foreign Affairs, and the Committee on Energy and Commerce of the House of Representatives.

SA 4106. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1253. SENSE OF CONGRESS ON INCREASING PORT AND AIRFIELD CAPACITY OF COUNTRIES IN INDO-PACIFIC REGION.

It is the sense of Congress that, as the People’s Republic of China continues to grow in influence through infrastructure (specifically infrastructure that can easily be shifted from economic to military uses), the United States International Development Finance Corporation should prioritize providing alternative financing opportunities that increase port and air field capacity of countries throughout the Indo-Pacific region that—

(1) are targets of the predatory infrastructure development scheme of the People’s Republic of China; and

(2) are eligible for support provided by the Corporation under title II of the Better Utilization of Investments Leading to Development Act of 2018 (22 U.S.C. 9621 et seq.).

SA 4107. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed

to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 744. LIMITATION ON MEDICAL RESEARCH TO ADDRESS CONDITIONS RELATED TO SERVICE IN THE ARMED FORCES.

Section 2358(c) of title 10, United States Code, is amended—

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

(2) by striking “to finance any research” and inserting “to finance—

“(1) any research”; and

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

“(2) any medical research project unless the project directly addresses treatment of diseases, injuries, or illnesses related to service in the Armed Forces.”.

SA 4108. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SECTION _____. EXPEDITED HIRING AUTHORITY.

(a) **EXPEDITED HIRING AUTHORITY FOR COLLEGE GRADUATES.**—Section 3115(e)(1) of title 5, United States Code, is amended by striking “15 percent” and inserting “25 percent”.

(b) **EXPEDITED HIRING AUTHORITY FOR POST-SECONDARY STUDENTS.**—Section 3116(d)(1) of title 5, United States Code, is amended by striking “15 percent” and inserting “25 percent”.

SA 4109. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CRITERIA FOR GRANTING DIRECT-HIRE AUTHORITY TO AGENCIES.

Section 3304(a)(3)(B) of title 5, United States Code, is amended by striking “shortage of candidates” and all that follows through “highly qualified candidates)” and inserting “shortage of highly qualified candidates”.

SA 4110. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed

to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. NONCOMPETITIVE ELIGIBILITY FOR HIGH-PERFORMING CIVILIAN EMPLOYEES.

(a) **DEFINITIONS.**—In this section—

(1) the term “competitive service” has the meaning given the term in section 2102 of title 5, United States Code; and

(2) the term “Executive agency” has the meaning given the term in section 105 of title 5, United States Code.

(b) **REGULATIONS.**—Under such regulations as the Director of the Office of Personnel Management shall issue, an Executive agency may noncompetitively appoint, for other than temporary employment, to a position in the competitive service any individual who—

(1) is certified by the Director as having been a high-performing employee in a former position in the competitive service;

(2) has been separated from the former position described in paragraph (1) for less than 6 years; and

(3) is qualified for the new position in the competitive service, as determined by the head of the Executive agency making the noncompetitive appointment.

(c) **LIMITATION ON AUTHORITY.**—An individual may not be appointed to a position under subsection (b) more than once.

(d) **DESIGNATION OF HIGH-PERFORMING EMPLOYEES.**—The Director of the Office of Personnel Management shall, in the regulations issued under subsection (b), set forth the criteria for certifying an individual as a “high-performing employee” in a former position, which shall be based on—

(1) the final performance appraisal of the individual in that former position; and

(2) a recommendation by the immediate or other supervisor of the individual in that former position.

SA 4111. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1036. REVIEW AND APPROVAL BY SECRETARY OF DEFENSE OF TRANSFER OF DETAINEES FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) **REVIEW AND APPROVAL.**—The Secretary of Defense shall review and approve any transfer of an individual detained at Guantanamo from United States Naval Station, Guantanamo Bay, Cuba.

(b) **TRANSFER AGREEMENTS.**—The Secretary shall sign any agreement relating to the transfer of an individual detained at Guantanamo from United States Naval Station, Guantanamo Bay.

(c) **NONDELEGATION.**—The Secretary may not delegate any responsibility under subsection (a) or (b).

(d) **REPORT REQUIRED.**—

(1) **IN GENERAL.**—During the five-year period beginning on the date on which an individual detained at Guantanamo is transferred from United States Naval Station, Guantanamo Bay, the Secretary shall annually submit to Congress a report on the whereabouts and activities of the individual.

(2) **FORM.**—Each report required by paragraph (1) shall be submitted in classified form.

(e) **INDIVIDUAL DETAINED AT GUANTANAMO DEFINED.**—In this section, the term “individual detained at Guantanamo” means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay.

SA 4112. Mr. KING (for himself, Mr. ROUNDS, Mr. SASSE, Ms. ROSEN, and Ms. HASSAN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—DEFENSE OF UNITED STATES INFRASTRUCTURE

SEC. 5001. SHORT TITLE.

This division may be cited as the “Defense of United States Infrastructure Act of 2021”.

SEC. 5002. DEFINITIONS.

In this division:

(1) **CRITICAL INFRASTRUCTURE.**—The term “critical infrastructure” has the meaning given such term in section 1016(e) of the Critical Infrastructure Protection Act of 2001 (42 U.S.C. 5195c(e)).

(2) **CYBERSECURITY RISK.**—The term “cybersecurity risk” has the meaning given such term in section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659).

(3) **DEPARTMENT.**—The term “Department” means the Department of Homeland Security.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of Homeland Security.

TITLE LI—INVESTING IN CYBER RESILIENCY IN CRITICAL INFRASTRUCTURE

SEC. 5101. NATIONAL RISK MANAGEMENT CYCLE.

(a) **AMENDMENTS.**—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended—

(1) in section 2202(c) (6 U.S.C. 652(c))—

(A) in paragraph (1), by striking “and” at the end;

(B) in the first paragraph designated as paragraph (12), relating to the Cybersecurity State Coordinator—

(i) by striking “section 2215” and inserting “section 2217”; and

(ii) by striking “and” at the end; and

(C) by redesignating the second and third paragraphs designated as paragraph (12) as paragraphs (13) and (14), respectively;

(2) by redesignating section 2217 (6 U.S.C. 665f) as section 2220;

(3) by redesignating section 2216 (6 U.S.C. 665e) as section 2219;

(4) by redesignating the fourth section 2215 (relating to Sector Risk Management Agencies) (6 U.S.C. 665d) as section 2218;

(5) by redesignating the third section 2215 (relating to the Cybersecurity State Coordinator) (6 U.S.C. 665c) as section 2217;

(6) by redesignating the second section 2215 (relating to the Joint Cyber Planning Office) (6 U.S.C. 665b) as section 2216; and

(7) by adding at the end the following:

“SEC. 2220A. NATIONAL RISK MANAGEMENT CYCLE.

“(a) NATIONAL CRITICAL FUNCTIONS DEFINED.—In this section, the term ‘national critical functions’ means the functions of government and the private sector so vital to the United States that their disruption, corruption, or dysfunction would have a debilitating effect on security, national economic security, national public health or safety, or any combination thereof.

“(b) NATIONAL RISK MANAGEMENT CYCLE.—

“(1) RISK IDENTIFICATION AND ASSESSMENT.—

“(A) IN GENERAL.—The Secretary, acting through the Director, shall establish a recurring process by which to identify, assess, and prioritize risks to critical infrastructure, considering both cyber and physical threats, the associated likelihoods, vulnerabilities, and consequences, and the resources necessary to address them.

“(B) CONSULTATION.—In establishing the process required under subparagraph (A), the Secretary shall consult with, and request and collect information to support analysis from, Sector Risk Management Agencies, critical infrastructure owners and operators, the Assistant to the President for National Security Affairs, the Assistant to the President for Homeland Security, and the National Cyber Director.

“(C) PUBLICATION.—Not later than 180 days after the date of enactment of this section, the Secretary shall publish in the Federal Register procedures for the process established under subparagraph (A), subject to any redactions the Secretary determines are necessary to protect classified or other sensitive information.

“(D) REPORT.—The Secretary shall submit to the President, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives a report on the risks identified by the process established under subparagraph (A)—

“(i) not later than 1 year after the date of enactment of this section; and

“(ii) not later than 1 year after the date on which the Secretary submits a periodic evaluation described in section 9002(b)(2) of title XC of division H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283).

“(2) NATIONAL CRITICAL INFRASTRUCTURE RESILIENCE STRATEGY.—

“(A) IN GENERAL.—Not later than 1 year after the date on which the Secretary delivers each report required under paragraph (1), the President shall deliver to majority and minority leaders of the Senate, the Speaker and minority leader of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives a national critical infrastructure resilience strategy designed to address the risks identified by the Secretary.

“(B) ELEMENTS.—Each strategy delivered under subparagraph (A) shall—

“(i) identify, assess, and prioritize areas of risk to critical infrastructure that would compromise or disrupt national critical functions impacting national security, economic security, or public health and safety;

“(ii) assess the implementation of the previous national critical infrastructure resilience strategy, as applicable;

“(iii) identify and outline current and proposed national-level actions, programs, and efforts to be taken to address the risks identified;

“(iv) identify the Federal departments or agencies responsible for leading each national-level action, program, or effort and the relevant critical infrastructure sectors for each; and

“(v) request any additional authorities necessary to successfully execute the strategy.

“(C) FORM.—Each strategy delivered under subparagraph (A) shall be unclassified, but may contain a classified annex.

“(3) CONGRESSIONAL BRIEFING.—Not later than 1 year after the date on which the President delivers a strategy under this section, and every year thereafter, the Secretary, in coordination with Sector Risk Management Agencies, shall brief the appropriate committees of Congress on—

“(A) the national risk management cycle activities undertaken pursuant to the strategy; and

“(B) the amounts and timeline for funding that the Secretary has determined would be necessary to address risks and successfully execute the full range of activities proposed by the strategy.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107-296; 116 Stat. 2135) is amended by striking the item relating to section 2214 and all that follows through the item relating to section 2217 and inserting the following:

“Sec. 2214. National Asset Database.

“Sec. 2215. Duties and authorities relating to .gov internet domain.

“Sec. 2216. Joint Cyber Planning Office.

“Sec. 2217. Cybersecurity State Coordinator.

“Sec. 2218. Sector Risk Management Agencies.

“Sec. 2219. Cybersecurity Advisory Committee.

“Sec. 2220. Cybersecurity education and training programs.

“Sec. 2220A. National risk management cycle.”.

(2) ADDITIONAL TECHNICAL AMENDMENT.—

(A) AMENDMENT.—Section 904(b)(1) of the DOTGOV Act of 2020 (title IX of division U of Public Law 116-260) is amended, in the matter preceding subparagraph (A), by striking “Homeland Security Act” and inserting “Homeland Security Act of 2002”.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect as if enacted as part of the DOTGOV Act of 2020 (title IX of division U of Public Law 116-260).

TITLE LII—IMPROVING THE ABILITY OF THE FEDERAL GOVERNMENT TO ASSIST IN ENHANCING CRITICAL INFRASTRUCTURE CYBER RESILIENCE

SEC. 5201. INSTITUTE A 5-YEAR TERM FOR THE DIRECTOR OF THE CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.

(a) IN GENERAL.—Subsection (b)(1) of section 2202 of the Homeland Security Act of 2002 (6 U.S.C. 652), is amended by inserting “The term of office of an individual serving as Director shall be 5 years.” after “who shall report to the Secretary.”.

(b) TRANSITION RULES.—The amendment made by subsection (a) shall take effect on the first appointment of an individual to the position of Director of the Cybersecurity and Infrastructure Security Agency, by and with the advice and consent of the Senate, that is

made on or after the date of enactment of this Act.

SEC. 5202. PILOT PROGRAM ON CYBER THREAT INFORMATION COLLABORATION ENVIRONMENT.

(a) DEFINITIONS.—In this section:

(1) CRITICAL INFRASTRUCTURE INFORMATION.—The term “critical infrastructure information” has the meaning given such term in section 2222 of the Homeland Security Act of 2002 (6 U.S.C. 671).

(2) CYBER THREAT INDICATOR.—The term “cyber threat indicator” has the meaning given such term in section 102 of the Cybersecurity Act of 2015 (6 U.S.C. 1501).

(3) CYBERSECURITY THREAT.—The term “cybersecurity threat” has the meaning given such term in section 102 of the Cybersecurity Act of 2015 (6 U.S.C. 1501).

(4) ENVIRONMENT.—The term “environment” means the information collaboration environment established under subsection (b).

(5) INFORMATION SHARING AND ANALYSIS ORGANIZATION.—The term “information sharing and analysis organization” has the meaning given such term in section 2222 of the Homeland Security Act of 2002 (6 U.S.C. 671).

(6) NON-FEDERAL ENTITY.—The term “non-Federal entity” has the meaning given such term in section 102 of the Cybersecurity Act of 2015 (6 U.S.C. 1501).

(b) PILOT PROGRAM.—The Secretary, in consultation with the Secretary of Defense, the Director of National Intelligence, the Director of the National Security Agency, and the Attorney General shall carry out a pilot program under which the Secretary shall develop an information collaboration environment and associated analytic tools that enable Federal and non-Federal entities to identify, mitigate, and prevent malicious cyber activity to—

(1) provide limited access to appropriate and operationally relevant data from unclassified and classified intelligence about cybersecurity risks and cybersecurity threats, as well as malware forensics and data from network sensor programs, on a platform that enables query and analysis;

(2) enable cross-correlation of data on cybersecurity risks and cybersecurity threats at the speed and scale necessary for rapid detection and identification;

(3) facilitate a comprehensive understanding of cybersecurity risks and cybersecurity threats; and

(4) facilitate collaborative analysis between the Federal Government and public and private sector critical infrastructure entities and information and analysis organizations.

