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

SA 4272. Mr. OSSOFF submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4273. Mr. OSSOFF (for himself, Mr. TILLIS, Mr. SCOTT of South Carolina, Mr. KING, Ms. CORTEZ MASTO, Mr. KELLY, and Mr. ROUNDS) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4274. Mr. OSSOFF submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4275. Mr. DURBIN (for himself and Mr. CASSIDY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4276. Mr. BRAUN (for himself, Mr. TILLIS, Mrs. GILLIBRAND, and Mr. VAN HOLLEN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4225. Mr. MERKLEY (for himself, Mr. WYDEN, Mr. PADILLA, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1043. ADDITIONS TO THE SMITH RIVER NATIONAL RECREATION AREA; DESIGNATION OF COMPONENTS OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM.

(a) ADDITIONS TO THE SMITH RIVER NATIONAL RECREATION AREA.—

(1) DEFINITIONS.—Section 3 of the Smith River National Recreation Area Act (16 U.S.C. 460bbb–1) is amended—

(A) in paragraph (1), by striking ''referred to in section 4(b)'' and inserting ''entitled 'Proposed Smith River National Recreation Area' and dated July 1990''; and

(B) in paragraph (2), by striking ''the Six Rivers National Forest'' and inserting ''an applicable unit of the National Forest System''.

(2) BOUNDARIES.—Section 4(b) of the Smith River National Recreation Area Act (16 U.S.C. 460bbb–2(b)) is amended—

(A) in paragraph (1)—

(i) in the first sentence, by inserting ''and on the map entitled 'Proposed Additions to the Smith River National Recreation Area' and dated November 14, 2019'' after ''1990''; and

(ii) in the second sentence, by striking ''map'' and inserting ''maps''; and

(B) in paragraph (2), by striking ''map'' and inserting ''maps described in paragraph (1)''.

(3) ADMINISTRATION.—Section 5 of the Smith River National Recreation Area Act (16 U.S.C. 460bbb–3) is amended—

(A) in subsection (b)—

(i) in paragraph (1), in the first sentence, by striking ''the map'' and inserting ''the maps''; and

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking ''area shall be on'' and inserting ''area and any portion of the recreation area in the State of Oregon shall be on roadless''; and

(II) by adding at the end the following:

''(I) The Kalmiopsis Wilderness shall be managed in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).'';

(B) in subsection (c), by striking ''by the amendments made by section 10(b) of this Act'' and inserting ''within the recreation area''; and

(C) by adding at the end the following:

''(d) STUDY; REPORT.—

''(1) IN GENERAL.—Not later than 5 years after the date of enactment of this subsection, the Secretary shall conduct a study of the area depicted on the map entitled 'Proposed Additions to the Smith River National Recreation Area' and dated November 14, 2019, that includes inventories and assessments of streams, fens, wetlands, lakes, other water features, and associated land, plants (including Port-Orford-cedar), animals, fungi, algae, and other values, and unstable and potentially unstable aquatic habitat areas in the study area.

''(2) MODIFICATION OF MANAGEMENT PLANS; REPORT.—On completion of the study under paragraph (1), the Secretary shall—

''(A) modify any applicable management plan to fully protect the inventoried values under the study, including to implement additional standards and guidelines; and

''(B) submit to Congress a report describing the results of the study.

''(e) WILDFIRE MANAGEMENT.—Nothing in this Act affects the authority of the Secretary (in cooperation with other Federal, State, and local agencies, as appropriate) to conduct wildland fire operations within the recreation area, consistent with the purposes of this Act.

''(f) VEGETATION MANAGEMENT.—Nothing in this Act prohibits the Secretary from conducting vegetation management projects (including wildfire resiliency and forest health projects) within the recreation area, to the extent consistent with the purposes of the recreation area.

''(g) APPLICATION OF NORTHWEST FOREST PLAN AND ROADLESS RULE TO CERTAIN PORTIONS OF THE RECREATION AREA.—Nothing in this Act affects the application of the Northwest Forest Plan or part 294 of title 36, Code of Federal Regulations (commonly referred to as the 'Roadless Rule') (as in effect on the date of enactment of this subsection), to portions of the recreation area in the State of Oregon that are subject to the plan and those regulations as of the date of enactment of this subsection.

''(h) PROTECTION OF TRIBAL RIGHTS.—

''(1) IN GENERAL.—Nothing in this Act diminishes any right of an Indian Tribe.

''(2) MEMORANDUM OF UNDERSTANDING.—The Secretary shall seek to enter into a memorandum of understanding with applicable Indian Tribes with respect to—

''(A) providing the Indian Tribes with access to the portions of the recreation area in the State of Oregon to conduct historical and cultural activities, including the procurement of noncommercial forest products and materials for traditional and cultural purposes; and

''(B) the development of interpretive information to be provided to the public on the history of the Indian Tribes and the use of the recreation area by the Indian Tribes.''.

(4) ACQUISITION.—Section 6(a) of the Smith River National Recreation Area Act (16 U.S.C. 460bbb–4(a)) is amended—

(A) in the fourth sentence, by striking ''All lands'' and inserting the following:

''(4) APPLICABLE LAW.—All land'';

(B) in the third sentence—

(i) by striking ''The Secretary'' and inserting the following:

''(3) METHOD OF ACQUISITION.—The Secretary'';

(ii) by striking ''or any of its political subdivisions'' and inserting '', the State of Oregon, or any political subdivision of the State of California or the State of Oregon''; and

(iii) by striking ''donation or'' and inserting ''purchase, donation, or'';

(C) in the second sentence, by striking ''In exercising'' and inserting the following:

''(2) CONSIDERATION OF OFFERS BY SECRETARY.—In exercising'';

(D) in the first sentence, by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(E) by adding at the end the following:

''(5) ACQUISITION OF CEDAR CREEK PARCEL.—On the adoption of a resolution by the State Land Board of Oregon and subject to available funding, the Secretary shall acquire all right, title, and interest in and to the approximately 555 acres of land known as the 'Cedar Creek Parcel' located in sec. 16, T. 41 S., R. 11 W., Willamette Meridian.''.

(5) FISH AND GAME.—Section 7 of the Smith River National Recreation Area Act (16 U.S.C. 460bbb–5) is amended—

(A) in the first sentence, by inserting ''or the State of Oregon'' after ''State of California''; and

(B) in the second sentence, by inserting ''or the State of Oregon, as applicable'' after ''State of California''.

(6) MANAGEMENT PLANNING.—Section 9 of the Smith River National Recreation Area Act (16 U.S.C. 460bbb–7) is amended—

(A) in the first sentence, by striking ''The Secretary'' and inserting the following:

''(a) REVISION OF MANAGEMENT PLAN.—The Secretary''; and

(B) by adding at the end the following:

''(b) SMITH RIVER NATIONAL RECREATION AREA MANAGEMENT PLAN REVISION.—As soon as practicable after the date of the first revision of the forest plan after the date of enactment of this subsection, the Secretary shall revise the management plan for the recreation area—

''(1) to reflect the expansion of the recreation area into the State of Oregon under section 1043 of the National Defense Authorization Act for Fiscal Year 2022; and

''(2) to include an updated recreation action schedule to identify specific use and development plans for the areas described in the map entitled 'Proposed Additions to the Smith River National Recreation Area' and dated November 14, 2019.''.

(7) STREAMSIDE PROTECTION ZONES.—Section 11(b) of the Smith River National Recreation Area Act (16 U.S.C. 460bbb–8(b)) is amended by adding at the end the following:

''(24) Each of the river segments described in subparagraph (B) of section 3(a)(92) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(92)).''.

(8) STATE AND LOCAL JURISDICTION AND ASSISTANCE.—Section 12 of the Smith River National Recreation Area Act (16 U.S.C. 460bbb–9) is amended—

(A) in subsection (a), by striking ''California or any political subdivision thereof'' and inserting ''California, the State of Oregon, or a political subdivision of the State of California or the State of Oregon'';

(B) in subsection (b), in the matter preceding paragraph (1), by striking ''California or its political subdivisions'' and inserting

''California, the State of Oregon, or a political subdivision of the State of California or the State of Oregon''; and

(C) in subsection (c), in the first sentence—

(i) by striking ''California and its political subdivisions'' and inserting ''California, the State of Oregon, and any political subdivision of the State of California or the State of Oregon''; and

(ii) by striking ''State and its political subdivisions'' and inserting ''State of California, the State of Oregon, and any political subdivision of the State of California or the State of Oregon''.

(b) WILD AND SCENIC RIVER DESIGNATIONS.—

(1) NORTH FORK SMITH ADDITIONS, OREGON.—

(A) FINDING.—Congress finds that the source tributaries of the North Fork Smith River in the State of Oregon possess outstandingly remarkable wild anadromous fish and prehistoric, cultural, botanical, recreational, and water quality values.

(B) DESIGNATION.—Section 3(a)(92) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(92)) is amended—

(i) in subparagraph (B), by striking ''scenic'' and inserting ''wild'';

(ii) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and indenting appropriately;

(iii) in the matter preceding clause (i) (as so redesignated), by striking ''The 13-mile'' and inserting the following:

''(A) IN GENERAL.—The 13-mile''; and

(iv) by adding at the end the following:

''(B) ADDITIONS.—The following segments of the source tributaries of the North Fork Smith River, to be administered by the Secretary of Agriculture in the following classes:

''(i) The 13.26-mile segment of Baldface Creek from its headwaters, including all perennial tributaries, to the confluence with the North Fork Smith in T. 39 S., R 10 W., T. 40 S., R. 10 W., and T. 41 S., R. 11 W., Willamette Meridian, as a wild river.

''(ii) The 3.58-mile segment from the headwaters of Taylor Creek to the confluence with Baldface Creek, as a wild river.

''(iii) The 4.38-mile segment from the headwaters of the unnamed tributary to Biscuit Creek and the headwaters of Biscuit Creek to the confluence with Baldface Creek, as a wild river.

''(iv) The 2.27-mile segment from the headwaters of Spokane Creek to the confluence with Baldface Creek, as a wild river.

''(v) The 1.25-mile segment from the headwaters of Rock Creek to the confluence with Baldface Creek, flowing south from sec. 19, T. 40 S., R. 10 W., Willamette Meridian, as a wild river.

''(vi) The 1.31-mile segment from the headwaters of the unnamed tributary number 2 to the confluence with Baldface Creek, flowing north from sec. 27, T. 40 S., R. 10 W., Willamette Meridian, as a wild river.

''(vii) The 3.6-mile segment from the 2 headwaters of the unnamed tributary number 3 to the confluence with Baldface Creek, flowing south from secs. 9 and 10, T. 40 S., R. 10 W., Willamette Meridian, as a wild river.

''(viii) The 1.57-mile segment from the headwaters of the unnamed tributary number 4 to the confluence with Baldface Creek, flowing north from sec. 26, T. 40 S., R. 10 W., Willamette Meridian, as a wild river.

''(ix) The 0.92-mile segment from the headwaters of the unnamed tributary number 5 to the confluence with Baldface Creek, flowing north from sec. 13, T. 40 S., R. 10 W., Willamette Meridian, as a wild river.

''(x) The 4.90-mile segment from the headwaters of Cedar Creek to the confluence with North Fork Smith River, as a wild river.

