entitled ''Short-Term, Limited Duration Insurance'' shall have no force or effect.

S. 960

At the request of Mr. CRUZ, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 960, a bill to provide for proper treatment of Taiwan government representatives.

S. RES. 43

At the request of Mr. MARKEY, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. Res. 43, a resolution recognizing the duty of the Federal Government to implement an agenda to Transform, Heal, and Renew by Investing in a Vibrant Economy (''THRIVE'').

At the request of Mr. HEINRICH, his name was added as a cosponsor of S. Res. 43, supra.

S. RES. 46

At the request of Mr. SCHUMER, the name of the Senator from California (Mr. PADILLA) was added as a cosponsor of S. Res. 46, a resolution calling on the President of the United States to take executive action to broadly cancel Federal student loan debt.

S. RES. 99

At the request of Mr. MENENDEZ, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 99, a resolution observing the 10th anniversary of the uprising in Syria.

S. RES. 132

At the request of Mr. INHOFE, the name of the Senator from Oklahoma (Mr. LANKFORD) was added as a cosponsor of S. Res. 132, a resolution expressing the sense of the Senate that the current influx of migrants is causing a crisis at the Southern border.

S. RES. 133

At the request of Ms. HIRONO, the names of the Senator from Arizona (Ms. SINEMA), the Senator from New Hampshire (Ms. HASSAN) and the Senator from Michigan (Mr. PETERS) were added as cosponsors of S. Res. 133, a resolution condemning all forms of anti-Asian sentiment as related to COVID–19.

S. RES. 134

At the request of Mr. LEE, the names of the Senator from Texas (Mr. CRUZ), the Senator from Nebraska (Mrs. FISCHER), the Senator from South Dakota (Mr. ROUNDS) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. Res. 134, a resolution expressing the sense of the Senate that the President should work with the Government of the United Kingdom to conclude negotiations for a comprehensive free trade agreement between the United States and the United Kingdom.

S. RES. 135

At the request of Ms. CORTEZ MASTO, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. Res. 135, a resolution recognizing the heritage, culture, and contributions of Latinas in the United States.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KAINE (for himself and Mr. WARNER):

S. 1000. A bill to designate additions to the Rough Mountain Wilderness and the Rich Hole Wilderness of the George Washington National Forest, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. KAINE. Mr. President, this bill authorizes additions to two existing wilderness areas within the George Washington National Forest in Bath County, VA. This text represents years of negotiation and compromise among Virginia stakeholders who rely in different ways on the GW Forest.

In many parts of America, Federal land management is controversial. Some may view these lands as repositories for timber, energy, or minerals. Others may enjoy using recreational trails through them. Others may believe that they should be left to nature and not disturbed. The truth, of course, is that all of these uses are important; the conflict lies in agreeing on which lands are best suited to which purposes.

In the lead-up to the latest multiyear GW Forest Management Plan, various forest users came together to see if they could find reasonable compromises that would avoid years of unproductive disagreement and litigation. This group, known as the George Washington National Forest Stakeholder Collaborative, succeeded. Through hard work and consensus, the collaborative made joint recommendations to the U.S. Forest Service for forest management and protection. Preservation advocates consented to timber harvest and other active forest restoration and management in certain areas, while forest products interests consented to wilderness and light management in other areas. Following this fruitful collaboration, the Forest Service convened the Lower Cowpasture Restoration and Management Project, bringing together the collaborative and other stakeholders to help develop management activities on this particular part of the forest in Bath County. Again, this collaborative succeeded, with everyone getting some of what they want and giving some ground.

The collaborative has now come together to support the wilderness additions in this bill, which designates 4,500 acres to be added to the Rich Hole Wilderness Area and 1,000 acres to be added to the Rough Mountain Wilderness Area. I am proud to partner on this with my colleague Senator MARK WARNER, and we are following in the path blazed by Senator John Warner and Representative Rick Boucher, who led the original Virginia Wilderness Act in 1984. I am further proud that this bill passed unanimously in the Senate last Congress and as part of a package passed the House this Congress. I hope it will cross the finish line soon.

Taking care of our Nation's public lands is good for the economy and good for the environment. Land disputes may often be contentious, but this example proves they don't have to be. When everyone comes to the table and invests the necessary time, we can find common ground. I hope this will be a lesson for us in other tough policy challenges, and I encourage the Senate to support this bill.

By Mr. DURBIN (for himself, Mr. LEE, Mr. LEAHY, Mr. WHITEHOUSE, Mr. WYDEN, Mr. BLUMENTHAL, Ms. BALDWIN, Mr. BOOKER, Ms. WARREN, Mr. SANDERS, Mr. KING, Mr. KAINE, and Mr. WICKER):

S. 1013. A bill to focus limited Federal resources on the most serious offenders; to the Committee on the Judiciary.

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

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

S. 1013

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Smarter Sentencing Act of 2021''.

SEC. 2. SENTENCING MODIFICATIONS FOR CERTAIN DRUG OFFENSES.

(a) CONTROLLED SUBSTANCES ACT.—The Controlled Substances Act (21 U.S.C. 801 et seq.) is amended—

(1) in section 102 (21 U.S.C. 802)—

(A) by redesignating paragraph (58) as paragraph (59);

(B) by redesignating the second paragraph (57) (relating to ''serious drug felony'') as paragraph (58); and

(C) by adding at the end the following:

''(60) The term 'courier' means a defendant whose role in the offense was limited to transporting or storing drugs or money.''; and

(2) in section 401(b)(1) (21 U.S.C. 841(b)(1))—

(A) in subparagraph (A), in the flush text following clause (viii)—

(i) by striking ''10 years or more'' and inserting ''5 years or more''; and

(ii) by striking ''15 years'' and inserting ''10 years''; and

(B) in subparagraph (B), in the flush text following clause (viii)—

(i) by striking ''5 years'' and inserting ''2 years''; and

(ii) by striking ''not be less than 10 years'' and inserting ''not be less than 5 years''.

(b) CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.—Section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended—

(1) in paragraph (1), in the flush text following subparagraph (H)—

(A) by inserting '', other than a person who is a courier,'' after ''such violation'';

(B) by striking ''person commits'' and inserting ''person, other than a courier, commits''; and

(C) by inserting ''If a person who is a courier commits such a violation, the person shall be sentenced to a term of imprisonment of not less than 5 years and not more than life. If a person who is a courier commits such a violation after a prior conviction for a felony drug offense has become final, the person shall be sentenced to a term of imprisonment of not less than 10 years and not more than life.'' before ''Notwithstanding section 3583''; and

(2) in paragraph (2), in the flush text following subparagraph (H)—

(A) by inserting '', other than a person who is a courier,'' after ''such violation'';

(B) by striking ''person commits'' and inserting ''person, other than a courier, commits''; and

(C) by inserting ''If a person who is a courier commits such a violation, the person shall be sentenced to a term of imprisonment of not less than 2 years and not more than life. If a person who is a courier commits such a violation after a prior conviction for a felony drug offense has become final, the person shall be sentenced to a term of imprisonment of not less than 5 years and not more than life.'' before ''Notwithstanding section 3583''.

(c) APPLICABILITY TO PENDING AND PAST CASES.—

(1) DEFINITION.—In this subsection, the term ''covered offense'' means a violation of a Federal criminal statute, the statutory penalties for which were modified by this section.

(2) PENDING CASES.—This section, and the amendments made by this section, shall apply to any sentence imposed after the date of enactment of this Act, regardless of when the offense was committed.

(3) PAST CASES.—In the case of a defendant who, before the date of enactment of this Act, was convicted or sentenced for a covered offense, the sentencing court may, on motion of the defendant, the Bureau of Prisons, the attorney for the Government, or on its own motion, impose a reduced sentence after considering the factors set forth in section 3553(a) of title 18, United States Code.

SEC. 3. DIRECTIVE TO THE SENTENCING COMMISSION.

(a) DIRECTIVE TO SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and amend, if appropriate, its guidelines and its policy statements applicable to persons convicted of an offense under section 401 of the Controlled Substances Act (21 U.S.C. 841) or section 1010 of the Controlled Substances Import and Export Act (21 U.S.C. 960) to ensure that the guidelines and policy statements are consistent with the amendments made by section 2 of this Act.

(b) CONSIDERATIONS.—In carrying out this section, the United States Sentencing Commission shall consider—

(1) the mandate of the United States Sentencing Commission, under section 994(g) of title 28, United States Code, to formulate the sentencing guidelines in such a way as to ''minimize the likelihood that the Federal prison population will exceed the capacity of the Federal prisons'';

(2) the findings and conclusions of the United States Sentencing Commission in its October 2011 report to Congress entitled, Mandatory Minimum Penalties in the Federal Criminal Justice System;

(3) the fiscal implications of any amendments or revisions to the sentencing guidelines or policy statements made by the United States Sentencing Commission;

(4) the relevant public safety concerns involved in the considerations before the United States Sentencing Commission;

(5) the intent of Congress that penalties for violent, repeat, and serious drug traffickers who present public safety risks remain appropriately severe; and

(6) the need to reduce and prevent racial disparities in Federal sentencing.

(c) EMERGENCY AUTHORITY.—The United States Sentencing Commission shall—

(1) promulgate the guidelines, policy statements, or amendments provided for in this Act as soon as practicable, and in any event not later than 120 days after the date of enactment of this Act, in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (28 U.S.C. 994 note), as though the authority under that Act had not expired; and

(2) pursuant to the emergency authority provided under paragraph (1), make such conforming amendments to the Federal sentencing guidelines as the Commission determines necessary to achieve consistency with other guideline provisions and applicable law.

SEC. 4. REPORT BY ATTORNEY GENERAL.

Not later than 6 months after the date of enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the House of Representatives and the Senate a report outlining how the reduced expenditures on Federal corrections and the cost savings resulting from this Act will be used to help reduce overcrowding in the Federal Bureau of Prisons, help increase proper investment in law enforcement and crime prevention, and help reduce criminal recidivism, thereby increasing the effectiveness of Federal criminal justice spending.

SEC. 5. REPORT ON FEDERAL CRIMINAL OFFENSES.

(a) DEFINITIONS.—In this section—

(1) the term ''criminal regulatory offense'' means a Federal regulation that is enforceable by a criminal penalty; and

(2) the term ''criminal statutory offense'' means a criminal offense under a Federal statute.

(b) REPORT ON CRIMINAL STATUTORY OFFENSES.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report, which shall include—

(1) a list of all criminal statutory offenses, including a list of the elements for each criminal statutory offense; and

(2) for each criminal statutory offense listed under paragraph (1)—

(A) the potential criminal penalty for the criminal statutory offense;

(B) the number of prosecutions for the criminal statutory offense brought by the Department of Justice each year for the 15-year period preceding the date of enactment of this Act; and

(C) the mens rea requirement for the criminal statutory offense.

(c) REPORT ON CRIMINAL REGULATORY OFFENSES.—

(1) REPORTS.—Not later than 1 year after the date of enactment of this Act, the head of each Federal agency described in paragraph (2) shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report, which shall include—

(A) a list of all criminal regulatory offenses enforceable by the agency; and

(B) for each criminal regulatory offense listed under subparagraph (A)—

(i) the potential criminal penalty for a violation of the criminal regulatory offense;

(ii) the number of violations of the criminal regulatory offense referred to the Department of Justice for prosecution in each of the years during the 15-year period preceding the date of enactment of this Act; and

(iii) the mens rea requirement for the criminal regulatory offense.

(2) AGENCIES DESCRIBED.—The Federal agencies described in this paragraph are the Department of Agriculture, the Department of Commerce, the Department of Education, the Department of Energy, the Department of Health and Human Services, the Department of Homeland Security, the Department of Housing and Urban Development, the Department of the Interior, the Department of Labor, the Department of Transportation, the Department of the Treasury, the Commodity Futures Trading Commission, the Consumer Product Safety Commission, the Equal Employment Opportunity Commission, the Export-Import Bank of the United States, the Farm Credit Administration, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Election Commission, the Federal Labor Relations Authority, the Federal Maritime Commission, the Federal Mine Safety and Health Review Commission, the Federal Trade Commission, the National Labor Relations Board, the National Transportation Safety Board, the Nuclear Regulatory Commission, the Occupational Safety and Health Review Commission, the Office of Compliance, the Postal Regulatory Commission, the Securities and Exchange Commission, the Securities Investor Protection Corporation, the Environmental Protection Agency, the Small Business Administration, the Federal Housing Finance Agency, and the Office of Government Ethics.

