the Bipartisan Budget Act of 2018 to expand and expedite access to cardiac rehabilitation programs and pulmonary rehabilitation programs under the Medicare program, and for other purposes.

S. 1997

At the request of Mrs. SHAHEEN, the names of the Senator from Maine (Mr. KING) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1997, a bill to amend the Internal Revenue Code of 1986 to provide that certain contributions by government entities are treated as contributions to capital.

S. 2058

At the request of Mr. CORNYN, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of S. 2058, a bill to improve the safety and security of members of the Armed Forces, and for other purposes.

S. 2085

At the request of Mr. WHITEHOUSE, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 2085, a bill to amend the Internal Revenue Code of 1986 to provide for carbon dioxide and other greenhouse gas and criteria air pollutant emission fees, provide rebates to low and middle income Americans, invest in fossil fuel communities and workers, invest in environmental justice communities, and for other purposes.

S. 2087

At the request of Ms. KLOBUCHAR, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2087, a bill to amend title 38, United States Code, to expand the membership of the Advisory Committee on Minority Veterans to include veterans who are lesbian, gay, bisexual, transgender, gender diverse, gender non-conforming, intersex, or queer.

S. 2088

At the request of Mr. KELLY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2088, a bill to amend title 10, United States Code, to improve the process by which a member of the Armed Forces may be referred for a mental health evaluation.

S.J. RES. 10

At the request of Mr. KAINE, the name of the Senator from California (Mr. PADILLA) was added as a cosponsor of S.J. Res. 10, a joint resolution to repeal the authorizations for use of military force against Iraq, and for other purposes.

S. RES. 67

At the request of Mr. CORNYN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. Res. 67, a resolution calling for the immediate release of Trevor Reed, a United States citizen who was unjustly found guilty and sentenced to 9 years in a Russian prison.

S. RES. 240

At the request of Mr. BOOKER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. Res. 240, a resolution affirming the role of the United States in improving access to quality, inclusive public education and improved learning outcomes for children and adolescents, particularly for girls, in the poorest countries through the Global Partnership for Education.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTION

By Mrs. FEINSTEIN (for herself and Ms. COLLINS):

S. 2100. A bill to amend the Federal Food, Drug, and Cosmetic Act to ensure the safety of cosmetics; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce bipartisan legislation with Senator COLLINS today to improve safety standards on products that affect every single American household. Most people assume that the personal care products they use every day are safe, whether it is shampoo or shaving cream, lotion or makeup, hair dye or deodorant.

In reality, however, these products are not approved by the Food and Drug Administration for safety before being sold, and the FDA's authority to regulate these products are sorely outdated. In fact, it's been more than eighty years since the law has changed on how oversight is conducted for these products. It is time to finally bring the FDA into the 21st century.

For the better part of a decade, Senator COLLINS and I have worked with a wide variety of stakeholders that represent industry, consumers, and health groups. Together, we introduce this Personal Care Products Safety bill with the support and input of these groups to implement commonsense and feasible measures.

One of the most critical components of this legislation is providing FDA with mandatory recall authority over these products. Without this authority, the agency has few options to ensure consumer safety.

For example, in 2019, the FDA discovered asbestos in make-up marketed to children and teens at a popular chain store. After the FDA requested that these products stop being sold, the company refused to comply with the request. Lacking the authority to mandate a recall, FDA was left with the only option of warning consumers not to use these products. This is simply unacceptable.

Under our bill, the FDA could remove these harmful products from the marketplace—whether at your local pharmacy or mall, or online. Perhaps even more importantly, our bill would set forth regulations to outline good manufacturing practices for personal care products and prevent harmful products from ever being sold.

Our bill would also require companies to register with the FDA so that the agency knows who is manufacturing personal care products and where they are being made before arriving in stores. Companies would also be required to disclose their list of ingredients, attest that they have safety records for their products, and report serious adverse events, such as infections that required medical treatment, to FDA within 15 days after being notified that one occurred.

This bill would also require the FDA to evaluate at least five ingredients per year for safety and whether they should be used in personal care products. There would be opportunities for companies, scientists, consumer groups, medical professionals, and other members of the public to weigh in not only on the safety of particular ingredients but also which ingredients should be a priority for review.

As I've said before, the ''Personal Care Products Safety Act'' is the result of many diverse groups working together to ensure businesses are able to provide the safest products possible to consumers. As such, this legislation also recognizes the needs of small businesses and provides flexibility to ensure they are able to comply with these new regulations while also upholding strong safety standards that protect consumers.

I am pleased that this legislation has the support of a broad coalition, including the Environmental Working Group, Beautycounter, Estee Lauder, Unilever, Johnson & Johnson, Revlon, L'Oreal USA, American Academy of Pediatrics, American Cancer Society Cancer Action Network, the Association of Maternal & Child Health Programs, the Endocrine Society, March of Dimes, National Alliance for Hispanic Health, the National Women's Health Network, Au Naturale Cosmetics, Burt's Bees Company, The Clorox Company, the Handcrafted Soap and Cosmetic Guild, and Procter & Gamble.

I want to thank Senator COLLINS for her support as well as her staff for their hard work on this important legislation. I urge my colleagues to join us in modernizing our outdated regulatory system for personal care products, and I hope the Senate will finally pass this long overdue legislation this year.

Thank you Madam President. I yield the Floor.

By Mr. PADILLA:

S. 2103. A bill to amend the Revised Statutes of the United States to hold certain public employers liable in civil actions for deprivation of rights, and for other purposes; to the Committee on the Judiciary.