''(xi) The 2.38-mile segment from the headwaters of Packsaddle Gulch to the confluence with North Fork Smith River, as a wild river.

''(xii) The 2.4-mile segment from the headwaters of Hardtack Creek to the confluence with North Fork Smith River, as a wild river.

''(xiii) The 2.21-mile segment from the headwaters of the unnamed creek to the confluence with North Fork Smith River, flowing east from sec. 29, T. 40 S., R. 11 W., Willamette Meridian, as a wild river.

''(xiv) The 3.06-mile segment from the headwaters of Horse Creek to the confluence with North Fork Smith River, as a wild river.

''(xv) The 2.61-mile segment of Fall Creek from the Oregon State border to the confluence with North Fork Smith River, as a wild river.

''(xvi)(I) Except as provided in subclause (II), the 4.57-mile segment from the headwaters of North Fork Diamond Creek to the confluence with Diamond Creek, as a wild river.

''(II) Notwithstanding subclause (I), the portion of the segment described in that subclause that starts 100 feet above Forest Service Road 4402 and ends 100 feet below Forest Service Road 4402 shall be administered as a scenic river.

''(xvii) The 1.02-mile segment from the headwaters of Diamond Creek to the Oregon State border in sec. 14, T. 40 S., R. 10 W., Willamette Meridian, as a wild river.

''(xviii) The 1.14-mile segment from the headwaters of Acorn Creek to the confluence with Horse Creek, as a wild river.

''(xix) The 8.58-mile segment from the headwaters of Chrome Creek to the confluence with North Fork Smith River, as a wild river.

''(xx) The 2.98-mile segment from the headwaters Chrome Creek tributary number 1 to the confluence with Chrome Creek, 0.82 miles upstream from the mouth of Chrome Creek in the Kalmiopsis Wilderness, flowing south from sec. 15, T. 40 S., R. 11 W., Willamette Meridian, as a wild river.

''(xxi) The 2.19-mile segment from the headwaters of Chrome Creek tributary number 2 to the confluence with Chrome Creek, 3.33 miles upstream from the mouth of Chrome Creek in the Kalmiopsis Wilderness, flowing south from sec. 12, T. 40 S., R. 11 W., Willamette Meridian, as a wild river.

''(xxii) The 1.27-mile segment from the headwaters of Chrome Creek tributary number 3 to the confluence with Chrome Creek, 4.28 miles upstream from the mouth of Chrome Creek in the Kalmiopsis Wilderness, flowing north from sec. 18, T. 40 S., R. 10 W., Willamette Meridian, as a wild river.

''(xxiii) The 2.27-mile segment from the headwaters of Chrome Creek tributary number 4 to the confluence with Chrome Creek, 6.13 miles upstream from the mouth of Chrome Creek, flowing south from Chetco Peak in the Kalmiopsis Wilderness in sec. 36, T. 39 S., R. 11 W., Willamette Meridian, as a wild river.

''(xxiv) The 0.6-mile segment from the headwaters of Wimer Creek to the border between the States of Oregon and California, flowing south from sec. 17, T. 41 S., R. 10 W., Willamette Meridian, as a wild river.''.

(2) EXPANSION OF SMITH RIVER, OREGON.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by striking paragraph (111) and inserting the following:

''(111) SMITH RIVER, CALIFORNIA AND OREGON.—The segment from the confluence of the Middle Fork Smith River and the North Fork Smith River to the Six Rivers National Forest boundary, including the following segments of the mainstem and certain tributaries, to be administered by the Secretary of Agriculture in the following classes:

''(A) MAINSTEM.—The segment from the confluence of the Middle Fork Smith River and the South Fork Smith River to the Six Rivers National Forest boundary, as a recreational river.

''(B) ROWDY CREEK.—

''(i) UPPER.—The segment from and including the headwaters to the California-Oregon State line, as a wild river.

''(ii) LOWER.—The segment from the California-Oregon State line to the Six Rivers National Forest boundary, as a recreational river.''.

SA 4226. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10_____. SUTTON MOUNTAIN AND PAINTED HILLS AREA WILDFIRE RESILIENCY PRESERVATION AND ECONOMIC ENHANCEMENT.

(a) DEFINITIONS.—In this section:

(1) ACTIVE HABITAT RESTORATION.—The term ''active habitat restoration'' means, with respect to an area, to restore and enhance the ecological health of the area through the use of management tools consistent with this section.

(2) CITY.—The term ''City'' means the city of Mitchell, Oregon.

(3) COUNTY.—The term ''County'' means Wheeler County, Oregon.

(4) ECOLOGICAL HEALTH.—The term ''ecological health'' means the ability of the ecological processes of a native ecosystem to function in a manner that maintains the structure, composition, activity, and resilience of the ecosystem over time, including an ecologically appropriate diversity of plant and animal communities, habitats, and conditions that are sustainable through successional processes.

(5) LANDOWNER.—The term ''landowner'' means an owner of non-Federal land that enters into a land exchange with the Secretary under subsection (c)(1).

(6) LOWER UNIT.—The term ''Lower Unit'' means the area that consists of the approximately 27,184 acres of land generally depicted as ''Proposed National Monument-Lower Unit'' on the Map.

(7) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Monument developed by the Secretary under subsection (b)(4)(B).

(8) MAP.—The term ''Map'' means the map prepared by the Bureau of Land Management entitled ''Sutton Complex-Painted Hills National Monument Proposal'' and dated October 27, 2021.

(9) MONUMENT.—The term ''Monument'' means the Sutton Mountain National Monument established by subsection (b)(1).

(10) PASSIVE HABITAT MANAGEMENT.—The term ''passive habitat management'' means those actions that are proposed or implemented to address degraded or non-functioning resource conditions that are expected to improve the ecological health of the area without additional on-the-ground actions, such that resource objectives and desired outcomes are anticipated to be reached without additional human intervention.

(11) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(12) STATE.—The term ''State'' means the State of Oregon.

(13) UPPER UNIT.—The term ''Upper Unit'' means the area that consists of the approximately 38,023 acres of land generally depicted as ''Proposed National Monument-Upper Unit'' on the Map.

(b) ESTABLISHMENT OF SUTTON MOUNTAIN NATIONAL MONUMENT.—

(1) IN GENERAL.—There is established in the State the Sutton Mountain National Monument, consisting of the following 2 management units, as generally depicted on the Map:

(A) Upper Unit.

(B) Lower Unit.

(2) PURPOSES.—The purposes of the Monument are—

(A) to increase the wildfire resiliency of Sutton Mountain and the surrounding area; and

(B) to conserve, protect, and enhance the long-term ecological health of Sutton Mountain and the surrounding area for present and future generations.

(3) OBJECTIVES.—To further the purposes of the Monument described in paragraph (2), and consistent with those purposes, the Secretary shall manage the Monument for the benefit of present and future generations—

(A) to support and promote the growth of local communities and economies;

(B) to promote the scientific and educational values of the Monument;

(C) to maintain sustainable grazing on the Federal land within the Upper Unit and Lower Unit, in accordance with applicable Federal law;

(D) to promote recreation, historical, cultural, and other uses that are sustainable, in accordance with applicable Federal law;

(E) to ensure the conservation, protection, restoration, and improved management of the ecological, social, and economic environment of the Monument, including geological, paleontological, biological, wildlife, riparian, and scenic resources;

(F) to reduce the risk of wildfire within the Monument and the surrounding area, including through juniper removal and habitat restoration, as appropriate; and

(G)(i) to allow for active habitat restoration in the Lower Unit; and

(ii) to allow for passive habitat management in the Upper Unit and Lower Unit.

(4) MANAGEMENT AUTHORITIES.—

(A) IN GENERAL.—The Secretary shall manage the Monument—

(i) in accordance with—

(I) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable laws; and

(II) this section; and

(ii) in a manner that—

(I) improves wildfire resiliency; and

(II) ensures the conservation, protection, and improved management of the ecological, social, and economic environment of the Monument, including geological, paleontological, biological, wildlife, riparian, and scenic resources, North American Indian Tribal and cultural and archaeological resource sites, and additional cultural and historic sites and culturally significant native species.

(B) MANAGEMENT PLAN.—

(i) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-term conservation and management of the Monument that fulfills the purposes of the Monument described in paragraph (2).

(ii) REQUIREMENTS.—The management plan developed under clause (i) shall—

(I) describe the appropriate uses and management of each of the Upper Unit and the Lower Unit, consistent with the purposes and objectives of this section;

(II) include an assessment of ecological conditions of the Monument, including an assessment of—

(aa) the status, causes, and rate of juniper encroachments at the Monument; and

(bb) the ecological impacts of the juniper encroachments at the Monument;

(III) identify science-based, short-term and long-term, active habitat restoration and passive habitat management actions—

(aa) to reduce wildfire risk and improve the resilience of native plant communities; and

(bb) to restore historical native vegetation communities, including the prioritization of the removal of invasive annual grasses and juniper trees in the Lower Unit;

(IV) include a habitat restoration opportunities component that prioritizes—

(aa) restoration within the Lower Unit; and

(bb) maintenance of the existing wilderness character of the Upper Unit;

(V) include a riparian conservation and restoration component to support anadromous and other native fish, wildlife, and other riparian resources and values in the monument;

(VI) include a recreational enhancement component that prioritizes—

(aa) new and expanded opportunities for mechanized and nonmechanized recreation in the Lower Unit; and

(bb) enhancing nonmechanized, primitive, and unconfined recreation opportunities in the Upper Unit;

(VII) include an active habitat restoration component that prioritizes, with respect to the Lower Unit—

(aa) the restoration of native ecosystems;

(bb) the enhancement of recreation and grazing activities; and

(cc) activities that will reduce wildfire risk;

(VIII) include a passive habitat management component that prioritizes, with respect to the Upper Unit—

(aa) the restoration of native ecosystems; and

(bb) management activities that will reduce the risk of wildfire;

(IX) determine measurable and achievable management objectives, consistent with the management objectives described in paragraph (3), to ensure the ecological health of the Monument;

(X) develop a monitoring program for the Monument so that progress towards ecological health objectives can be determined;

(XI) include, as an integral part, a comprehensive transportation plan developed in accordance with paragraph (5); and

(XII) include, as an integral part, a wildfire mitigation plan developed in accordance with subparagraph (D).

(C) WILDFIRE RISK ASSESSMENT .—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Governor's Council on Wildfire Response of the State, shall conduct a wildfire risk assessment of the Upper Unit and the Lower Unit.

(D) WILDFIRE MITIGATION PLAN.—

(i) IN GENERAL.—Not later than 2 years after the date on which the wildfire risk assessment is conducted under subparagraph (C), the Secretary shall develop, based on the wildfire risk assessment, a wildfire mitigation plan as part of the management plan developed under subparagraph (B) that identifies, evaluates, and prioritizes management activities that can be implemented in the Lower Unit to mitigate wildfire risk to structures and communities located near the Monument.