(d) INDEX.—Not later than 2 years after the date of enactment of this Act—

(1) the Attorney General shall establish a publically accessible index of each criminal statutory offense listed in the report required under subsection (b) and make the index available and freely accessible on the website of the Department of Justice; and

(2) the head of each agency described in subsection (c)(2) shall establish a publically accessible index of each criminal regulatory offense listed in the report required under subsection (c)(1) and make the index available and freely accessible on the website of the agency.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require or authorize appropriations.

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

S. 1014. A bill to reform sentencing laws and correctional institutions, and for other purposes; to the Committee on the Judiciary.

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

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

S. 1014

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''First Step Implementation Act of 2021''.

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

TITLE I—SENTENCING REFORM

SEC. 101. APPLICATION OF FIRST STEP ACT.

(a) DEFINITIONS.—In this section—

(1) the term ''covered offense'' means—

(A) a violation of a Federal criminal statute, the statutory penalties for which were modified by section 401 or 403 of the First Step Act of 2018 (Public Law 115–391; 132 Stat.

5220), that was committed on or before December 21, 2018; or

(B) a violation of a Federal criminal statute, the statutory penalties for which are modified by subsection (b) of this section; and

(2) the term ''serious violent felony'' has the meaning given that term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(b) AMENDMENTS.—

(1) IN GENERAL.—

(A) CONTROLLED SUBSTANCES ACT.—Section 401(b) of the Controlled Substances Act (21 U.S.C. 841) is amended—

(i) in paragraph (1)—

(I) in subparagraph (C), by striking ''felony drug offense'' and inserting ''serious drug felony or serious violent felony'';

(II) in subparagraph (D), by striking ''felony drug offense'' and inserting ''serious drug felony or serious violent felony''; and

(III) in subparagraph (E)(ii), by striking ''felony drug offense'' and inserting ''serious drug felony or serious violent felony'';

(ii) in paragraph (2), by striking ''felony drug offense'' and inserting ''serious drug felony or serious violent felony''; and

(iii) in paragraph (3), by striking ''felony drug offense'' and inserting ''serious drug felony or serious violent felony''.

(B) CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.—Section 1010(b)(3) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(3)) is amended by striking ''felony drug offense'' and inserting ''serious drug felony or serious violent felony''.

(2) PENDING CASES.—This subsection, and the amendments made by this subsection, shall apply to any sentence imposed on or after the date of enactment of this Act, regardless of when the offense was committed.

(c) DEFENDANTS PREVIOUSLY SENTENCED.—A court that imposed a sentence for a covered offense may, on motion of the defendant, the Director of the Bureau of Prisons, the attorney for the Government, or the court, impose a reduced sentence as if sections 401 and 403 of the First Step Act of 2018 (Public Law 115–391; 132 Stat. 5220) and the amendments made by subsection (b) of this section were in effect at the time the covered offense was committed if, after considering the factors set forth in section 3553(a) of title 18, United States Code, the nature and seriousness of the danger to any person, the community, or any crime victims, and the post-sentencing conduct of the defendant, the sentencing court finds a reduction is consistent with the amendments made by section 401 or 403 of the First Step Act of 2018 (Public Law 115–391; 132 Stat. 5220) or with subsection (b) of this section.

(d) CRIME VICTIMS.—Any proceeding under this section shall be subject to section 3771 of title 18, United States Code (commonly known as the ''Crime Victims Rights Act'').

(e) REQUIREMENT.—For each motion filed under subsection (b), the Government shall conduct a particularized inquiry of the facts and circumstances of the original sentencing of the defendant in order to assess whether a reduction in sentence would be consistent with the First Step Act of 2018 (Public Law 115–391; 132 Stat. 5194) and the amendments made by that Act, including a review of any prior criminal conduct or any other relevant information from Federal, State, and local authorities.

SEC. 102. MODIFYING SAFETY VALVE FOR DRUG OFFENSES.

(a) AMENDMENTS.—Section 3553 of title 18, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

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

''(g) INADEQUACY OF CRIMINAL HISTORY.—

''(1) IN GENERAL.—If subsection (f) does not apply to a defendant because the defendant does not meet the requirements described in subsection (f)(1) (relating to criminal history), the court may, upon prior notice to the Government, waive subsection (f)(1) if the court specifies in writing the specific reasons why reliable information indicates that excluding the defendant pursuant to subsection (f)(1) substantially overrepresents the seriousness of the defendant's criminal history or the likelihood that the defendant will commit other crimes.

''(2) PROHIBITION.—This subsection shall not apply to any defendant who has been convicted of a serious drug felony or a serious violent felony as defined in paragraphs (57) and (58), respectively, of section 102 of the Controlled Substances Act (21 U.S.C. 802).''.

TITLE II—CORRECTIONS REFORM

SEC. 201. PAROLE FOR JUVENILES.

(a) IN GENERAL.—Chapter 403 of title 18, United States Code, is amended by inserting after section 5032 the following:

''§ 5032A. Modification of an imposed term of imprisonment for violations of law committed prior to age 18

''(a) IN GENERAL.—Notwithstanding any other provision of law, a court may reduce a term of imprisonment imposed upon a defendant convicted as an adult for an offense committed and completed before the defendant attained 18 years of age if—

''(1) the defendant has served not less than 20 years in custody for the offense; and

''(2) the court finds, after considering the factors set forth in subsection (c), that the defendant is not a danger to the safety of any person or the community and that the interests of justice warrant a sentence modification.

''(b) SUPERVISED RELEASE.—Any defendant whose sentence is reduced pursuant to subsection (a) shall be ordered to serve a period of supervised release of not less than 5 years following release from imprisonment. The conditions of supervised release and any modification or revocation of the term of supervise release shall be in accordance with section 3583.

''(c) FACTORS AND INFORMATION TO BE CONSIDERED IN DETERMINING WHETHER TO MODIFY A TERM OF IMPRISONMENT.—The court, in determining whether to reduce a term of imprisonment pursuant to subsection (a), shall consider—

''(1) the factors described in section 3553(a), including the nature of the offense and the history and characteristics of the defendant;

''(2) the age of the defendant at the time of the offense;

''(3) a report and recommendation of the Bureau of Prisons, including information on whether the defendant has substantially complied with the rules of each institution in which the defendant has been confined and whether the defendant has completed any educational, vocational, or other prison program, where available;

''(4) a report and recommendation of the United States attorney for any district in which an offense for which the defendant is imprisoned was prosecuted;

''(5) whether the defendant has demonstrated maturity, rehabilitation, and a fitness to reenter society sufficient to justify a sentence reduction;

''(6) any statement, which may be presented orally or otherwise, by any victim of an offense for which the defendant is imprisoned or by a family member of the victim if the victim is deceased;

''(7) any report from a physical, mental, or psychiatric examination of the defendant conducted by a licensed health care professional;

''(8) the family and community circumstances of the defendant at the time of the offense, including any history of abuse, trauma, or involvement in the child welfare system;

''(9) the extent of the role of the defendant in the offense and whether, and to what extent, an adult was involved in the offense;

''(10) the diminished culpability of juveniles as compared to that of adults, and the hallmark features of youth, including immaturity, impetuosity, and failure to appreciate risks and consequences, which counsel against sentencing juveniles to the otherwise applicable term of imprisonment; and

''(11) any other information the court determines relevant to the decision of the court.

''(d) LIMITATION ON APPLICATIONS PURSUANT TO THIS SECTION.—

''(1) SECOND APPLICATION.—Not earlier than 5 years after the date on which an order entered by a court on an initial application under this section becomes final, a court shall entertain a second application by the same defendant under this section.

''(2) FINAL APPLICATION.—Not earlier than 5 years after the date on which an order entered by a court on a second application under paragraph (1) becomes final, a court shall entertain a final application by the same defendant under this section.

''(3) PROHIBITION.—A court may not entertain an application filed after an application filed under paragraph (2) by the same defendant.

''(e) PROCEDURES.—

''(1) NOTICE.—The Bureau of Prisons shall provide written notice of this section to—

''(A) any defendant who has served not less than 19 years in prison for an offense committed and completed before the defendant attained 18 years of age for which the defendant was convicted as an adult; and

''(B) the sentencing court, the United States attorney, and the Federal Public Defender or Executive Director of the Community Defender Organization for the judicial district in which the sentence described in subparagraph (A) was imposed.

''(2) CRIME VICTIMS RIGHTS.—Upon receiving notice under paragraph (1), the United States attorney shall provide any notifications required under section 3771.

''(3) APPLICATION.—

''(A) IN GENERAL.—An application for a sentence reduction under this section shall be filed as a motion to reduce the sentence of the defendant and may include affidavits or other written material.

''(B) REQUIREMENT.—A motion to reduce a sentence under this section shall be filed with the sentencing court and a copy shall be served on the United States attorney for the judicial district in which the sentence was imposed.

''(4) EXPANDING THE RECORD; HEARING.—

''(A) EXPANDING THE RECORD.—After the filing of a motion to reduce a sentence under this section, the court may direct the parties to expand the record by submitting additional written materials relating to the motion.

''(B) HEARING.—

''(i) IN GENERAL.—The court shall conduct a hearing on the motion, at which the defendant and counsel for the defendant shall be given the opportunity to be heard.

''(ii) EVIDENCE.—In a hearing under this section, the court may allow parties to present evidence.

''(iii) DEFENDANT'S PRESENCE.—At a hearing under this section, the defendant shall be present unless the defendant waives the right to be present. The requirement under this clause may be satisfied by the defendant appearing by video teleconference.

''(iv) COUNSEL.—A defendant who is unable to obtain counsel is entitled to have counsel appointed to represent the defendant for proceedings under this section, including any appeal, unless the defendant waives the right to counsel.

''(v) FINDINGS.—The court shall state in open court, and file in writing, the reasons for granting or denying a motion under this section.

''(C) APPEAL.—The Government or the defendant may file a notice of appeal in the district court for review of a final order under this section. The time limit for filing such appeal shall be governed by rule 4(a) of the Federal Rules of Appellate Procedure.

''(f) EDUCATIONAL AND REHABILITATIVE PROGRAMS.—A defendant who is convicted and sentenced as an adult for an offense committed and completed before the defendant attained 18 years of age may not be deprived of any educational, training, or rehabilitative program that is otherwise available to the general prison population.''.

(b) TABLE OF SECTIONS.—The table of sections for chapter 403 of title 18, United States Code, is amended by inserting after the item relating to section 5032 the following:

''5032A. Modification of an imposed term of imprisonment for violations of law committed prior to age 18.''.

(c) APPLICABILITY.—The amendments made by this section shall apply to any conviction entered before, on, or after the date of enactment of this Act.

SEC. 202. JUVENILE SEALING AND EXPUNGEMENT.

(a) PURPOSE.—The purpose of this section is to—

(1) protect children and adults against damage stemming from their juvenile acts and subsequent juvenile delinquency records, including law enforcement, arrest, and court records; and

(2) prevent the unauthorized use or disclosure of confidential juvenile delinquency records and any potential employment, financial, psychological, or other harm that would result from such unauthorized use or disclosure.