Mr. PADILLA. Mr. President, I rise to introduce the ''Accountability for Federal Law Enforcement Act.''

This legislation recognizes the need to hold bad actors accountable—period.

In order to build trust in our system of justice, we must allow individuals the right to sue Federal law enforcement agencies when the actions of

their officers lead to a violation of rights.

This legislation would provide a right of action for an individual to sue a Federal law enforcement officer and agency for harm resulting from a violation of their civil and constitutional rights.

42 USC §1983 currently provides this right of action for state and local law enforcement officers who violate a person's rights. However, there is currently no statutory equivalent that extends this right to incidents involving federal law enforcement officers and agencies.

Because Americans lack this right, there is a gap in accountability that urgently needs to be filled. This legislation fills that gap by allowing individuals to sue federal officers, just as they can sue state and local officers. It would also allow individuals to sue federal law enforcement agencies. The United States Supreme Court has recognized that the federal government will not be liable in suit unless it waives its immunity and consents. This legislation recognizes the need for such a waiver.

While extending this right will not automatically end all cases of abuse by certain law enforcement officers, it will give the American people an important tool to fight against injustice while also demonstrating that the time is now to address police brutality.

While the United States Supreme Court has addressed the absence of a right of action against Federal officers before, the scope of the provided ''remedy'' has been kept extremely narrow. Without a statute in place, this right will continue to be under-utilized and could disappear whenever the Court sees fit.

Americans deserve better. We all deserve to have our constitutional rights respected, and we deserve a system that will hold bad actors accountable. This is too urgent a need to go unaddressed.

Public safety is a two-way street. We, as citizens, honor our officers and trust law enforcement to keep our streets safe and peaceful. In return, we expect officers to be held to account for bad behavior. Anything less undermines public safety.

I look forward to working with my colleagues to pass the ''Accountability for Federal Law Enforcement Act'' as quickly as possible.

Thank you, Mr. President. I yield the floor.

By Mr. WYDEN (for himself, Mr. CASSIDY, Mr. BROWN, Ms. KLOBUCHAR, Mr. SANDERS, Mr. LEAHY, Mr. MERKLEY, and Mr. CASEY):

S. 2108. A bill to amend title II of the Social Security Act to eliminate work disincentives for childhood disability beneficiaries; to the Committee on Finance.

Mr. WYDEN. Madam President, one topic there is much agreement on is the benefits of work, and our laws should support those who want to work. The bill I am introducing today will change Social Security so that parents and their children will know that working will never disadvantage them in the future.

Let me explain the problem. Under current law, a child with a disability that began before age 22 may receive a Social Security benefit based on the work of a disabled, retired or deceased parent. Often the child receives this benefit for the rest of their life. Social Security provides the benefit because the child is usually dependent on their parents for financial support. The problem is that the law regards earnings by the child above $1,310 a month as ending that dependency—even if the child is no longer able to maintain that level of work in the future. When that dependency ends, the child ceases to be eligible for the benefit from the parent. Instead, the child would receive a benefit based on their work. The benefit from the parent's work is often significantly larger than the child's own benefit. Because of this policy, parents of children with disabilities may prevent their child from working at their full potential, fearing that the work will cause the child to lose out on the larger benefit. We need to change Social Security to ensure parents and their children that working will not cause them to be worse off in the future.

To provide that assurance, I am introducing the Work Without Worry Act. The bill ensures that any individual with a disability that began before age 22 will receive the larger of the benefit from either their parent's work or the benefit from their own work. Any earnings from work—no matter how much—will not prevent the child from receiving a Social Security benefit from their parent's work as long as the child is eligible for disability insurance by the same impairment from before age 22. This legislation would give parents the assurance that their child with a disability can work without having to worry that the child will lose out on the full protections that Social Security provides.

I want to thank Kathy Holmquist, President of Pathways to Independence, Inc. in Portland, Oregon, who has been a leader in my state helping people with disabilities live and work with dignity. Kathy contacted me about the need for this legislation and I appreciate her advocacy and support. Additional thanks to The Arc for the technical assistance and endorsement of the bill. The bill is also endorsed by the American Network of Community Options and Resources (ANCOR), Consortium for Citizens with Disabilities (CCD) Social Security Task Force, National Down Syndrome Congress, and The Association of University Centers on Disabilities. I am grateful that Social Security Subcommittee Chairman JOHN LARSON is introducing the companion bill in the House of Representatives. The Senate bill is cosponsored by Senators CASSIDY, BROWN, KLOBUCHAR, SANDERS, LEAHY, MERKLEY and CASEY.

I ask unanimous consent that the bill be printed in the RECORD.

So ordered.

S. 2108

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 ''Work Without Worry Act''.

SEC. 2. ELIMINATION OF WORK DISINCENTIVE FOR CHILDHOOD DISABILITY BENEFICIARIES.

(a) IN GENERAL.—Section 202(d) of the Social Security Act (42 U.S.C. 402(d)) is amended—

(1) in paragraph (1)(B)(ii), by striking ''is under a disability (as defined in section 223(d)) which began before he attained the age of 22, and'' and inserting the following: ''is under a disability (as defined in section 223(d)), and—

''(I) the physical or mental impairment (or combination of impairments) that is the basis for the finding of disability began before the child attained the age of 22 (or is of such a type that can reasonably be presumed to have begun before the child attained the age of 22, as determined by the Commissioner), and

''(II) the impairment or combination of impairments could have been the basis for a finding of disability (without regard to whether the child was actually engaged in substantial gainful activity) before the child attained age 22, and''; and

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

''(11)(A) In the case of a child described in subparagraph (B)(ii) of paragraph (1) who—

''(i) has not attained early retirement age (as defined in section 216(l)(2));

''(ii) has filed an application for child's insurance benefits; and

''(iii) is insured for disability benefits (as determined under section 223(c)(1)) at the time of such filing;

such application shall be deemed to be an application for both child's insurance benefits under this subsection and disability insurance benefits under section 223.