(c) IMPLEMENTATION OF INFORMATION COLLABORATION ENVIRONMENT.—

(1) EVALUATION.—Not later than 180 days after the date of enactment of this Act, the Secretary, acting through the Director of the Cybersecurity and Infrastructure Security Agency, and in coordination with the Secretary of Defense, the Director of National Intelligence, the Director of the National Security Agency, and the Attorney General, shall—

(A) identify, inventory, and evaluate existing Federal sources of classified and unclassified information on cybersecurity threats;

(B) evaluate current programs, applications, or platforms intended to detect, identify, analyze, and monitor cybersecurity risks and cybersecurity threats;

(C) consult with public and private sector critical infrastructure entities to identify public and private critical infrastructure cyber threat capabilities, needs, and gaps; and

(D) identify existing tools, capabilities, and systems that may be adapted to achieve the purposes of the environment in order to

maximize return on investment and minimize cost.

(2) IMPLEMENTATION.—

(A) IN GENERAL.—Not later than 1 year after completing the evaluation required under paragraph (1)(B), the Secretary, acting through the Director of the Cybersecurity and Infrastructure Security Agency, and in consultation with the Secretary of Defense, the Director of National Intelligence, the Director of the National Security Agency, and the Attorney General, shall begin implementation of the environment to enable participants in the environment to develop and run analytic tools referred to in subsection (b) on specified data sets for the purpose of identifying, mitigating, and preventing malicious cyber activity that is a threat to public and private critical infrastructure.

(B) REQUIREMENTS.—The environment and the use of analytic tools referred to in subsection (b) shall—

(i) operate in a manner consistent with relevant privacy, civil rights, and civil liberties policies and protections, including such policies and protections established pursuant to section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485);

(ii) account for appropriate data standards and interoperability requirements, consistent with the standards set forth in subsection (d);

(iii) enable integration of current applications, platforms, data, and information, including classified information, in a manner that supports integration of unclassified and classified information on cybersecurity risks and cybersecurity threats;

(iv) incorporate tools to manage access to classified and unclassified data, as appropriate;

(v) ensure accessibility by entities the Secretary, in consultation with the Secretary of Defense, the Director of National Intelligence, the Director of the National Security Agency, and the Attorney General, determines appropriate;

(vi) allow for access by critical infrastructure stakeholders and other private sector partners, at the discretion of the Secretary, in consultation with the Secretary of Defense;

(vii) deploy analytic tools across classification levels to leverage all relevant data sets, as appropriate;

(viii) identify tools and analytical software that can be applied and shared to manipulate, transform, and display data and other identified needs; and

(ix) anticipate the integration of new technologies and data streams, including data from government-sponsored network sensors or network-monitoring programs deployed in support of non-Federal entities.

(3) ANNUAL REPORT REQUIREMENT ON THE IMPLEMENTATION, EXECUTION, AND EFFECTIVENESS OF THE PILOT PROGRAM.—Not later than 1 year after the date of enactment of this Act, and every year thereafter until the date that is 1 year after the pilot program under this section terminates under subsection (e), the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives a report that details—

(A) Federal Government participation in the environment, including the Federal entities participating in the environment and the volume of information shared by Federal entities into the environment;

(B) non-Federal entities' participation in the environment, including the non-Federal

entities participating in the environment and the volume of information shared by non-Federal entities into the environment;

(C) the impact of the environment on positive security outcomes in the Federal Government and non-Federal entities;

(D) barriers identified to fully realizing the benefit of the environment both for the Federal Government and non-Federal entities; and

(E) additional authorities or resources necessary to successfully execute the environment.

(d) CYBER THREAT DATA STANDARDS AND INTEROPERABILITY.—

(1) ESTABLISHMENT.—The Secretary, in coordination with the Secretary of Defense, the Director of National Intelligence, the Director of the National Security Agency, and the Attorney General, shall establish data standards and requirements for non-Federal entities to participate in the environment.

(2) DATA STREAMS.—The Secretary shall identify, designate, and periodically update programs that shall participate in or be interoperable with the environment, which may include—

(A) network-monitoring and intrusion detection programs;

(B) cyber threat indicator sharing programs;

(C) certain government-sponsored network sensors or network-monitoring programs;

(D) incident response and cybersecurity technical assistance programs; or

(E) malware forensics and reverse-engineering programs.

(3) DATA GOVERNANCE.—The Secretary, in consultation with the Secretary of Defense, the Director of National Intelligence, the Director of the National Security Agency, and the Attorney General shall establish procedures and data governance structures, as necessary, to protect sensitive data, comply with Federal regulations and statutes, and respect existing consent agreements with public and private sector critical infrastructure entities that apply to critical infrastructure information.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall change existing ownership or protection of, or policies and processes for access to, agency data.

(e) DURATION.—The pilot program under this section shall terminate on the date that is 5 years after the date of enactment of this Act.

TITLE LIII—IMPROVING SECURITY IN THE NATIONAL CYBER ECOSYSTEM

SEC. 5301. REPORT ON CYBERSECURITY CERTIFICATIONS AND LABELING.

Not later than October 1, 2022, the National Cyber Director, in consultation with the Director of the National Institute of Standards and Technology and the Director of the Cybersecurity and Infrastructure Security Agency, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that—

(1) identifies and assesses existing efforts by the Federal Government to create, administer, or otherwise support the use of certifications or labels to communicate the security or security characteristics of information technology or operational technology products and services; and

(2) assesses the viability of and need for a new program at the Department to harmonize information technology and operational technology product and service security certification and labeling efforts across the Federal Government and between the Federal Government and the private sector.

SEC. 5302. SECURE FOUNDATIONAL INTERNET PROTOCOLS.

(a) DEFINITIONS.—In this section:

(1) BORDER GATEWAY PROTOCOL.—The term “border gateway protocol” means a protocol designed to optimize routing of information exchanged through the internet.

(2) DOMAIN NAME SYSTEM.—The term “domain name system” means a system that stores information associated with domain names in a distributed database on networks.

(3) INFORMATION AND COMMUNICATIONS TECHNOLOGY INFRASTRUCTURE PROVIDERS.—The term “information and communications technology infrastructure providers” means all systems that enable connectivity and operability of internet service, backbone, cloud, web hosting, content delivery, domain name system, and software-defined networks and other systems and services.

(b) CREATION OF A STRATEGY TO ENCOURAGE IMPLEMENTATION OF MEASURES TO SECURE FOUNDATIONAL INTERNET PROTOCOLS.—

(1) PROTOCOL SECURITY STRATEGY.—In order to encourage implementation of measures to secure foundational internet protocols by information and communications technology infrastructure providers, not later than 180 days after the date of enactment of this Act, the Assistant Secretary for Communications and Information of the Department of Commerce, in coordination with the Director of the National Institute Standards and Technology and the Director of the Cybersecurity and Infrastructure Security Agency, shall establish a working group composed of appropriate stakeholders, including representatives of the Internet Engineering Task Force and information and communications technology infrastructure providers, to prepare and submit to Congress a strategy to encourage implementation of measures to secure the border gateway protocol and the domain name system.

(2) STRATEGY REQUIREMENTS.—The strategy required under paragraph (1) shall—

(A) articulate the motivation and goal of the strategy to reduce incidents of border gateway protocol hijacking and domain name system hijacking;

(B) articulate the security and privacy benefits of implementing the most up-to-date and secure instances of the border gateway protocol and the domain name system and the burdens of implementation and the entities on whom those burdens will most likely fall;

(C) identify key United States and international stakeholders;

(D) outline varying measures that could be used to implement security or provide authentication for the border gateway protocol and the domain name system;

(E) identify any barriers to implementing security for the border gateway protocol and the domain name system at scale;

(F) propose a strategy to implement identified security measures at scale, accounting for barriers to implementation and balancing benefits and burdens, where feasible; and

(G) provide an initial estimate of the total cost to the Government and implementing entities in the private sector of implementing security for the border gateway protocol and the domain name system and propose recommendations for defraying these costs, if applicable.

TITLE LIV—ENABLING THE NATIONAL CYBER DIRECTOR

SEC. 5401. ESTABLISHMENT OF HIRING AUTHORITIES FOR THE OFFICE OF THE NATIONAL CYBER DIRECTOR.

(a) DEFINITIONS.—In this section—

(1) the term “Director” means the National Cyber Director;

(2) the term “excepted service” has the meaning given such term in section 2103 of title 5, United States Code;

(3) the term “Office” means the Office of the National Cyber Director;

(4) the term “qualified position” means a position identified by the Director under subsection (b)(1)(A), in which the individual occupying such position performs, manages, or supervises functions that execute the responsibilities of the Office.

(b) **HIRING PLAN.**—The Director shall, for purposes of carrying out the functions of the Office—

(1) craft an implementation plan for positions in the excepted service in the Office, which shall propose—

(A) qualified positions in the Office, as the Director determines necessary to carry out the responsibilities of the Office; and

(B) subject to the requirements of paragraph (2), rates of compensation for an individual serving in a qualified position;

(2) propose rates of basic pay for qualified positions, which shall—

(A) be determined in relation to the rates of pay provided for employees in comparable positions in the Office, in which the employee occupying the comparable position performs, manages, or supervises functions that execute the mission of the Office; and

(B) subject to the same limitations on maximum rates of pay and consistent with section 5341 of title 5, United States Code, adopt such provisions of that title to provide for prevailing rate systems of basic pay and apply those provisions to qualified positions for employees in or under which the Office may employ individuals described by section 5342(a)(2)(A) of such title; and

(3) craft proposals to provide—

(A) employees in qualified positions compensation (in addition to basic pay), including benefits, incentives, and allowances, consistent with, and not in excess of the level authorized for, comparable positions authorized by title 5, United States Code; and

(B) employees in a qualified position for which the Director proposes a rate of basic pay under paragraph (2) an allowance under section 5941 of title 5, United States Code, on the same basis and to the same extent as if the employee was an employee covered by such section, including eligibility conditions, allowance rates, and all other terms and conditions in law or regulation.

SA 4113. Mr. MANCHIN (for himself, Mr. LUJÁN, and Mrs. CAPITO) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . AMOUNTS FOR NEXT GENERATION RADAR AND RADIO ASTRONOMY IMPROVEMENTS AND RELATED ACTIVITIES.

(a) **IN GENERAL.**—There are authorized to be appropriated to the National Science Foundation, \$176,000,000 for the period of fiscal years 2022 through 2024 for the design, development, prototyping, or mid-scale upgrades of next generation radar and radio astronomy improvements and related activities under section 14 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n-4).

(b) **APPROVAL.**—Nothing in this section shall amend the Director of the National

Science Foundation’s authority to review and issue awards.

SA 4114. Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . EXPANSION OF APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.

Section 14501 of title 40, United States Code, is amended—

(1) in subsection (a), in the second sentence, by striking “three thousand and ninety miles” and inserting “the total number of miles established by the Secretary under subsection (h)”;

(2) by adding at the end the following:

“(h) **EXPANSION OF THE APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.**—As soon as practicable after the date of enactment of this subsection, the Secretary shall establish the total number of miles that is authorized to be constructed for the Appalachian development highway system under subsection (a) based on—

“(1) a report prepared by the Secretary before the date of enactment of this subsection in which the Secretary describes the total number of miles that should be authorized to be constructed for the Appalachian development highway system under subsection (a); or

“(2) if the Secretary determines that there is not an existing report that addresses the matters described in paragraph (1), a report prepared by the Secretary, in consultation with the Appalachian Regional Commission and applicable State departments of transportation, as soon as practicable after the date of enactment of this subsection, that describes the total number of miles that should be authorized to be constructed for the Appalachian development highway system under subsection (a).”.

SA 4115. Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . OPIOID SUBSTANCE ABUSE REDUCTION.

(a) **STEWARDSHIP FEE ON OPIOID PAIN RELIEVERS.**—

(1) **IN GENERAL.**—Chapter 32 of the Internal Revenue Code of 1986 is amended by inserting after subchapter D the following new subchapter:

“Subchapter E—Certain Opioid Pain Relievers

“Sec. 4191. Opioid pain relievers.

“**SEC. 4191. OPIOID PAIN RELIEVERS.**

“(a) **IN GENERAL.**—There is hereby imposed on the sale of any active opioid by the manu-

facturer, producer, or importer a fee equal to 1 cent per milligram so sold.

“(b) **ACTIVE OPIOID.**—For purposes of this section—

“(1) **IN GENERAL.**—The term ‘active opioid’ means any controlled substance (as defined in section 102 of the Controlled Substances Act, as in effect on the date of the enactment of this section) which is opium, an opiate, or any derivative thereof.

“(2) **EXCLUSION FOR CERTAIN PRESCRIPTION MEDICATIONS.**—Such term shall not include any prescribed drug which is used exclusively for the treatment of opioid addiction as part of a medically assisted treatment effort.

“(3) **EXCLUSION OF OTHER INGREDIENTS.**—In the case of a product that includes an active opioid and another ingredient, subsection (a) shall apply only to the portion of such product that is an active opioid.

