

“(b) USE OF DEFENSE PRODUCTION ACT OF 1950 AUTHORITIES.—Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, the Committee shall submit to Congress a report that includes recommendations relating to use the authorities under title III of the Defense Production Act of 1950 (50 U.S.C. 4531 et seq.) to make investments to enhance national critical capabilities and reduce dependency on materials and services imported from foreign countries.

“SEC. 1009. REQUIREMENT FOR REGULATIONS.

“(a) IN GENERAL.—The Committee shall prescribe regulations to carry out this title.

“(b) ELEMENTS.—Regulations prescribed to carry out this title shall—

“(1) provide for the imposition of civil penalties for any violation of this title, including any mitigation agreement entered into, conditions imposed, or order issued pursuant to this title; and

“(2) include specific examples of the types of—

“(A) the transactions that will be considered to be covered transactions; and

“(B) the articles, supply chains, and services that will be considered to be national critical capabilities.

“(c) COORDINATION.—In prescribing regulations to carry out this title, the Committee shall coordinate with the United States Trade Representative, the Under Secretary of Commerce for Industry and Security, and the Committee on Foreign Investment in the United States to avoid duplication of effort.

“SEC. 1010. REQUIREMENTS RELATED TO GOVERNMENT PROCUREMENT.

“(a) IN GENERAL.—Not later than 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, the Federal Acquisition Regulation shall be revised to require each person that is a prospective contractor for an executive agency to disclose the supply chains the person would use to carry out the contract and the extent to which the person would depend on articles and services imported from foreign countries, including the percentage of such materials and services imported from countries of concern.

“(b) MATERIALITY.—The head of an executive agency shall consider the failure of a person to make the disclosures required by subsection (a) to be material determinants in awarding a contract to that person.

“(c) APPLICABILITY.—The revisions to the Federal Acquisition Regulation required under subsection (a) shall apply with respect to contracts for which solicitations are issued on or after the date that is 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022.

“(d) DEFINITIONS.—In this section:

“(1) EXECUTIVE AGENCY.—The term ‘executive agency’ has the meaning given that term in section 133 of title 41, United States Code.

“(2) FEDERAL ACQUISITION REGULATION.—The term ‘Federal Acquisition Regulation’ means the regulation issued pursuant to section 1303(a)(1) of title 41, United States Code.

“SEC. 1011. MULTILATERAL ENGAGEMENT AND COORDINATION.

“The United States Trade Representative—

“(1) should, in coordination and consultation with relevant Federal agencies, conduct multilateral engagement with the governments of countries that are allies of the United States to secure coordination of protocols and procedures with respect to covered transactions with countries of concern; and

“(2) upon adoption of protocols and procedures described in paragraph (1), shall work

with those governments to establish information sharing regimes.

“SEC. 1012. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated such sums as may be necessary to carry out this title, including to provide outreach to industry and persons affected by this title.

“SEC. 1013. RULE OF CONSTRUCTION WITH RESPECT TO FREE AND FAIR COMMERCE.

“Nothing in this title may be construed as prohibiting or limiting the free and fair flow of commerce outside of the United States that does not pose an unacceptable risk to a national critical capability.”.

(b) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by adding at the end the following:

“TITLE X—NATIONAL CRITICAL CAPABILITIES REVIEWS

“Sec. 1001. Definitions.

“Sec. 1002. Committee on National Critical Capabilities.

“Sec. 1003. Review of covered transactions.

“Sec. 1004. Action by the President.

“Sec. 1005. Factors to be considered.

“Sec. 1006. Supply chain sensitivities.

“Sec. 1007. Identification of additional national critical capabilities.

“Sec. 1008. Reporting requirements.

“Sec. 1009. Requirement for regulations.

“Sec. 1010. Requirements related to government procurement.

“Sec. 1011. Multilateral engagement and coordination.

“Sec. 1012. Authorization of appropriations.

“Sec. 1013. Rule of construction with respect to free and fair commerce.”.