(ii) PLAN COMPONENTS.—The wildfire mitigation plan developed under clause (i) shall include—

(I) appropriate vegetation management projects (including mechanical treatments to reduce hazardous fuels and improve ecological health and resiliency);

(II) necessary evacuation routes for communities located near the Monument, to be developed in consultation with the State and local fire agencies;

(III) strategies for public dissemination of emergency evacuation plans and routes;

(IV) appropriate passive habitat management activities; and

(V) strategies or management requirements to protect items of value identified at the Monument, consistent with the applicable fire management plan and the document prepared by the National Interagency Fire Center entitled ''Interagency Standards for Fire and Fire Aviation Operations'' or successor interagency agreement or guidance.

(iii) APPLICABLE LAW.—The wildfire mitigation plan under clause (i) shall be developed in accordance with—

(I) this section; and

(II) any other applicable law.

(E) TEMPORARY ROADS.—

(i) IN GENERAL.—Consistent with the purposes of this section and the comprehensive transportation plan under paragraph (5), the Secretary may travel off-road or establish temporary roads within the Lower Unit to implement the wildfire mitigation plan developed under subparagraph (D).

(ii) EFFECT ON WILDFIRE MANAGEMENT.—Nothing in this subsection affects the authority of the Secretary, in cooperation with other Federal, State, and local agencies, as appropriate, to conduct wildland fire operations at the Monument, consistent with the purposes of this section.

(F) INCORPORATION OF ACQUIRED LAND AND INTERESTS IN LAND.—Any land or interest in land within the boundary of the Monument or adjacent to the Monument that is acquired by the United States shall—

(i) become part of the Monument; and

(ii) be managed in accordance with—

(I) this section; and

(II) applicable Federal laws.

(5) COMPREHENSIVE TRANSPORTATION PLAN.—

(A) IN GENERAL.—The Secretary shall develop as part of the management plan a comprehensive transportation plan for the Monument, which shall address—

(i) motorized, mechanized, and nonmotorized use;

(ii) the maintenance and closure of motorized and nonmotorized routes; and

(iii) travel access.

(B) PROHIBITION OF MOTORIZED AND MECHANIZED USE IN THE UPPER UNIT.—Except as provided in subparagraphs (C), (D), and (G), motorized and mechanized use shall be prohibited in the Upper Unit.

(C) PROHIBITION OF OFF-ROAD MOTORIZED TRAVEL.—Except in cases in which motorized or mechanized vehicles are needed for administrative purposes, ecological restoration projects, or to respond to an emergency, the use of motorized or mechanized vehicles in the Monument shall be permitted only on routes designated by the transportation plan developed under subparagraph (A).

(D) PROHIBITION OF NEW CONSTRUCTION.—Except as provided in subparagraph (E), no new motorized routes of any type shall be constructed within the Monument unless the Secretary determines, in consultation with the public, that the motorized route is necessary for public safety in the Upper Unit or Lower Unit.

(E) TEMPORARY MOTORIZED ROUTES IN THE LOWER UNIT.—Notwithstanding subparagraph (D), temporary motorized routes may be developed in the Lower Unit to assist with the removal of juniper.

(F) TRAILS.—Nothing in this paragraph limits the authority of the Secretary to construct or maintain trails for nonmotorized or nonmechanized use in the Upper Unit or Lower Unit.

(G) ACCESS TO INHOLDINGS.—The Secretary shall provide reasonable access to inholdings within the boundaries of the Monument to provide private landowners the reasonable use of the inholdings, in accordance with section 1323(b) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3210(b)).

(H) MODIFICATIONS TO EXISTING ROADS.—

(i) IN GENERAL.—Consistent with the purposes of this section, the existing roads described in clause (ii) may be modified or altered within 50 feet on either side of the applicable road, as the Secretary determines to be necessary to support use of motorized or mechanized vehicles for access, utility development, or public safety.

(ii) DESCRIPTION OF ROADS.—The roads referred to in clause (i) are Burnt Ranch Road, Twickenham Road, Girds Creek Road, and the Logging Road, as depicted on the Map.

(iii) RIGHT-OF-WAY.—The Secretary shall grant to the County a right-of-way for maintenance and repair within 50 feet of Twickenham Road and Girds Creek Road.

(6) GRAZING.—

(A) IN GENERAL.—The grazing of livestock in the Monument, if established before the date of enactment of this Act, shall be allowed to continue—

(i) subject to—

(I) such reasonable regulations, policies, and practices as the Secretary considers necessary; and

(II) applicable law (including regulations); and

(ii) in a manner consistent with the authorities described in paragraph (4).

(B) VOLUNTARY RELINQUISHMENT OF GRAZING PERMITS OR LEASES.—

(i) ACCEPTANCE BY SECRETARY.—The Secretary shall accept the voluntary relinquishment of any valid existing permits or leases authorizing grazing on public land, all or a portion of which is within the Monument.

(ii) TERMINATION.—With respect to each permit or lease voluntarily relinquished under clause (i), the Secretary shall—

(I) terminate the grazing permit or lease; and

(II) ensure a permanent end to grazing on the land covered by the permit or lease.

(iii) PARTIAL RELINQUISHMENT.—

(I) IN GENERAL.—If a person holding a valid grazing permit or lease voluntarily relinquishes less than the full level of grazing use authorized under the permit or lease under clause (i), the Secretary shall—

(aa) reduce the authorized grazing level to reflect the voluntary relinquishment; and

(bb) modify the permit or lease to reflect the revised level.

(II) AUTHORIZED LEVEL.—To ensure that there is a permanent reduction in the authorized level of grazing on the land covered by a permit or lease voluntarily relinquished under subclause (I), the Secretary shall not allow grazing use to exceed the authorized level established under that subclause.

(7) PROHIBITION ON CONSTRUCTION OF NEW FACILITIES.—No new facilities may be constructed in the Monument unless the Secretary determines that the facility—

(A) will be minimal in nature;

(B) is consistent with the purposes of the Monument described in paragraph (2); and

(C) is necessary—

(i) to enhance botanical, fish, wildlife, or watershed conditions;

(ii) to provide for public information, health, or safety;

(iii) for the management of livestock; or

(iv) for the management, but not promotion, of recreation.

(8) RELEASE OF WILDERNESS STUDY AREA.—

(A) FINDING.—Congress finds that, for purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), any portion of Federal land designated as a wilderness study area within the Monument as of the date of enactment of this Act has been adequately studied for wilderness designation.

(B) RELEASE.—The land described in subparagraph (A)—

(i) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(ii) shall be managed in accordance with—

(I) this section; and

(II) applicable land use plans adopted under section 202 of that Act (43 U.S.C. 1712).

(9) EFFECT ON EXISTING RIGHTS.—Nothing in this subsection—

(A) terminates any valid right-of-way on land included in the Monument that is in existence on the date of enactment of this Act; or

(B) affects the ability of an owner of a private inholding within, or private land adjoining, the boundary of the Monument to obtain permits or easements from any Federal agency with jurisdiction over the Monument to support existing uses, access, management, or maintenance of the private property.

(10) WATER RIGHTS AND INFRASTRUCTURE.—Nothing in this subsection—

(A) constitutes an express or implied claim or denial on the part of the Federal Government regarding an exemption from State water laws; or

(B) prohibits access to existing water infrastructure within the boundaries of the Monument.

(11) TRIBAL RIGHTS.—Nothing in this subsection alters, modifies, enlarges, diminishes, or abrogates the treaty rights of any Indian Tribe.

(c) LAND EXCHANGES.—

(1) AUTHORIZATION.—

(A) FAULKNER EXCHANGE.—

(i) IN GENERAL.—Subject to paragraphs (2) through (8), if the owner of the non-Federal land described in clause (ii)(I) offers to convey to the United States all right, title, and interest of the landowner in and to the non-Federal land, the Secretary shall—

(I) accept the offer; and

(II) on receipt of acceptable title to the non-Federal land and subject to valid existing rights, convey to the landowner all right, title, and interest of the United States in and to the Federal land described in clause (ii)(II).

(ii) DESCRIPTION OF LAND.—

(I) NON-FEDERAL LAND.—The non-Federal land referred to in clause (i) is the approximately 15 acres of non-Federal land identified on the Map as ''Faulkner to BLM''.

(II) FEDERAL LAND.—The Federal land referred to in clause (i)(II) is the approximately 10 acres of Federal land identified on the Map as ''BLM to Faulkner''.

(B) QUANT EXCHANGE.—

(i) IN GENERAL.—Subject to paragraphs (2) through (8), if the owner of the non-Federal land described in clause (ii)(I) offers to convey to the United States all right, title, and interest of the landowner in and to the non-Federal land, the Secretary shall—

(I) accept the offer; and

(II) on receipt of acceptable title to the non-Federal land and subject to valid existing rights, convey to the landowner all right, title, and interest of the United States in and to the Federal land described in clause (ii)(II).

(ii) DESCRIPTION OF LAND.—

(I) NON-FEDERAL LAND.—The non-Federal land referred to in clause (i) is the approximately 236 acres of non-Federal land identified on the Map as ''Quant to BLM''.

(II) FEDERAL LAND.—The Federal land referred to in clause (i)(II) is the approximately 271 acres of Federal land identified on the Map as ''BLM to Quant''.

(C) TWICKENHAM LIVESTOCK LLC EXCHANGE.—

(i) IN GENERAL.—Subject to paragraphs (2) through (8), if the owner of the non-Federal land described in clause (ii)(I) offers to convey to the United States all right, title, and interest of the landowner in and to the non-Federal land, the Secretary shall—

(I) accept the offer; and

(II) on receipt of acceptable title to the non-Federal land and subject to valid existing rights, convey to the landowner all right, title, and interest of the United States in and to the Federal land described in clause (ii)(II).

(ii) DESCRIPTION OF LAND.—

(I) NON-FEDERAL LAND.—The non-Federal land referred to in clause (i) is the approximately 574 acres of non-Federal land identified on the Map as ''Twickenham to BLM''.

(II) FEDERAL LAND.—The Federal land referred to in clause (i)(II) is the approximately 566 acres of Federal land identified on the Map as ''BLM to Twickenham''.

(2) APPLICABLE LAW.—Except as otherwise provided in this subsection, the Secretary shall carry out each land exchange under paragraph (1) in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(3) CONDITIONS.—Each land exchange under paragraph (1) shall be subject to such terms and conditions as the Secretary may require.

(4) EQUAL VALUE EXCHANGE.—

(A) IN GENERAL.—The value of the Federal land and non-Federal land to be exchanged under paragraph (1)—

(i) shall be equal; or

(ii) shall be made equal in accordance with subparagraph (B).

(B) EQUALIZATION.—

(i) SURPLUS OF FEDERAL LAND.—If the value of Federal land exceeds the value of non-Federal land to be conveyed under a land exchange authorized under paragraph (1), the value of the Federal land and non-Federal land shall be equalized by reducing the acreage of the Federal land to be conveyed, as determined to be appropriate and acceptable by the Secretary and the landowner.

(ii) SURPLUS OF NON-FEDERAL LAND.—If the value of the non-Federal land exceeds the value of the Federal land, the value of the Federal land and non-Federal land shall be equalized by reducing the acreage of the non-Federal land to be conveyed, as determined to be appropriate and acceptable by the Secretary and the landowner.

(5) APPRAISALS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary and the landowner shall select an appraiser to conduct an appraisal of the Federal land and non-Federal land to be exchanged under paragraph (1).