“(c) **REBATE OR DISCOUNT PROGRAM FOR CERTAIN CANCER AND HOSPICE PATIENTS.**—

“(1) **IN GENERAL.**—The Secretary of Health and Human Services, in consultation with patient advocacy groups and other relevant stakeholders as determined by such Secretary, shall establish a mechanism by which—

“(A) any amount paid by an eligible patient in connection with the stewardship fee under subsection (a) shall be rebated to such patient in as timely a manner as possible, or

“(B) amounts paid by an eligible patient for active opioids are discounted at time of payment or purchase to ensure that such patient does not pay any amount attributable to such fee,

with as little burden on the patient as possible. The Secretary of Health and Human Services shall choose whichever of the options described in subparagraph (A) or (B) is, in such Secretary’s determination, most effective and efficient in ensuring eligible patients face no economic burden from such fee.

“(2) **ELIGIBLE PATIENT.**—For purposes of this subsection, the term ‘eligible patient’ means—

“(A) a patient for whom any active opioid is prescribed to treat pain relating to cancer or cancer treatment,

“(B) a patient participating in hospice care,

“(C) a patient with respect to whom the prescriber of the applicable opioid determines that other non-opioid pain management treatments are inadequate or inappropriate, and

“(D) in the case of the death or incapacity of a patient described in subparagraph (A), (B), or (C), or any similar situation as determined by the Secretary of Health and Human Services, the appropriate family member, medical proxy, or similar representative or the estate of such patient.”.

(2) **CLERICAL AMENDMENT.**—The table of subchapters for chapter 32 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to subchapter D the following new item:

“SUBCHAPTER E. CERTAIN OPIOID PAIN RELIEVERS”.

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to sales on or after the later of—

(A) the date which is 1 year after the date of the enactment of this Act; or

(B) the date on which the Secretary of Health and Human Services establishes the mechanism described in subsection (c)(1) of section 4191 of the Internal Revenue Code of 1986, as added by this section.

(b) **BLOCK GRANTS FOR PREVENTION AND TREATMENT OF SUBSTANCE ABUSE.**—

(1) **GRANTS TO STATES.**—Section 1921(b) of the Public Health Service Act (42 U.S.C.

300x-21(b)) is amended by inserting “, and, as applicable, for carrying out section 1923A” before the period.

(2) NONAPPLICABILITY OF PREVENTION PROGRAM PROVISION.—Section 1922(a)(1) of the Public Health Service Act (42 U.S.C. 300x-22(a)(1)) is amended by inserting “except with respect to amounts made available as described in section 1923A,” before “will expend”.

(3) OPIOID TREATMENT PROGRAMS.—Subpart II of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x-21 et seq.) is amended by inserting after section 1923 the following:

“SEC. 1923A. ADDITIONAL SUBSTANCE ABUSE TREATMENT PROGRAMS.

“A funding agreement for a grant under section 1921 is that the State involved shall provide that any amounts made available by any increase in revenues to the Treasury in the previous fiscal year resulting from the enactment of section 4191 of the Internal Revenue Code of 1986 (determined by taking into account any outlays for amounts rebated or discounted under subsection (c)(1) thereof (as described in section 1933(a)(1)(B)(i))) be used exclusively for substance abuse (including opioid abuse) treatment efforts in the State, including—

“(1) treatment programs—

“(A) establishing new addiction treatment facilities, residential and outpatient, including covering capital costs;

“(B) establishing sober living facilities;

“(C) recruiting and increasing reimbursement for certified mental health providers providing substance abuse treatment in medically underserved communities or communities with high rates of prescription drug abuse;

“(D) expanding access to long-term, residential treatment programs for opioid addicts (including 30-, 60-, and 90-day programs);

“(E) establishing or operating support programs that offer employment services, housing, and other support services to help recovering addicts transition back into society;

“(F) establishing or operating housing for children whose parents are participating in substance abuse treatment programs, including capital costs;

“(G) establishing or operating facilities to provide care for babies born with neonatal abstinence syndrome, including capital costs; and

“(H) other treatment programs, as the Secretary determines appropriate; and

“(2) recruitment and training of substance use disorder professionals to work in rural and medically underserved communities.”.

(4) ADDITIONAL FUNDING.—Section 1933(a)(1)(B)(i) of the Public Health Service Act (42 U.S.C. 300x-33(a)(1)(B)(i)) is amended by inserting “, plus any increase in revenues to the Treasury in the previous fiscal year resulting from the enactment of section 4191 of the Internal Revenue Code of 1986 (determined by taking into account any outlays for amounts rebated or discounted under subsection (c)(1) thereof)” before the period.

(c) REPORT.—Not later than 2 years after the date described in subsection (a)(3), the Secretary of Health and Human Services shall submit to Congress a report on the impact of the amendments made by subsections (a) and (b) on—

(1) the retail cost of active opioids (as defined in section 4191 of the Internal Revenue Code of 1986, as added by subsection (a));

(2) patient access to such opioids, particularly cancer and hospice patients, including the effect of the discount or rebate on such opioids for cancer and hospice patients under section 4191(c)(1) of such Code, as so added;

(3) how the increase in revenue to the Treasury resulting from the enactment of

section 4191 of the Internal Revenue Code of 1986 is used to improve substance abuse treatment efforts in accordance with section 1923A of the Public Health Service Act (as added by subsection (b)); and

(4) suggestions for improving—

(A) access to opioids for cancer and hospice patients; and

(B) substance abuse treatment efforts under such section 1923A.

SA 4116. Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. EXTENSION OF BLACK LUNG DISABILITY TRUST FUND EXCISE TAX.

(a) IN GENERAL.—Section 4121(e)(2)(A) of the Internal Revenue Code of 1986 is amended by striking “December 31, 2021” and inserting “December 31, 2031”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply on and after the first day of the first calendar month beginning after the date of the enactment of this Act.

SA 4117. Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In title X, add at the end the following:

Subtitle H—COVID-19 Mine Worker Protection Act

SEC. 1071 SHORT TITLE.

This subtitle may be cited as the “COVID-19 Mine Worker Protection Act”.

SEC. 1072. EMERGENCY TEMPORARY AND PERMANENT STANDARDS.

(a) EMERGENCY TEMPORARY HEALTH OR SAFETY STANDARD.—

(1) IN GENERAL.—In consideration of the grave risk presented by COVID-19 and the need to strengthen protections for miners, pursuant to section 101(b) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 811(b)) and notwithstanding the provisions of law and the Executive order listed in paragraph (3), not later than 7 days after the date of enactment of this Act, the Secretary of Labor shall promulgate an emergency temporary health or safety standard to protect miners from occupational exposure to SARS-CoV-2.

(2) APPLICATION OF STANDARD.—Pursuant to section 101(b)(2) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 811(b)(2)), the emergency temporary health or safety standard promulgated under paragraph (1) shall be effective until superseded by a mandatory health or safety standard promulgated under subsection (b).

(3) INAPPLICABLE PROVISIONS OF LAW AND EXECUTIVE ORDER.—The provisions of law and

the Executive order listed in this paragraph are as follows:

(A) Chapter 6 of title 5, United States Code (commonly referred to as the “Regulatory Flexibility Act”).

(B) Subchapter I of chapter 35 of title 44, United States Code (commonly referred to as the “Paperwork Reduction Act”).

(C) The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 et seq.).

(D) Executive Order 12866 (58 Fed. Reg. 190; relating to regulatory planning and review), as amended.

(b) PERMANENT STANDARD.—Pursuant to section 101(b)(3) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 811(b)(3)), the Secretary shall promulgate a mandatory standard to protect miners from occupational exposure to SARS-CoV-2.

(c) REQUIREMENTS.—The standards promulgated under this section shall—

(1) include a requirement that operators—

(A) with the input and involvement of miners or, where applicable, the representatives of miners develop and implement a comprehensive infectious disease exposure control plan to address the risk of occupational exposure to SARS-CoV-2; and

(B) provide to miners the necessary personal protective equipment, disinfectant, ancillary medical supplies, and other applicable supplies determined necessary by the Secretary to reduce and limit exposure to SARS-CoV-2 in coal or other mines;

(2) incorporate guidelines—

(A) issued by the Centers for Disease Control and Prevention and the National Institute for Occupational Safety and Health, which are designed to prevent the transmission of infectious agents in occupational settings; and

(B) from relevant scientific research on novel pathogens; and

(3) include a requirement for the recording and reporting of all work-related COVID-19 infections and deaths as set forth in part 50 of title 30, Code of Federal Regulations (as in effect on the date of enactment of this Act).

SEC. 1073. SURVEILLANCE, TRACKING, AND INVESTIGATION OF MINING-RELATED CASES OF COVID-19.

The Secretary of Labor (acting through the Assistant Secretary for Mine Safety and Health), in coordination with the Director of the Centers for Disease Control and Prevention and the Director of the National Institute for Occupational Safety and Health, shall—

(1) collect and analyze case reports and other data on COVID-19 to identify and evaluate the extent, nature, and source of COVID-19 among miners, including the prevalence of and consequences of COVID-19 diagnoses among miners also diagnosed with pneumoconiosis;

(2) investigate, as appropriate, individual cases of COVID-19 among miners to evaluate the source of exposure and adequacy of infectious disease exposure control plans;

(3) provide regular periodic reports on COVID-19 among miners to the public; and

(4) based on such reports and investigations, make recommendations on needed actions or guidance to protect miners from COVID-19.

SEC. 1074. DEFINITIONS.

The terms used in this subtitle have the meanings given the terms in section 3 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 802).

SA 4118. Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of

Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. PROTECTIONS FOR PENSIONS IN BANKRUPTCY PROCEEDINGS.

(a) **SHORT TITLE.**—This section may be cited as the “Stop Looting American Pensions Act of 2021” or the “SLAP Act”.

(b) **AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974 AND THE INTERNAL REVENUE CODE OF 1986.**—

(1) **MINIMUM FUNDING STANDARD.**—

(A) **AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.**—Section 302(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082(a)) is amended by adding at the end the following:

“(3) **CASES UNDER TITLE 11.**—A plan shall continue to be required to satisfy the minimum funding standard under paragraph (1) if a case under title 11, United States Code, is commenced with respect to the employer unless the Secretary of the Treasury has waived the requirements of this subsection with respect to the plan under subsection (c).”.

(B) **AMENDMENT TO THE INTERNAL REVENUE CODE OF 1986.**—Section 412(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(3) **CASES UNDER TITLE 11.**—A plan shall continue to be required to satisfy the minimum funding standard under paragraph (1) if a case under title 11, United States Code, is commenced with respect to the employer unless the Secretary has waived the requirements of this subsection with respect to the plan under subsection (c).”.

(2) **OBLIGATION TO CONTRIBUTE.**—Section 4212 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1392) is amended by adding at the end the following:

“(d) A person shall be subject to an obligation to contribute under this part notwithstanding the commencement of a case under title 11, United States Code, with respect to that person.”.

(3) **OBLIGATION TO PAY WITHDRAWAL LIABILITY.**—Section 4220(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1399(c)) is amended by adding at the end the following:

“(9) An employer shall be subject to an obligation to make payments of withdrawal liability under this section notwithstanding the commencement of a case under title 11, United States Code, with respect to the employer.”.

(c) **ADMINISTRATIVE EXPENSES AND PRIORITIES IN BANKRUPTCY PROCEEDINGS.**—

(1) **ALLOWANCE OF ADMINISTRATIVE EXPENSES.**—

(A) **IN GENERAL.**—Section 503(b) of title 11, United States Code, is amended—

(i) in paragraph (8)(B), by striking “and”;
(ii) in paragraph (9), by striking the period at the end and inserting a semicolon; and
(iii) by adding at the end the following:

“(10) unpaid minimum required contributions, as defined in section 302(c)(4)(C)(iii)(I) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082(c)(4)(C)(iii)(I)) and section 4971(c)(4) of the Internal Revenue Code of 1986; and

“(11) withdrawal liability determined under part 1 of subtitle E of title IV of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1381 et seq.), including any accelerated payment of such withdrawal liability under section 4219(c)(5) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1399(c)(5)).”.

(B) **CONFORMING AMENDMENT RELATING TO PRIORITIES.**—Section 507(a)(5) of title 11, United States Code, is amended, in the matter preceding subparagraph (A), by inserting after “contributions to an employee benefit plan” the following: “, other than for unpaid minimum required contributions, as defined in section 302(c)(4)(C)(iii)(I) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082(c)(4)(C)(iii)(I)) and section 4971(c)(4) of the Internal Revenue Code of 1986”.

(2) **INCREASED WAGE PRIORITY.**—Section 507(a) of title 11, United States Code, is amended—

(A) in paragraph (4), in the matter preceding subparagraph (A)—

(i) by striking “\$10,000” and inserting “\$20,000”;
(ii) by striking “within 180 days”; and
(iii) by striking “or the date of the cessation of the debtor’s business, whichever occurs first;” and

(B) in paragraph (5)—
(i) in subparagraph (A)—
(I) by striking “within 180 days”; and
(II) by striking “or the date of the cessation of the debtor’s business, whichever occurs first;” and

(ii) by striking subparagraph (B) and inserting the following:
“(B) for each such plan, to the extent of the number of employees covered by each such plan, multiplied by \$20,000.”.