''(B) In the case of a child described in subparagraph (B)(ii) of paragraph (1) who—

''(i) has attained early retirement age (as defined in section 216(l)(2));

''(ii) has filed an application for child's insurance benefits; and

''(iii) is a fully insured individual (as defined in section 214(a)) at the time of such filing;

such application shall be deemed to be an application for both child's insurance benefits under this subsection and old-age insurance benefits under section 202(a).

''(C) Notwithstanding paragraph (1), in the case of a child described in subparagraph (A) or (B), if, at the time of filing an application for child's insurance benefits, the amount of the monthly old-age or disability insurance benefit to which the child would be entitled is greater than the amount of the monthly child's insurance benefit to which the child would be entitled, the child shall not be entitled to a child's insurance benefit based on such application.

''(D) For purposes of subparagraph (C), the amount of the monthly old-age or disability benefit to which the child would be entitled shall be determined—

''(i) without regard to the primary insurance amount calculation described section 215(a)(7); and

''(ii) before application of section 224.

''(12) For purposes of paragraph (1)(B)(ii), a child shall not be required to be continuously under a disability during the period between the date that the disability began and

the date that the application for child's insurance benefits is filed.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to applications filed on or after the date that is 24 months after the date of the enactment of this section.

By Mr. DURBIN (for himself, Mr. REED, Ms. DUCKWORTH, Mr. WHITEHOUSE, and Mr. SANDERS):

S. 2124. A bill to prohibit the award of Federal Government contracts to inverted domestic corporations, and for other purposes; to the Committee on Homeland Security and Governmental 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. 2124

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 ''American Business for American Companies Act of 2021''.

SEC. 2. PROHIBITION ON AWARDING CONTRACTS TO INVERTED DOMESTIC CORPORATIONS.

(a) CIVILIAN CONTRACTS.—

(1) IN GENERAL.—Chapter 47 of title 41, United States Code, is amended by adding at the end the following new section:

''§ 4715. Prohibition on awarding contracts to inverted domestic corporations

''(a) PROHIBITION.—

''(1) IN GENERAL.—The head of an executive agency may not award a contract for the procurement of property or services to—

''(A) any foreign incorporated entity that such head has determined is an inverted domestic corporation or any subsidiary of such entity; or

''(B) any joint venture if more than 10 percent of the joint venture (by vote or value) is held by a foreign incorporated entity that such head has determined is an inverted domestic corporation or any subsidiary of such entity.

''(2) SUBCONTRACTS.—

''(A) IN GENERAL.—The head of an executive agency shall include in each contract for the procurement of property or services awarded by the executive agency with a value in excess of $10,000,000, other than a contract for exclusively commercial items, a clause that prohibits the prime contractor on such contract from—

''(i) awarding a first-tier subcontract with a value greater than 10 percent of the total value of the prime contract to an entity or joint venture described in paragraph (1); or

''(ii) structuring subcontract tiers in a manner designed to avoid the limitation in paragraph (1) by enabling an entity or joint venture described in paragraph (1) to perform more than 10 percent of the total value of the prime contract as a lower-tier subcontractor.

''(B) PENALTIES.—The contract clause included in contracts pursuant to subparagraph (A) shall provide that, in the event that the prime contractor violates the contract clause—

''(i) the prime contract may be terminated for default; and

''(ii) the matter may be referred to the suspension or debarment official for the appropriate agency and may be a basis for suspension or debarment of the prime contractor.

''(b) INVERTED DOMESTIC CORPORATION.—

''(1) IN GENERAL.—For purposes of this section, a foreign incorporated entity shall be treated as an inverted domestic corporation if, pursuant to a plan (or a series of related transactions)—

''(A) the entity completes on or after May 8, 2014, the direct or indirect acquisition of—

''(i) substantially all of the properties held directly or indirectly by a domestic corporation; or

''(ii) substantially all of the assets of, or substantially all of the properties constituting a trade or business of, a domestic partnership; and

''(B) after the acquisition, either—

''(i) more than 50 percent of the stock (by vote or value) of the entity is held—

''(I) in the case of an acquisition with respect to a domestic corporation, by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation; or

''(II) in the case of an acquisition with respect to a domestic partnership, by former partners of the domestic partnership by reason of holding a capital or profits interest in the domestic partnership; or

''(ii) the management and control of the expanded affiliated group which includes the entity occurs, directly or indirectly, primarily within the United States, as determined pursuant to regulations prescribed by the Secretary of the Treasury, and such expanded affiliated group has significant domestic business activities.

''(2) EXCEPTION FOR CORPORATIONS WITH SUBSTANTIAL BUSINESS ACTIVITIES IN FOREIGN COUNTRY OF ORGANIZATION.—

''(A) IN GENERAL.—A foreign incorporated entity described in paragraph (1) shall not be treated as an inverted domestic corporation if after the acquisition the expanded affiliated group which includes the entity has substantial business activities in the foreign country in which or under the law of which the entity is created or organized when compared to the total business activities of such expanded affiliated group.