(B) REQUIREMENTS.—An appraisal under subparagraph (A) shall be conducted in accordance with nationally recognized appraisal standards, including—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(6) SURVEYS.—

(A) IN GENERAL.—The exact acreage and legal description of the Federal land and non-Federal land to be exchanged under

paragraph (1) shall be determined by surveys approved by the Secretary.

(B) COSTS.—The Secretary and the landowner shall divide equally between the Secretary and the landowner—

(i) the costs of any surveys conducted under subparagraph (A); and

(ii) any other administrative costs of carrying out the land exchange under this subsection.

(7) VALID EXISTING RIGHTS.—The exchange of Federal land and non-Federal land under paragraph (1) shall be subject to any easements, rights-of-way, and other valid rights in existence on the date of enactment of this Act.

(8) DEADLINE FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchanges under paragraph (1) be completed by the date that is not later than 2 years after the date of enactment of this Act.

(d) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights, the Federal land and any interest in the Federal land included within the Monument is withdrawn from—

(A) entry, appropriation, new rights-of-way, and disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of—

(i) the mineral leasing and geothermal leasing laws; and

(ii) except as provided in paragraph (2), the minerals materials laws.

(2) ROAD MAINTENANCE.—As the Secretary determines to be consistent with the purposes of this section and the management plan, the Secretary may permit the development of saleable mineral resources, for road maintenance use only, in a location identified on the Map as an existing ''gravel pit'' within the area withdrawn by paragraph (1), if the development was authorized before the date of enactment of this Act.

(e) TREATMENT OF STATE LAND AND MINERAL INTERESTS.—

(1) ACQUISITION REQUIRED.—The Secretary shall acquire, for approximately equal value and as agreed to by the Secretary and the State, any land and interests in land owned by the State within the area withdrawn by subsection (d)(1).

(2) ACQUISITION METHODS.—The Secretary shall acquire the State land and interests in land under paragraph (1) in exchange for—

(A) the conveyance of Federal land or Federal mineral interests that are outside the boundaries of the area withdrawn by subsection (d)(1);

(B) a payment to the State; or

(C) a combination of the methods described in subparagraphs (A) and (B).

(f) CONVEYANCES OF BUREAU OF LAND MANAGEMENT LAND TO THE CITY OF MITCHELL, OREGON, AND WHEELER COUNTY, OREGON.—

(1) IN GENERAL.—Notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713)—

(A) on the request of the City, the Secretary shall convey to the City, without consideration, the approximately 1,327 acres of Federal land generally depicted on the Map as ''City of Mitchell Conveyance''; and

(B) on request of the County, the Secretary shall convey to the County, without consideration, the approximately 159 acres of Federal land generally depicted on the Map as ''Wheeler County Conveyance''.

(2) USE OF CONVEYED LAND.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the Federal land conveyed under paragraph (1) shall be used for recreation or other public purposes consistent with the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (44 Stat. 741, chapter 578; 43 U.S.C. 869 et seq.).

(B) AFFORDABLE OR SENIOR HOUSING.—Not more than 50 acres of the Federal land conveyed under paragraph (1)(A) may be used for the construction of affordable or senior housing.

(C) ECONOMIC DEVELOPMENT.—Not more than 50 acres of the Federal land conveyed under paragraph (1)(A) may be used to support economic development.

(3) MAP AND LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall finalize legal descriptions of the parcels of land to be conveyed under paragraph (1).

(B) CORRECTIONS OF ERRORS.—The Secretary may correct minor errors in the Map or the legal descriptions.

(C) AVAILABILITY.—The Map and legal descriptions shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(4) REVERSION.—

(A) IN GENERAL.—If any parcel of land conveyed under paragraph (1) ceases to be used for the purposes described in paragraph (2), the land shall, at the discretion of the Secretary based on the determination of the Secretary of the best interests of the United States, revert to the United States.

(B) RESPONSIBILITY OF LOCAL GOVERNMENTAL ENTITY.—If the Secretary determines under subparagraph (A) that the land should revert to the United States, and if the Secretary determines that the land is contaminated with hazardous waste, the City or the County, as applicable, shall be responsible for remediation of the contamination.

(5) TRIBAL RIGHTS.—Nothing in this subsection alters, modifies, enlarges, diminishes, or abrogates the treaty rights of any Indian Tribe.

(g) COORDINATION WITH UNITS OF LOCAL GOVERNMENT.— The Secretary shall coordinate with units of local government, including the County commission and the City, in accordance with section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) and section 1610.3-1 of title 43, Code of Federal Regulations (or a successor regulation) in—

(1) developing the management plan;

(2) prioritizing implementation of project-level activities under the management plan;

(3) developing activities that implement the management plan; and

(4) carrying out any other activities under this section.

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

SA 4227. Mr. RISCH (for himself and Mr. KING) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. SECURING ENERGY INFRASTRUCTURE.

Section 5726 of division E of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 6 U.S.C. 189 note) is amended—

(1) in subsection (a)(2)—

(A) by striking ''means an entity'' and inserting the following: ''means—

''(A) an'';

(B) in subparagraph (A) (as so designated), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(B) a manufacturer of critical digital components in industrial control systems.'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''2-year'' and inserting ''4-year''; and

(B) in paragraph (1), by striking ''(including critical component manufacturers in the supply chain)'';

(3) in subsection (d), by striking paragraph (2) and inserting the following:

''(2) UPDATED REPORT.—Not later than 2 years after the date on which funds are first disbursed under the Program, the Secretary shall update the report submitted under paragraph (1) and submit the updated report to the appropriate congressional committees.''; and

(4) in subsection (h)—

(A) in paragraph (1), by striking ''$10,000,000'' and inserting ''$20,000,000''; and

(B) in paragraph (2), by striking ''$1,500,000'' and inserting ''$3,000,000''.

SA 4228. Mr. RISCH (for himself, Mr. HOEVEN, Mrs. CAPITO, Mr. CRAPO, Mr. KENNEDY, Ms. CORTEZ MASTO, Ms. MURKOWSKI, and Ms. ROSEN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.

Section 34 of the Small Business Act (15 U.S.C. 657d) is amended—

(1) in subsection (a), by adding at the end the following:

''(11) UNDERPERFORMING STATE.—The term 'underperforming State' means a State participating in the SBIR or STTR program that has been calculated by the Administrator to be one of 26 States receiving the fewest SBIR and STTR first phase awards (as described in paragraphs (4) and (6), respectively, of section 9(e)).'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (E)—

(I) in clause (iii), by striking ''and'' at the end;

(II) in clause (iv), by striking the period at the end and inserting ''; and''; and

(III) by adding at the end the following:

''(v) to prioritize applicants located in an underperforming State.'';

(B) in paragraph (2)(B)(vi)—

(i) in subclause (II), by striking ''and'' at the end; and

(ii) by adding at the end the following:

''(IV) located in an underperforming State; and'';

(C) in paragraph (3), by striking ''Not more than one proposal'' and inserting ''There is no limit on the number of proposals that''; and

(D) by adding at the end the following:

''(6) ADDITIONAL ASSISTANCE FOR UNDERPERFORMING STATES.—Upon application by a recipient that is located in an underperforming State, the Administrator may—

''(A) provide additional assistance to the recipient; and

''(B) waive the matching requirements under subsection (e)(2).

''(7) LIMITATION ON AWARDS.—The Administrator may only make 1 award or enter into 1 cooperative agreement per State in a fiscal year.'';

(3) in subsection (e)—

(A) in paragraph (2)—

(i) to by amending subparagraph (A) to read as follows:

''(A) IN GENERAL.—The non-Federal share of the cost of an activity (other than a planning activity) carried out using an award or under a cooperative agreement under this section shall be—

''(i) 25 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in an underperforming State, as calculated using the data from the previous fiscal year; and

''(ii) except as provided in subparagraph (B), 75 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in a State that is not described in clause (i) that is receiving SBIR and STTR first phase awards, as described in paragraphs (4) and (6), respectively, of section 9(e).'';

(ii) in subparagraph (D), by striking '', beginning with fiscal year 2001'' and inserting ''and make publicly available on the website of the Administration, beginning with fiscal year 2022''; and

(iii) by adding at the end the following:

''(E) PAYMENT.—The non-Federal share of the cost of an activity carried out by a recipient may be paid by the recipient over the course of the period of the award or cooperative agreement.''; and

(B) by adding at the end the following:

''(4) AMOUNT OF AWARD.—In carrying out the FAST program under this section—

''(A) the Administrator shall make and enter into awards or cooperative agreements;

''(B) each award or cooperative agreement described in subparagraph (A) shall be for not more than $500,000, which shall be provided over 2 fiscal years; and

''(C) any amounts left unused in the third quarter of the second fiscal year may be retained by the Administrator for future FAST program awards.

''(5) REPORTING.—Not later than 6 months after receiving an award or entering into a cooperative agreement under this section, a recipient shall report to the Administrator—

''(A) the number of awards made under the SBIR or STTR program;

''(B) the number of applications submitted for the SBIR or STTR program;

''(C) the number of consulting hours spent;

''(D) the number of training events conducted; and

''(E) any issues encountered in the management and application of the FAST program.'';

(4) in subsection (f)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''Small Business Innovation Research Program Reauthorization Act of 2000'' and inserting ''National Defense Authorization Act for Fiscal Year 2022''; and

(II) by inserting ''and Entrepreneurship'' before ''of the Senate'';

(ii) in subparagraph (B), by striking ''and'' at the end;

(iii) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(D) a description of the process used to ensure that underperforming States are given priority application status under the FAST program.''; and

(B) in paragraph (2)—

(i) in the paragraph heading, by striking ''ANNUAL'' and inserting ''BIENNIAL'';

(ii) in the matter preceding subparagraph (A), by striking ''annual'' and inserting ''biennial'';

(iii) in subparagraph (B), by striking ''and'' at the end;

(iv) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(v) by adding at the end the following:

''(D) the proportion of awards provided to and cooperative agreements entered into with underperforming States; and

''(E) a list of the States that were determined by the Administrator to be underperforming States, and a description of any changes in the list compared to previously submitted reports.''; and

(5) in subsection (g)(2)—

(A) by striking ''2004'' and inserting ''2022''; and

(B) by inserting ''and Entrepreneurship'' before ''of the Senate''.

SA 4229. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1516. ACTIVE PROTECTION OF THE MAJOR RANGE AND TEST FACILITY BASE.

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

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

(1) To detect, identify, monitor, and track space-based assets without consent.

(2) Consistent with the statutory authority of the Secretary, to take such proactive actions as necessary to ensure that the Major Range and Test Facility Base is able to perform its intended function and meet operational and security requirements.

SA 4230. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 318. CONSIDERATION UNDER DEFENSE ENVIRONMENTAL RESTORATION PROGRAM FOR STATE-OWNED FACILITIES OF THE NATIONAL GUARD WITH PROVEN EXPOSURE OF HAZARDOUS SUBSTANCES AND WASTE.

(a) DEFINITION OF STATE-OWNED NATIONAL GUARD FACILITY.—Section 2700 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4) The term 'State-owned National Guard facility' means land owned and operated by a State when such land is used for training the National Guard pursuant to chapter 5 of title 32 with funds provided by the Secretary of Defense or the Secretary of a military department, even though such land is not under the jurisdiction of the Department of Defense.''.