(b) DEFINITIONS.—Section 5031 of title 18, United States Code, is amended to read as follows:

''§ 5031. Definitions

''In this chapter—

''(1) the term 'adjudication' means a determination by a judge that a person committed an act of juvenile delinquency;

''(2) the term 'conviction' means a judgment or disposition in criminal court against a person following a finding of guilt by a judge or jury;

''(3) the term 'destroy' means to render a file unreadable, whether paper, electronic, or otherwise stored, by shredding, pulverizing, pulping, incinerating, overwriting, reformatting the media, or other means;

''(4) the term 'expunge' means to destroy a record and obliterate the name of the person to whom the record pertains from each official index or public record;

''(5) the term 'expungement hearing' means a hearing held under section 5045(b)(2)(B);

''(6) the term 'expungement petition' means a petition for expungement filed under section 5045(b);

''(7) the term 'high-risk, public trust position' means a position designated as a public trust position under section 731.106(b) of title 5, Code of Federal Regulations, or any successor regulation;

''(8) the term 'juvenile' means—

''(A) except as provided in subparagraph (B), a person who has not attained the age of 18 years; and

''(B) for the purpose of proceedings and disposition under this chapter for an alleged act of juvenile delinquency, a person who has not attained the age of 21 years;

''(9) the term 'juvenile delinquency' means the violation of a law of the United States committed by a person before attaining the age of 18 years which would have been a crime if committed by an adult, or a violation by such a person of section 922(x);

''(10) the term 'juvenile nonviolent offense' means—

''(A) in the case of an arrest or an adjudication that is dismissed or finds the juvenile to be not delinquent, an act of juvenile delinquency that is not—

''(i) a criminal homicide, forcible rape or any other sex offense (as defined in section 111 of the Sex Offender Registration and Notification Act (34 U.S.C. 20911)), kidnapping, aggravated assault, robbery, burglary of an occupied structure, arson, or a drug trafficking crime in which a firearm was used; or

''(ii) a Federal crime of terrorism (as defined in section 2332b(g)); and

''(B) in the case of an adjudication that finds the juvenile to be delinquent, an act of juvenile delinquency that is not—

''(i) described in clause (i) or (ii) of subparagraph (A); or

''(ii) a misdemeanor crime of domestic violence (as defined in section 921(a)(33));

''(11) the term 'juvenile record'—

''(A) means a record maintained by a court, the probation system, a law enforcement agency, or any other government agency, of the juvenile delinquency proceedings of a person;

''(B) includes—

''(i) a juvenile legal file, including a formal document such as a petition, notice, motion, legal memorandum, order, or decree;

''(ii) a social record, including—

''(I) a record of a probation officer;

''(II) a record of any government agency that keeps records relating to juvenile delinquency;

''(III) a medical record;

''(IV) a psychiatric or psychological record;

''(V) a birth certificate;

''(VI) an education record, including an individualized education plan;

''(VII) a detention record;

''(VIII) demographic information that identifies a juvenile or the family of a juvenile; or

''(IX) any other record that includes personally identifiable information that may be associated with a juvenile delinquency proceeding, an act of juvenile delinquency, or an alleged act of juvenile delinquency; and

''(iii) a law enforcement record, including a photograph or a State criminal justice information system record; and

''(C) does not include—

''(i) fingerprints; or

''(ii) a DNA sample;

''(12) the term 'petitioner' means a person who files an expungement petition or a sealing petition;

''(13) the term 'seal' means—

''(A) to close a record from public viewing so that the record cannot be examined except by court order; and

''(B) to physically seal the record shut and label the record 'SEALED' or, in the case of an electronic record, the substantive equivalent;

''(14) the term 'sealing hearing' means a hearing held under section 5044(b)(2)(B); and

''(15) the term 'sealing petition' means a petition for a sealing order filed under section 5044(b).''.

(c) CONFIDENTIALITY.—Section 5038 of title 18, United States Code, is amended—

(1) in subsection (a), in the flush text following paragraph (6), by inserting after ''bonding,'' the following: ''participation in an educational system,''; and

(2) in subsection (b), by striking ''District courts exercising jurisdiction over any juvenile'' and inserting the following: ''Not later than 7 days after the date on which a district court exercises jurisdiction over a juvenile, the district court''.

(d) SEALING; EXPUNGEMENT.—

(1) IN GENERAL.—Chapter 403 of title 18, United States Code, is amended by adding at the end the following:

''§ 5044. Sealing

''(a) AUTOMATIC SEALING OF NONVIOLENT OFFENSES.—

''(1) IN GENERAL.—Three years after the date on which a person who is adjudicated delinquent under this chapter for a juvenile nonviolent offense completes every term of probation, official detention, or juvenile delinquent supervision ordered by the court with respect to the offense, the court shall order the sealing of each juvenile record or portion thereof that relates to the offense if the person—

''(A) has not been convicted of a crime or adjudicated delinquent for an act of juvenile delinquency since the date of the disposition; and

''(B) is not engaged in active criminal court proceedings or juvenile delinquency proceedings.

''(2) AUTOMATIC NATURE OF SEALING.—The order of sealing under paragraph (1) shall require no action by the person whose juvenile records are to be sealed.

''(3) NOTICE OF AUTOMATIC SEALING.—A court that orders the sealing of a juvenile record of a person under paragraph (1) shall, in writing, inform the person of the sealing and the benefits of sealing the record.

''(b) PETITIONING FOR EARLY SEALING OF NONVIOLENT OFFENSES.—

''(1) RIGHT TO FILE SEALING PETITION.—

''(A) IN GENERAL.—During the 3-year period beginning on the date on which a person who is adjudicated delinquent under this chapter for a juvenile nonviolent offense completes every term of probation, official detention, or juvenile delinquent supervision ordered by the court with respect to the offense, the person may petition the court to seal the juvenile records that relate to the offense, unless the person—

''(i) has been convicted of a crime or adjudicated delinquent for an act of juvenile delinquency since the date of the disposition; or

''(ii) is engaged in active criminal court proceedings or juvenile delinquency proceedings.

''(B) NOTICE OF OPPORTUNITY TO FILE PETITION.—If a person is adjudicated delinquent for a juvenile nonviolent offense, the court in which the person is adjudicated delinquent shall, in writing, inform the person of the potential eligibility of the person to file a sealing petition with respect to the offense upon completing every term of probation, official detention, or juvenile delinquent supervision ordered by the court with respect to the offense, and the necessary procedures for filing the sealing petition—

''(i) on the date on which the individual is adjudicated delinquent; and

''(ii) on the date on which the individual has completed every term of probation, official detention, or juvenile delinquent supervision ordered by the court with respect to the offense.

''(2) PROCEDURES.—

''(A) NOTIFICATION TO PROSECUTOR.—If a person files a sealing petition with respect to a juvenile nonviolent offense, the court in which the petition is filed shall provide notice of the petition—

''(i) to the Attorney General; and

''(ii) upon the request of the petitioner, to any other individual that the petitioner determines may testify as to—

''(I) the conduct of the petitioner since the date of the offense; or

''(II) the reasons that the sealing order should be entered.

''(B) HEARING.—

''(i) IN GENERAL.—If a person files a sealing petition, the court shall—

''(I) except as provided in clause (iii), conduct a hearing in accordance with clause (ii); and

''(II) determine whether to enter a sealing order for the person in accordance with subparagraph (C).

''(ii) OPPORTUNITY TO TESTIFY AND OFFER EVIDENCE.—

''(I) PETITIONER.—The petitioner may testify or offer evidence at the sealing hearing in support of sealing.

''(II) PROSECUTOR.—The Attorney General may send a representative to testify or offer evidence at the sealing hearing in support of or against sealing.

''(III) OTHER INDIVIDUALS.—An individual who receives notice under subparagraph (A)(ii) may testify or offer evidence at the sealing hearing as to the issues described in subclauses (I) and (II) of that subparagraph.

''(iii) WAIVER OF HEARING.—If the petitioner and the Attorney General so agree, the court shall make a determination under subparagraph (C) without a hearing.

''(C) BASIS FOR DECISION.—The court shall determine whether to grant the sealing petition after considering—

''(i) the sealing petition and any documents in the possession of the court;

''(ii) all the evidence and testimony presented at the sealing hearing, if such a hearing is conducted;

''(iii) the best interests of the petitioner;

''(iv) the age of the petitioner during his or her contact with the court or any law enforcement agency;

''(v) the nature of the juvenile nonviolent offense;

''(vi) the disposition of the case;

''(vii) the manner in which the petitioner participated in any court-ordered rehabilitative programming or supervised services;

''(viii) the length of the time period during which the petitioner has been without contact with any court or law enforcement agency;

''(ix) whether the petitioner has had any criminal or juvenile delinquency involvement since the disposition of the juvenile delinquency proceeding; and

''(x) the adverse consequences the petitioner may suffer if the petition is not granted.

''(D) WAITING PERIOD AFTER DENIAL.—If the court denies a sealing petition, the petitioner may not file a new sealing petition with respect to the same juvenile nonviolent offense until the date that is 2 years after the date of the denial.

''(E) UNIVERSAL FORM.—The Director of the Administrative Office of the United States Courts shall create a universal form, available over the internet and in paper form, that an individual may use to file a sealing petition.

''(F) NO FEE FOR INDIGENT PETITIONERS.—If the court determines that the petitioner is indigent, there shall be no cost for filing a sealing petition.

''(G) REPORTING.—Not later than 2 years after the date of enactment of this section, and each year thereafter, the Director of the Administrative Office of the United States Courts shall issue a public report that—

''(i) describes—

''(I) the number of sealing petitions granted and denied under this subsection; and

''(II) the number of instances in which the Attorney General supported or opposed a sealing petition;

''(ii) includes any supporting data that the Director determines relevant and that does not name any petitioner; and

''(iii) disaggregates all relevant data by race, ethnicity, gender, and the nature of the offense.

''(H) PUBLIC DEFENDER ELIGIBILITY.—

''(i) PETITIONERS UNDER AGE 18.—The district court shall appoint counsel in accordance with the plan of the district court in operation under section 3006A to represent a petitioner for purposes of this subsection if the petitioner is less than 18 years of age.

''(ii) PETITIONERS AGE 18 AND OLDER.—

''(I) DISCRETION OF COURT.—In the case of a petitioner who is not less than 18 years of age, the district court may, in its discretion, appoint counsel in accordance with the plan of the district court in operation under section 3006A to represent the petitioner for purposes of this subsection.

''(II) CONSIDERATIONS.—In determining whether to appoint counsel under subclause (I), the court shall consider—

''(aa) the anticipated complexity of the sealing hearing, including the number and type of witnesses called to advocate against the sealing of the records of the petitioner; and

''(bb) the potential for adverse testimony by a victim or a representative of the Attorney General.

''(c) EFFECT OF SEALING ORDER.—

''(1) PROTECTION FROM DISCLOSURE.—Except as provided in paragraphs (3) and (4), if a court orders the sealing of a juvenile record of a person under subsection (a) or (b) with respect to a juvenile nonviolent offense, the proceedings in the case shall be deemed never to have occurred, and the person may properly reply accordingly to any inquiry about the events the records of which are ordered sealed.

''(2) VERIFICATION OF SEALING.—If a court orders the sealing of a juvenile record under subsection (a) or (b) with respect to a juvenile nonviolent offense, the court shall—

''(A) send a copy of the sealing order to each entity or person known to the court that possesses a record relating to the offense, including each—

''(i) law enforcement agency; and

''(ii) public or private correctional or detention facility;

''(B) in the sealing order, require each entity or person described in subparagraph (A) to—

''(i) seal the record; and

''(ii) submit a written certification to the court, under penalty of perjury, that the entity or person has sealed each paper and electronic copy of the record;

''(C) seal each paper and electronic copy of the record in the possession of the court; and

''(D) after receiving a written certification from each entity or person under subparagraph (B)(ii), notify the petitioner that each entity or person described in subparagraph (A) has sealed each paper and electronic copy of the record.

''(3) LAW ENFORCEMENT ACCESS TO SEALED RECORDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), a law enforcement agency may access a sealed juvenile record in the possession of the agency or another law enforcement agency solely—

''(i) to determine whether the person who is the subject of the record is a nonviolent offender eligible for a first-time-offender diversion program;

''(ii) for investigatory or prosecutorial purposes; or

''(iii) for a background check that relates to—

''(I) law enforcement employment; or

''(II) any position that a Federal agency designates as a—

''(aa) national security position; or

''(bb) high-risk, public trust position.

''(B) TRANSITION PERIOD.—During the 1-year period beginning on the date on which a court orders the sealing of a juvenile record under this section, a law enforcement agency may, for law enforcement purposes, access the record if the record is in the possession of the agency or another law enforcement agency.

''(4) PROHIBITION ON DISCLOSURE.—

''(A) PROHIBITION.—Except as provided in subparagraph (C), it shall be unlawful to intentionally make or attempt to make an unauthorized disclosure of any information from a sealed juvenile record in violation of this section.

''(B) PENALTY.—Any person who violates subparagraph (A) shall be fined under this title, imprisoned for not more than 1 year, or both.

''(C) EXCEPTIONS.—

''(i) BACKGROUND CHECKS.—In the case of a background check for law enforcement employment or for any employment that requires a government security clearance—

''(I) a person who is the subject of a juvenile record sealed under this section shall disclose the contents of the record; and

''(II) a law enforcement agency that possesses a juvenile record sealed under this section—

''(aa) may disclose the contents of the record; and

''(bb) if the agency obtains or is subject to a court order authorizing disclosure of the record, may disclose the record.

''(ii) DISCLOSURE TO ARMED FORCES.—A person, including a law enforcement agency that possesses a juvenile record sealed under this section, may disclose information from a juvenile record sealed under this section to the Secretaries of the military departments (or the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy) for the purpose of vetting an enlistment or commission, or with regard to any member of the Armed Forces.

''(iii) CRIMINAL AND JUVENILE PROCEEDINGS.—A prosecutor or other law enforcement officer may disclose information from a juvenile record sealed under this section, and a person who is the subject of a juvenile record sealed under this section may be required to testify or otherwise disclose information about the record, in a criminal or other proceeding if such disclosure is required by the Constitution of the United States, the constitution of a State, or a Federal or State statute or rule.