''(B) SUBSTANTIAL BUSINESS ACTIVITIES.—The Secretary of the Treasury (or the Secretary's delegate) shall establish regulations for determining whether an affiliated group has substantial business activities for purposes of subparagraph (A), except that such regulations may not treat any group as having substantial business activities if such group would not be considered to have substantial business activities under the regulations prescribed under section 7874 of the Internal Revenue Code of 1986, as in effect on January 18, 2017.

''(3) SIGNIFICANT DOMESTIC BUSINESS ACTIVITIES.—

''(A) IN GENERAL.—For purposes of paragraph (1)(B)(ii), an expanded affiliated group has significant domestic business activities if at least 25 percent of—

''(i) the employees of the group are based in the United States;

''(ii) the employee compensation incurred by the group is incurred with respect to employees based in the United States;

''(iii) the assets of the group are located in the United States; or

''(iv) the income of the group is derived in the United States.

''(B) DETERMINATION.—Determinations pursuant to subparagraph (A) shall be made in the same manner as such determinations are made for purposes of determining substantial business activities under regulations referred to in paragraph (2) as in effect on January 18, 2017, but applied by treating all references in such regulations to 'foreign country' and 'relevant foreign country' as references to 'the United States'. The Secretary of the Treasury (or the Secretary's delegate) may issue regulations decreasing the threshold percent in any of the tests under such regulations for determining if business activities constitute significant domestic business activities for purposes of this paragraph.

''(c) WAIVER.—

''(1) IN GENERAL.—The head of an executive agency may waive subsection (a) with respect to any Federal Government contract under the authority of such head if the head determines that the waiver is—

''(A) required in the interest of national security; or

''(B) necessary for the efficient or effective administration of Federal or federally funded—

''(i) programs that provide health benefits to individuals; or

''(ii) public health programs.

''(2) REPORT TO CONGRESS.—The head of an executive agency issuing a waiver under paragraph (1) shall, not later than 14 days after issuing such waiver, submit a written notification of the waiver to the relevant authorizing committees of Congress and the Committees on Appropriations of the Senate and the House of Representatives.

''(d) APPLICABILITY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), this section shall not apply to any contract entered into before the date of the enactment of this section.

''(2) TASK AND DELIVERY ORDERS.—This section shall apply to any task or delivery order issued after the date of the enactment of this section pursuant to a contract entered into before, on, or after such date of enactment.

''(3) SCOPE.—This section applies only to contracts subject to regulation under the Federal Acquisition Regulation.

''(e) DEFINITIONS AND SPECIAL RULES.—

''(1) DEFINITIONS.—In this section, the terms 'expanded affiliated group', 'foreign incorporated entity', 'person', 'domestic', and 'foreign' have the meaning given those terms in section 835(c) of the Homeland Security Act of 2002 (6 U.S.C. 395(c)).

''(2) SPECIAL RULES.—In applying subsection (b) of this section for purposes of subsection (a) of this section, the rules described under 835(c)(1) of the Homeland Security Act of 2002 (6 U.S.C. 395(c)(1)) shall apply.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 47 of title 41, United States Code, is amended by inserting after the item relating to section 4714 the following new item:

''4715. Prohibition on awarding contracts to inverted domestic corporations.''.

(b) DEFENSE CONTRACTS.—

(1) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2339d. Prohibition on awarding contracts to inverted domestic corporations

''(a) PROHIBITION.—

''(1) IN GENERAL.—The head of an agency may not award a contract for the procurement of property or services to—

''(A) any foreign incorporated entity that such head has determined is an inverted domestic corporation or any subsidiary of such entity; or

''(B) any joint venture if more than 10 percent of the joint venture (by vote or value) is owned by a foreign incorporated entity that such head has determined is an inverted domestic corporation or any subsidiary of such entity.

''(2) SUBCONTRACTS.—

''(A) IN GENERAL.—The head of an executive agency shall include in each contract for the procurement of property or services awarded by the executive agency with a value in excess of $10,000,000, other than a

contract for exclusively commercial items, a clause that prohibits the prime contractor on such contract from—

''(i) awarding a first-tier subcontract with a value greater than 10 percent of the total value of the prime contract to an entity or joint venture described in paragraph (1); or

''(ii) structuring subcontract tiers in a manner designed to avoid the limitation in paragraph (1) by enabling an entity or joint venture described in paragraph (1) to perform more than 10 percent of the total value of the prime contract as a lower-tier subcontractor.

''(B) PENALTIES.—The contract clause included in contracts pursuant to subparagraph (A) shall provide that, in the event that the prime contractor violates the contract clause—

''(i) the prime contract may be terminated for default; and

''(ii) the matter may be referred to the suspension or debarment official for the appropriate agency and may be a basis for suspension or debarment of the prime contractor.

''(b) INVERTED DOMESTIC CORPORATION.—

''(1) IN GENERAL.—For purposes of this section, a foreign incorporated entity shall be treated as an inverted domestic corporation if, pursuant to a plan (or a series of related transactions)—

''(A) the entity completes on or after May 8, 2014, the direct or indirect acquisition of—

''(i) substantially all of the properties held directly or indirectly by a domestic corporation; or

''(ii) substantially all of the assets of, or substantially all of the properties constituting a trade or business of, a domestic partnership; and

''(B) after the acquisition, either—

''(i) more than 50 percent of the stock (by vote or value) of the entity is held—

''(I) in the case of an acquisition with respect to a domestic corporation, by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation; or

''(II) in the case of an acquisition with respect to a domestic partnership, by former partners of the domestic partnership by reason of holding a capital or profits interest in the domestic partnership; or

''(ii) the management and control of the expanded affiliated group which includes the entity occurs, directly or indirectly, primarily within the United States, as determined pursuant to regulations prescribed by the Secretary of the Treasury, and such expanded affiliated group has significant domestic business activities.