(b) AUTHORITY FOR DEFENSE ENVIRONMENTAL RESTORATION PROGRAM.—Section 2701(a)(1) of such title is amended, in the first sentence, by inserting ''and at State-owned National Guard facilities'' before the period.

(c) RESPONSIBILITY FOR RESPONSE ACTIONS.—Section 2701(c)(1) of such title is amended by adding at the end the following new subparagraph:

''(D) Each State-owned National Guard facility being used for training at the time of actions leading to contamination by hazardous substances or pollutants or contaminants.''.

SA 4231. Mr. CRUZ (for himself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 125, line 19, strike ''foam'' and insert ''solution''.

SA 4232. Mr. REED (for himself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 596. AUTHORIZATION TO AWARD MEDAL OF HONOR TO PRIVATE FIRST CLASS CHARLES R. JOHNSON FOR ACTS OF VALOR DURING THE KOREAN WAR.

(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section 7274 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may award the Medal of Honor under section 7271 of such title to Private First Class (PFC) Charles R. Johnson for the acts of valor described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of PFC Charles R. Johnson on June 11-

12, 1953, as a member of the Army serving in Korea during the Korean War.

SA 4233. Mr. REED (for himself and Mr. YOUNG) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In title X, add at the end the following:

Subtitle H—Council on Military, National, and Public Service

SEC. 1071. ESTABLISHMENT OF COUNCIL ON MILITARY, NATIONAL, AND PUBLIC SERVICE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the Executive Office of the President a Council on Military, National, and Public Service (in this section referred to as the ''Council'').

(2) FUNCTIONS.—The Council shall—

(A) advise the President with respect to promoting and expanding opportunities for military service, national service, and public service for all people of the United States;

(B) coordinate policies and initiatives of the executive branch to promote and expand opportunities for military service, national service, and public service; and

(C) coordinate policies and initiatives of the executive branch to foster an increased sense of service and civic responsibility among all people of the United States.

(b) COMPOSITION.—

(1) DIRECTOR.—The President shall appoint an individual to serve as the Assistant to the President for Military, National, and Public Service and the Director of the Council, who shall serve at the pleasure of the President. The Assistant to the President for Military, National, and Public Service shall serve as the head of the Council.

(2) MEMBERSHIP.—In addition to the Director, the Council shall be composed of such officers as the President may designate.

(3) MEETINGS.—The Council shall meet on a quarterly basis, or more frequently as the Director of the Council may direct.

(c) RESPONSIBILITIES OF THE COUNCIL.—The Council shall—

(1) assist and advise the President and the heads of Executive agencies in the establishment of policies, goals, objectives, and priorities to promote service and civic responsibility among all people of the United States;

(2) develop and recommend to the President and the heads of Executive agencies policies of common interest to Executive agencies for increasing the participation, and propensity of people of the United States to participate, in military service, national service, and public service in order to address national security and other current and future needs of the United States including policies for—

(A) reevaluating benefits for the Federal public service and national service programs in order to increase awareness of and remove barriers to entry into such programs;

(B) ensuring that the participation in and leadership of the military, the Federal public service, and national service programs reflects the diversity of the United States including by race, gender, ethnicity, and disability status; and

(C) developing pathways to service for high school graduates, college students, and recent college graduates;

(3) serve as the interagency lead for identifying critical skills to address national security and other needs of the United States, with responsibility for coordinating governmentwide efforts to address gaps in critical skills and identifying methods to recruit and retain individuals possessing such critical skills;

(4) serve as a forum for Federal officials responsible for military service, national service, and public service programs to coordinate and develop interagency, cross-service initiatives;

(5) lead the effort of the Federal Government to develop joint awareness and recruitment, retention, and marketing initiatives involving military service, national service, and public service, including the sharing of marketing and recruiting research between and among service agencies;

(6) consider approaches for assessing impacts of service on the needs of the United States and individuals participating in and benefitting from such service;

(7) consult, as the Council considers advisable, with representatives of non-Federal entities, including State, local, and Tribal governments, State and local educational agencies, State Commissions, institutions of higher education, nonprofit organizations, philanthropic organizations, and the private sector, in order to promote and develop initiatives to foster and reward military service, national service, and public service;

(8) oversee the response to and implementation of, as appropriate, the recommendations of the National Commission on Military, National, and Public Service established under section 553 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2132);

(9) not later than 2 years after the date of enactment of this Act, and quadrennially thereafter, prepare and submit to the President and Congress a Quadrennial Military, National, and Public Service Strategy, which shall set forth—

(A) a review of programs and initiatives of the Federal Government relating to the mandate of the Council;

(B) notable initiatives by State, local, and Tribal governments and by nongovernmental entities to increase awareness of and participation in service programs;

(C) current and foreseeable trends for service to address the needs of the United States; and

(D) a program for addressing any deficiencies identified by the Council, together with recommendations for legislation;

(10) not later than 4 years after the date of enactment of this Act, and quadrennially thereafter, prepare and submit to the President and Congress a Quadrennial Report on Cross-Service Participation on the basis of the activities carried out under the strategy submitted under paragraph (9);

(11) prepare, for inclusion in the annual budget submission by the President to Congress under section 1105 of title 31, United States Code, a detailed, separate analysis by budget function, by agency, and by initiative area for the preceding fiscal year, the current fiscal year, and the fiscal years for which the budget is submitted, identifying the amounts of gross and net appropriations or obligational authority and outlays for initiatives, consistent with the priorities of the President, under the Quadrennial Military, National, and Public Service Strategy, with separate displays for mandatory and discretionary amounts;

(12) develop a joint national service messaging strategy that incorporates domestic and international service that both the Corporation for National and Community Service and the Peace Corps would promote; and

(13) perform such other functions as the President may direct.

(d) RESPONSIBILITIES OF THE DIRECTOR OF THE COUNCIL.—In addition to duties relating to the responsibilities of the Council described in subsection (c), the Director of the Council shall—

(1) coordinate with the Assistant to the President for National Security Affairs for any matter that may affect national security;

(2) at the discretion of the President, serve as spokesperson of the executive branch on issues related to military service, national service, and public service;

(3) upon request by a committee or subcommittee of the Senate or of the House of Representatives, appear before any such committee or subcommittee to represent the position of the executive branch on matters within the scope of the responsibilities of the Council; and

(4) perform such other functions as the President may direct.

(e) ORGANIZATIONAL MATTERS.—

(1) ASSISTANT TO THE PRESIDENT FOR MILITARY, NATIONAL, AND PUBLIC SERVICE.—The Assistant to the President for Military, National, and Public Service shall be compensated at the rate of basic pay prescribed for level II of the Executive Schedule under section 5313 of title 5, United States Code.

(2) STAFF.—The Council may employ officers and employees as necessary to carry out of the functions of the Council. Such officers and employees of the Council shall be compensated at a rate not more than the rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(3) EXPERTS AND CONSULTANTS.—The Council may, as necessary to carry out of the functions of the Council, procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(4) ADVISORY COMMITTEES.—The Council may, in carrying out the functions of the Council, direct a member of the Council to establish advisory committees composed of representatives from outside the Federal Government.

(5) AUTHORITY TO ACCEPT GIFTS.—The Council may accept, use, and dispose of gifts or donations of services, goods, and property, except for cash, from non-Federal entities for the purposes of aiding and facilitating the work of the Council.

(6) AUTHORITY TO ACCEPT VOLUNTARY SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Council may accept and employ voluntary and uncompensated services in furtherance of the purposes of the Council.

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

(g) CONFORMING AMENDMENT.—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following:

''(40) a separate statement of the amount of appropriations requested for the Council on Military, National, and Public Service in the Executive Office of the President.

''(41) a detailed, separate analysis by budget function, by agency, and by initiative area for the preceding fiscal year, the current fiscal year, and the fiscal years for which the budget is submitted, identifying the amounts of gross and net appropriations or obligational authority and outlays for initiatives, consistent with the priorities of the President, under the Quadrennial Military,

National, and Public Service Strategy required by section 1071(c)(9) of the National Defense Authorization Act for Fiscal Year 2022, with separate displays for mandatory and discretionary amounts.''.

SEC. 1072. INTERNET-BASED SERVICE PLATFORM.

(a) DECLARATION OF POLICY.—It is the policy of the United States, in promoting a culture of service in the United States and meeting the recruiting needs for military service, national service, and public service programs, to provide a comprehensive, interactive, and integrated internet-based platform to enable the people of the United States to learn about and connect with service organizations and opportunities and assist in the recruiting needs of service organizations.

(b) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the Council on Military, National, and Public Service.

(2) MEMBER.—The term ''member'' means an individual who is a member of the Service Platform under this section.

(3) SERVICE MISSION.—The term ''service mission'' means the objectives of a service organization or a service opportunity.

(4) SERVICE OPPORTUNITY.—The term ''service opportunity'' means any paid, volunteer, or other position with a service organization.

(5) SERVICE ORGANIZATION.—The term ''service organization'' means any military service, national service, or public service organization that participates in the Service Platform.

(6) SERVICE PLATFORM.—The term ''Service Platform'' means the comprehensive, interactive, and integrated internet-based platform established under this section.

(7) SERVICE TYPE.—The term ''service type'' means the period and form of service with a service organization, including part-time, full-time, term limited, sabbatical, temporary, episodic, or emergency options for paid, volunteer, or stipend-based service.

(8) STATE.—The term ''State'' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

(9) UNIFORMED SERVICES.—The term ''uniformed services'' has the meaning given such term in subsection (a)(5) of section 101 of title 10, United States Code.

(c) ESTABLISHMENT OF THE SERVICE PLATFORM.—The Director, in coordination with the Director of the Office of Management and Budget, shall establish, maintain, and promote the Service Platform to serve as a centralized resource and database for the people of the United States to learn about and connect with organizations and opportunities related to military service, national service, or public service and for such organizations to identify people of the United States with the skills necessary to address the needs of such organizations.

(d) OPERATION OF SERVICE PLATFORM.—

(1) PUBLIC ACCESSIBILITY.—The Director, in coordination with the Director of the Office of Management and Budget, shall determine, and make accessible to the public, information about service organizations and service opportunities, without any requirement that an individual seeking such access become a member.

(2) MEMBERS.—

(A) IN GENERAL.—Any individual meeting criteria established by the Director by regulation may register as a member under subparagraph (B).

(B) REGISTRATION.—

(i) IN GENERAL.—An individual that registers under this subparagraph as a member shall be entitled to access information about service organizations and service opportunities available through the Service Platform.

(ii) INFORMATION AND CONSENT FROM INDIVIDUAL.—An individual meeting the criteria established under subparagraph (A) and seeking to become a member—

(I) shall provide to the Director such information as the Director may determine necessary to facilitate the functionality of the Service Platform;

(II) shall, unless specifically electing not to, consent to share any information entered into the Service Platform with, and to be contacted by, any public service or national service organization that participates in the Service Platform;

(III) may consent to share any information entered into the Service Platform with, and to be contacted by, any uniformed service that participates in the Service Platform;

(IV) may consent to be contacted for potential service with any national service or public service organization in the event of a national emergency; and

(V) may consent to be contacted to join the uniformed services on a voluntary basis during an emergency requiring national mobilization.