''(iv) AUTHORIZATION FOR PERSON TO DISCLOSE OWN RECORD.—A person who is the subject of a juvenile record sealed under this section may choose to disclose the record.

''(d) LIMITATION RELATING TO SUBSEQUENT INCIDENTS.—

''(1) AFTER FILING AND BEFORE PETITION GRANTED.—If, after the date on which a person files a sealing petition with respect to a juvenile offense and before the court determines whether to grant the petition, the person is convicted of a crime, adjudicated delinquent for an act of juvenile delinquency, or engaged in active criminal court proceedings or juvenile delinquency proceedings, the court shall deny the petition.

''(2) AFTER PETITION GRANTED.—If, on or after the date on which a court orders the sealing of a juvenile record of a person under subsection (b), the person is convicted of a crime or adjudicated delinquent for an act of juvenile delinquency—

''(A) the court shall—

''(i) vacate the order; and

''(ii) notify the person who is the subject of the juvenile record, and each entity or person described in subsection (c)(2)(A), that the order has been vacated; and

''(B) the record shall no longer be sealed.

''(e) INCLUSION OF STATE JUVENILE DELINQUENCY ADJUDICATIONS AND PROCEEDINGS.—For purposes of subparagraphs (A) and (B) of subsection (a)(1), clauses (i) and (ii) of subsection (b)(1)(A), subsection (b)(1)(C)(ix), and paragraphs (1) and (2) of subsection (d), the term 'juvenile delinquency' includes the violation of a law of a State committed by a person before attaining the age of 18 years which would have been a crime if committed by an adult.

''§ 5045. Expungement

''(a) AUTOMATIC EXPUNGEMENT OF CERTAIN RECORDS.—

''(1) ATTORNEY GENERAL MOTION.—

''(A) NONVIOLENT OFFENSES COMMITTED BEFORE A PERSON TURNED 15.—If a person is adjudicated delinquent under this chapter for a juvenile nonviolent offense committed before the person attained 15 years of age and completes every term of probation, official detention, or juvenile delinquent supervision ordered by the court with respect to the offense before attaining 18 years of age, on the date on which the person attains 18 years of age, the Attorney General shall file a motion in the district court of the United States in which the person was adjudicated delinquent requesting that each juvenile record of the person that relates to the offense be expunged.

''(B) ARRESTS.—If a juvenile is arrested by a Federal law enforcement agency for a juvenile nonviolent offense for which a juvenile delinquency proceeding is not instituted under this chapter, and for which the United States does not proceed against the juvenile as an adult in a district court of the United States, the Attorney General shall file a motion in the district court of the United States that would have had jurisdiction of the proceeding requesting that each juvenile record relating to the arrest be expunged.

''(C) EXPUNGEMENT ORDER.—Upon the filing of a motion in a district court of the United States with respect to a juvenile nonviolent offense under subparagraph (A) or an arrest for a juvenile nonviolent offense under subparagraph (B), the court shall grant the motion and order that each juvenile record relating to the offense or arrest, as applicable, be expunged.

''(2) DISMISSED CASES.—If a district court of the United States dismisses an information with respect to a juvenile under this chapter or finds a juvenile not to be delinquent in a juvenile delinquency proceeding under this chapter, the court shall concurrently order that each juvenile record relating to the applicable proceeding be expunged.

''(3) AUTOMATIC NATURE OF EXPUNGEMENT.—An order of expungement under paragraph (1)(C) or (2) shall not require any action by the person whose records are to be expunged.

''(4) NOTICE OF AUTOMATIC EXPUNGEMENT.—A court that orders the expungement of a juvenile record of a person under paragraph (1)(C) or (2) shall, in writing, inform the person of the expungement and the benefits of expunging the record.

''(b) PETITIONING FOR EXPUNGEMENT OF NONVIOLENT OFFENSES.—

''(1) IN GENERAL.—A person who is adjudicated delinquent under this chapter for a juvenile nonviolent offense committed on or after the date on which the person attained 15 years of age may petition the court in which the proceeding took place to order the expungement of the juvenile record that relates to the offense unless the person—

''(A) has been convicted of a crime or adjudicated delinquent for an act of juvenile delinquency since the date of the disposition;

''(B) is engaged in active criminal court proceedings or juvenile delinquency proceedings; or

''(C) has had not less than 2 adjudications of delinquency previously expunged under this section.

''(2) PROCEDURES.—

''(A) NOTIFICATION OF PROSECUTOR AND VICTIMS.—If a person files an expungement petition with respect to a juvenile nonviolent offense, the court in which the petition is filed shall provide notice of the petition—

''(i) to the Attorney General; and

''(ii) upon the request of the petitioner, to any other individual that the petitioner determines may testify as to—

''(I) the conduct of the petitioner since the date of the offense; or

''(II) the reasons that the expungement order should be entered.

''(B) HEARING.—

''(i) IN GENERAL.—If a person files an expungement petition, the court shall—

''(I) except as provided in clause (iii), conduct a hearing in accordance with clause (ii); and

''(II) determine whether to enter an expungement order for the person in accordance with subparagraph (C).

''(ii) OPPORTUNITY TO TESTIFY AND OFFER EVIDENCE.—

''(I) PETITIONER.—The petitioner may testify or offer evidence at the expungement hearing in support of expungement.

''(II) PROSECUTOR.—The Attorney General may send a representative to testify or offer evidence at the expungement hearing in support of or against expungement.

''(III) OTHER INDIVIDUALS.—An individual who receives notice under subparagraph (A)(ii) may testify or offer evidence at the expungement hearing as to the issues described in subclauses (I) and (II) of that subparagraph.

''(iii) WAIVER OF HEARING.—If the petitioner and the Attorney General so agree, the court shall make a determination under subparagraph (C) without a hearing.

''(C) BASIS FOR DECISION.—The court shall determine whether to grant an expungement petition after considering—

''(i) the petition and any documents in the possession of the court;

''(ii) all the evidence and testimony presented at the expungement hearing, if such a hearing is conducted;

''(iii) the best interests of the petitioner;

''(iv) the age of the petitioner during his or her contact with the court or any law enforcement agency;

''(v) the nature of the juvenile nonviolent offense;

''(vi) the disposition of the case;

''(vii) the manner in which the petitioner participated in any court-ordered rehabilitative programming or supervised services;

''(viii) the length of the time period during which the petitioner has been without contact with any court or any law enforcement agency;

''(ix) whether the petitioner has had any criminal or juvenile delinquency involvement since the disposition of the juvenile delinquency proceeding; and

''(x) the adverse consequences the petitioner may suffer if the petition is not granted.

''(D) WAITING PERIOD AFTER DENIAL.—If the court denies an expungement petition, the petitioner may not file a new expungement petition with respect to the same offense until the date that is 2 years after the date of the denial.

''(E) UNIVERSAL FORM.—The Director of the Administrative Office of the United States Courts shall create a universal form, available over the internet and in paper form, that an individual may use to file an expungement petition.

''(F) NO FEE FOR INDIGENT PETITIONERS.—If the court determines that the petitioner is indigent, there shall be no cost for filing an expungement petition.

''(G) REPORTING.—Not later than 2 years after the date of enactment of this section, and each year thereafter, the Director of the Administrative Office of the United States Courts shall issue a public report that—

''(i) describes—

''(I) the number of expungement petitions granted and denied under this subsection; and

''(II) the number of instances in which the Attorney General supported or opposed an expungement petition;

''(ii) includes any supporting data that the Director determines relevant and that does not name any petitioner; and

''(iii) disaggregates all relevant data by race, ethnicity, gender, and the nature of the offense.

''(H) PUBLIC DEFENDER ELIGIBILITY.—

''(i) PETITIONERS UNDER AGE 18.—The district court shall appoint counsel in accordance with the plan of the district court in operation under section 3006A to represent a petitioner for purposes of this subsection if the petitioner is less than 18 years of age.

''(ii) PETITIONERS AGE 18 AND OLDER.—

''(I) DISCRETION OF COURT.—In the case of a petitioner who is not less than 18 years of age, the district court may, in its discretion, appoint counsel in accordance with the plan of the district court in operation under section 3006A to represent the petitioner for purposes of this subsection.

''(II) CONSIDERATIONS.—In determining whether to appoint counsel under subclause (I), the court shall consider—

''(aa) the anticipated complexity of the expungement hearing, including the number and type of witnesses called to advocate against the expungement of the records of the petitioner; and

''(bb) the potential for adverse testimony by a victim or a representative of the Attorney General.

''(c) EFFECT OF EXPUNGED JUVENILE RECORD.—

''(1) PROTECTION FROM DISCLOSURE.—Except as provided in paragraphs (4) through (8), if a court orders the expungement of a juvenile record of a person under subsection (a) or (b) with respect to a juvenile nonviolent offense, the proceedings in the case shall be deemed never to have occurred, and the person may properly reply accordingly to any inquiry about the events the records of which are ordered expunged.

''(2) VERIFICATION OF EXPUNGEMENT.—If a court orders the expungement of a juvenile record under subsection (a) or (b) with respect to a juvenile nonviolent offense, the court shall—

''(A) send a copy of the expungement order to each entity or person known to the court that possesses a record relating to the offense, including each—

''(i) law enforcement agency; and

''(ii) public or private correctional or detention facility;

''(B) in the expungement order—

''(i) require each entity or person described in subparagraph (A) to—

''(I) seal the record for 1 year and, during that 1-year period, apply paragraphs (3) and (4) of section 5044(c) with respect to the record;

''(II) on the date that is 1 year after the date of the order, destroy the record unless a subsequent incident described in subsection (d)(2) occurs; and

''(III) submit a written certification to the court, under penalty of perjury, that the entity or person has destroyed each paper and electronic copy of the record; and

''(ii) explain that if a subsequent incident described in subsection (d)(2) occurs, the order shall be vacated and the record shall no longer be sealed;

''(C) on the date that is 1 year after the date of the order, destroy each paper and electronic copy of the record in the possession of the court unless a subsequent incident described in subsection (d)(2) occurs; and

''(D) after receiving a written certification from each entity or person under subparagraph (B)(i)(III), notify the petitioner that each entity or person described in subparagraph (A) has destroyed each paper and electronic copy of the record.

''(3) REPLY TO INQUIRIES.—On and after the date that is 1 year after the date on which a court orders the expungement of a juvenile record of a person under this section, in the case of an inquiry relating to the juvenile record, the court, each law enforcement officer, any agency that provided treatment or rehabilitation services to the person, and the person (except as provided in paragraphs (4) through (8)) shall reply to the inquiry that no such juvenile record exists.

''(4) CIVIL ACTIONS.—

''(A) IN GENERAL.—On and after the date on which a court orders the expungement of a juvenile record of a person under this section, if the person brings an action against a law enforcement agency that arrested, or participated in the arrest of, the person for the offense to which the record relates, or against the State or political subdivision of a State of which the law enforcement agency is an agency, in which the contents of the record are relevant to the resolution of the issues presented in the action, there shall be a rebuttable presumption that the defendant has a complete defense to the action.

''(B) SHOWING BY PLAINTIFF.—In an action described in subparagraph (A), the plaintiff may rebut the presumption of a complete defense by showing that the contents of the expunged record would not prevent the defendant from being held liable.

''(C) DUTY TO TESTIFY AS TO EXISTENCE OF RECORD.—The court in which an action described in subparagraph (A) is filed may require the plaintiff to state under oath whether the plaintiff had a juvenile record and whether the record was expunged.

''(D) PROOF OF EXISTENCE OF JUVENILE RECORD.—If the plaintiff in an action described in subparagraph (A) denies the existence of a juvenile record, the defendant may prove the existence of the record in any manner compatible with the applicable laws of evidence.

''(5) CRIMINAL AND JUVENILE PROCEEDINGS.—On and after the date that is 1 year after the date on which a court orders the expungement of a juvenile record under this section, a prosecutor or other law enforcement officer may disclose underlying information from the juvenile record, and the person who is the subject of the juvenile record may be required to testify or otherwise disclose information about the record, in a criminal or other proceeding if such disclosure is required by the Constitution of the United States, the constitution of a State, or a Federal or State statute or rule.

''(6) BACKGROUND CHECKS.—On and after the date that is 1 year after the date on which a court orders the expungement of a juvenile record under this section, in the case of a background check for law enforcement employment or for any employment that requires a government security clearance, the person who is the subject of the juvenile record may be required to disclose underlying information from the record.

''(7) DISCLOSURE TO ARMED FORCES.—On and after the date that is 1 year after the date on which a court orders the expungement of a juvenile record under this section, a person, including a law enforcement agency that possessed such a juvenile record, may be required to disclose underlying information from the record to the Secretaries of the military departments (or the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy) for the purpose of vetting an enlistment or commission, or with regard to any member of the Armed Forces.