(d) **AUTOMATIC STAY IN BANKRUPTCY PROCEEDINGS.**—Section 362(b) of title 11, United States Code, is amended—
(1) in paragraph (28), by striking “and” at the end;
(2) in paragraph (29), by striking the period at the end and inserting “; and”; and
(3) by inserting after paragraph (29) the following:

“(30) under subsection (a) of this section, the commencement or continuation of an action or proceeding by the Director of the Pension Benefits Guaranty Corporation to enforce the minimum standard under section 303(k) of the Employment Retirement Income Security Act of 1974 (29 U.S.C. 1083(k)).”.

(e) **SALES OF PROPERTY IN BANKRUPTCY PROCEEDINGS.**—

(1) **IN GENERAL.**—Section 363 of title 11, United States Code, is amended—

(A) in subsection (b)(1), in the matter preceding subparagraph (A), by striking “The trustee” and inserting “Subject to subsection (q), the trustee”;
(B) in subsection (c)(1), by striking “If the business” and inserting “Subject to subsection (q), if the business”; and
(C) by adding at the end the following:

“(q)(1) Subject to paragraphs (2) and (3), the trustee may not sell property of the estate under subsection (b) or (c) unless the trustee is able to demonstrate that—
“(A) the sale complies with the provisions of this title;
“(B) the sale has been proposed in good faith and not by any means forbidden by the law;
“(C) any payment made for services or for costs and expenses in or in connection with the sale is reasonable;
“(D) if, with respect to the case, there is any fee payable under section 1930 of title 28, the proceeds of the sale will be used to pay that fee;
“(E) with respect to each class of claims or interests—
“(i) such class has accepted the sale; or
“(ii) such class is not impaired by the sale.
“(2) The trustee, on request of the proponent of the sale, may sell property of the estate under subsection (b) or (c) if—
“(A) all of the applicable requirements of paragraph (1) other than subparagraph (E)

are met with respect to a sale of property; and

“(B) the sale does not discriminate unfairly, and is fair and equitable, with respect to each class of claims or interests that is impaired under, and has not accepted, the sale.

“(3) The trustee may not sell substantially all of the property of the estate under subsection (b) or (c) during the 60-day period beginning on the date of the filing of the petition unless the court determines that—

“(A) there is a high likelihood that the value of the property of the estate will decrease significantly during that period; and

“(B) the requirements under paragraph (1) have been satisfied with respect to each sale that would contribute to substantially all of the property of the estate being sold.”.

(2) **PROTECTION OF EMPLOYEE BENEFITS IN A SALE OF ASSETS.**—Section 363(b) of title 11, United States Code, is amended by adding at the end the following:

“(3) In approving a sale under this subsection, the court shall consider the extent to which a bidder has offered to maintain existing jobs, preserve terms and conditions of employment, and assume or match pension and retiree health benefit obligations in determining whether an offer constitutes the highest or best offer for such property.”.

(f) **FRAUDULENT TRANSFERS AND OBLIGATIONS.**—Section 548 of title 11, United States Code, is amended—

(1) in subsection (a)(1), in the matter preceding subparagraph (A), by striking “2 years” and inserting “6 years”; and
(2) in subsection (b), by striking “2 years” and inserting “6 years”.

(g) **LIMITATIONS ON EXECUTIVE COMPENSATION ENHANCEMENTS.**—Section 503(c) of title 11, United States Code, is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A)—

(A) by inserting “, a senior executive officer, or any of the 20 next most highly compensated employees or consultants” after “an insider”;
(B) by inserting “or for the payment of performance or incentive compensation, or a bonus of any kind, or other financial returns designed to replace or enhance incentive, stock, or other compensation in effect before the date of the commencement of the case,” after “remain with the debtor’s business;” and

(C) by inserting “clear and convincing” before “evidence in the record”; and
(2) by amending paragraph (3) to read as follows:

“(3) other transfers or obligations, to or for the benefit of insiders, senior executive officers, managers, or consultants providing services to the debtor, in the absence of a finding by the court, based upon clear and convincing evidence, and without deference to the debtor’s request for such payments, that such transfers or obligations are essential to the survival of the debtor’s business or (in the case of a liquidation of some or all of the debtor’s assets) essential to the orderly liquidation and maximization of value of the assets of the debtor, in either case, because of the essential nature of the services provided, and then only to the extent that the court finds such transfers or obligations are reasonable compared to individuals holding comparable positions at comparable companies in the same industry and not disproportionate in light of economic concessions by the debtor’s nonmanagement workforce during the case.”.

(h) **APPLICABILITY.**—This section and the amendments made by this section shall apply with respect to any case that is commenced on or after the date of enactment of this Act.

SA 4119. Mr. WICKER (for himself and Mr. Kaine) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . ADDITIONAL FUNDING FOR OHIO REPLACEMENT.

(a) **ADDITIONAL FUNDING.**—The amount authorized to be appropriated for fiscal year 2022 by section 201 for research, development, test, and evaluation is hereby increased by \$25,000,000, with the amount of the increase to be available for Ohio Replacement (PE 0603595N).

(b) **OFFSET.**—The amount authorized to be appropriated for fiscal year 2022 by section 101 for procurement for the Army, the Navy and the Marine Corps, the Air Force and the Space Force, and Defense-wide activities is hereby decreased by \$25,000,000, with the amount of the decrease to be derived from amounts available for Shipbuilding and Conversion, Navy, Amphibious Ships, Line 19, LHA Replacement.

SEC. ____ . ADDITIONAL FUNDING FOR SHIP SHORE CONNECTOR.

(a) **ADDITIONAL FUNDING.**—The amount authorized to be appropriated for fiscal year 2022 by section 201 for research, development, test, and evaluation is hereby increased by \$10,000,000, with the amount of the increase to be available for the Ship Shore Connector (PE 0605220N).

(b) **OFFSET.**—The amount authorized to be appropriated for fiscal year 2022 by section 101 for procurement for the Army, the Navy and the Marine Corps, the Air Force and the Space Force, and Defense-wide activities is hereby decreased by \$10,000,000, with the amount of the decrease to be derived from amounts available for Shipbuilding and Conversion, Navy, Amphibious Ships, Line 19, LHA Replacement.

SEC. ____ . ADDITIONAL FUNDING FOR INDUSTRIAL BASE ANALYSIS AND SUSTAINMENT.

(a) **ADDITIONAL FUNDING.**—The amount authorized to be appropriated for fiscal year 2022 by section 201 for research, development, test, and evaluation is hereby increased by \$2,000,000, with the amount of the increase to be available for Industrial Base Analysis and Sustainment Support (PE 0607210D8Z).

(b) **OFFSET.**—The amount authorized to be appropriated for fiscal year 2022 by section 101 for procurement for the Army, the Navy and the Marine Corps, the Air Force and the Space Force, and Defense-wide activities is hereby decreased by \$2,000,000, with the amount of the decrease to be derived from amounts available for Shipbuilding and Conversion, Navy, Amphibious Ships, Line 19, LHA Replacement.

SA 4120. Mr. WICKER (for himself and Mr. Kaine) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and

for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____ . ADDITIONAL FUNDING FOR JOINT SERVICE EXPLOSIVE ORDINANCE DEVELOPMENT.

(a) **ADDITIONAL FUNDING.**—The amount authorized to be appropriated for fiscal year 2022 by section 201 for research, development, test, and evaluation is hereby increased by \$11,000,000, with the amount of the increase to be available for Joint Service Explosive Ordinance Development (PE 0603654N).

(b) **OFFSET.**—The amount authorized to be appropriated for fiscal year 2022 by section 101 for procurement for the Army, the Navy and the Marine Corps, the Air Force and the Space Force, and Defense-wide activities is hereby decreased by \$11,000,000, with the amount of the decrease to be derived from amounts available for Shipbuilding and Conversion, Navy, Amphibious Ships, Line 19, LHA Replacement.

SA 4121. Ms. CORTEZ MASTO (for herself and Mrs. FISCHER) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . PROMOTING DIGITAL PRIVACY TECHNOLOGIES.

(a) **DEFINITIONS.**—In this section:

(1) **PERSONAL DATA.**—The term “personal data” means information that identifies, is linked to, or is reasonably linkable to, an individual or a consumer device, including derived data.

(2) **PRIVACY ENHANCING TECHNOLOGY.**—The term “privacy enhancing technology”—

(A) means any software solution, technical processes, or other technological means of enhancing the privacy and confidentiality of an individual’s personal data in data or sets of data; and

(B) includes anonymization and pseudonymization techniques, filtering tools, anti-tracking technology, differential privacy tools, synthetic data, and secure multi-party computation.

(b) **NATIONAL SCIENCE FOUNDATION SUPPORT OF RESEARCH ON PRIVACY ENHANCING TECHNOLOGY.**—The Director of the National Science Foundation, in consultation with other relevant Federal agencies (as determined by the Director), shall support merit-reviewed and competitively awarded research on privacy enhancing technologies, which may include—

(1) fundamental research on technologies for de-identification, pseudonymization, anonymization, or obfuscation of personal data in data sets while maintaining fairness, accuracy, and efficiency;

(2) fundamental research on algorithms and other similar mathematical tools used to protect individual privacy when collecting, storing, sharing, or aggregating data;

(3) fundamental research on technologies that promote data minimization principles

in data collection, sharing, and analytics; and

(4) research awards on privacy enhancing technologies coordinated with other relevant Federal agencies and programs.

(c) **INTEGRATION INTO THE COMPUTER AND NETWORK SECURITY PROGRAM.**—Subparagraph (D) of section 4(a)(1) of the Cyber Security Research and Development Act (15 U.S.C. 7403(a)(1)(D)) is amended to read as follows:

“(D) privacy enhancing technologies and confidentiality;”.

(d) **COORDINATION WITH THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY AND OTHER STAKEHOLDERS.**—

(1) **IN GENERAL.**—The Director of the Office of Science and Technology Policy, acting through the Networking and Information Technology Research and Development Program, shall coordinate with the Director of the National Science Foundation, the Director of the National Institute of Standards and Technology, and the Federal Trade Commission to accelerate the development and use of privacy enhancing technologies.

(2) **OUTREACH.**—The Director of the National Institute of Standards and Technology shall conduct outreach to—

(A) receive input from private, public, and academic stakeholders, including the National Institutes of Health and the Centers for Disease Control and Prevention, for the purpose of facilitating public health research, on the development of privacy enhancing technologies; and

(B) develop ongoing public and private sector engagement to create and disseminate voluntary, consensus-based resources to increase the integration of privacy enhancing technologies in data collection, sharing, and analytics by the public and private sectors.

(e) **REPORT ON RESEARCH AND STANDARDS DEVELOPMENT.**—Not later than 2 years after the date of enactment of this Act, the Director of the Office of Science and Technology Policy, acting through the Networking and Information Technology Research and Development Program, shall, in coordination with the Director of the National Science Foundation and the Director of the National Institute of Standards and Technology, submit to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science, Space, and Technology of the House of Representatives, a report containing—

(1) the progress of research on privacy enhancing technologies;

(2) the progress of the development of voluntary resources described under subsection (d)(2)(B); and

(3) any policy recommendations of the Directors that could facilitate and improve communication and coordination between the private sector, the National Science Foundation, and relevant Federal agencies through the implementation of privacy enhancing technologies.

SA 4122. Ms. CORTEZ MASTO (for herself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 520B. CONTACT OF ELIGIBLE MEMBERS FOR THE REVIEW AND CORRECTION OF MILITARY RECORDS.

(a) IN GENERAL.—The Secretary of Defense shall conduct a search in accordance with subsection (b) to identify the current address of each former member of the Armed Forces who meets the following criteria:

(1) Served as a member of the Armed Forces on or after October 7, 2001.

(2) Was discharged with a service characterization that was less than honorable discharge, excluding a bad conduct discharge or dishonorable discharge.

(3) Has not received an upgrade of discharge to honorable discharge.

(b) RESOURCES TO CONDUCT SEARCH.—To identify the current addresses of former members of the Armed Forces who meet the criteria under subsection (a), the Secretary of Defense shall access public record databases, including—

(1) LexisNexis Public Records;

(2) PeopleMap on Thomson Reuters Westlaw;

(3) OPENOnline; and

(4) any other public record database as determined by the Secretary of Defense.

(c) CONTACT OF ELIGIBLE MEMBERS.—The Secretary of Defense shall—

(1) prepare a universal notice that includes—

(A) a description of the process for a former member to apply for a discharge upgrade or otherwise correct their military record;

(B) a list of resources through which a former member may receive assistance in completing or submitting the application;

(C) a summary of any recent statutory amendments and agency guidance that—

(i) require any board established under section 1552(a)(1) of title 10, United States Code, to grant liberal consideration to applications involving post-traumatic stress disorder, traumatic brain injury, military sexual trauma, and other behavioral health conditions; and

(ii) permit discharge upgrades to former members discharged under section 654 of title 10, United States Code, as in effect before such section was repealed pursuant to the Don't Ask, Don't Tell Repeal Act of 2010 (Public Law 111-321);

(D) a description of the medical evidence that a former member may provide to a board to support an application, noting that such evidence may include—

(i) a medical diagnosis of post-traumatic stress disorder, traumatic brain injury, or other behavioral health issues;

(ii) documentation by a medical professional or licensed social worker of symptoms of post-traumatic stress disorder, traumatic brain injury, military sexual trauma, or other behavioral health issues; and

(iii) letters describing behavioral changes or symptoms of post-traumatic stress disorder, traumatic brain injury, and other behavioral health issues of the former member witnessed by family members of the former member or other individuals; and

(E) information on the process for a former member to obtain treatment or a medical health evaluations from the Department of Veterans Affairs; and

(2) take measures to provide the universal notice required under paragraph (1) to each former member of the Armed Forces who meets the criteria under subsection (a).