''(2) EXCEPTION FOR CORPORATIONS WITH SUBSTANTIAL BUSINESS ACTIVITIES IN FOREIGN COUNTRY OF ORGANIZATION.—

''(A) IN GENERAL.—A foreign incorporated entity described in paragraph (1) shall not be treated as an inverted domestic corporation if after the acquisition the expanded affiliated group which includes the entity has substantial business activities in the foreign country in which or under the law of which the entity is created or organized when compared to the total business activities of such expanded affiliated group.

''(B) SUBSTANTIAL BUSINESS ACTIVITIES.—The Secretary of the Treasury (or the Secretary's delegate) shall establish regulations for determining whether an affiliated group has substantial business activities for purposes of subparagraph (A), except that such regulations may not treat any group as having substantial business activities if such group would not be considered to have substantial business activities under the regulations prescribed under section 7874 of the Internal Revenue Code of 1986, as in effect on January 18, 2017.

''(3) SIGNIFICANT DOMESTIC BUSINESS ACTIVITIES.—

''(A) IN GENERAL.—For purposes of paragraph (1)(B)(ii), an expanded affiliated group has significant domestic business activities if at least 25 percent of—

''(i) the employees of the group are based in the United States;

''(ii) the employee compensation incurred by the group is incurred with respect to employees based in the United States;

''(iii) the assets of the group are located in the United States; or

''(iv) the income of the group is derived in the United States.

''(B) DETERMINATION.—Determinations pursuant to subparagraph (A) shall be made in the same manner as such determinations are made for purposes of determining substantial business activities under regulations referred to in paragraph (2) as in effect on January 18, 2017, but applied by treating all references in such regulations to 'foreign country' and 'relevant foreign country' as references to 'the United States'. The Secretary of the Treasury (or the Secretary's delegate) may issue regulations decreasing the threshold percent in any of the tests under such regulations for determining if business activities constitute significant domestic business activities for purposes of this paragraph.

''(c) WAIVER.—

''(1) IN GENERAL.—The head of an agency may waive subsection (a) with respect to any Federal Government contract under the authority of such head if the head determines that the waiver is required in the interest of national security or is necessary for the efficient or effective administration of Federal or federally funded programs that provide health benefits to individuals.

''(2) REPORT TO CONGRESS.—The head of an agency issuing a waiver under paragraph (1) shall, not later than 14 days after issuing such waiver, submit a written notification of the waiver to the congressional defense committees.

''(d) APPLICABILITY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), this section shall not apply to any contract entered into before the date of the enactment of this section.

''(2) TASK AND DELIVERY ORDERS.—This section shall apply to any task or delivery order issued after the date of the enactment of this section pursuant to a contract entered into before, on, or after such date of enactment.

''(3) SCOPE.—This section applies only to contracts subject to regulation under the Federal Acquisition Regulation and the Defense Supplement to the Federal Acquisition Regulation.

''(e) DEFINITIONS AND SPECIAL RULES.—

''(1) DEFINITIONS.—In this section, the terms 'expanded affiliated group', 'foreign incorporated entity', 'person', 'domestic', and 'foreign' have the meaning given those terms in section 835(c) of the Homeland Security Act of 2002 (6 U.S.C. 395(c)).

''(2) SPECIAL RULES.—In applying subsection (b) of this section for purposes of subsection (a) of this section, the rules described under 835(c)(1) of the Homeland Security Act of 2002 (6 U.S.C. 395(c)(1)) shall apply.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of title 10, United States Code, is amended by inserting after the item relating to section 2339c the following new item:

''2339d. Prohibition on awarding contracts to inverted domestic corporations.''.

(3) FUTURE TRANSFER.—

(A) TRANSFER AND REDESIGNATION.—Section 2339d of title 10, United States Code, as added by paragraph (1), is transferred to chapter 364 of such title, inserted after section 4660, as added by section 1862(b) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), and redesignated as section 4661.

(B) CLERICAL AMENDMENTS.—

(i) TARGET CHAPTER TABLE OF SECTIONS.—The table of sections at the beginning of chapter 364 of title 10, United States Code, as added by section 1862(a) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), is amended by inserting after the item relating to section 4660 the following new item:

''Sec. 4661. Prohibition on awarding contracts to inverted domestic corporations.''.

(ii) ORIGIN CHAPTER TABLE OF SECTIONS.—The table of sections at the beginning of chapter 137 of title 10, United States Code, as amended by paragraph (2), is amended by striking the item relating to section 2339d.

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall take effect on January 1, 2022.

(D) REFERENCES; SAVINGS PROVISIONS; RULE OF CONSTRUCTION.—Sections 1883 through 1885 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) shall apply with respect to the amendments made under this paragraph as if such amendments were made under title XVIII of such Act.

(c) REGULATIONS REGARDING MANAGEMENT AND CONTROL.—

(1) IN GENERAL.—The Secretary of the Treasury (or the Secretary's delegate) shall, for purposes of section 4714(b)(1)(B)(ii) of title 41, United States Code, and section 2339d(b)(1)(B)(ii) of title 10, United States Code, as added by subsections (a) and (b), respectively, prescribe regulations for purposes of determining cases in which the management and control of an expanded affiliated group is to be treated as occurring, directly or indirectly, primarily within the United States. The regulations prescribed under the preceding sentence shall apply to periods after May 8, 2014.