''(8) AUTHORIZATION FOR PERSON TO DISCLOSE OWN RECORD.—A person who is the subject of a juvenile record expunged under this section may choose to disclose the record.

''(9) TREATMENT AS SEALED RECORD DURING TRANSITION PERIOD.—During the 1-year period beginning on the date on which a court orders the expungement of a juvenile record under this section, paragraphs (3) and (4) of section 5044(c) shall apply with respect to the record as if the record had been sealed under that section.

''(d) LIMITATION RELATING TO SUBSEQUENT INCIDENTS.—

''(1) AFTER FILING AND BEFORE PETITION GRANTED.—If, after the date on which a person files an expungement petition with respect to a juvenile offense and before the court determines whether to grant the petition, the person is convicted of a crime, adjudicated delinquent for an act of juvenile delinquency, or engaged in active criminal court proceedings or juvenile delinquency proceedings, the court shall deny the petition.

''(2) AFTER PETITION GRANTED.—If, on or after the date on which a court orders the expungement of a juvenile record of a person under subsection (b), the person is convicted of a crime, adjudicated delinquent for an act of juvenile delinquency, or engaged in active criminal court proceedings or juvenile delinquency proceedings—

''(A) the court that ordered the expungement shall—

''(i) vacate the order; and

''(ii) notify the person who is the subject of the juvenile record, and each entity or person described in subsection (c)(2)(A), that the order has been vacated; and

''(B) the record—

''(i) shall not be expunged; or

''(ii) if the record has been expunged because 1 year has elapsed since the date of the expungement order, shall not be treated as having been expunged.

''(e) INCLUSION OF STATE JUVENILE DELINQUENCY ADJUDICATIONS AND PROCEEDINGS.—For purposes of subparagraphs (A), (B), and (C)(ix) of subsection (b)(1) and paragraphs (1) and (2) of subsection (d), the term 'juvenile delinquency' includes the violation of a law of a State committed by a person before attaining the age of 18 years which would have been a crime if committed by an adult.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 403 of title 18, United States Code, is amended by adding at the end the following:

''5044. Sealing.
''5045. Expungement.''.

(3) APPLICABILITY.—Sections 5044 and 5045 of title 18, United States Code, as added by paragraph (1), shall apply with respect to a juvenile nonviolent offense (as defined in section 5031 of such title, as amended by subsection (b)) that is committed or alleged to have been committed before, on, or after the date of enactment of this Act.

(e) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed to authorize the sealing or expungement of a record of a criminal conviction of a juvenile who was proceeded against as an adult in a district court of the United States.

SEC. 203. ENSURING ACCURACY OF FEDERAL CRIMINAL RECORDS.

(a) IN GENERAL.—Section 534 of title 28, United States Code, is amended by adding at the end the following:

''(g) ENSURING ACCURACY OF FEDERAL CRIMINAL RECORDS.—

''(1) DEFINITIONS.—

''(A) IN GENERAL.—In this subsection—

''(i) the term 'applicant' means the individual to whom a record sought to be exchanged pertains;

''(ii) the term 'high-risk, public trust position' means a position designated as a public trust position under section 731.106(b) of title 5, Code of Federal Regulations, or any successor regulation;

''(iii) the term 'incomplete', with respect to a record, means the record—

''(I) indicates that an individual was arrested but does not describe the offense for which the individual was arrested; or

''(II) indicates that an individual was arrested or criminal proceedings were instituted against an individual but does not include the final disposition of the arrest or of the proceedings if a final disposition has been reached;

''(iv) the term 'record' means a record or other information collected under this section that relates to—

''(I) an arrest by a Federal law enforcement officer; or

''(II) a Federal criminal proceeding;

''(v) the term 'reporting jurisdiction' means any person or entity that provides a record to the Attorney General under this section; and

''(vi) the term 'requesting entity'—

''(I) means a person or entity that seeks the exchange of a record for civil purposes that include employment, housing, credit, or any other type of application; and

''(II) does not include a law enforcement or intelligence agency that seeks the exchange of a record for—

''(aa) investigative purposes; or

''(bb) purposes relating to law enforcement employment.

''(B) RULE OF CONSTRUCTION.—The definition of the term 'requesting entity' under subparagraph (A) shall not be construed to authorize access to records that is not otherwise authorized by law.

''(2) INCOMPLETE OR INACCURATE RECORDS.—The Attorney General shall establish and enforce procedures to ensure the prompt release of accurate records exchanged for employment-related purposes through the records system created under this section.

''(3) REQUIRED PROCEDURES.—The procedures established under paragraph (2) shall include the following:

''(A) INACCURATE RECORD OR INFORMATION.—If the Attorney General determines that a record is inaccurate, the Attorney General shall promptly correct the record, including by making deletions to the record if appropriate.

''(B) INCOMPLETE RECORD.—

''(i) IN GENERAL.—If the Attorney General determines that a record is incomplete or cannot be verified, the Attorney General—

''(I) shall attempt to complete or verify the record; and

''(II) if unable to complete or verify the record, may promptly make any changes or deletions to the record.

''(ii) LACK OF DISPOSITION OF ARREST.—For purposes of this subparagraph, an incomplete record includes a record that indicates there was an arrest and does not include the disposition of the arrest.

''(iii) OBTAINING DISPOSITION OF ARREST.—If the Attorney General determines that a record is an incomplete record described in clause (ii), the Attorney General shall, not later than 10 days after the date on which the requesting entity requests the exchange and before the exchange is made, obtain the disposition (if any) of the arrest.

''(C) NOTIFICATION OF REPORTING JURISDICTION.—The Attorney General shall notify each appropriate reporting jurisdiction of any action taken under subparagraph (A) or (B).

''(D) OPPORTUNITY TO REVIEW RECORDS BY APPLICANT.—In connection with an exchange of a record under this section, the Attorney General shall—

''(i) notify the applicant that the applicant can obtain a copy of the record as described in clause (ii) if the applicant demonstrates a reasonable basis for the applicant's review of the record;

''(ii) provide to the applicant an opportunity, upon request and in accordance with clause (i), to—

''(I) obtain a copy of the record; and

''(II) challenge the accuracy and completeness of the record;

''(iii) promptly notify the requesting entity of any such challenge;

''(iv) not later than 30 days after the date on which the challenge is made, complete an investigation of the challenge;

''(v) provide to the applicant the specific findings and results of that investigation;

''(vi) promptly make any changes or deletions to the records required as a result of the challenge; and

''(vii) report those changes to the requesting entity.

''(E) CERTAIN EXCHANGES PROHIBITED.—

''(i) IN GENERAL.—An exchange shall not include any record—

''(I) except as provided in clause (ii), about an arrest more than 2 years old as of the date of the request for the exchange, that does not also include a disposition (if any) of that arrest;

''(II) relating to an adult or juvenile nonserious offense of the sort described in section 20.32(b) of title 28, Code of Federal Regulations, as in effect on July 1, 2009; or

''(III) to the extent the record is not clearly an arrest or a disposition of an arrest.

''(ii) APPLICANTS FOR SENSITIVE POSITIONS.—The prohibition under clause (i)(I) shall not apply in the case of a background check that relates to—

''(I) law enforcement employment; or

''(II) any position that a Federal agency designates as a—

''(aa) national security position; or

''(bb) high-risk, public trust position.

''(4) FEES.—The Attorney General may collect a reasonable fee for an exchange of records for employment-related purposes through the records system created under this section to defray the costs associated with exchanges for those purposes, including any costs associated with the investigation of inaccurate or incomplete records.''.

(b) REGULATIONS ON REASONABLE PROCEDURES.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall issue regulations to carry out section 534(g) of title 28, United States Code, as added by subsection (a).

(c) REPORT.—

(1) DEFINITION.—In this subsection, the term ''record'' has the meaning given the term in subsection (g) of section 534 of title 28, United States Code, as added by subsection (a).

(2) REPORT REQUIRED.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit to Congress a report on the implementation of subsection (g) of section 534 of title 28, United States Code, as added by subsection (a), that includes—

(A) the number of exchanges of records for employment-related purposes made with entities in each State through the records system created under such section 534;

(B) any prolonged failure of a Federal agency to comply with a request by the Attorney General for information about dispositions of arrests; and

(C) the numbers of successful and unsuccessful challenges to the accuracy and completeness of records, organized by the Federal agency from which each record originated.

By Mr. DURBIN (for himself, Mr. BOOZMAN, Mr. INHOFE, Mr. BOOKER, and Mr. CARDIN):

S. 1022. A bill to create jobs in the United States by increasing United States exports to Africa by at least 200 percent in real dollar value within 10 years, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

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

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

S. 1022

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Increasing American Jobs Through Greater Exports to Africa Act of 2021''.

SEC. 2. FINDINGS; PURPOSE.

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

(1) Export growth helps United States business grow and create United States jobs. Ninety-eight percent of United States exports came from approximately 300,000 small- and medium-sized businesses supporting 4,000,000 United States jobs.

(2) In a February 5, 2021, message to an African leaders meeting at the African Union Summit, President Joseph R. Biden reaffirmed the United States relationship with African countries as partners in the continent-wide spirit of entrepreneurship and innovation.

(3) Many countries have trade-distorting export promotion programs that aggressively subsidize exports to Africa and other countries around the world. In 2019, there were 115 known official export credit providers around the world, including export credit agencies, up from 85 in 2015—a 35 percent increase from 2015 to 2019. The increasing investment by foreign governments into export credit can threaten competitiveness of United States businesses abroad.

(4) Between 2008 and 2019, the People's Republic of China alone provided more than $462,000,000,000 in loans to the developing world, and, in 2009, the People's Republic of China surpassed the United States as the leading trade partner of African countries. The Export-Import Bank of the United States reports the People's Republic of China's export finance activity is larger than all the other export credit agencies in the Group of 7 countries combined, making the People's Republic of China the world's largest official creditor with a portfolio more than twice the size of the World Bank and International Monetary Fund combined.

(5) The Export-Import Bank of the United States supported $12,400,000,000 worth of transactions to sub-Saharan Africa from 2009 to 2019, while in 2018, the People's Republic of China made up 22 percent of public debt stock, and, in 2020, the People's Republic of China made up 29 percent of debt service in low-income countries in Africa. The People's Republic of China accounts for a quarter or more of all public and publicly guaranteed debt in Angola, Djibouti, Cameroon, the Republic of the Congo, Ethiopia, Kenya, and Zambia.

(6) The practice of the People's Republic of China of concessional financing runs contrary to the principles of the Organisation for Economic Co-operation and Development related to open market rates, undermines naturally competitive rates, and incentivizes governments in Africa to overlook the People's Republic of China's troubling record on labor practices, human rights, and environmental impact.

(7) Sixty percent of Africa's approximately 1,250,000,000 people are under the age of 25, and by the year 2050, one-third of global youth will be in sub-Saharan Africa. By 2030, Africa will have 17 cities with more than 5,000,000 inhabitants, as well as 90 cities with populations of at least 1,000,000. Both are factors contributing to rising household consumption predicted to reach approximately $2,500,000,000,000 by 2030.

(8) When countries such as the People's Republic of China assist with large-scale government projects, they often gain access to valuable commodities such as oil and copper, typically without regard to environmental, human rights, labor, or governance standards.

(b) PURPOSE.—The purpose of this Act is to create jobs in the United States by expanding programs that will result in increasing United States exports to Africa by 200 percent in real dollar value within 10 years.

SEC. 3. DEFINITIONS.

In this Act:

(1) AFRICA.—The term ''Africa'' refers to the entire continent of Africa and its 54 countries, including the Republic of South Sudan.

(2) AFRICAN DIASPORA.—The term ''African diaspora'' means the people of African origin living in the United States, irrespective of their citizenship and nationality, who are willing to contribute to the development of Africa.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

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

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

(4) DEVELOPMENT AGENCIES.—The term ''development agencies'' includes the United States Department of State, the United States Agency for International Development, the Millennium Challenge Corporation, the United States International Development Finance Corporation, the United States Trade and Development Agency, the United States Department of Agriculture, and relevant multilateral development banks.

(5) MULTILATERAL DEVELOPMENT BANKS.—The term ''multilateral development banks'' has the meaning given that term in section 1701(c)(4) of the International Financial Institutions Act (22 U.S.C. 262r(c)(4)) and includes the African Development Foundation.

(6) SUB-SAHARAN REGION.—The term ''sub-Saharan region'' refers to the 49 countries

listed in section 107 of the African Growth and Opportunity Act (19 U.S.C. 3706).