SA 4123. Ms. CORTEZ MASTO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year

2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, insert the following:

SEC. 318. ENERGY EFFICIENCY AND RESILIENCY TARGETS FOR DEPARTMENT OF DEFENSE DATA CENTERS.

(a) ENERGY EFFICIENCY AND RESILIENCY TARGETS FOR DATA CENTERS.—

(1) IN GENERAL.—Subchapter I of chapter 173 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2921. Energy efficiency and resiliency targets for data centers

“(a) COVERED DATA CENTERS.—(1) For each covered data center, the Secretary of Defense shall—

“(A) develop a power usage effectiveness target for the data center, based on location, resiliency, industry standards, business continuity and disaster recovery, and best practices;

“(B) develop a water usage effectiveness target for the data center, based on location, resiliency, industry standards, business continuity and disaster recovery, and best practices;

“(C) develop a resiliency target for the data center, based on location, industry standards, business continuity and disaster recovery, and best practices;

“(D) develop a facility availability target for the data center, based on location, industry standards, business continuity and disaster recovery, and best practices;

“(E) develop other energy efficiency or water usage targets for the data center based on industry standards, business continuity and disaster recovery, and best practices, as applicable to meet energy efficiency and resiliency goals;

“(F) identify potential renewable or clean energy resources, or related technologies such as advanced battery storage capacity, to enhance resiliency at the data center, including potential renewable or clean energy purchase targets based on the location of the data center; and

“(G) identify any statutory, regulatory, or policy barriers to meeting any target under any of subparagraphs (A) through (F).

“(2) In this subsection, the term ‘covered data center’ means a data center established before the date of the enactment of this section that—

“(A) is one of the 50 data centers of the Department of Defense with the highest annual power usage rates; or

“(B) is one of the 20 data centers operated for the Department by a private contractor with the highest annual power usage rates.

“(b) NEW DATA CENTERS.—(1)(A) Except as provided in paragraph (2), in the case of any data center of the Department established on or after the date of the enactment of this section, regardless of whether the data center is owned and operated by the Department or by a contractor on behalf of the Department, the Secretary shall establish energy, water usage, and resiliency-related standards that the data center shall be required to meet based on location, resiliency, industry standards, business continuity and disaster recovery, and best practices.

“(B) Standards established under subparagraph (A) shall include—

“(i) power usage effectiveness standards;

“(ii) water usage effectiveness standards;

“(iii) resiliency standards;

“(iv) facility availability standards; and

“(v) any other energy or resiliency standards the Secretary determines are appropriate.

“(2) The Secretary may waive the requirement for a data center of the Department established on or after the date of the enactment of this section to meet the standards established under paragraph (1) if the Secretary—

“(A) determines that such waiver is in the national security interest of the United States; and

“(B) submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives notice of such waiver and the reasons for such waiver.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2920 the following new item:

“Sec. 2921. Energy efficiency and resiliency targets for data centers.”.

(b) INVENTORY OF DATA FACILITIES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall conduct an inventory of all data centers owned or operated by the Department of Defense.

(2) ELEMENTS.—The inventory required under paragraph (1) shall include the following:

(A) A list of data centers owned or operated by the Department of Defense.

(B) For each such data center, the earlier of the following dates:

(i) The date on which the data center was established.

(ii) The date of the most recent capital investment in new power, cooling, or compute infrastructure at the data center.

(C) The total average annual power use, in kilowatts, for each such data center.

(D) The number of data centers that measure power usage effectiveness and for each such data center, the power usage effectiveness for the center.

(E) The number of data centers that measure water usage effectiveness and, for each such data center, the water usage effectiveness for the center.

(F) A description of any other existing energy efficiency or efficient water usage metrics used by any data center and the applicable measurements for any such center.

(G) An assessment of the facility resiliency of each data center, including redundant power and cooling facility infrastructure.

(H) Any other matters the Secretary determines are relevant.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the completion of the inventory required under subsection (b), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the inventory and the energy efficiency and resiliency targets under section 2921(a) of title 10, United States Code, as added by subsection (a).

(2) ELEMENTS.—The report under paragraph (1) shall include each of the following:

(A) A timeline of necessary actions required to meet the energy efficiency and resiliency targets for covered data centers under section 2921(a) of title 10, United States Code, as added by subsection (a).

(B) The estimated costs associated with meeting such targets.

(C) An assessment of the business case for meeting such targets, including any estimated savings in operational energy and water costs and estimated reduction in energy and water usage if the targets are met.

(D) An inventory of any data centers for which meeting such targets could more efficiently be achieved by transferring the workloads of such centers to private facilities, and a business case for meeting such targets in that manner.

(E) An analysis of any statutory, regulatory, or policy barriers to meeting such targets identified under section 2921(a)(E) of title 10, United States Code, as added by subsection (a).

(d) DATA CENTER DEFINED.—In this section, the term “data center” has the meaning given such term in the most recent Integrated Data Collection guidance of the Office of Management and Budget.

SA 4124. Mr. KING submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . FLIGHT INSTRUCTION OR TESTING.

(a) IN GENERAL.—An authorized flight instructor providing student instruction, flight instruction, or flight training shall not be deemed to be operating an aircraft carrying persons or property for compensation or hire.

(b) AUTHORIZED ADDITIONAL PILOTS.—An individual acting as an authorized additional pilot during Phase I flight testing of aircraft holding an experimental airworthiness certificate, in accordance with section 21.191 of title 14, Code of Federal Regulations, and meeting the requirements set forth in Federal Aviation Administration regulations and policy in effect as of the date of enactment of this section, shall not be deemed to be operating an aircraft carrying persons or property for compensation or hire.

(c) USE OF AIRCRAFT.—An individual who uses, causes to use, or authorizes to use aircraft for flights conducted under subsection (a) or (b) shall not be deemed to be operating an aircraft carrying persons or property for compensation or hire.

(d) REVISION OF RULES.—The requirements of this section shall become effective upon the date of enactment. The Administrator of the Federal Aviation Administration shall issue, revise, or repeal the rules, regulations, guidance, or procedures of the Federal Aviation Administration to conform to the requirements of this section.

SA 4125. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1224. MODIFICATION OF ESTABLISHMENT OF COORDINATOR FOR DETAINED ISIS MEMBERS AND RELEVANT DISPLACED POPULATIONS IN SYRIA.

Section 1224 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 133 Stat. 1642) is amended—

(a) by striking subsection (a);

(b) by amending subsection (b) to read as follows:

“(a) DESIGNATION.—The President, in consultation with the Secretary of Defense, the Secretary of State, the Director of National Intelligence, the Secretary of the Treasury, the Administrator of the United States Agency for International Development, and the Attorney General, shall designate an existing official to serve within the executive branch as senior-level coordinator to coordinate, in conjunction with other relevant agencies, all matters related to ISIS members who are in the custody of the Syrian Democratic Forces and other relevant displaced populations in Syria, including—

“(1) the long-term disposition of such individuals, including in all matters related to—

“(A) repatriation, transfer, prosecution, and intelligence-gathering;

“(B) all multilateral and international engagements led by the Department of State and other agencies that are related to the current and future handling, detention, and prosecution of such ISIS members, including such engagements with the International Criminal Police Organization; and

“(C) the coordination of the provision of technical and evidentiary assistance to foreign countries to aid in the successful prosecution of such ISIS members, as appropriate, in accordance with international humanitarian law and other internationally recognized human rights and rule of law standards;

“(2) all multilateral and international engagements related to humanitarian access and provision of basic services to, and freedom of movement and security and safe return of, internally displaced persons and refugees at camps or facilities in Syria that hold family members of such ISIS members;

“(3) coordination with relevant agencies on matters described in this section; and

“(4) any other matter the Secretary of State considers relevant.”;

(c) in subsection (c), by striking “subsection (b)” and inserting “subsection (a)”;

(d) by amending subsection (d) to read as follows:

“(d) ANNUAL REPORT.—

“(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and not less frequently than once each year thereafter through January 31, 2024, the Coordinator, in coordination with the relevant agencies, shall submit to the appropriate committees of Congress a detailed report that includes the following:

“(A) A detailed description of the facilities where detained ISIS members described in paragraph (1) are being held, including security and management of such facilities and adherence to international humanitarian law standards.

“(B) A description of all multilateral and international engagements related to humanitarian access and provision of basic services to, and freedom of movement and security and safe return of, internally displaced persons and refugees at camps or facilities in Iraq, Syria, and any other area affected by ISIS activity, including a description of—

“(i) support for efforts by the Syrian Democratic Forces to facilitate the return of refugees from Iraq and Syria;

“(ii) repatriation efforts with respect to displaced women and children;

“(iii) any current or future potential threat to United States national security in-

terests posed by detained ISIS members, including an analysis of the Al-Hol camp and annexes; and

“(iv) United States Government plans and strategies to respond to any threat identified under clause (iii).

“(C) An analysis of all United States efforts to prosecute detained ISIS members and the outcomes of such efforts. Any information, the disclosure of which may violate Department of Justice policy or law, relating to a prosecution or investigation may be withheld from a report under this subsection.

“(D) A detailed description of any option to expedite prosecution of any detained ISIS member, including in a court of competent jurisdiction outside of the United States.

“(E) An analysis of factors on the ground in Syria and Iraq that may result in the unintended release of detained ISIS members, and an assessment of any measures available to mitigate such releases.

“(F) A detailed description of efforts to coordinate the disposition and security of detained ISIS members with other countries and international organizations, including the International Criminal Police Organization, to ensure secure chains of custody and locations of such ISIS members.

“(G) An analysis of the manner in which the United States Government communicates on such proposals and efforts to the families of United States citizens believed to be a victim of a criminal act by a detained ISIS member.

“(H) An analysis of all efforts between the United States and partner countries within the Global Coalition to Defeat ISIS or other countries to share intelligence or evidence that may aid in the prosecution of ISIS members, and any legal obstacles that may hinder such efforts.

“(I) Any other matter the Coordinator considers appropriate.

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

(e) in subsection (e), by striking “January 31, 2021” and inserting “January 31, 2024”;

(f) in subsection (f)—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following new paragraph (2):

“(2) COORDINATOR.—The term ‘Coordinator’ means the individual designated under subsection (a).”; and

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

“(4) RELEVANT AGENCIES.—The term ‘relevant agencies’ means—

“(A) the Department of State;

“(B) the Department of Defense;

“(C) the Department of the Treasury;

“(D) the Department of Justice;

“(E) the United States Agency for International Development;

“(F) the Office of the Director of National Intelligence; and

“(G) any other agency the President considers relevant.”; and

(g) by redesignating subsections (c) through (f) as subsections (b) through (e), respectively.

SA 4126. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 356. MODIFICATION OF REQUIREMENTS FOR DISPOSAL OF MATERIALS CONTAINING PERFLUOROALKYL SUBSTANCES, POLYFLUOROALKYL SUBSTANCES, OR AQUEOUS FILM FORMING FOAM.

Section 330 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 10 U.S.C. 2701 note) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “; or” and inserting a semicolon;

(B) in paragraph (2), by striking “; or” and inserting a semicolon;

(C) in paragraph (3), by striking the period at the end and inserting “; or”; and

(D) by adding at the end the following new paragraph:

“(4) have been sent to another entity or entities for disposal, including a waste processing facility, subcontractor, or fuel blending facility.”; and

(2) by adding at the end the following new subsections:

“(c) **REPORT.**—Not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, and annually thereafter, the Secretary of Defense shall submit to the Administrator of the Environmental Protection Agency and the Committees on Armed Services of the Senate and the House of Representatives a report on all incineration by the Department of Defense of materials covered by subsection (b) during the one-year period preceding the submittal of the report, including—

“(1) the total amount of materials incinerated;

“(2) the temperature range at which the materials were incinerated;

“(3) the locations and facilities where the covered materials were incinerated;

“(4) details on actions taken by the Secretary to comply with this section; and

“(5) details on actions taken by the Department of Defense to implement the recommendations contained in the revised interim guidance on the destruction and disposal of PFAS and materials containing PFAS published by the Administrator of the Environmental Protection Agency under section 7361 of the National Defense Authorization Act for Fiscal Year 2020 (15 U.S.C. 8961), including the recommendation for safe storage of PFAS and materials containing PFAS until identified uncertainties are addressed and appropriate destruction and disposal technologies can be recommended.

“(d) **DEFINITIONS.**—In this section:

“(1) **AFFF.**—The term ‘AFFF’ means aqueous film forming foam.

“(2) **PFAS.**—The term ‘PFAS’ means perfluoroalkyl substances or polyfluoroalkyl substances.”.

SA 4127. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 356. MORATORIUM ON INCINERATION BY DEPARTMENT OF DEFENSE OF PERFLUOROALKYL SUBSTANCES, POLYFLUOROALKYL SUBSTANCES, AND AQUEOUS FILM FORMING FOAM.

Beginning on the date of the enactment of this Act, the Secretary of Defense shall not incinerate materials containing perfluoroalkyl substances, polyfluoroalkyl substances, or aqueous film forming foam until regulations have been prescribed by the Secretary that—

(1) implement the requirements of section 330 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 10 U.S.C. 2701 note); and

(2) take into consideration the interim guidance published by the Administrator of the Environmental Protection Agency under section 7361 of the National Defense Authorization Act for Fiscal Year 2020 (15 U.S.C. 8961).