(2) EXECUTIVE OFFICERS AND SENIOR MANAGEMENT.—The regulations prescribed under paragraph (1) shall provide that the management and control of an expanded affiliated group shall be treated as occurring, directly or indirectly, primarily within the United States if substantially all of the executive officers and senior management of the expanded affiliated group who exercise day-to-day responsibility for making decisions involving strategic, financial, and operational policies of the expanded affiliated group are based or primarily located within the United States. Individuals who in fact exercise such day-to-day responsibilities shall be treated as executive officers and senior management regardless of their title.

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

S. 2137. A bill to amend title 49, United States Code, to establish an Office of Rural Investment, to ensure that rural communities and regions are equitably represented in Federal decision-making for transportation policy, and for other purposes; to the Committee on Commerce, Science, and Transportation.

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. 2137

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 Transportation Equity Act of 2021''.

SEC. 2. RURAL INVESTMENT.

(a) OFFICE OF RURAL INVESTMENT.—

(1) ESTABLISHMENT.—Section 102 of title 49, United States Code, is amended—

(A) in subsection (a), by inserting ''(referred to in this section as the 'Department')'' after ''Department of Transportation'';

(B) in subsection (b), in the first sentence, by inserting ''(referred to in this section as the 'Secretary')'' after ''Secretary of Transportation'';

(C) in subsection (f)(1), by striking ''Department of Transportation'' each place it appears and inserting ''Department'';

(D) by redesignating subsection (h) as subsection (i); and

(E) by inserting after subsection (g) the following:

''(h) OFFICE OF RURAL INVESTMENT.—

''(1) IN GENERAL.—There is established in the Department, within the Office of the Secretary, an Office of Rural Investment (referred to in this subsection as the 'Office').

''(2) LEADERSHIP.—The Office shall be headed by a Director for Rural Investment (referred to in this subsection as the 'Director') who shall be appointed by, and report directly to, the Secretary.

''(3) MISSION.—

''(A) IN GENERAL.—The mission of the Office shall be to coordinate with other offices and agencies within the Department and with other Federal agencies to further the goals and objectives described in subparagraph (B).

''(B) GOALS AND OBJECTIVES DESCRIBED.—The goals and objectives referred to in subparagraph (A) are—

''(i) to ensure that the unique needs and attributes of rural transportation, involving all modes, are fully addressed and prioritized during the development and implementation of transportation policies, programs, and activities within the Department;

''(ii) to improve coordination of Federal transportation policies, programs, and activities within the Department in a manner that expands economic development in rural communities and regions, and to provide recommendations for improvement, including additional internal realignments;

''(iii) to expand Federal transportation infrastructure investment in rural communities and regions, including by providing recommendations for changes in existing funding distribution patterns;

''(iv) to use innovation to resolve local and regional transportation challenges faced by rural communities and regions;

''(v) to promote and improve planning and coordination among rural communities and regions to maximize the unique competitive advantage in those locations while avoiding duplicative Federal, State and local investments; and

''(vi) to ensure that all rural communities and regions lacking resources receive proactive outreach, education, and technical assistance to improve access to Federal transportation programs.

''(4) DUTIES OF THE DIRECTOR.—The Director shall—

''(A) be responsible for engaging in activities to carry out the mission described in paragraph (3);

''(B) organize, guide, and lead activities within the Department to address disparities in rural transportation infrastructure to improve safety, economic development, and quality of life in rural communities and regions;

''(C) provide information and outreach to rural communities and regions concerning the availability and eligibility requirements of participating in programs of the Department;

''(D) help rural communities and regions—

''(i) identify competitive economic advantages and transportation investments that ensure continued economic growth; and

''(ii) avoid duplicative transportation investments;

''(E) serve as a resource for assisting rural communities and regions with respect to Federal transportation programs;

''(F) identify—

''(i) Federal statutes, regulations, and polices that may impede the Department from supporting effective rural infrastructure projects that address national transportation goals; and

''(ii) potential measures to solve or mitigate those issues;

''(G) identify improved, simplified, and streamlined internal processes to help limited-resource rural communities and regions access transportation investments;

''(H) recommend changes and initiatives for the Secretary to consider;

''(I) ensure and coordinate a routine rural consultation on the development of policies, programs, and activities of the Department;

''(J) serve as an advocate within the Department on behalf of rural communities and regions; and

''(K) work in coordination with the Department of Agriculture, the Department of Health and Human Services, the Department of Commerce, the Federal Communications Commission, and other Federal agencies, as the Secretary determines to be appropriate, in carrying out the duties described in subparagraphs (A) through (J).

''(5) CONTRACTS AND AGREEMENTS.—For the purpose of carrying out the mission of the Office under paragraph (3), the Secretary may enter into contracts, cooperative agreements, and other agreements as necessary, including with research centers, institutions of higher education, States, units of local government, nonprofit organizations, or a combination of any of those entities—

''(A) to conduct research on transportation investments that promote rural economic development;

''(B) to solicit information in the development of policy, programs, and activities of the Department that can improve infrastructure investment and economic development in rural communities and regions;

''(C) to develop educational and outreach materials, including the conduct of workshops, courses, and certified training for rural communities and regions that can further the mission and goals of the Office and the Department; and

''(D) to carry out any other activities, as determined by the Secretary to be appropriate.

''(6) GRANTS.—

''(A) IN GENERAL.—The Director may award competitive grants to an entity described in subparagraph (B) to support expanded education, outreach, and technical assistance to rural communities and regions.