(7) TRADE POLICY STAFF COMMITTEE.—The term ''Trade Policy Staff Committee'' means the Trade Policy Staff Committee established pursuant to section 2002.2 of title 15, Code of Federal Regulations, which is composed of representatives of Federal agencies in charge of developing and coordinating United States positions on international trade and trade-related investment issues.

(8) TRADE PROMOTION COORDINATING COMMITTEE.—The term ''Trade Promotion Coordinating Committee'' means the Trade Promotion Coordinating Committee established under section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4727).

(9) UNITED STATES AND FOREIGN COMMERCIAL SERVICE.—The term ''United States and Foreign Commercial Service'' means the United States and Foreign Commercial Service established by section 2301 of the Export Enhancement Act of 1988 (15 U.S.C. 4721).

SEC. 4. STRATEGY.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall establish a comprehensive United States strategy for public and private investment, trade, and development in Africa.

(b) FOCUS OF STRATEGY.—The strategy required by subsection (a) shall focus on—

(1) increasing exports of United States goods and services to Africa by 200 percent in real dollar value within 10 years from the date of the enactment of this Act;

(2) promoting the alignment of United States commercial interests with development priorities in Africa;

(3) developing relationships between the governments of countries in Africa and United States businesses that have an expertise in such issues as critical energy security, infrastructure development, technology, telecommunications, and agriculture;

(4) improving the competitiveness of United States businesses in Africa, including by encouraging the adoption of United States construction codes and product standards, with emphasis on those designated as American National Standards by the American National Standards Institute where applicable;

(5) exploring the role the African diaspora can play in enhancing competitiveness of United States businesses in Africa and ways that African diaspora remittances can help communities in Africa tackle economic, development, and infrastructure financing needs;

(6) promoting economic integration in Africa through working with the subregional economic communities, supporting efforts for deeper integration through the development of customs unions within western and central Africa and within eastern and southern Africa, eliminating time-consuming border formalities into and within these areas, and supporting regionally based infrastructure projects;

(7) encouraging a greater understanding among United States business and financial communities of the opportunities Africa holds for United States exports;

(8) fostering partnership opportunities between United States and African small- and medium-sized enterprises;

(9) supporting African entrepreneurship and private sector development as a means to sustainable economic growth and security; and

(10) monitoring—

(A) market loan rates and the availability of capital for United States business investment in Africa;

(B) loan rates offered by the governments of other countries for investment in Africa; and

(C) the policies of other countries with respect to export financing for investment in Africa that are predatory or distort markets.

(c) CONSULTATIONS.—In developing the strategy required by subsection (a), the President shall consult with—

(1) Congress;

(2) each agency that is a member of the Trade Promotion Coordinating Committee;

(3) the relevant multilateral development banks, in coordination with the Secretary of the Treasury and the respective United States Executive Directors of such banks;

(4) each agency that participates in the Trade Policy Staff Committee;

(5) the President's Export Council;

(6) each of the development agencies;

(7) any other Federal agencies with responsibility for export promotion or financing and development; and

(8) the private sector, including businesses, nongovernmental organizations, and African diaspora groups.

(d) SUBMISSION TO CONGRESS.—

(1) STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress the strategy required by subsection (a).

(2) PROGRESS REPORT.—Not later than 3 years after the date of the enactment of this Act, the President shall submit to Congress a report on the implementation of the strategy required by subsection (a).

(3) CONTENT OF REPORT.—The report required by paragraph (2) shall include an accounting of all current United States Government programs to promote exports to and trade with Africa and to assist United States businesses competing in the African market as well as an assessment of the extent to which the strategy required by subsection (a)—

(A) has been successful in developing critical analyses of policies to increase exports to Africa;

(B) has been successful in increasing the competitiveness of United States businesses in Africa;

(C) has been successful in creating jobs in the United States, including the nature and sustainability of such jobs;

(D) has provided sufficient United States Government support to meet third-country competition in the region;

(E) has been successful in helping the African diaspora in the United States participate in economic growth in Africa;

(F) has been successful in promoting economic integration in Africa;

(G) has encouraged specific policies and programs in Africa that provide a stable, safe, and transparent environment in which business and entrepreneurship can thrive; and

(H) has made a meaningful contribution to the transformation of Africa and its full integration into the 21st century world economy, not only as a supplier of primary products but also as full participant in international supply and distribution chains and as a consumer of international goods and services.

SEC. 5. SPECIAL AFRICA EXPORT STRATEGY COORDINATOR.

The President shall designate an individual to serve as Special Africa Export Strategy Coordinator—

(1) to oversee the development and implementation of the strategy required by section 4; and

(2) to coordinate with the Trade Promotion Coordinating Committee, the Assistant United States Trade Representative for African Affairs, and development agencies with respect to developing and implementing the strategy.

SEC. 6. TRADE MISSION TO AFRICA.

It is the sense of Congress that, not later than 1 year after the date of the enactment of this Act, the Secretary of Commerce and other high-level officials of the United States Government with responsibility for export promotion, financing, and development should conduct a joint trade mission to Africa.

SEC. 7. PERSONNEL.

(a) UNITED STATES AND FOREIGN COMMERCIAL SERVICE.—

(1) IN GENERAL.—The Secretary of Commerce shall ensure that not less than 10 total United States and Foreign Commercial Service officers are assigned to Africa for each of the first 5 fiscal years beginning after the date of the enactment of this Act.

(2) ASSIGNMENT.—The Secretary shall, in consultation with the Trade Promotion Coordinating Committee and the Special Africa Export Strategy Coordinator, assign the United States and Foreign Commercial Service officers described in paragraph (1) to United States embassies or consulates in Africa after conducting a timely resource allocation analysis that represents a forward-looking assessment of future United States trade opportunities in Africa.

(3) MULTILATERAL DEVELOPMENT BANKS.—

(A) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Secretary of Commerce shall, using existing staff, assign not less than 1 full-time United States and Foreign Commercial Service officer to be split between the office of the United States Executive Director at the World Bank and the African Development Bank.

(B) RESPONSIBILITIES.—Each United States and Foreign Commercial Service officer assigned under subparagraph (A) shall be responsible for—

(i) increasing the access of United States businesses to procurement contracts with the multilateral development bank to which the officer is assigned; and

(ii) facilitating the access of United States businesses to risk insurance, equity investments, consulting services, and lending provided by that bank.

(b) EXPORT-IMPORT BANK OF THE UNITED STATES.—Of the amounts collected by the Export-Import Bank that remain after paying the expenses the Bank is authorized to pay from such amounts for administrative expenses, the Bank shall use sufficient funds to do the following:

(1) Increase the number of staff dedicated to expanding business development for Africa, including increasing the number of business development trips the Bank conducts to Africa and the amount of time staff spends in Africa to meet the goals set forth in section 9 and paragraph (5) of section 6(a) of the Export-Import Bank of 1945, as added by section 9(a)(2).

(2) Maintain an appropriate number of employees of the Bank assigned to United States field offices of the Bank to be distributed as geographically appropriate through the United States. Such offices shall coordinate with the related export efforts undertaken by the Small Business Administration regional field offices.

(3) Upgrade the Bank's equipment and software to more expeditiously, effectively, and efficiently process and track applications for financing received by the Bank.

(c) UNITED STATES INTERNATIONAL DEVELOPMENT FINANCE CORPORATION.—

(1) STAFFING.—Of the net offsetting collections collected by the United States International Development Finance Corporation and used for administrative expenses, the

Corporation shall use sufficient funds to increase by not more than 2 the staff needed to promote stable and sustainable economic growth and development in Africa, to strengthen and expand the private sector in Africa, and to facilitate the general economic development of Africa, with a particular focus on helping United States businesses expand into African markets.

(2) REPORT.—The Corporation shall report to the appropriate congressional committees on whether recent technology upgrades have resulted in more effective and efficient processing and tracking of applications for financing received by the Corporation.

(3) CERTAIN COSTS NOT CONSIDERED ADMINISTRATIVE EXPENSES.—For purposes of this subsection, systems infrastructure costs associated with activities authorized by the Better Utilization of Investments Leading to Development Act of 2018 (22 U.S.C. 9601 et seq.) shall not be considered administrative expenses.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as permitting the reduction of personnel of the Department of Commerce, the Department of State, the Export-Import Bank of the United States, or the United States International Development Finance Corporation or the alteration of planned personnel increases in other regions, except where a personnel decrease was previously anticipated or where decreased export opportunities justify personnel reductions.

SEC. 8. TRAINING.

The President shall develop a plan—

(1) to standardize the training received by United States and Foreign Commercial Service officers, economic officers of the Department of State, and economic officers of the United States Agency for International Development with respect to the programs and procedures of the Export-Import Bank of the United States, the United States International Development Finance Corporation, the Small Business Administration, and the United States Trade and Development Agency; and

(2) to ensure that, not later than 1 year after the date of the enactment of this Act—

(A) all United States and Foreign Commercial Service officers that are stationed overseas receive the training described in paragraph (1); and

(B) in the case of a country to which no United States and Foreign Commercial Service officer is assigned, any economic officer of the Department of State stationed in that country receives that training.

SEC. 9. EXPORT-IMPORT BANK FINANCING.

(a) FINANCING FOR PROJECTS IN AFRICA.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that foreign export credit agencies are providing financing in Africa that is not compliant with the Arrangement of the Organisation for Economic Co-operation and Development, which is trade distorting and threatens United States jobs.

(2) IN GENERAL.—Section 6(a) of the Export-Import Bank Act of 1945 (12 U.S.C. 635e(a)) is amended by adding at the end the following:

''(5) PERCENT OF FINANCING TO BE USED FOR PROJECTS IN AFRICA.—The Bank shall, to the extent that there are acceptable final applications, increase the amount it finances to Africa over the prior year's financing for each of the first 5 fiscal years beginning after the date of the enactment of the Increasing American Jobs Through Greater Exports to Africa Act of 2021.''.

(3) REPORT REQUIRED.—

(A) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for 5 years, the Export-Import Bank of the United States shall submit to the committees specified in subsection (d) a report if the Bank has not used at least 10 percent of its lending capabilities for projects in Africa as described in paragraph (5) of section 6(a) of the Export-Import Bank of 1945, as added by paragraph (2), during the preceding year.

(B) ELEMENTS.—Each report required by subparagraph (A) shall include a description of—

(i) the reasons why the Bank failed to reach the goal described in that subparagraph; and

(ii) all final applications for projects in Africa that the Bank did not support.

(b) AVAILABILITY OF PORTION OF CAPITALIZATION TO COMPETE AGAINST FOREIGN CONCESSIONAL LOANS.—

(1) IN GENERAL.—The Bank shall make available annually such amounts as are necessary for loans that counter trade-distorting financing that is not compliant with the Arrangement of the Organisation for Economic Co-operation and Development or preferential, tied aid, or other related nonmarket loans offered by other countries with which United States businesses are also competing or interested in competing.

(2) REPORT REQUIRED.—

(A) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for 5 years, the Export-Import Bank shall submit to the committees specified in subsection (d) a report on all loans made or rejected by the Bank during the preceding year that were considered to counter trade-distorting financing that is not compliant with the Arrangement of the Organisation for Economic Co-operation and Development and was offered by other countries to its firms.

(B) INCLUSION.—Each report required by subparagraph (A) shall include a description of the terms of the financing described in that subparagraph offered by other countries to firms that competed against the United States firms.

(c) TRADE SECRETS ACT.—A report required by subsection (a)(3) or subsection (b)(2) may not disclose any information that is confidential or business proprietary, or that would violate section 1905 of title 18, United States Code (commonly referred to as the ''Trade Secrets Act'').

(d) COMMITTEES SPECIFIED.—The committees specified in this subsection are—

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

(2) the Committee on Financial Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

SEC. 10. SMALL BUSINESS ADMINISTRATION.

Section 22(b) of the Small Business Act (15 U.S.C. 649(b)) is amended—

(1) in the matter preceding paragraph (1), by striking ''Director of the United States Trade and Development Agency,'' and inserting ''the Director of the United States Trade and Development Agency, the Trade Promotion Coordinating Committee,''; and

(2) in paragraph (3), by inserting ''regional offices of the Export-Import Bank of the United States,'' after ''Retired Executives,''.

SEC. 11. BILATERAL, SUBREGIONAL, AND REGIONAL, AND MULTILATERAL AGREEMENTS.

(a) IN GENERAL.—Where applicable, the President shall explore opportunities to negotiate bilateral, subregional, and regional agreements that encourage trade and eliminate nontariff barriers to trade between countries, such as negotiating investor-friendly double-taxation treaties and investment promotion agreements.