(iii) VERIFICATION.—Upon receipt of the information and, as relevant, consent from an individual under clause (ii), the Director shall—

(I) verify that the individual has not previously registered as a member; and

(II) if such individual has not previously registered as a member, register such individual as a member and by written notice (including by electronic communication), notify such member of such registration.

(3) USE OF SERVICE PLATFORM.—

(A) ADDITIONAL INFORMATION.—The Service Platform shall enable a member to provide additional information to improve the functionality of the Service Platform, as determined relevant by the Director, including information regarding the member's—

(i) educational background;

(ii) employment background;

(iii) professional skills, training, licenses, and certifications;

(iv) service organization preferences;

(v) service type preferences;

(vi) service mission preferences; and

(vii) geographic preferences.

(B) UPDATES.—A member may, at any time, update the personal and other information of the member available on the Service Platform.

(C) RENEWAL OF CONSENT REGARDING MILITARY SERVICE.—The Director shall send to a member who consents to serve under paragraph (2)(B)(ii)(V) an annual request to confirm the continued consent to serve by the member.

(4) WITHDRAWAL OF MEMBERS.—A member may withdraw as a member by submitting to the Director a request to withdraw. Not later than 30 days after the date of such request to withdraw, all records regarding such member shall be removed from the Service Platform and any other data storage locations the Director may use relating to the Service Platform, notwithstanding any obligations under chapter 31 of title 44, United States Code (commonly known as the ''Federal Records Act of 1950'').

(e) SERVICE ORGANIZATIONS.—

(1) EXECUTIVE AGENCIES AND MILITARY DEPARTMENTS.—All Executive agencies and military departments shall participate in the Service Platform as service organizations.

(2) NON-FEDERAL SERVICE ORGANIZATIONS.—State, local, and Tribal government agencies, and nongovernmental organizations that undertake national service programs, may participate in the Service Platform, subject to subsection (h).

(3) INFORMATION ON SERVICE ORGANIZATIONS.—Each service organization participating in the Service Platform shall make available on the Service Platform—

(A) information sufficient for a member to identify and understand the service opportunities and service mission of such service organization;

(B) information on the availability of service opportunities by service type;

(C) internet links to the hiring and recruiting websites of such service organization; and

(D) such additional information as the Director may require.

(4) ADDITIONAL PLATFORMS NOT PRECLUDED.—Nothing in this subsection shall prevent any service organization from establishing or maintaining a separate internet-based system or platform to recruit individuals for employment or for volunteer or other service opportunities.

(f) MINIMUM DESIGN REQUIREMENTS.—The Service Platform shall—

(1) provide the public with access to information on service organizations and service opportunities through an internet-based system that is user-friendly, interactive, accessible, and fully functional through mobile applications and other widely used communications media, without a requirement that any person seeking such access register as a member;

(2) provide an individual with the ability to register as a member in order to customize their experience in accordance with subsection (d)(3)(A), including providing mechanisms to—

(A) connect such member with service organizations and service opportunities that match the interests of the member; and

(B) ensure robust search capabilities to facilitate the ability of the member to explore service organizations and service opportunities;

(3) include mechanisms to enable a service organization to connect with members who have consented to be contacted and meet the needs of such service organization;

(4) incorporate, to the extent permitted by law and regulation, the ability of a member to securely upload information on education, employment, and skills related to the service organizations and service opportunities from internet-based professional, recruiting, and social media systems, consistent with security requirements;

(5) ensure compatibility with relevant information systems of Executive agencies and military departments;

(6) use state-of-the-art technology and analytical tools to facilitate the efficacy of the Service Platform in connecting members with service opportunities and service organizations; and

(7) retain all personal information in a manner that protects the privacy of members in accordance with section 552a of title 5, United States Code, and other applicable law, provide access to information relating to a member only in accordance with the consent of the member or as required by applicable law, and incorporate data security and control policies that are adequate to ensure the confidentiality and security of information provided and maintained on the Service Platform.

(g) DEVELOPMENT OF SERVICE PLATFORM PLAN.—

(1) IMPLEMENTATION PLAN.—Not later than 180 days after the date of enactment of this Act, the Director, in coordination with the Director of the Office of Management and Budget, shall develop a detailed plan to implement the Service Platform that complies with all the requirements of this section.

(2) CONSULTATION REQUIRED.—In developing the plan under this subsection, the Director shall consult with the Secretary of Defense,

the Chief Executive Officer of the Corporation for National and Community Service, the Director of the Office of Personnel Management, the head of the United States Digital Service and, as needed, the heads of other Executive agencies. Such consultation may include seeking assistance in the design, development, and creation of the Service Platform.

(3) TECHNICAL ADVICE PERMITTED.—

(A) IN GENERAL.—In developing the plan under this subsection, the Director may—

(i) seek and receive technical advice from experts outside of the Federal Government; and

(ii) form a committee of such experts to assist in the design and development of the Service Platform.

(B) VOLUNTEER SERVICE.—Notwithstanding section 1342 of title 31, United States Code, the Director may accept the voluntary services of such experts under this paragraph.

(C) FEDERAL ADVISORY COMMITTEE ACT.—A committee of the experts formed under this paragraph shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(4) INFORMATION COLLECTION AUTHORIZED.—

(A) IN GENERAL.—In developing the plan under this subsection, the Director may collect information from the public through focus groups, surveys, and other mechanisms.

(B) PAPERWORK REDUCTION ACT.—The requirements under subchapter I of chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'') shall not apply to activities authorized under this paragraph.

(h) REGULATIONS.—Not later than 12 months after the date of enactment of this Act, the Director of the Office of Management and Budget shall issue regulations to carry out this section including—

(1) procedures that enable State, local, and Tribal government agencies to participate in the Service Platform as service organizations;

(2) procedures that enable nongovernmental organizations that undertake national service programs to participate in the Service Platform as service organizations; and

(3) a timeline to implement the procedures described in subparagraphs (A) and (B).

(i) REPORTS TO CONGRESS.—Not later than 12 months after the date of enactment of this Act and annually thereafter, the Director, in coordination with the Director of the Office of Management and Budget, shall provide a report to Congress on the Service Platform. Such report shall include the following:

(1) Details on the status of implementation of the Service Platform and plans for further development of the Service Platform.

(2) Participation rates of service organizations and members.

(3) The number of individuals visiting the Service Platform, the number of service organizations participating in the platform, and the number of service opportunities available in the preceding 12-month period.

(4) Information on any cybersecurity or privacy concerns.

(5) The results of any surveys or studies undertaken to increase the use and efficacy of the Service Platform.

(6) Any additional information the Director or the President considers appropriate.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director for each fiscal year such funds as may be necessary to carry out this section.

(k) SELECTIVE SERVICE SYSTEM.—Section 10 of the Military Selective Service Act (50 U.S.C. 3809) is amended by adding at the end the following:

''(i) SERVICE PLATFORM.—The Director of Selective Service shall provide to all registrants, on the website of the Selective Service System and in communications with registrants relating to registration, information about the Service Platform established under section 1072 of the National Defense Authorization Act for Fiscal Year 2022. The Director of Selective Service shall provide to each registrant, at the time of registration, an option to transfer to the Service Platform the information the registrant has provided to the Selective Service System. The Director of Selective Service shall consult with the Director of the Council on Military, National, and Public Service to ensure that information provided by the Selective Service System is compatible with the information requirements of the Service Platform.''.

SEC. 1073. PILOT PROGRAM TO COORDINATE MILITARY, NATIONAL, AND PUBLIC SERVICE RECRUITMENT.

(a) PILOT PROGRAM AUTHORIZED.—The Director of the Council on Military, National, and Public Service may carry out a pilot program in coordination with departments and agencies responsible for recruiting individuals for military service, national service, and public service, to focus on recruiting individuals from underserved markets and demographic populations, such as those defined by gender, geography, socioeconomic status, and critical skills, as determined by each participating department or agency, to better reflect the demographics of the United States while ensuring that recruiting needs are met.

(b) CONSULTATION.—In developing a pilot program under this section, the Director of the Council on Military, National, and Public Service shall consult with the Secretary of Defense, the Secretary of Homeland Security, the secretaries of the military departments, the Commandant of the United States Coast Guard, the Chief Executive Officer of the Corporation for National and Community Service, the Director of the Peace Corps, and the Director of the Office of Personnel Management.

(c) DURATION.—The pilot program under this section shall terminate not earlier than 2 years after the date of commencement of such pilot program.

(d) STATUS REPORTS.—Not later than 12 months after the date of commencement of the pilot program authorized under this section, and not later than 12 months thereafter, the Director of the Council on Military, National, and Public Service shall submit to Congress reports evaluating the pilot program carried out under this section.

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

SEC. 1074. JOINT MARKET RESEARCH AND RECRUITING PROGRAM TO ADVANCE MILITARY AND NATIONAL SERVICE.

(a) PROGRAM AUTHORIZED.—The Secretary of Defense, the Chief Executive Officer of the Corporation for National and Community Service, and the Director of the Peace Corps may carry out a joint market research, market studies, recruiting, and advertising program to complement the existing programs of the military departments, the national service programs administered by the Corporation, and the Peace Corps.

(b) INFORMATION SHARING PERMITTED.—Section 503 of title 10, United States Code, shall not be construed to prohibit sharing of information among, or joint marketing efforts of, the Department of Defense, the Corporation for National and Community Service, and the Peace Corps to carry out this section.

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

SEC. 1075. INFORMATION SHARING TO ADVANCE MILITARY AND NATIONAL SERVICE.

(a) ESTABLISHMENT OF PLAN.—The Secretary of Defense, the Chief Executive Officer of the Corporation for National and Community Service, and the Director of the Peace Corps shall establish a joint plan to provide an applicant who is ineligible, or otherwise not selected, for service in the Armed Forces, in a national service program administered by the Corporation for National and Community Service, or in the Peace Corps, with information about the forms of service for which such applicant has not applied.

(b) REPORT TO CONGRESS.—Not later than 12 months after the date of enactment of this Act, the Secretary of Defense, the Chief Executive Officer of the Corporation for National and Community Service, and the Director of the Peace Corps shall submit to Congress a report on the plan established under subsection (a).

SEC. 1076. TRANSITION OPPORTUNITIES FOR MILITARY SERVICEMEMBERS AND NATIONAL SERVICE PARTICIPANTS.

(a) EMPLOYMENT ASSISTANCE.—Section 1143(c)(1) of title 10, United States Code, is amended by inserting ''the Corporation for National and Community Service,'' after ''State employment agencies,''.