''(B) ENTITY DESCRIBED.—An entity referred to in subparagraph (A) is a nonprofit organization or an institution of higher education that has not less than 3 years of experience providing meaningful transportation technical assistance or advocacy services to rural communities and regions.

''(7) EMPLOYEES.—The Secretary shall ensure that not more than 4 full-time equivalent employees are assigned to the Office.

''(8) COORDINATION WITHIN AND AMONG OTHER OFFICES AND AGENCIES OF THE DEPARTMENT.—

''(A) IN GENERAL.—The Secretary shall designate not fewer than 1 representative from each office or agency of the Department described in subparagraph (B) who shall be responsible for leading the efforts within that office or agency to further the goals and objectives described in subparagraph (B) of paragraph (3).

''(B) OFFICES AND AGENCIES DESCRIBED.—The offices and agencies of the Department referred to in subparagraph (A) are each of the following:

''(i) The Office of the Under Secretary of Transportation for Policy.

''(ii) The Office of the General Counsel.

''(iii) The Office of the Chief Financial Officer and Assistant Secretary for Budget and Programs.

''(iv) The Federal Aviation Administration.

''(v) The Federal Highway Administration.

''(vi) The Federal Railroad Administration.

''(vii) The Federal Transit Administration.

''(viii) The Office of the Assistant Secretary for Governmental Affairs.

''(ix) The Office of Public Affairs.

''(x) Any other office or agency of the Department that the Secretary determines to be appropriate.

''(C) DUTIES.—The Chief Infrastructure Funding Officer of the Department and the representatives designated under subparagraph (A)—

''(i) shall—

''(I) meet bimonthly; and

''(II) recommend initiatives to the Office; and

''(ii) may participate in all meetings and relevant activities of the Office to provide input and guidance relevant to rural transportation infrastructure projects and issues.

''(9) ADDITIONAL INPUT.—

''(A) IN GENERAL.—The Secretary shall seek input from the offices and agencies of the Department described in subparagraph (B) to further the goals and objectives described in subparagraph (B) of paragraph (3).

''(B) OFFICES AND AGENCIES DESCRIBED.—The offices and agencies of the Department referred to in subparagraph (A) are each of the following:

''(i) The Maritime Administration.

''(ii) The Saint Lawrence Seaway Development Corporation.

''(iii) The National Highway Traffic Safety Administration.

''(10) REPORT.—Each year, the Office shall submit to the Secretary a report describing—

''(A) the objectives of the Office for the coming year; and

''(B) how the objectives of the Office were accomplished in the previous year.

''(11) APPLICABILITY.—In carrying out the mission of the Office under paragraph (3), the Secretary shall consider as rural any area considered to be a rural area under a Federal transportation program of the Department.''.

(2) COUNCIL ON CREDIT AND FINANCE.—Section 117(b)(1) of title 49, United States Code, is amended by adding at the end the following:

''(I) The Director for Rural Investment.''.

(b) RURAL TRANSPORTATION ADVISORY COUNCIL.—

(1) DEFINITIONS.—In this subsection:

(A) ADVISORY COUNCIL.—The term ''advisory council'' means the rural transportation advisory council established under paragraph (2).

(B) RELEVANT COMMITTEES OF CONGRESS.—The term ''relevant committees of Congress'' means—

(i) the Committee on Transportation and Infrastructure of the House of Representatives;

(ii) the Committee on Energy and Commerce of the House of Representatives;

(iii) the Committee on Environment and Public Works of the Senate;

(iv) the Committee on Commerce, Science, and Transportation of the Senate;

(v) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(vi) the Subcommittee on Transportation, and Housing and Urban Development, and Related Agencies of the Committee on Appropriations of the House of Representatives; and

(vii) the Subcommittee on Transportation, Housing and Urban Development, and Related Agencies of the Committee on Appropriations of the Senate.

(C) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(2) ESTABLISHMENT.—The Secretary shall establish a rural transportation advisory council to consult with and advise the Office of Rural Investment.

(3) MEMBERSHIP.—

(A) IN GENERAL.—The advisory council shall be composed of 15 members, appointed by the Secretary, of whom—

(i) not fewer than 1 shall be a representative from an institution of higher education or extension program;

(ii) not fewer than 1 shall be a representative from an organization promoting business and economic development, such as a chamber of commerce, a local government institution, or a planning organization;

(iii) not fewer than 1 shall be a representative from a financing entity;

(iv) not fewer than 1 shall have experience in health, mobility, or emergency services;

(v) not fewer than 1 shall have experience in transportation safety;

(vi) not fewer than 1 shall have experience with workforce access;

(vii) not fewer than 1 shall have experience with tourism and recreational activities;

(viii) not fewer than 1 shall have—

(I) experience with rural supply chains, such as direct-to-consumer supply chains; and

(II) wholesale distribution experience;

(ix) not fewer than 1 shall have experience in emerging or innovative technologies relating to rural transportation networks;

(x) not fewer than 1 shall have experience in food, nutrition, and grocery access;

(xi) not fewer than 1 shall represent agriculture, nutrition, or forestry; and

(xii) not fewer than 1 shall have experience with historically underserved regions, as determined by the Secretary.

(B) REQUIREMENT.—The Secretary shall appoint members to the advisory council in a manner that ensures, to the maximum extent practicable, that the geographic and economic diversity of rural communities and regions of the United States are represented.

(C) TIMING OF INITIAL APPOINTMENTS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall appoint the initial members of the advisory council.

(D) PERIOD OF APPOINTMENTS.—

(i) IN GENERAL.—Except as provided in clause (ii), a member of the advisory council shall be appointed for a term of 3 years.