(b) AGREEMENTS WITH AFRICAN COUNTRIES.—To the extent any agreement described in subsection (a) exists between the United States and an African country, the President shall ensure that the agreement is being implemented in a manner that maximizes the positive effects for United States trade, export, and labor interests as well as the economic development of the countries in Africa.

(c) CONSIDERATION OF OBJECTIVES.—United States negotiators in multilateral fora should take into account the objectives of this Act.

By Mr. DURBIN (for himself and Mr. BOOKER):

S. 1023. A bill to provide tax credits to low- to moderate-income individuals for certain computer and education costs, to direct the Federal Communications Commission to modify the requirements for the Lifeline program to provide increased support, and for other purposes; to the Committee on Finance.

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

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

S. 1023

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Computer and Internet Access Equity Act''.

SEC. 2. INCREASED LIFELINE SUPPORT.

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(2) TERMS DEFINED IN REGULATIONS.—The terms defined in section 54.400 of title 47, Code of Federal Regulations (or any successor regulation), have the meanings given those terms in that section.

(b) REGULATIONS.—Not later than 14 days after the date of enactment of this Act, the Commission shall promulgate regulations to modify the requirements for the Lifeline program set forth in subpart E of part 54 of title 47, Code of Federal Regulations (as in effect on the date of enactment of this Act) to provide for the following:

(1) The amount of Lifeline support that a provider of Lifeline service may receive for providing such service to each qualifying low-income consumer shall be increased by the lesser of—

(A) $83.33 per month; or

(B) the amount needed to make the amount of Lifeline support received by the provider equal to the cost of providing such service, except that such cost may not exceed the cost to the provider of providing an equivalent level of voice telephony service or broadband internet access service (as applicable) to a consumer who does not receive Lifeline service.

(2) The percentage of the Federal Poverty Guidelines (as specified in section 54.409(a)(1) of title 47, Code of Federal Regulations) at or below which a consumer's household income must be in order for the consumer to constitute a qualifying low-income consumer on the basis of income shall be increased to 435 percent.

(3) A provider of broadband internet access service shall not be required to be designated as an eligible telecommunications carrier under section 214(e) of the Communications Act of 1934 (47 U.S.C. 214(e)) in order to receive Lifeline support for providing such service to a qualifying low-income consumer.

(c) DURATION.—The modifications made by the regulations promulgated under subsection (b) shall cease to have any force or effect on the date that is 12 years after the date on which the regulations are promulgated.

(d) CONSUMER PROTECTIONS.—

(1) IN GENERAL.—A provider of broadband internet access service that receives Lifeline support for providing such service to a qualified low-income consumer—

(A) shall provide such service to the consumer at a minimum speed of 25 megabits per second for downloads and 3 megabits per second for uploads, which minimum speed shall be reevaluated and, if appropriate, increased by the Commission not less frequently than once every 3 years;

(B) shall provide a level of customer service to the consumer that is comparable to the customer service that the provider provides to consumers of broadband internet access service who do not receive Lifeline service;

(C) shall offer such service to each qualified low-income consumer in the designated service area of the provider; and

(D)(i) shall advertise the availability of such service and the charges therefore using media of general distribution throughout the designated service area of the provider to increase awareness among consumers (including non-English speaking consumers) that they may be eligible for such service; and

(ii) may partner with State agencies responsible for the provision of social assistance and service programs in conducting advertising under clause (i).

(2) DESIGNATED SERVICE AREA.—A State commission or the Commission, as applicable, shall establish a designated service area for a provider of broadband internet access service described in paragraph (1) for purposes of that paragraph in the same manner as the State commission or Commission establishes a designated service area for a common carrier under paragraph (5) or (6), as applicable, of section 214(e) of the Communications Act of 1934 (47 U.S.C. 214(e)).

SEC. 3. INTERNET EDUCATION AND TRAINING GRANT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(2) COMMUNITY-BASED ORGANIZATION.—The term ''community-based organization'' has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(3) DIGITAL LITERACY.—The term ''digital literacy'' means the skills associated with using technology.

(4) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a nonprofit organization;

(B) a not-for-profit social welfare organization; or

(C) a community-based organization.

(5) FEDERAL POVERTY GUIDELINES.—The term ''Federal Poverty Guidelines'' means the Federal Poverty Guidelines used for purposes of section 54.409(a)(1) of title 47, Code of Federal Regulations (or any successor regulation).

(6) HOUSEHOLD.—The term ''household'' has the meaning given the term in section 54.400 of title 47, Code of Federal Regulations (or any successor regulation).

(7) INCOME.—The term ''income'' has the meaning given the term in section 54.400 of title 47, Code of Federal Regulations (or any successor regulation).

(8) NONPROFIT ORGANIZATION.—The term ''nonprofit organization'' means an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

(9) NOT-FOR-PROFIT SOCIAL WELFARE ORGANIZATION.—The term ''not-for-profit social welfare organization'' means an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

(b) GRANTS AUTHORIZED.—Not later than 100 days after the date of enactment of this Act, the Commission shall establish a program to make grants on a competitive basis to eligible entities to develop and carry out an internet safety education or training program.

(c) APPLICATIONS.—An eligible entity that wishes to receive a grant under this section shall submit to the Commission an application at such time, in such manner, and containing such information as the Commission may require.

(d) USE OF FUNDS.—An eligible entity that receives a grant under this section shall use grant funds to—

(1) develop a program to provide internet education and training, which may address cyberbullying, online privacy, cybersecurity, and digital literacy, to individuals living in households with an income at or below 435 percent of the Federal Poverty Guidelines for households of the applicable size; and

(2) provide such education or training to such individuals through such program.

(e) REPORTS.—

(1) REPORTS TO COMMISSION.—Not later than 3 years after the date on which an eligible entity receives a grant under this section, the eligible entity shall publish and submit to the Commission a report that—

(A) describes the use of the grant by the eligible entity, including the number of individuals served by the eligible entity using grant funds;

(B) describes the progress of the eligible entity toward fulfilling the objectives for which the grant was awarded; and

(C) includes any additional information required by the Commission.

(2) REPORT TO CONGRESS.—Not later than 5 years after the date of enactment of this Act, the Commission shall publish and submit to Congress a report that—

(A) summarizes the data from the reports that the Commission has received under paragraph (1); and

(B) assesses the effectiveness and cost-effectiveness of the grant program established under this section.

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

SEC. 4. CREDIT FOR COMPUTER COSTS.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 36B the following new section:

''SEC. 36C. CREDIT FOR COMPUTER COSTS.

''(a) IN GENERAL.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal the lesser of—

''(1) the amount of qualified computer costs paid or incurred by the taxpayer during such taxable year,

''(2) $2,000 ($4,000 in the case of a joint return), or

''(3) an amount equal to $10,000 ($20,000 in the case of a joint return) minus the sum of any credits allowed to the taxpayer under this section for any preceding taxable year.

''(b) QUALIFIED COMPUTER COSTS.—For purposes of this section, the term 'qualified computer costs' means amounts paid or incurred for computers, printers, and other education-related technology.

''(c) LIMITATION BASED ON ADJUSTED GROSS INCOME.—With respect to any taxable year, the $2,000 amount (or, in the case of a joint return, $4,000 amount) in subsection (a)(2) shall be reduced by an amount equal to 5 percent of so much of the taxpayer's adjusted gross income for such taxable year as exceeds—

''(1) $72,000 in the case of a joint return,

''(2) $54,000 in the case of a head of household, and

''(3) $36,000 in the case of a taxpayer not described in paragraph (1) or (2).

''(d) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means any individual other than—

''(1) any nonresident alien individual,

''(2) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which the individual's taxable year begins, and

''(3) an estate or trust.

''(e) APPLICATION OF SECTION.—This section shall only apply to qualified computer costs incurred by the taxpayer after December 31, 2020, and before January 1, 2033.''.

(b) ADVANCE PAYMENT OF CREDIT.—

(1) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986, as amended by section 9611(b) of the American Rescue Plan Act of 2021 (Public Law 117-2), is amended by inserting after section 7527A the following new section:

''SEC. 7527B. ADVANCE PAYMENT OF CREDIT FOR COMPUTER COSTS.

''(a) IN GENERAL.—As soon as practicable after the date of the enactment of this section, the Secretary shall establish a program for making advance payments of the credit allowed under section 36C (determined without regard to subsection (e) of such section), on such basis as the Secretary determines to be administratively feasible, to taxpayers determined to be eligible for advance payment of such credit.

''(b) LIMITATION.—

''(1) IN GENERAL.—The Secretary may make payments under subsection (a) only to the extent that the total amount of such payments made to any taxpayer during the taxable year does not exceed the amount of the credit determined under subsection (a) of section 36C, as determined based on application of subsection (c) of such section using the adjusted gross income of the taxpayer for the most recent taxable year for which a return has been filed during any of the preceding 3 taxable years.

''(2) NON-FILERS.—In the case of any taxpayer who has not filed a return during the period described in paragraph (1), such paragraph shall be applied without regard to subsection (c) of section 36C.''.

(2) RECONCILIATION OF CREDIT AND ADVANCE CREDIT.—Section 36C of such Code, as added by subsection (a), is amended—

(A) by redesignating subsection (e) as subsection (f); and

(B) by inserting after subsection (d) the following new subsection:

''(e) RECONCILIATION OF CREDIT AND ADVANCE CREDIT.—

''(1) IN GENERAL.—The amount of the credit allowed under this section for any taxable year shall be reduced (but not below zero) by the aggregate amount of any advance payments of such credit under section 7527B for such taxable year.

''(2) EXCESS ADVANCE PAYMENTS.—

''(A) IN GENERAL.—If the aggregate amount of advance payments under section 7527B for the taxable year exceeds the amount of the credit allowed under this section for such taxable year (determined without regard to paragraph (1)), the tax imposed by this chapter for such taxable year shall be increased by the amount of such excess.

''(B) RETURN REQUIREMENT.—If the tax imposed by this chapter for the taxable year is

increased under this paragraph, the taxpayer shall, notwithstanding section 6012, be required to file a return with respect to the taxes imposed under this subtitle.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 6211(b)(4)(A) of the Internal Revenue Code of 1986 is amended—

(A) by inserting ''36C,'' after ''36B,'', and

(B) by striking ''and 7527A'' and inserting ''7527A, and 7527B''.

(2) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended—

(A) by inserting ''36C,'' after ''36B,'', and

(B) by striking ''or 7527A'' and inserting ''7527A, or 7527B''.

(3) The table of sections for subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 36B the following new item:

''Sec. 36C. Credit for Computer Costs.''.

(4) The table of sections for chapter 77 of such Code is amended by inserting after the item relating to section 7527A the following new item:

''Sec. 7527B. Advance payment of credit for computer costs.''.

(d) PUBLIC AWARENESS CAMPAIGN.—The Secretary of the Treasury (or the Secretary's delegate) shall conduct a public awareness campaign, in coordination with the Commissioner of Social Security, the Secretary of Veterans Affairs, and the heads of other relevant Federal and State agencies, to provide information to the public (including non-English speaking populations) regarding the availability of the credit allowed under section 36C of the Internal Revenue Code of 1986 and advance payment of such credit pursuant to section 7527B of such Code (as added by this section).

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to costs incurred in taxable years beginning after December 31, 2020.

By Mr. THUNE (for himself, Mrs. SHAHEEN, and Mrs. FISCHER):

S. 1058. A bill to amend the Small Business Investment Act of 1958 to provide opportunities to rural business investment companies, and for other purposes; to the Committee on Small Business and Entrepreneurship.

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

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

S. 1058

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Rural Capital Access Act''.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term ''Administration'' means the Small Business Administration;

(2) the term ''Administrator'' means the Administrator of the Administration;

(3) the term ''appropriate committees of Congress'' means—

(A) the Committee on Small Business and Entrepreneurship of the Senate;

(B) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(C) the Committee on Small Business of the House of Representatives; and

(D) the Committee on Agriculture of the House of Representatives;

(4) the term ''rural business investment company'' has the meaning given the term in section 384A of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc);

(5) the term ''Secretary'' means the Secretary of Agriculture; and

(6) the term ''working group'' means the interagency working group established under section 4(a).

SEC. 3. RURAL BUSINESS INVESTMENT.

(a) IN GENERAL.—The Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.) is amended—

(1) in part A of title III (15 U.S.C. 681 et seq.)—

(A) in section 303(b)(2) (15 U.S.C. 683(b)(2)), by adding at the end the following:

''(E) INVESTMENTS IN RURAL AREAS.—

''(i) DEFINITION.—In this subparagraph, the term 'rural area' has the meaning given the term in section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)).