(b) EMPLOYMENT ASSISTANCE, JOB TRAINING ASSISTANCE, AND OTHER TRANSITIONAL SERVICES: DEPARTMENT OF LABOR.—

(1) IN GENERAL.—Section 1144 of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking ''and the Secretary of Veterans Affairs,'' and inserting ''the Secretary of Veterans Affairs, and the Chief Executive Officer of the Corporation for National and Community Service,'';

(ii) in paragraph (2), by striking ''and the Secretary of Veterans Affairs'' and inserting ''the Secretary of Veterans Affairs, and the Chief Executive Officer of the Corporation for National and Community Service''; and

(iii) in paragraph (3), by inserting ''and the Chief Executive Officer'' after ''The Secretaries'';

(B) in subsection (b), by adding at the end the following:

''(11) Provide information on public service opportunities, training on public service job recruiting, and the advantages of careers with the Federal Government.'';

(C) in subsection (c)(2)(A), by striking ''and the Secretary of Veterans Affairs,'' and inserting '', the Secretary of Veterans Affairs, and the Chief Executive Officer of the Corporation for National and Community Service,'';

(D) in subsection (d), in the matter preceding paragraph (1), by inserting ''and the Chief Executive Officer of the Corporation for National and Community Service'' after ''the Secretaries''; and

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

''(g) CORPORATION FOR NATIONAL AND COMMUNITY SERVICE PROGRAMS.—In establishing and carrying out a program under this section, the Chief Executive Officer of the Corporation for National and Community Service shall do the following:

''(1) Provide information concerning national service opportunities, including—

''(A) opportunities to acquire and enhance technical skills available through national service;

''(B) certifications and verifications of job skills and experience available through national service;

''(C) support services and benefits available during terms of national service; and

''(D) job analysis techniques, job search techniques, and job interview techniques specific to approved national service positions

(as defined in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511)).

''(2) Inform members of the armed forces that the Department of Defense and the Department of Homeland Security are required, under section 1143(a) of this title, to provide proper certification or verification of job skills and experience acquired while on active duty that may have application to service in programs of the Corporation for National and Community Service.

''(3) Work with military and veterans' service organizations and other appropriate organizations in promoting and publicizing job fairs for such members.

''(4) Provide information about disability-related employment and education protections.''.

(2) CONFORMING AND CLERICAL AMENDMENTS.—

(A) HEADING AMENDMENT.—The heading of section 1144 of such title is amended to read as follows:

''§ 1144. Employment assistance, job training assistance, and other transitional services: Department of Labor and the Corporation for National and Community Service''.

(B) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 58 of such title is amended by striking the item relating to section 1144 and inserting the following new item:

''1144. Employment assistance, job training assistance, and other transitional services: Department of Labor and the Corporation for National and Community Service.''.

(c) AUTHORITIES AND DUTIES OF THE CHIEF EXECUTIVE OFFICER.—Section 193A(b) of the National and Community Service Act of 1990 (42 U.S.C. 12651d(b)) is amended—

(1) in paragraph (24), by striking ''and'' at the end;

(2) in paragraph (25), by striking the period at the end and inserting ''; and''; and

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

''(26) ensure that individuals completing a partial or full term of service in a program under subtitle C or E or part A of title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.) receive information about military and public service opportunities for which they may qualify or in which they may be interested.''.

SEC. 1077. JOINT REPORT TO CONGRESS ON INITIATIVES TO INTEGRATE MILITARY AND NATIONAL SERVICE.

(a) REPORTING REQUIREMENT.—Not later than 4 years after the date of enactment of this Act and quadrennially thereafter, the Director of the Council on Military, National, and Public Service established under section 1071, in coordination with the Secretary of Defense, the Chief Executive Officer of the Corporation for National and Community Service, and the Director of the Peace Corps, shall submit to Congress a joint report on cross-service recruitment, including recommendations for increasing joint advertising and recruitment initiatives for the Armed Forces, programs administered by the Corporation for National and Community Service, and the Peace Corps.

(b) CONTENTS OF REPORT.—Each report under subsection (a) shall include the following:

(1) The number of Peace Corps volunteers and participants in national service programs administered by the Corporation for National and Community Service, who previously served as a member of the Armed Forces.

(2) The number of members of the Armed Forces who previously served in the Peace Corps or in a program administered by the Corporation for National and Community Service.

(3) An assessment of existing (as of the date of the reports submission) joint recruitment and advertising initiatives undertaken by the Department of Defense, the Peace Corps, or the Corporation for National and Community Service.

(4) An assessment of the feasibility and cost of expanding such existing initiatives.

(5) An assessment of ways to improve the ability of the reporting agencies to recruit individuals from the other reporting agencies.

(c) CONSULTATION.—The Director of the Council on Military, National, and Public Service established under section 1071, the Secretary of Defense, the Chief Executive Officer of the Corporation for National and Community Service, and the Director of the Peace Corps shall undertake studies of recruiting efforts that are necessary to carry out the provisions of this section. Such studies may be conducted using any funds appropriated to those entities under Federal law other than this subtitle.

SEC. 1078. DEFINITIONS.

In this subtitle:

(1) COUNCIL ON MILITARY, NATIONAL, AND PUBLIC SERVICE.—The term ''Council on Military, National, and Public Service'' means the Council on Military, National, and Public Service established under section 1071.

(2) EXECUTIVE AGENCY.—The term ''Executive agency'' has the meaning given that term in section 105 of title 5, United States Code.

(3) MILITARY DEPARTMENT.—The term ''military department'' means each of the military departments listed in section 102 of title 5, United States Code.

(4) MILITARY SERVICE.—The term ''military service'' means active service (as defined in subsection (d)(3) of section 101 of title 10, United States Code) or active status (as defined in subsection (d)(4) of such section) in one of the Armed Forces (as defined in subsection (a)(4) of such section).

(5) NATIONAL SERVICE.—The term ''national service'' means participation, other than military service or public service, in a program that—

(A) is designed to enhance the common good and meet the needs of communities, the States, or the United States;

(B) is funded or facilitated by—

(i) 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;

(ii) an institution of higher education as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

(iii) the Federal Government or a State, Tribal, or local government; and

(C) is a program—

(i) authorized in—

(I) the Peace Corps Act (22 U.S.C. 2501 et seq.);

(II) section 171 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3226) relating to the YouthBuild Program;

(III) the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.); or

(IV) the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.); or

(ii) determined to be another relevant program by the Director of the Council on Military, National, and Public Service.

(6) PUBLIC SERVICE.—The term ''public service'' means civilian employment in the Federal Government or a State, Tribal, or local government.

(7) SERVICE.—The term ''service'' means a personal commitment of time, energy, and talent to a mission that contributes to the public good by protecting the Nation and the citizens of the United States, strengthening communities, States, or the United States, or promoting the general social welfare.

(8) STATE COMMISSION.—The term ''State Commission'' means a State Commission on National and Community Service maintained by a State pursuant to section 178 of the National and Community Service Act of 1990 (42 U.S.C. 12638).

SA 4234. Mrs. SHAHEEN (for herself, Ms. COLLINS, Mr. WARNER, Mr. RUBIO, Mr. RISCH, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1053 and insert the following:

SEC. 1053. ANOMALOUS HEALTH INCIDENTS.

(a) DEFINITIONS.—In this section:

(1) AGENCY COORDINATION LEAD.—The term ''Agency Coordination Lead'' means a senior official designated by the head of a relevant agency to serve as the Anomalous Health Incident Agency Coordination Lead for such agency.

(2) APPROPRIATE NATIONAL SECURITY COMMITTEES.—The term ''appropriate national security committees'' means—

(A) the Committee on Armed Services of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Select Committee on Intelligence of the Senate;

(D) the Committee on Homeland Security and Governmental Affairs of the Senate;

(E) the Committee on the Judiciary of the Senate;

(F) the Committee on Armed Services of the House of Representatives;

(G) the Committee on Foreign Affairs of the House of Representatives;

(H) the Permanent Select Committee on Intelligence of the House of Representatives;

(I) the Committee on Homeland Security of the House of Representatives; and

(J) the Committee on the Judiciary of the House of Representatives.

(3) INTERAGENCY COORDINATOR.—The term ''Interagency Coordinator'' means the Anomalous Health Incidents Interagency Coordinator designated pursuant to subsection (b)(1).

(4) RELEVANT AGENCIES.—The term ''relevant agencies'' means—

(A) the Department of Defense;

(B) the Department of State;

(C) the Office of the Director of National Intelligence;

(D) the Department of Justice;

(E) the Department of Homeland Security; and

(F) other agencies and bodies designated by the Interagency Coordinator.

(b) ANOMALOUS HEALTH INCIDENTS INTERAGENCY COORDINATOR.—

(1) DESIGNATION.—Not later than 30 days after the date of the enactment of this Act, the President shall designate an appropriate senior official as the ''Anomalous Health Incidents Interagency Coordinator'', who shall work through the President's designated National Security process—

(A) to coordinate the United States Government's response to anomalous health incidents;

(B) to coordinate among relevant agencies to ensure equitable and timely access to assessment and care for affected personnel, dependents, and other appropriate individuals;

(C) to ensure adequate training and education for United States Government personnel; and

(D) to ensure that information regarding anomalous health incidents is efficiently shared across relevant agencies in a manner that provides appropriate protections for classified, sensitive, and personal information.

(2) DESIGNATION OF AGENCY COORDINATION LEADS.—

(A) IN GENERAL.—The head of each relevant agency shall designate a Senate-confirmed or other appropriate senior official, who shall—

(i) serve as the Anomalous Health Incident Agency Coordination Lead for the relevant agency;

(ii) report directly to the head of the relevant agency regarding activities carried out under this section;

(iii) perform functions specific to the relevant agency, consistent with the directives of the Interagency Coordinator and the established interagency process;

(iv) participate in interagency briefings to Congress regarding the United States Government response to anomalous health incidents; and

(v) represent the relevant agency in meetings convened by the Interagency Coordinator.

(B) DELEGATION PROHIBITED.—An Agency Coordination Lead may not delegate the responsibilities described in clauses (i) through (v) of subparagraph (A).

(3) SECURE REPORTING MECHANISMS.—Not later than 90 days after the date of the enactment of this Act, the Interagency Coordinator shall—

(A) ensure that agencies develop a process to provide a secure mechanism for personnel, their dependents, and other appropriate individuals to self-report any suspected exposure that could be an anomalous health incident;

(B) ensure that agencies share all relevant data with the Office of the Director of National Intelligence through existing processes coordinated by the Interagency Coordinator; and

(C) in establishing the mechanism described in subparagraph (A), prioritize secure information collection and handling processes to protect classified, sensitive, and personal information.

(4) BRIEFINGS.—

(A) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, and quarterly thereafter for the following 2 years, the Agency Coordination Leads shall jointly provide a briefing to the appropriate national security committees regarding progress made in achieving the objectives described in paragraph (1).

(B) ELEMENTS.—The briefings required under subparagraph (A) shall include—

(i) an update on the investigation into anomalous health incidents impacting United States Government personnel and their family members, including technical causation and suspected perpetrators;

(ii) an update on new or persistent incidents;

(iii) threat prevention and mitigation efforts to include personnel training;

(iv) changes to operating posture due to anomalous health threats;

(v) an update on diagnosis and treatment efforts for affected individuals, including patient numbers and wait times to access care;

(vi) efforts to improve and encourage reporting of incidents;

(vii) detailed roles and responsibilities of Agency Coordination Leads;

(viii) information regarding additional authorities or resources needed to support the interagency response; and

(ix) other matters that the Interagency Coordinator or the Agency Coordination Leads consider appropriate.

(C) UNCLASSIFIED BRIEFING SUMMARY.—The Agency Coordination Leads shall provide a coordinated, unclassified summary of the briefings to Congress, which shall include as much information as practicable without revealing classified information or information that is likely to identify an individual.

(5) RETENTION OF AUTHORITY.—The appointment of the Interagency Coordinator shall not deprive any Federal agency of any authority to independently perform its authorized functions.