(ii) INITIAL APPOINTMENTS.—Of the members first appointed to the advisory council—

(I) 5, as determined by the Secretary, shall be appointed for a term of 3 years;

(II) 5, as determined by the Secretary, shall be appointed for a term of 2 years; and

(III) 5, as determined by the Secretary, shall be appointed for a term of 1 year.

(E) VACANCIES.—Any vacancy on the advisory council—

(i) shall not affect the power of the advisory council; and

(ii) shall be filled as soon as practicable and in the same manner as the original appointment.

(F) CONSECUTIVE TERMS.—An appointee to the advisory council may serve 1 additional, consecutive term if the member is reappointed by the Secretary.

(4) MEETINGS.—

(A) IN GENERAL.—The advisory council shall meet not less than twice per year, as determined by the Secretary.

(B) INITIAL MEETING.—Not later than 180 days after the date on which the initial members of the advisory council are appointed under paragraph (3)(C), the advisory council shall hold the first meeting of the advisory council.

(5) DUTIES.—

(A) IN GENERAL.—The advisory council shall—

(i) advise the Office of Rural Investment on issues related to rural needs relating to Federal transportation programs;

(ii) evaluate and review ongoing research activities relating to rural transportation networks, including new and emerging barriers to economic development and access to investments;

(iii) develop recommendations for any changes to Federal law, regulations, internal Department of Transportation policies or guidance, or other measures that would eliminate barriers for rural access or improve rural equity in transportation investments;

(iv) examine methods of maximizing the number of opportunities for assistance for rural communities and regions under Federal transportation programs, including expanded outreach and technical assistance;

(v) examine methods of encouraging intergovernmental and local resource cooperation to mitigate duplicative investments in key rural communities and regions and improve the efficiencies in the delivery of Federal transportation programs;

(vi) evaluate other methods of creating new opportunities for rural communities and regions; and

(vii) address any other relevant issues as the Secretary determines to be appropriate.

(B) REPORTS.—Not later than 1 year after the date on which the initial members of the advisory council are appointed under paragraph (3)(C), and every 2 years thereafter through 2026, the advisory council shall submit to the Secretary and the relevant committees of Congress a report describing the recommendations developed under subparagraph (A)(iii).

(6) PERSONNEL MATTERS.—

(A) COMPENSATION.—A member of the advisory council shall serve without compensation.

(B) TRAVEL EXPENSES.—A member of the advisory council shall be allowed travel expenses, including per diem in lieu of subsistence, in accordance with section 5703 of title 5, United States Code.

(7) TERMINATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the advisory council shall terminate on the date that is 5 years after the date on which the initial members are appointed under paragraph (3)(C).

(B) EXTENSION.—Before the date on which the advisory council terminates, the Secretary may renew the advisory council for 1 or more 2-year periods.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section and the amendments made by this section $7,000,000 for each of fiscal years 2022 through 2026.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 274—DESIGNATING JULY 24, 2021, AS ''NATIONAL DAY OF THE AMERICAN COWBOY''

Mr. BARRASSO (for himself, Mr. TESTER, Ms. LUMMIS, Mr. HOEVEN, Mr. CRAMER, Mr. THUNE, Mr. ROUNDS, Mr. RISCH, Mr. CRAPO, Mr. INHOFE, and Mr. MARSHALL) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 274

Whereas pioneering men and women, recognized as ''cowboys'', helped to establish the American West;

Whereas the cowboy embodies honesty, integrity, courage, compassion, respect, a strong work ethic, and patriotism;

Whereas the cowboy spirit exemplifies strength of character, sound family values, and good common sense;

Whereas the cowboy archetype transcends ethnicity, gender, geographic boundaries, and political affiliations;

Whereas the cowboy, who lives off the land and works to protect and enhance the environment, is an excellent steward of the land and its creatures;

Whereas cowboy traditions have been a part of American culture for generations;

Whereas the cowboy continues to be an important part of the economy through the work of many thousands of ranchers across the United States who contribute to the economic well-being of every State;

Whereas millions of fans watch professional and working ranch rodeo events annually, making rodeo one of the most-watched sports in the United States;

Whereas membership and participation in rodeo and other organizations that promote and encompass the livelihood of cowboys span every generation and transcend race and gender;

Whereas the cowboy is a central figure in literature, film, and music and occupies a central place in the public imagination;

Whereas the cowboy is an American icon; and

Whereas the ongoing contributions made by cowboys and cowgirls to their communities should be recognized and encouraged: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 24, 2021, as ''National Day of the American Cowboy''; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

SENATE RESOLUTION 275—ACKNOWLEDGING AND APOLOGIZING FOR THE MISTREATMENT OF, AND DISCRIMINATION AGAINST, LESBIAN, GAY, BISEXUAL, AND TRANSGENDER INDIVIDUALS WHO SERVED THE UNITED STATES IN THE ARMED FORCES, THE FOREIGN SERVICE, AND THE FEDERAL CIVIL SERVICE

Mr. KAINE (for himself, Ms. BALDWIN, Mr. MARKEY, Mr. BLUMENTHAL, Mr. WYDEN, Mr. BOOKER, Mr. VAN HOLLEN, Mr. WARNER, Mr. CASEY, Mr. WHITEHOUSE, Mrs. SHAHEEN, Mr. DURBIN, Mrs. FEINSTEIN, Ms. ROSEN, Mr. COONS, Mrs. MURRAY, Mr. MERKLEY, and Mr. CARDIN) submitted the following resolution; which was referred