SA 4128. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1216. ADDITIONAL VISAS UNDER AFGHAN SPECIAL IMMIGRANT VISA PROGRAM.

Section 602(b)(3)(F) of the Afghan Allies Protection Act of 2009 (Public Law 111-8; 8 U.S.C. 1101 note) is amended, in the matter preceding clause (i), by striking “34,500” and inserting “38,500”.

SA 4129. Mrs. SHAHEEN for herself and Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Subtitle — Combating Synthetic Drugs

SEC. _01. SHORT TITLE.

This subtitle may be cited as the “Fighting Emerging Narcotics Through Additional Nations to Yield Lasting Results Act” or “FENTANYL Results Act”.

SEC. _02. PRIORITIZATION OF EFFORTS OF THE DEPARTMENT OF STATE TO COMBAT INTERNATIONAL TRAFFICKING IN COVERED SYNTHETIC DRUGS.

(a) **IN GENERAL.**—The Secretary of State shall prioritize efforts of the Department of State to combat international trafficking in covered synthetic drugs by carrying out programs and activities to include the following:

(1) Supporting increased data collection by the United States and foreign countries through increased drug use surveys among populations, increased use of wastewater

testing where appropriate, and multilateral sharing of that data.

(2) Engaging in increased consultation and partnership with international drug agencies, including the European Monitoring Centre for Drugs and Drug Addiction, and regulatory agencies in foreign countries.

(3) Carrying out the program to provide assistance to build the capacity of foreign law enforcement agencies with respect to covered synthetic drugs, as required by section _03.

(4) Carrying out exchange programs for governmental and nongovernmental personnel in the United States and in foreign countries to provide educational and professional development on demand reduction matters relating to the illicit use of narcotics and other drugs, as required by section _04.

(b) REPORT.—

(1) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on the implementation of this section.

(2) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

SEC. _03. PROGRAM TO PROVIDE ASSISTANCE TO BUILD THE CAPACITY OF FOREIGN LAW ENFORCEMENT AGENCIES WITH RESPECT TO COVERED SYNTHETIC DRUGS.

(a) **IN GENERAL.**—Notwithstanding section 660 of the Foreign Assistance Act of 1961 (22 U.S.C. 2420), the Secretary of State shall establish a program to provide assistance to build the capacity of law enforcement agencies of the countries described in subsection (c) to help such agencies to identify, track, and improve their forensics detection capabilities with respect to covered synthetic drugs.

(b) **PRIORITY.**—The Secretary of State shall prioritize assistance under subsection (a) among those countries described in subsection (c) in which such assistance would have the most impact in reducing illicit use of covered synthetic drugs in the United States.

(c) **COUNTRIES DESCRIBED.**—The foreign countries described in this subsection are—

(1) countries that are producers of covered synthetic drugs;

(2) countries whose pharmaceutical and chemical industries are known to be exploited for development or procurement of precursors of covered synthetic drugs; or

(3) major drug-transit countries as defined by the President.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary to carry out this section \$4,000,000 for each of the fiscal years 2022 through 2026. Such amounts shall be in addition to amounts otherwise available for such purposes.

SEC. _04. EXCHANGE PROGRAM FOR GOVERNMENTAL AND NONGOVERNMENTAL PERSONNEL TO PROVIDE EDUCATIONAL AND PROFESSIONAL DEVELOPMENT ON DEMAND REDUCTION MATTERS RELATING TO ILLEGAL USE OF NARCOTICS AND OTHER DRUGS.

(a) **IN GENERAL.**—The Secretary of State shall establish or continue and strengthen, as appropriate, an exchange program for governmental and nongovernmental personnel in the United States and in foreign countries

to provide educational and professional development on demand reduction matters relating to the illicit use of narcotics and other drugs.

(b) **PROGRAM REQUIREMENTS.**—The program required by subsection (a)—

(1) shall be limited to individuals who have expertise and experience in matters described in subsection (a);

(2) in the case of inbound exchanges, may be carried out as part of exchange programs and international visitor programs administered by the Bureau of Educational and Cultural Affairs of the Department of State, including the International Visitor Leadership Program, in consultation or coordination with the Bureau of International Narcotics and Law Enforcement Affairs; and

(3) shall include outbound exchanges for governmental or nongovernmental personnel in the United States.

(c) **AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary to carry out this section \$1,000,000 for each of fiscal years 2022 through 2026. Such amounts shall be in addition to amounts otherwise available for such purposes.

SEC. 405. AMENDMENTS TO INTERNATIONAL NARCOTICS CONTROL PROGRAM.

(a) **INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT.**—Section 489(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)) is amended by inserting after paragraph (9) the following new paragraph:

“(10) **SYNTHETIC OPIOIDS AND NEW PSYCHOACTIVE SUBSTANCES.**—

“(A) **SYNTHETIC OPIOIDS.**—Information that contains an assessment of the countries significantly involved in the manufacture, production, or transshipment of synthetic opioids, including fentanyl and fentanyl analogues, to include the following:

“(i) The scale of legal domestic production and any available information on the number of manufacturers and producers of such opioids in such countries.

“(ii) Information on any law enforcement assessments of the scale of illegal production, including a description of the capacity of illegal laboratories to produce such opioids.

“(iii) The types of inputs used and a description of the primary methods of synthesis employed by illegal producers of such opioids.

“(iv) An assessment of the policies of such countries to regulate licit manufacture and interdict illicit manufacture, diversion, distribution, and shipment of such opioids and an assessment of the effectiveness of the policies’ implementation.

“(B) **NEW PSYCHOACTIVE SUBSTANCES.**—Information on, to the extent practicable, any policies of responding to new psychoactive substances (as such term is defined in section 407 of the FENTANYL Results Act), to include the following:

“(i) Which governments have articulated policies on scheduling of such substances.

“(ii) Any data on impacts of such policies and other responses to such substances.

“(iii) An assessment of any policies the United States could adopt to improve its response to new psychoactive substances.”

(b) **DEFINITION OF MAJOR ILLICIT DRUG PRODUCING COUNTRY.**—Section 481(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)) is amended—

(1) in paragraph (2)—

(A) by striking “means a country in which—” and inserting the following: “means—

“(A) a country in which—”;

(B) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and moving such clauses, as so redesignated, two ems to the right;

(C) in subparagraph (A)(iii), as redesignated by this paragraph, by striking the semicolon at the end and inserting “; or”; and

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

“(B) a country which is a significant direct source of illicit narcotic or psychotropic drugs or other controlled substances significantly affecting the United States;”; and

(2) by amending paragraph (5) to read as follows:

“(5) the term ‘major drug-transit country’ means a country through which are transported illicit narcotic or psychotropic drugs or other controlled substances significantly affecting the United States.”

SEC. 406. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the President should direct the United States Representative to the United Nations to use the voice and vote of the United States at the United Nations to advocate for more transparent assessments of countries by the International Narcotics Control Board; and

(2) bilateral, plurilateral, and multilateral international cooperation is essential to combating the trafficking of covered synthetic drugs.

SEC. 407. DEFINITIONS.

In this subtitle:

(1) The term “covered synthetic drug” means—

(A) a synthetic controlled substance (as defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6))), including fentanyl or a fentanyl analogue; or

(B) a new psychoactive substance.

(2) The term “new psychoactive substance” means a substance of abuse, or any preparation thereof, that—

(A) is not—

(i) included in any schedule as a controlled substance under the Controlled Substances Act (21 U.S.C. 801 et seq.); or

(ii) controlled by the Single Convention on Narcotic Drugs, done at New York March 30, 1961, or the Convention on Psychotropic Substances, done at Vienna February 21, 1971;

(B) is new or has reemerged on the illicit market; and

(C) poses a threat to the public health and safety.

SA 4130. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

Subtitle D—Documentation and Testing of Exposure to Perfluoroalkyl and Polyfluoroalkyl Substances

SEC. 761. INCLUSION OF EXPOSURE TO PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES AS PART OF PERIODIC HEALTH ASSESSMENTS.

(a) **PERIODIC HEALTH ASSESSMENT.**—The Secretary of Defense shall ensure that any periodic health assessment provided to a member of the Armed Forces includes an evaluation of whether the member has been—

(1) based or stationed at a military installation identified by the Department of De-

fense as a location with a known or suspected release of perfluoroalkyl substances or polyfluoroalkyl substances during the period in which the member was based or stationed at the military installation; or

(2) exposed to such substances, including by evaluating any information in the health record of the member.

(b) **SEPARATION HISTORY AND PHYSICAL EXAMINATIONS.**—Section 1145(a)(5) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(D) The Secretary concerned shall ensure that each physical examination of a member under subparagraph (A) includes an assessment of whether the member was—

“(i) based or stationed at a military installation identified by the Department as a location with a known or suspected release of perfluoroalkyl substances or polyfluoroalkyl substances during the period in which the member was based or stationed at the military installation; or

“(ii) exposed to such substances, including by assessing any information in the health record of the member.”

(c) **DEPLOYMENT ASSESSMENTS.**—Section 1074f(b)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(E) An assessment of whether the member was—

“(i) based or stationed at a military installation identified by the Department as a location with a known or suspected release of perfluoroalkyl substances or polyfluoroalkyl substances during the period in which the member was based or stationed at the military installation; or

“(ii) exposed to such substances, including by assessing any information in the health record of the member.”

SEC. 762. PROVISION OF BLOOD TESTING FOR MEMBERS OF THE ARMED FORCES, FORMER MEMBERS OF THE ARMED FORCES, AND THEIR FAMILIES TO DETERMINE EXPOSURE TO PERFLUOROALKYL SUBSTANCES OR POLYFLUOROALKYL SUBSTANCES.

(a) **MEMBERS OF THE ARMED FORCES.**—

(1) **IN GENERAL.**—If a covered evaluation of a member of the Armed Forces results in a positive determination of potential exposure to perfluoroalkyl substances or polyfluoroalkyl substances, the Secretary of Defense shall provide to that member, during that covered evaluation, blood testing to determine and document potential exposure to such substances.

(2) **INCLUSION IN HEALTH RECORD.**—The results of blood testing of a member of the Armed Forces conducted under paragraph (1) shall be included in the health record of the member.

(b) **FORMER MEMBERS OF THE ARMED FORCES AND FAMILY MEMBERS.**—The Secretary shall pay for blood testing to determine and document potential exposure to perfluoroalkyl substances or polyfluoroalkyl substances for any covered individual, at the election of the individual, either through the TRICARE program for individuals otherwise eligible for such program or through the use of vouchers to obtain such testing.

(c) **DEFINITIONS.**—In this section:

(1) **COVERED EVALUATION.**—The term “covered evaluation” means—

(A) a periodic health assessment conducted in accordance with section 761(a);

(B) a separation history and physical examination conducted under section 1145(a)(5) of title 10, United States Code, as amended by section 761(b); and

(C) a deployment assessment conducted under section 1074f(b)(2) of such title, as amended by section 761(c).

(2) **COVERED INDIVIDUAL.**—The term “covered individual” means a former member of

the Armed Forces or a family member of a member or former member of the Armed Forces who lived at a location (or the surrounding area of such a location) identified by the Department of Defense as a location with a known or suspected release of perfluoroalkyl substances or polyfluoroalkyl substances during the period in which the individual lived at that location (or surrounding area).

(3) **TRICARE PROGRAM.**—The term “TRICARE program” has the meaning given that term in section 1072(7) of title 10, United States Code.

SEC. 763. DOCUMENTATION OF EXPOSURE TO PERFLUOROALKYL SUBSTANCES OR POLYFLUOROALKYL SUBSTANCES.

(a) **SHARING OF INFORMATION.**—The Secretary of Defense and the Secretary of Veterans Affairs shall enter into a memorandum of understanding providing for the sharing by the Department of Defense with the Department of Veterans Affairs of the results of covered evaluations regarding the exposure by a member of the Armed Forces to perfluoroalkyl substances or polyfluoroalkyl substances.

(b) **REGISTRY.**—

(1) **ESTABLISHMENT.**—The Secretary of Defense shall establish a registry of members of the Armed Forces who have been exposed to, or are suspected to have been exposed to, perfluoroalkyl substances or polyfluoroalkyl substances.

(2) **INCLUSION IN REGISTRY.**—The Secretary shall include a member of the Armed Forces in the registry established under paragraph (1) if a covered evaluation of the member establishes that the member—

(A) was based or stationed at a location identified by the Department of Defense as a location with a known or suspected release of perfluoroalkyl substances or polyfluoroalkyl substances during the period in which the member was based or stationed at the location; or

(B) was exposed to such substances.

(3) **BLOOD TESTING.**—The results of any blood test conducted under section 4(a) shall be included in the registry established under paragraph (1) for any member of the Armed Forces included in the registry.

(4) **ELECTION.**—A member of the Armed Forces may elect not to be included in the registry established under paragraph (1).

(c) **PROVISION OF INFORMATION.**—The Secretary of Defense shall provide to a member of the Armed Forces more information on perfluoroalkyl substances and polyfluoroalkyl substances and the potential impact of exposure to such substances if a covered evaluation of such member establishes that the member—

(1) was based or stationed at a location identified by the Department of Defense as a location with a known or suspected release of perfluoroalkyl substances or polyfluoroalkyl substances during the period in which the member was based or stationed at the location; or

(2) was exposed to such substances.