AUTHORITY FOR COMMITTEES TO MEET

Mr. COONS. Mr. President, I have 8 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority Leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, October 26, 2021, at 9:30 a.m., to conduct a hearing.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Tuesday, October 26, 2021, at 10 a.m., to conduct a hearing on nominations.

COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Tuesday, October 26, 2021, at 9:30 a.m., to conduct a hearing on nominations.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Tuesday, October 26, 2021, at 10 a.m., to conduct a hearing on nominations.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is author-

ized to meet during the session of the Senate on Tuesday, October 26, 2021, at 10 a.m., to conduct a hearing on nominations.

COMMITTEE ON RULES AND ADMINISTRATION

The Committee on Rules and Administration is authorized to meet during the session of the Senate on Tuesday, October 26, 2021, at 2:30 p.m., to conduct a hearing.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Tuesday, October 26, 2021, at 2:30 p.m., to conduct a closed briefing.

SUBCOMMITTEE ON CONSUMER PROTECTION, PRODUCT SAFETY, AND DATA SECURITY

The Subcommittee on Consumer Protection, Product Safety, and Data Security of the Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Tuesday, October 26, 2021, at 10 a.m., to conduct a hearing.

ENSURING COMPLIANCE AGAINST DRUG DIVERSION ACT OF 2021

Mr. SCHUMER. Madam President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of H.R. 1899 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 1899) to amend the Controlled Substances Act to provide for the modification, transfer, and termination of a registration to manufacture, distribute, or dispense controlled substances or list I chemicals, and for other purposes.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. SCHUMER. I ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1899) was ordered to a third reading, was read the third time, and passed.

UNITED STATES ARMY RANGERS VETERANS OF WORLD WAR II CONGRESSIONAL GOLD MEDAL ACT

Mr. SCHUMER. Madam President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged from further consideration of S. 1872 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 1872) to award a Congressional Gold Medal, collectively, to the United

States Army Rangers Veterans of World War II in recognition of their extraordinary service during World War II.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. SCHUMER. I ask unanimous consent that the Ernst substitute amendment at the desk be considered and agreed to; the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3912) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The bill (S. 1872), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

RECOGNIZING OCTOBER 2021 AS NATIONAL PRINCIPALS MONTH

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 428, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 428) recognizing October 2021 as "National Principals Month".

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 428) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

ORDERS FOR WEDNESDAY, OCTOBER 27, 2021

Mr. SCHUMER. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Wednesday, October 27; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that upon the conclusion of morning business, the Senate proceed to executive session to resume consideration of the Williams nomination; further, that at 11 a.m., the Senate vote on confirmation of the Nachmanoff and Nagala nominations, in the order listed, prior to the cloture vote on the Williams nomination; further, that at 2:15 p.m. the Senate vote on the motions to invoke cloture on the Olsen and Schroeder nominations, in the order listed; and that at 5:15 p.m. the Senate vote on motions to invoke cloture on the Dellinger and Prelogar nominations, in the order listed; further, notwithstanding rule XXII, that if cloture is invoked on any of the nominations during Wednesday's session, the confirmation votes be at a time to be determined by the majority leader in consultation with the Republican leader; finally, if any nominations are confirmed during Wednesday's session, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. For the information of Senators, there will be three rollcall votes starting at 11, two rollcall votes at 2:15, and two rollcall votes at 5:15.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SCHUMER. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:27 p.m., adjourned until Wednesday, October 27, 2021, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 26, 2021:

THE JUDICIARY

JIA M. COBB, OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA.

KAREN MCGILASHAN WILLIAMS, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY.

PATRICIA TOLLIVER GILES, OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA.

DEPARTMENT OF STATE

JEFFREY LANE FLAKE, OF ARIZONA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TURKEY.

TOM UDALL, OF NEW MEXICO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO NEW ZEALAND, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE INDEPENDENT STATE OF SAMOA.

CINDY HENSLEY MCCAIN, OF ARIZONA, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS U.S. REPRESENTATIVE TO THE UNITED NATIONS AGENCIES FOR FOOD AND AGRICULTURE.

VICTORIA REGGIE KENNEDY, OF MASSACHUSETTS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF AUSTRIA.