''(ii) ADDITIONAL LEVERAGE.—

''(I) IN GENERAL.—In calculating the outstanding leverage of a company for the purposes of subparagraph (A), the Administrator shall not include the amount of the cost basis of any equity investment made by the company in a smaller enterprise located in a rural area if the Administrator, after performing an appropriate evaluation, determines that such an exclusion will not result in additional risk to the Administration or the Federal Government.

''(II) LIMITATION.—The amount excluded under subclause (I) for a company shall not exceed $25,000,000 in any fiscal year.'';

(B) in section 308(g)(3) (15 U.S.C. 687(g)(3))—

(i) in subparagraph (D), by striking ''and'' at the end;

(ii) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(F) the total number of rural business investment companies, as defined in section 321(a), that received leverage from the Administration under section 321 in the previous year, including the amount of that leverage that each such rural business investment company received.'';

(C) in section 310(d)(1)(A) (15 U.S.C. 687b(d)(1)(A)), by inserting ''(including each rural business investment company that receives leverage under section 321)'' after ''Each licensee''; and

(D) by adding at the end the following:

''SEC. 321. RURAL BUSINESS INVESTMENT COMPANIES.

''(a) DEFINITIONS.—In this section—

''(1) the term 'covered amounts' means, with respect to a fiscal year, the amounts made available for that fiscal year to grant leverage under this part to small business investment companies;

''(2) the term 'rural business investment company' has the meaning given the term in section 384A of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc); and

''(3) the term 'Secretary' means the Secretary of Agriculture.

''(b) LEVERAGE.—

''(1) IN GENERAL.—Subject to paragraph (2), if the Administration determines under subsection (c) that the Administration will be unable to expend all of the covered amounts for a particular fiscal year, the Administration shall expend those unexpended covered amounts for that fiscal year to grant leverage to rural business investment companies for the purposes described in this part if, with respect to that fiscal year, the Secretary determines that the Secretary is unable to grant leverage to rural business investment companies in a manner that is sufficient to satisfy the leverage needs of those rural business investment companies.

''(2) CONDITIONS.—With respect to leverage granted by the Administration to a rural business investment company under paragraph (1)—

''(A) the amount of the leverage made available shall be subject to the limitations under section 303(b)(2);

''(B) for the purposes of subparagraph (A), any leverage granted by the Secretary to the rural business investment company under the program carried out under subtitle H of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc et seq.) shall be included when determining the maximum amount of outstanding leverage that may be made available to the rural business investment company under this section; and

''(C) the Administration, in consultation with the Secretary, shall—

''(i) impose such terms and conditions with respect to the leverage that the Administration and the Secretary determine to be appropriate; and

''(ii) in developing the terms and conditions described in clause (i)—

''(I) ensure, to the maximum extent practicable, that those terms and conditions are not—

''(aa) duplicative of other requirements applicable to rural business investment companies; or

''(bb) otherwise unnecessary; and

''(II) take into consideration how rural business investment companies that have been issued a license by the Secretary under section 384D(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc–3(e)) before the date of enactment of this section could qualify to receive that leverage.

''(c) INTERNAL EVALUATION.—Not later than June 1 of each year, the Administration shall perform an evaluation to determine whether the Administration will be unable to expend all of the covered amounts for the fiscal year in which the evaluation is made.''; and

(2) in section 503(g) (15 U.S.C. 697(g)), by inserting '', and with respect to leverage granted under section 321,'' after ''retained by the Administration under this section''.

(b) SBA REQUIREMENTS.—

(1) ESTABLISHMENT OF APPLICATION PROCESS.—Not later than 180 days after the date of enactment of this Act, the Administrator, in consultation with the Secretary, shall establish a process through which a rural business investment company may apply for leverage granted under section 321 of the Small Business Investment Act of 1958, as added by subsection (a) of this section.

(2) UPDATE TO RULES.—Not later than 180 days after the date of enactment of this Act, and in addition to the process established under paragraph (1), the Administrator shall make any updates to the rules of the Administration that are necessary as a result of this section and the amendments made by this section.

SEC. 4. INTERAGENCY WORKING GROUP.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Administrator, in consultation with the Secretary, shall establish an interagency working group to develop—

(1) administrative recommendations for improving the coordination between the Administration and the Department of Agriculture in administering the program carried out under part A of title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.) and the program carried out under subtitle H of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc et seq.), respectively; and

(2) legislative recommendations for improving capital access and investment in rural areas of the United States through the programs described in paragraph (1), including by increasing the number of licensees under those programs.

(b) MEMBERS.—

(1) IN GENERAL.—The Administrator, in consultation with the Secretary, shall appoint to the working group such representatives from the Administration and the Department of Agriculture, and such non-Federal industry stakeholders, as the Administrator, in consultation with the Secretary, determines to be appropriate.

(2) COMPENSATION.—No member of the working group may receive any compensation by reason of the service of the member on the working group.

(c) REPORT TO CONGRESS.—Not later than 180 days after the date on which the working group is established under subsection (a), the working group shall submit to the appropriate committees of Congress a report that contains—

(1) the administrative actions that the Administration and the Department of Agriculture should take to make the improvements described in paragraph (1) of that subsection; and

(2) the legislative recommendations described in paragraph (2) of that subsection.

(d) TERMINATION.—The working group shall terminate upon submission of the report required under subsection (c).

(e) IMPLEMENTATION OF RECOMMENDATIONS.—Not later than 90 days after the date on which the working group submits the report required under subsection (c), the Administration and the Department of Agriculture shall take the administrative actions described in paragraph (1) of that subsection.

(f) INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the working group or the activities of the working group.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 136—RECOGNIZING THE DUTY OF THE SENATE TO ABANDON MODERN MONETARY THEORY AND RECOGNIZING THAT THE ACCEPTANCE OF MODERN MONETARY THEORY WOULD LEAD TO HIGHER DEFICITS AND HIGHER INFLATION

Mr. BRAUN (for himself, Ms. ERNST, and Mr. TILLIS) submitted the following resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. RES. 136

Whereas noted economists from across the political spectrum have warned that the implementation of Modern Monetary Theory (referred to in this preamble as ''MMT'') would pose a clear danger to the economy of the United States;

Whereas, in July 2019, Zach Moller, deputy director of the economic program at Third Way, wrote in a memo the problems associated with MMT, including that—

(1) ''Under an MMT regime, policymakers would need to respond to inflation by doing two of the most unpopular things ever: raising taxes and cutting spending. . . . We can easily imagine divided government's paralysis to fight inflation: Republicans refusing to raise taxes and Democrats refusing to cut spending.'';

(2) MMT ''ends our central non-political economic manager'' and ''markets trust the Federal Reserve and, as a result, businesses and individuals have well-anchored inflation expectations. . . . To solve the challenges higher interest rates create, including a possible interest financing spiral, MMT generally says that the Fed will be tasked with keeping interest rates low by making the Federal government, through the Fed, the consistent (if not the primary) purchaser of bonds. This is a different mission for the Fed than it has now. The Fed would no longer be tasked with intervening to keep prices stable because it would be too busy buying bonds. Bond purchases by the Fed generally increase inflation. Thus, the Fed would no longer be an independent manager of the economy.''; and

(3) MMT ''destroys foreign confidence in America's finances. . . . Holders of U.S. debt (in the form of treasuries) expect stability in value, a return from their investments, and the ability to be paid back. MMT blows that up. Bondholders would no longer be assured a return on their investment, and it will no longer be as desirable for our creditors to hold U.S. debt.'';

Whereas, on May 17, 2019, Joel Griffith, a research fellow at The Heritage Foundation, wrote in an article entitled ''The Absurdity of Modern Monetary Theory'' the following: ''There is no free lunch. We will pay either through the visible burden of direct taxation, the hidden tax of inflation, or higher borrowing costs (as the government competes with businesses for available capital). Such realities might not make for a great stump speech, but facing them squarely now can save us a lot of headaches down the road.'';

Whereas, on March 25, 2019, Janet Yellen, former Chair of the Board of Governors of the Federal Reserve System, disagreed with those individuals promoting MMT who suggest that ''you don't have to worry about interest-rate payments because the central bank can buy the debt'', stating: ''That's a very wrong-minded theory because that's how you get hyper-inflation.'';

Whereas former Secretary of the Treasury and Director of the National Economic Council Lawrence H. Summers—

(1) on March 5, 2019, wrote in an opinion piece in the Washington Post entitled ''The left's embrace of modern monetary theory is a recipe for disaster'' that, ''contrary to the claims of modern monetary theorists, it is not true that governments can simply create new money to pay all liabilities coming due and avoid default. As the experience of any number of emerging markets demonstrates, past a certain point, this approach leads to hyperinflation.''; and

(2) on March 4, 2019, said that—

(A) MMT is fallacious at multiple levels;

(B) past a certain point, MMT leads to hyperinflation; and

(C) a policy of relying on a central bank to finance government deficits, as advocated by MMT theorists, would likely result in a collapsing exchange rate;

Whereas, on February 26, 2019, Jerome Powell, Chair of the Board of Governors of the Federal Reserve System, stated: ''The idea that deficits don't matter for countries that can borrow in their own currency I think is just wrong.'';

Whereas, on February 24, 2019, Matt Bruenig, founder of the People's Policy Project, wrote in an article entitled ''What's the Point of Modern Monetary Theory'' that ''the real point of MMT seems to be to deploy misleading rhetoric with the goal of deceiving people about the necessity of taxes in a social democratic system. If successful, these word games might loosen up fiscal and monetary policy a bit in the short term. But insofar as getting government spending permanently up to 50 percent of GDP really will require substantially more taxes in the medium and long term.'';

Whereas, on February 21, 2019, Doug Henwood, a journalist and economic analyst, wrote in an article in Jacobin entitled ''Modern Monetary Theory Isn't Helping'' that ''MMT's lack of interest in the relationship between money and the real economy causes adherents to overlook the connection between taxing, spending, and the allocation of resources'';

Whereas, on January 28, 2019, in a question and answer session with James Pethokoukis of AEIdeas, Stan Veuger, visiting lecturer of economics at Harvard University, stated that, ''if you take MMTers at their word in the most aggressive sense, then what you would see is a massive debt finance expansion of the welfare state with Medicare for All, with a jobs guarantee, and with concerns about inflation being deferred entirely to elected officials who would have to raise taxes to keep it under control. I think in a scenario like that, we do run a risk of going back to the 1970s pre-Volker style macroeconomics and I think that would be bad.'';

Whereas, on January 17, 2019, Michael Strain, Director of Economic Policy Studies at AEI, wrote in an opinion article in Bloomberg entitled ''Modern Monetary Theory Is a Joke That's Not Funny'' that ''if you thought from the start that the whole idea sounded like lunacy, you were right, even if it's possible to admit some sliver of sympathy for it'';

Whereas Paul Krugman, winner of the 2008 Nobel Memorial Prize in Economic Sciences—

(1) on March 1, 2019, posted on Twitter a point-by-point rebuttal to an article entitled ''The Deficit Myth: Modern Monetary Theory and the Birth of the People's Economy'' by Stephanie Kelton, which concluded with Krugman tweeting that—

(A) ''Sorry, but this is just a mess. Kelton's response misrepresents standard macroeconomics, my own views, the effects of interest rates, and the process of money creation.'';

(B) ''Otherwise I guess it's all fine.''; and

(C) ''See what I mean about Calvinball?''; and

(2) on February 12, 2019, wrote in an opinion piece in the New York Times the following: ''And debt can't go to infinity—it can't exceed total wealth, and in fact as debt gets ever higher people will demand ever-increasing returns to hold it. So at some point the government would be forced to run large enough primary (non-interest) surpluses to limit debt growth.'';

Whereas, on November 15, 2019, Jason Fichtner and Kody Carmody of the Bipartisan Policy Center wrote in a report entitled ''Does the National Debt Matter? A Look at Modern Monetary Theory, or MMT'' that—

(1) ''deficits do have a role to play in public finance'' but, ''as interest rates rise, some private-sector projects no longer make financial sense and are forgone. Crowding out private investment ultimately leads to a misallocation of resources away from their most economically productive use, hampering economic growth. . . . The more we borrow today, the more expensive it will be to continue borrowing in the future. At some point, debt has to be paid back. There is no free lunch.'';

(2) ''MMT underestimates other downside risks of debt'' and ''MMT advocates note that inflation is the only restraint on debt-financed spending. This leads some to conclude that under the theory of MMT, debt is not a concern, as governments can simply print more money to pay off debt. Such a theory is roundly rejected by academic economists on both sides of the political spectrum.'';

(3) printing money has costs, including a ''loss of credibility for the government'', an ''inflation risk'', and exacerbating ''exchange rates'';