(d) **RULE OF CONSTRUCTION.**—Nothing in this section may be construed to preclude eligibility of a veteran for benefits under the laws administered by the Secretary of Veterans Affairs by reason of the exposure of the veteran to perfluoroalkyl substances or polyfluoroalkyl substances not being recorded in a covered evaluation.

(e) **COVERED EVALUATION DEFINED.**—In this section, the term “covered evaluation” means—

(1) a periodic health assessment conducted in accordance with section 761(a);

(2) a separation history and physical examination conducted under section 1145(a)(5) of title 10, United States Code, as amended by section 761(b); and

(3) a deployment assessment conducted under section 1074f(b)(2) of such title, as amended by section 761(c).

SA 4131. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

Subtitle — Homeland Procurement Reform Act

SEC. — 01. SHORT TITLE.

This subtitle may be cited as the “Homeland Procurement Reform Act” or the “HOPR Act”.

SEC. — 02. REQUIREMENTS TO BUY CERTAIN ITEMS RELATED TO NATIONAL SECURITY INTERESTS ACCORDING TO CERTAIN CRITERIA.

(a) **IN GENERAL.**—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.) is amended by adding at the end the following:

“SEC. 836. REQUIREMENTS TO BUY CERTAIN ITEMS RELATED TO NATIONAL SECURITY INTERESTS.

“(a) **DEFINITIONS.**—In this section:

“(1) **COVERED ITEM.**—The term ‘covered item’ means any of the following:

“(A) Footwear provided as part of a uniform.

“(B) Uniforms.

“(C) Holsters and tactical pouches.

“(D) Patches, insignia, and embellishments.

“(E) Chemical, biological, radiological, and nuclear protective gear.

“(F) Body armor components intended to provide ballistic protection for an individual, consisting of 1 or more of the following:

“(i) Soft ballistic panels.

“(ii) Hard ballistic plates.

“(iii) Concealed armor carriers worn under a uniform.

“(iv) External armor carriers worn over a uniform.

“(G) Any other item as determined appropriate by the Secretary.

“(2) **FRONTLINE OPERATIONAL COMPONENT.**—The term ‘frontline operational component’ means any of the following organizations of the Department:

“(A) U.S. Customs and Border Protection.

“(B) U.S. Immigration and Customs Enforcement.

“(C) The United States Secret Service.

“(D) The Transportation Security Administration.

“(E) The Coast Guard.

“(F) The Federal Protective Service.

“(G) The Federal Emergency Management Agency.

“(H) The Federal Law Enforcement Training Centers.

“(I) The Cybersecurity and Infrastructure Security Agency.

“(b) **REQUIREMENTS.**—

“(1) **IN GENERAL.**—The Secretary shall ensure that any procurement of a covered item for a frontline operational component meets the following criteria:

“(A) To the maximum extent possible, not less than one-third of funds obligated in a specific fiscal year for the procurement of such covered items shall be covered items

that are manufactured in the United States by entities that qualify as small business concerns, as defined in section 3 of the Small Business Act (15 U.S.C. 632).

“(B) Each contractor with respect to the procurement of such a covered item, including the end-item manufacturer of such a covered item—

“(i) is an entity registered with the System for Award Management (or successor system) administered by the General Services Administration; and

“(ii) is in compliance with ISO 9001:2015 of the International Organization for Standardization (or successor standard) or a standard determined appropriate by the Secretary to ensure the quality of products and adherence to applicable statutory and regulatory requirements.

“(C) Each supplier of such a covered item with an insignia (such as any patch, badge, or emblem) and each supplier of such an insignia, if such covered item with such insignia or such insignia, as the case may be, is not produced, applied, or assembled in the United States, shall—

“(i) store such covered item with such insignia or such insignia in a locked area;

“(ii) report any pilferage or theft of such covered item with such insignia or such insignia occurring at any stage before delivery of such covered item with such insignia or such insignia; and

“(iii) destroy any such defective or unusable covered item with insignia or insignia in a manner established by the Secretary, and maintain records, for three years after the creation of such records, of such destruction that include the date of such destruction, a description of the covered item with insignia or insignia destroyed, the quantity of the covered item with insignia or insignia destroyed, and the method of destruction.

“(2) **WAIVER.**—

“(A) **IN GENERAL.**—In the case of a national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) or a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), the Secretary may waive a requirement in subparagraph (A), (B) or (C) of paragraph (1) if the Secretary determines there is an insufficient supply of a covered item that meets the requirement.

“(B) **NOTICE.**—Not later than 60 days after the date on which the Secretary determines a waiver under subparagraph (A) is necessary, the Secretary shall provide to the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Homeland Security, the Committee on Oversight and Reform, and the Committee on Appropriations of the House of Representatives notice of such determination, which shall include—

“(i) identification of the national emergency or major disaster declared by the President;

“(ii) identification of the covered item for which the Secretary intends to issue the waiver; and

“(iii) a description of the demand for the covered item and corresponding lack of supply from contractors able to meet the criteria described in subparagraph (B) or (C) of paragraph (1).

“(c) **PRICING.**—The Secretary shall ensure that covered items are purchased at a fair and reasonable price, consistent with the procedures and guidelines specified in the Federal Acquisition Regulation.

“(d) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, the Secretary shall provide to the Committee on Homeland Security, the Committee on Oversight and Reform, and the Committee on Appropriations of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate a briefing on instances in which vendors have failed to meet deadlines for delivery of covered items and corrective actions taken by the Department in response to such instances.

“(e) EFFECTIVE DATE.—This section applies with respect to a contract entered into by the Department or any frontline operational component on or after the date that is 180 days after the date of enactment of this section.”.

(b) STUDY.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a study of the adequacy of uniform allowances provided to employees of frontline operational components (as defined in section 836 of the Homeland Security Act of 2002, as added by subsection (a)).

(2) REQUIREMENTS.—The study conducted under paragraph (1) shall—

(A) be informed by a Department-wide survey of employees from across the Department of Homeland Security who receive uniform allowances that seeks to ascertain what, if any, improvements could be made to the current uniform allowances and what, if any, impacts current allowances have had on employee morale and retention;

(B) assess the adequacy of the most recent increase made to the uniform allowance for first year employees; and

(C) consider increasing by 50 percent, at minimum, the annual allowance for all other employees.

(c) ADDITIONAL REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall provide a report with recommendations on how the Department of Homeland Security could procure additional items from domestic sources and bolster the domestic supply chain for items related to national security to—

(A) the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate; and

(B) the Committee on Homeland Security, the Committee on Oversight and Reform, and the Committee on Appropriations of the House of Representatives.

(2) CONTENTS.—The report required under paragraph (1) shall include—

(A) a review of the compliance of the Department of Homeland Security with the requirements under section 604 of title VI of division A of the American Recovery and Reinvestment Act of 2009 (6 U.S.C. 453b) to buy certain items related to national security interests from sources in the United States; and

(B) an assessment of the capacity of the Department of Homeland Security to procure the following items from domestic sources:

(i) Personal protective equipment and other items necessary to respond to a pandemic such as that caused by COVID-19.

(ii) Helmets that provide ballistic protection and other head protection and components.

(iii) Rain gear, cold weather gear, and other environmental and flame resistant clothing.

(d) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107-296; 116 Stat. 2135) is amended by inserting after the item relating to section 835 the following:

“Sec. 836. Requirements to buy certain items related to national security interests.”.

SA 4132. Mr. SCHUMER (for Mr. MENENDEZ) proposed an amendment to the bill S. 1064, to advance the strategic alignment of United States diplomatic tools toward the realization of free, fair, and transparent elections in Nicaragua and to reaffirm the commitment of the United States to protect the fundamental freedoms and human rights of the people of Nicaragua, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ‘Reinforcing Nicaragua’s Adherence to Conditions for Electoral Reform Act of 2021’ or the ‘RENACER Act’.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Sense of Congress.
- Sec. 3. Review of participation of Nicaragua in Dominican Republic-Central America-United States Free Trade Agreement.
- Sec. 4. Restrictions on international financial institutions relating to Nicaragua.
- Sec. 5. Targeted sanctions to advance democratic elections.
- Sec. 6. Developing and implementing a coordinated sanctions strategy with diplomatic partners.
- Sec. 7. Inclusion of Nicaragua in list of countries subject to certain sanctions relating to corruption.
- Sec. 8. Classified report on the involvement of Ortega family members and Nicaraguan government officials in corruption.
- Sec. 9. Classified report on the activities of the Russian Federation in Nicaragua.
- Sec. 10. Report on certain purchases by and agreements entered into by Government of Nicaragua relating to military or intelligence sector of Nicaragua.
- Sec. 11. Report on human rights abuses in Nicaragua.
- Sec. 12. Supporting independent news media and freedom of information in Nicaragua.
- Sec. 13. Amendment to short title of Public Law 115-335.
- Sec. 14. Definition.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) ongoing efforts by the government of President Daniel Ortega in Nicaragua to suppress the voice and actions of political opponents through intimidation and unlawful detention, civil society, and independent news media violate the fundamental freedoms and basic human rights of the people of Nicaragua;

(2) Congress unequivocally condemns the politically motivated and unlawful detention of presidential candidates Cristiana Chamorro, Arturo Cruz, Felix Maradiaga, and Juan Sebastian Chamorro;

(3) Congress unequivocally condemns the passage of the Foreign Agents Regulation Law, the Special Cybercrimes Law, the Self-Determination Law, and the Consumer Protection Law by the National Assembly of Nicaragua, which represent clear attempts by the Ortega government to curtail the fundamental freedoms and basic human rights of the people of Nicaragua;

(4) Congress recognizes that free, fair, and transparent elections predicated on robust reform measures and the presence of domestic and international observers represent the best opportunity for the people of Nicaragua to restore democracy and reach a peaceful solution to the political and social crisis in Nicaragua;

(5) the United States recognizes the right of the people of Nicaragua to freely determine their own political future as vital to ensuring the sustainable restoration of democracy in their country;

(6) the United States should align the use of diplomatic engagement and all other foreign policy tools, including the use of targeted sanctions, in support of efforts by democratic political actors and civil society in Nicaragua to advance the necessary conditions for free, fair, and transparent elections in Nicaragua;

(7) the United States, in order to maximize the effectiveness of efforts described in paragraph (6), should—

(A) coordinate with diplomatic partners, including the Government of Canada, the European Union, and partners in Latin America and the Caribbean;

(B) advance diplomatic initiatives in consultation with the Organization of American States and the United Nations; and

(C) thoroughly investigate the assets and holdings of the Nicaraguan Armed Forces in the United States and consider appropriate actions to hold such forces accountable for gross violations of human rights; and

(8) pursuant to section 6(b) of the Nicaragua Investment Conditionality Act of 2018, the President should waive the application of restrictions under section 4 of that Act and the sanctions under section 5 of that Act if the Secretary of State certifies that the Government of Nicaragua is taking the steps identified in section 6(a) of that Act, including taking steps to “to hold free and fair elections overseen by credible domestic and international observers”.

SEC. 3. REVIEW OF PARTICIPATION OF NICARAGUA IN DOMINICAN REPUBLIC-CENTRAL AMERICA-UNITED STATES FREE TRADE AGREEMENT.

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

(1) On November 27, 2018, the President signed Executive Order 13851 (50 U.S.C. 1701 note) relating to blocking property of certain persons contributing to the situation in Nicaragua, which stated that “the situation in Nicaragua, including the violent response by the Government of Nicaragua to the protests that began on April 18, 2018, and the Ortega regime’s systematic dismantling and undermining of democratic institutions and the rule of law, its use of indiscriminate violence and repressive tactics against civilians, as well as its corruption leading to the destabilization of Nicaragua’s economy, constitutes an unusual and extraordinary threat to the national security and foreign policy of the United States”.

(2) Article 21.2 of the Dominican Republic-Central America-United States Free Trade Agreement approved by Congress under section 101(a)(1) of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (19 U.S.C. 4011(a)(1)) states, “Nothing in this Agreement shall be construed . . . to preclude a

Party from applying measures that it considers necessary for the fulfillment of its obligations with respect to the maintenance or restoration of international peace or security, or the protection of its own essential security interests.”.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the President should review the continued participation of Nicaragua in the Dominican Republic-Central America-United States Free Trade Agreement if the Government of Nicaragua continues to tighten its authoritarian rule in an attempt to subvert democratic elections in November 2021 and undermine democracy and human rights in Nicaragua.

SEC. 4. RESTRICTIONS ON INTERNATIONAL FINANCIAL INSTITUTIONS RELATING TO NICARAGUA.

Section 4 of the Nicaragua Investment Conditionality Act of 2018 is amended—

(1) by redesignating subsections (a), (b), and (c) as subsections (b), (c), and (d), respectively;

(2) by inserting before subsection (b), as redesignated by paragraph (1), the following:

“(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the Secretary of the Treasury should take all possible steps, including through the full implementation of the exceptions set forth in subsection (c), to ensure that the restrictions required under subsection (b) do not negatively impact the basic human needs of the people of Nicaragua.”;

(3) in subsection (c), as so redesignated, by striking “subsection (a)” and inserting “subsection (b)”;

(4) by striking subsection (d), as so redesignated, and inserting the following:

“(d) **INCREASED OVERSIGHT.**—

“(1) **IN GENERAL.**—The United States Executive Director at each international financial institution of the World Bank Group, the United States Executive Director at the Inter-American Development Bank, and the United States Executive Director at each other international financial institution, including the International Monetary Fund, shall take all practicable steps—

“(A) to increase scrutiny of any loan or financial or technical assistance provided for a project in Nicaragua; and

“(B) to ensure that the loan or assistance is administered through an entity with full technical, administrative, and financial independence from the Government of Nicaragua.

“(2) **MECHANISMS FOR INCREASED SCRUTINY.**—The United States Executive Director at each international financial institution described in paragraph (1) shall use the voice, vote, and influence of the United States to encourage that institution to increase oversight mechanisms for new and existing loans or financial or technical assistance provided for a project in Nicaragua.

“(e) **INTERAGENCY CONSULTATION.**—Before implementing the restrictions described in subsection (b), or before exercising an exception under subsection (c), the Secretary of the Treasury shall consult with the Secretary of State and with the Administrator of the United States Agency for International Development to ensure that all loans and financial or technical assistance to Nicaragua are consistent with United States foreign policy objectives as defined in section 3.

“(f) **REPORT.**—Not later than 180 days after the date of the enactment of the RENACER Act, and annually thereafter until the termination date specified in section 10, the Secretary of the Treasury, in coordination with the Secretary of State and the Administrator of the United States Agency for International Development, shall submit to the appropriate congressional committees a re-

port on the implementation of this section, which shall include—

“(1) summary of any loans and financial and technical assistance provided by international financial institutions for projects in Nicaragua;

“(2) a description of the implementation of the restrictions described in subsection (b);

“(3) an identification of the occasions in which the exceptions under subsection (c) are exercised and an assessment of how the loan or assistance provided with each such exception may address basic human needs or promote democracy in Nicaragua;

“(4) a description of the results of the increased oversight conducted under subsection (d); and

“(5) a description of international efforts to address the humanitarian needs of the people of Nicaragua.”.

SEC. 5. TARGETED SANCTIONS TO ADVANCE DEMOCRATIC ELECTIONS.

(a) **COORDINATED STRATEGY.**—

(1) **IN GENERAL.**—The Secretary of State and the Secretary of the Treasury, in consultation with the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)), shall develop and implement a coordinated strategy to align diplomatic engagement efforts with the implementation of targeted sanctions in order to support efforts to facilitate the necessary conditions for free, fair, and transparent elections in Nicaragua.

(2) **BRIEFING REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter until December 31, 2022, the Secretary of State and the Secretary of the Treasury shall brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on steps to be taken by the United States Government to develop and implement the coordinated strategy required by paragraph (1).

(b) **TARGETED SANCTIONS PRIORITIZATION.**—

(1) **IN GENERAL.**—Pursuant to the coordinated strategy required by subsection (a), the President shall prioritize the implementation of the targeted sanctions required under section 5 of the Nicaragua Investment Conditionality Act of 2018.

(2) **TARGETS.**—In carrying out paragraph (1), the President—

(A) shall examine whether foreign persons involved in directly or indirectly obstructing the establishment of conditions necessary for the realization of free, fair, and transparent elections in Nicaragua are subject to sanctions under section 5 of the Nicaragua Investment Conditionality Act of 2018; and

(B) should, in particular, examine whether the following persons have engaged in conduct subject to such sanctions:

(i) Officials in the government of President Daniel Ortega.

(ii) Family members of President Daniel Ortega.

(iii) High-ranking members of the National Nicaraguan Police.

(iv) High-ranking members of the Nicaraguan Armed Forces.

(v) Members of the Supreme Electoral Council of Nicaragua.

(vi) Officials of the Central Bank of Nicaragua.

(vii) Party members and elected officials from the Sandinista National Liberation Front and their family members.

(viii) Individuals or entities affiliated with businesses engaged in corrupt financial transactions with officials in the government of President Daniel Ortega, his party, or his family.

(ix) Individuals identified in the report required by section 8 as involved in significant acts of public corruption in Nicaragua.

SEC. 6. DEVELOPING AND IMPLEMENTING A COORDINATED SANCTIONS STRATEGY WITH DIPLOMATIC PARTNERS.

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

(1) On June 21, 2019, the Government of Canada, pursuant to its Special Economic Measures Act, designated 9 officials of the Government of Nicaragua for the imposition of sanctions in response to gross and systematic human rights violations in Nicaragua.

(2) On May 4, 2020, the European Union imposed sanctions with respect to 6 officials of the Government of Nicaragua identified as responsible for serious human rights violations and for the repression of civil society and democratic opposition in Nicaragua.

(3) On October 12, 2020, the European Union extended its authority to impose restrictive measures on “persons and entities responsible for serious human rights violations or abuses or for the repression of civil society and democratic opposition in Nicaragua, as well as persons and entities whose actions, policies or activities otherwise undermine democracy and the rule of law in Nicaragua, and persons associated with them”.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the United States should encourage the Government of Canada, the European Union and governments of members countries of the European Union, and governments of countries in Latin America and the Caribbean to use targeted sanctions with respect to persons involved in human rights violations and the obstruction of free, fair, and transparent elections in Nicaragua.

(c) **COORDINATING INTERNATIONAL SANCTIONS.**—The Secretary of State, working through the head of the Office of Sanctions Coordination established by section 1(h) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(h)), and in consultation with the Secretary of the Treasury, shall engage in diplomatic efforts with governments of countries that are partners of the United States, including the Government of Canada, governments of countries in the European Union, and governments of countries in Latin America and the Caribbean, to impose targeted sanctions with respect to the persons described in section 5(b) in order to advance democratic elections in Nicaragua.

(d) **BRIEFING REQUIREMENT.**—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter until December 31, 2022, the Secretary of State, in consultation with the Secretary of the Treasury, shall brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the implementation of this section.

SEC. 7. INCLUSION OF NICARAGUA IN LIST OF COUNTRIES SUBJECT TO CERTAIN SANCTIONS RELATING TO CORRUPTION.

Section 353 of title III of division FF of the Consolidated Appropriations Act, 2021 (Public Law 116-260) is amended—

(1) in the section heading, by striking “AND HONDURAS” and inserting “, HONDURAS, AND NICARAGUA”; and

(2) by striking “and Honduras” each place it appears and inserting “, Honduras, and Nicaragua”.

SEC. 8. CLASSIFIED REPORT ON THE INVOLVEMENT OF ORTEGA FAMILY MEMBERS AND NICARAGUAN GOVERNMENT OFFICIALS IN CORRUPTION.

(a) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, acting through the Bureau of Intelligence and Research of the Department of State, and in coordination with the Director of National Intelligence, shall submit a classified report to

the appropriate congressional committees on significant acts of public corruption in Nicaragua that—

(1) involve—
(A) the President of Nicaragua, Daniel Ortega;

(B) members of the family of Daniel Ortega; and

(C) senior officials of the Ortega government, including—

(1) members of the Supreme Electoral Council, the Nicaraguan Armed Forces, and the National Nicaraguan Police; and

(2) elected officials from the Sandinista National Liberation Front party;

(3) pose challenges for United States national security and regional stability;

(4) impede the realization of free, fair, and transparent elections in Nicaragua; and

(5) violate the fundamental freedoms of civil society and political opponents in Nicaragua.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term “appropriate congressional committees” means—

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

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

SEC. 9. CLASSIFIED REPORT ON THE ACTIVITIES OF THE RUSSIAN FEDERATION IN NICARAGUA.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, acting through the Bureau of Intelligence and Research of the Department of State, and in coordination with the Director of National Intelligence, shall submit a classified report to the appropriate congressional committees on activities of the Government of the Russian Federation in Nicaragua, including—

(1) cooperation between Russian and Nicaraguan military personnel, intelligence services, security forces, and law enforcement, and private Russian security contractors;

(2) cooperation related to telecommunications and satellite navigation;

(3) other political and economic cooperation, including with respect to banking, disinformation, and election interference; and

(4) the threats and risks that such activities pose to United States national interests and national security.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term “appropriate congressional committees” means—

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

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

SEC. 10. REPORT ON CERTAIN PURCHASES BY AND AGREEMENTS ENTERED INTO BY GOVERNMENT OF NICARAGUA RELATING TO MILITARY OR INTELLIGENCE SECTOR OF NICARAGUA.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, acting through the Bureau of Intelligence and Research of the Department of State, and in coordination with the Director of National Intelligence and the Director of the Defense Intelligence Agency, shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report that includes—

(1) a list of—

(A) all equipment, technology, or infrastructure with respect to the military or intelligence sector of Nicaragua purchased, on or after January 1, 2011, by the Government of Nicaragua from an entity identified by the

Department of State under section 231(e) of the Countering America's Adversaries Through Sanctions Act (22 U.S.C. 9525(e)); and

(B) all agreements with respect to the military or intelligence sector of Nicaragua entered into, on or after January 1, 2011, by the Government of Nicaragua with an entity described in subparagraph (A); and

(2) a description of and date for each purchase and agreement described in paragraph (1).

(b) CONSIDERATION.—The report required by subsection (a) shall be prepared after consideration of the content of the report of the Defense Intelligence Agency entitled, “Russia: Defense Cooperation with Cuba, Nicaragua, and Venezuela” and dated February 4, 2019.

(c) FORM OF REPORT.—The report required by subsection (a) shall be submitted in unclassified form but may include a classified annex.

SEC. 11. REPORT ON HUMAN RIGHTS ABUSES IN NICARAGUA.

(a) FINDINGS.—Congress finds that, since the June 2018 initiation of “Operation Clean-up”, an effort of the government of Daniel Ortega to dismantle barricades constructed throughout Nicaragua during social demonstrations in April 2018, the Ortega government has increased its abuse of campesinos and members of indigenous communities, including arbitrary detentions, torture, and sexual violence as a form of intimidation.

(b) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report that documents the perpetration of gross human rights violations by the Ortega government against the citizens of Nicaragua, including campesinos and indigenous communities in the interior of Nicaragua.

(c) ELEMENTS.—The report required by subsection (b) shall—

(1) include a compilation of human rights violations committed by the Ortega government against the citizens of Nicaragua, with a focus on such violations committed since April 2018, including human rights abuses and extrajudicial killings in—

(A) the cities of Managua, Carazo, and Masaya between April and June of 2018; and

(B) the municipalities of Wiwili, El Cuá, San Jose de Bocay, and Santa Maria de Pantasma in the Department of Jinotega, Esquipulas in the Department of Rivas, and Bilwi in the North Caribbean Coast Autonomous Region between 2018 and 2021;

(2) outline efforts by the Ortega government to intimidate and disrupt the activities of civil society organizations attempting to hold the government accountable for infringing on the fundamental rights and freedoms of the people of Nicaragua; and

(3) provide recommendations on how the United States, in collaboration with international partners and Nicaraguan civil society, should leverage bilateral and regional relationships to curtail the gross human rights violations perpetrated by the Ortega government and better support the victims of human rights violations in Nicaragua.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Relations of the Senate; and

(2) the Committee on Foreign Affairs of the House of Representatives.

SEC. 12. SUPPORTING INDEPENDENT NEWS MEDIA AND FREEDOM OF INFORMATION IN NICARAGUA.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, the Adminis-

trator for the United States Agency for International Development, and the Chief Executive Officer of the United States Agency for Global Media, shall submit to Congress a report that includes—

(1) an evaluation of the governmental, political, and technological obstacles faced by the people of Nicaragua in their efforts to obtain accurate, objective, and comprehensive news and information about domestic and international affairs; and

(2) a list of all TV channels, radio stations, online news sites, and other media platforms operating in Nicaragua that are directly or indirectly owned or controlled by President Daniel Ortega, members of the Ortega family, or known allies of the Ortega government.

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

(1) an assessment of the extent to which the current level and type of news and related programming and content provided by the Voice of America and other sources is addressing the informational needs of the people of Nicaragua;

(2) a description of existing United States efforts to strengthen freedom of the press and freedom of expression in Nicaragua, including recommendations to expand upon those efforts; and

(3) a strategy for strengthening independent broadcasting, information distribution, and media platforms in Nicaragua.

SEC. 13. AMENDMENT TO SHORT TITLE OF PUBLIC LAW 115-335.

Section 1(a) of the Nicaragua Human Rights and Anticorruption Act of 2018 (Public Law 115-335; 50 U.S.C. 1701 note) is amended to read as follows:

“(a) SHORT TITLE.—This Act may be cited as the ‘Nicaragua Investment Conditionality Act of 2018’ or the ‘NICA Act’.”

SEC. 14. DEFINITION.

In this Act, the term “Nicaragua Investment Conditionality Act of 2018” means the Public Law 115-335 (50 U.S.C. 1701 note), as amended by section 13.

REINFORCING NICARAGUA'S ADHERENCE TO CONDITIONS FOR ELECTORAL REFORM ACT OF 2021

Mr. SCHUMER. Madam President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. 1064 and the Senate proceed to its immediate consideration.

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

The senior assistant legislative clerk read as follows:

A bill (S. 1064) to advance the strategic alignment of United States diplomatic tools toward the realization of free, fair, and transparent elections in Nicaragua and to reaffirm the commitment of the United States to protect the fundamental freedoms and human rights of the people of Nicaragua, and for other purposes.

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

Mr. SCHUMER. Madam President, I ask unanimous consent that the substitute amendment at the desk be considered and agreed to.

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

The amendment (No. 4132) in the nature of a substitute was agreed to.

(Purpose: In the nature of a substitute.)