(6) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to limit—

(A) the President's authority under article II of the United States Constitution; or

(B) the provision of health care and benefits to afflicted individuals, consistent with existing laws.

(c) DEVELOPMENT AND DISSEMINATION OF WORKFORCE GUIDANCE.—The President shall direct relevant agencies to develop and disseminate to their employees, not later than 30 days after the date of the enactment of this Act, updated workforce guidance that describes—

(1) the threat posed by anomalous health incidents;

(2) known defensive techniques; and

(3) processes to self-report suspected exposure that could be an anomalous health incident.

SA 4235. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1237. CERTIFICATION REQUIREMENT FOR IMPOSING SANCTIONS WITH RESPECT TO MEMBERS OF QUADRILATERAL SECURITY DIALOGUE.

Section 231 of the Countering America's Adversaries Through Sanctions Act (22 U.S.C. 9525) is amended by adding at the end the following:

''(g) SPECIAL RULE FOR MEMBERS OF QUADRILATERAL SECURITY DIALOGUE.—

''(1) IN GENERAL.—During the 10-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022, the President may not impose sanctions under this section with respect a significant transaction described in subsection (a) engaged in by the government of a member of the Quadrilateral Security Dialogue unless, before imposing such sanctions, the President certifies to the appropriate congressional committees that—

''(A) that government is not participating in quadrilateral cooperation between Australia, India, Japan, and the United States on security matters that are critical to United States strategic interests; or

''(B) the significant transaction—

''(i) took place after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022; and

''(ii) is not related to sustainment of a weapons system purchased before such date of enactment.

''(2) MEMBER OF THE QUADRILATERAL SECURITY DIALOGUE DEFINED.—In this subsection, the term 'member of the Quadrilateral Security Dialogue' means Australia, India, Japan, or the United States.''.

SA 4236. Mr. DAINES (for himself, Mr. MCCONNELL, Mr. BURR, Mr. LANKFORD, Mrs. HYDE-SMITH, Mr. MARSHALL, Mr. TUBERVILLE, Mr. COTTON, Mr. KENNEDY, Mr. LEE, Mrs. BLACKBURN, Mr. JOHNSON, Mr. CASSIDY, Ms. LUMMIS, Mr. BRAUN, Mr. CRAMER, Mr. HOEVEN, Mr. YOUNG, Mr. TOOMEY, Mr. RUBIO, Ms. ERNST, Mr. GRASSLEY, Mr. BOOZMAN, Mr. WICKER, Mrs. CAPITO, Ms. COLLINS, Mr. RISCH, Mr. CRAPO, Mr. HAWLEY, Mr. BARRASSO, and Mr. SCOTT of South Carolina) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1004. PROHIBITION OF CASH SETTLEMENTS RESULTING FROM THE LAWFUL APPLICATION OF THE ZERO TOLERANCE POLICY FOR VIOLATIONS OF SECTION 275(A) OF THE IMMIGRATION AND NATIONALITY ACT.

Notwithstanding any other provision of law, no Federal funds may be used for settlement payments to individuals who, as a result of their violation of section 275(a) of the Immigration and Nationality Act (8 U.S.C. 1325(a)), and in accordance with the policy described in the memorandum of the Attorney General regarding ''Zero-Tolerance for Offenses Under 8 U.S.C. § 1325(a)'', issued on April 6, 2018, were detained by U.S. Customs and Border Protection if such payments are intended to compensate such individuals for being separated from family members during such detention.

SA 4237. Mr. SCHATZ submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. NATIVE HAWAIIAN ORGANIZATIONS.

(a) COMPETITIVE THRESHOLDS.—Section 8020 of title VIII of division A of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (15 U.S.C. 637 note) is amended by striking

''with agencies of the Department of Defense'' and inserting ''with agencies and departments of the Federal Government''.

(b) RULEMAKING.—Not later than 180 days after the date of enactment of this Act, in order to carry out the amendments made by subsection (a)—

(1) the Administrator of the Small Business Administration, in consultation with the Administrator for Federal Procurement Policy, shall promulgate regulations; and

(2) the Federal Acquisition Regulatory Council established under section 1302(a) of title 41, United States Code, shall amend the Federal Acquisition Regulation.

SA 4238. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1253. LIMITATION ON SECURITY ASSISTANCE AND MILITARY AND SECURITY COOPERATION WITH BURMA.

(a) IN GENERAL.—No agency or instrumentality of the United States may supply any security assistance, grant permission to retransfer defense articles originating in the United States to, or engage in any military-to-military programs with the armed forces or security forces of the Republic of the Union of Myanmar (referred to in this section as ''Burma''), including through training, observation, or participation in regional exercises, until the date on which the Secretary of Defense, in consultation with the Secretary of State, certifies to the Committee on Armed Services of the Senate, Committee on Foreign Relations of the Senate, the Committee on Armed Services of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives that—

(1) the armed forces of Burma (referred to in this section as the ''Tatmadaw'') have returned control of the Government of Burma to duly elected leadership;

(2) the Government of Burma is clearly on the path to civilian control over its security forces, including—

(A) instituting constitutional reforms to relinquish military participation in Government decision making;

(B) abiding by international human rights standards; and

(C) undertaking meaningful and significant security sector reform, including transparency and accountability, to prevent future abuses; and

(3) each of the criteria described in subsection (b) have been met.

(b) CRITERIA.—The criteria described in this subsection are—

(1) adherence by the Tatmadaw to international humanitarian law and international human rights law, including a pledge to stop future human rights abuses;

(2) support by the Tatmadaw for efforts to carry out meaningful and comprehensive investigations of alleged abuses, including—

(A) taking steps to hold accountable those members of the Tatmadaw who are responsible for human rights violations; and

(B) advancing justice for survivors, including through cooperating with the Independent International Fact-Finding Mission on Myanmar, established by the United Nations Human Rights Council in March 2017;

(3) the Government of Burma, including the Tatmadaw—

(A) allowing immediate and unfettered humanitarian access to communities in areas affected by conflict, including Rohingya communities in Rakhine State;

(B) cooperating with the United Nations High Commissioner for Refugees and organizations affiliated with the United Nations to ensure—

(i) the protection of displaced persons; and

(ii) the safe and voluntary return of refugees and internally displaced persons; and

(C) extending recognition of human rights to all the people of Rakhine State, including the Rohingya;

(4) the cessation of Tatmadaw attacks on ethnic minority groups and the constructive participation of the Tatmadaw in the conclusion of a credible, nationwide cease-fire agreement, political accommodation, and constitutional change; and

(5) the release of all political prisoners in Burma.

(c) REPORT.—Not later than 30 days after the certification under subsection (a), the Secretary of State, in coordination with the Secretary of Defense, shall submit a report to the congressional committees referred to in subsection (a) that includes—

(1) a description and assessment of the Government of Burma's strategy for security sector reform, if applicable, including governance and constitutional reforms to ensure civilian control;

(2) a description and assessment of the Government of Burma's strategy and plans—

(A) to end the involvement of the Tatmadaw in the illicit trade in jade and other natural resources; and

(B) to implement reforms to end corruption and illicit drug trafficking;

(3) a list of past military activities conducted by the United States Government with the Government of Burma;

(4) a description of the United States strategy for any future military-military engagements between the United States Armed Forces and the Tatmadaw, the Burma Police Force, and armed ethnic groups;

(5) an assessment of the progress of the Tatmadaw towards developing a framework to implement human right reforms, including steps taken by the Tatmadaw to demonstrate respect for and implementation of international humanitarian law and international human rights law;

(6) an assessment of how any future engagement with the Government of Burma will effectively further the protection of human rights, including—

(A) cooperation with civilian authorities to investigate and prosecute cases of serious, credible, or gross human rights violations; and

(B) the elements of the military-to-military engagement between the United States and Burma that promote the implementation of human rights reforms;

(7) an assessment of the progress on the peaceful settlement of armed conflicts between the Government of Burma and ethnic minority groups, including actions taken by the Tatmadaw to adhere to cease-fire agreements and withdraw forces from conflict zones;

(8) an assessment of the Tatmadaw's recruitment and use of children as soldiers; and

(9) an assessment of the Tatmadaw's use of violence against women, sexual violence, or other gender-based violence as a tool of terror, war, or ethnic cleansing.

SA 4239. Mr. MENENDEZ (for himself, Mr. LEAHY, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle H—Saudi Arabia Accountability for Gross Violations of Human Rights Act

SEC. 1291. SHORT TITLE.

This subtitle may be cited as the ''Saudi Arabia Accountability for Gross Violations of Human Rights Act''.

SEC. 1292. FINDINGS.

Congress finds the following:

(1) On October 2, 2018, Washington Post journalist Jamal Khashoggi was murdered by Saudi Government agents in Istanbul.

(2) According to the United Nations Special Rapporteur's June 2019 report, Mr. Khashoggi contacted the Saudi Embassy in Washington regarding required documentation he needed to obtain from Saudi authorities and ''was told to obtain the document from the Saudi embassy in Turkey''.

(3) According to press reports, Mr. Khashoggi's associates were surveilled after having their phones infiltrated by spyware.

(4) On July 15, 2019, the House of Representatives passed by a margin of 405-7 the Saudi Arabia Human Rights and Accountability Act of 2019 (H.R. 2037), which required—

(A) an unclassified report by the Director of National Intelligence on parties responsible for Khashoggi's murder, a requirement ultimately inserted into and passed as part of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92);

(B) visa sanctions on all persons identified in such report; and

(C) a report on human rights in Saudi Arabia.

(5) On February 26, 2021, the Director of National Intelligence released the report produced pursuant to congressional direction, which stated, ''we assess that Saudi Arabia's Crown Prince Muhammad bin Salman approved an operation in Istanbul, Turkey to capture or kill Saudi journalist Jamal Khashoggi.''. The report also identified several individuals who ''participated in, ordered, or were otherwise complicit in or responsible for the death of Jamal Khashoggi on behalf of Muhammad bin Salman. We do not know whether these individuals knew in advance that the operation would result in Khashoggi's death.''.

(6) Section 7031(c) of division K of the Consolidated Appropriations Act, 2021 states ''Officials of foreign governments and their immediate family members about whom the Secretary of State has credible information have been involved, directly or indirectly, in. . .a gross violation of human rights. . . shall be ineligible for entry into the United States.''.

(7) Section 6 of the Arms Export Control Act (22 U.S.C. 2756) provides that no letters of offer may be issued, no credits or guarantees may be extended, and no export licenses may be issued with respect to any country determined by the President to be engaged in a ''consistent pattern of acts of intimidation or harassment directed against individuals in the United States''.

(8) Section 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2304) directs the President to formulate and conduct international

security assistance programs of the United States in a manner which will ''promote and advance human rights and avoid identification of the United States, through such programs, with governments which deny to their people internationally recognized human rights and fundamental freedoms, in violation of international law or in contravention of the policy of the United States''.

(9) Secretary of State Antony Blinken on February 26, 2021, stated: ''As a matter of safety for all within our borders, perpetrators targeting perceived dissidents on behalf of any foreign government should not be permitted to reach American soil. . . We have made absolutely clear that extraterritorial threats and assaults by Saudi Arabia against activists, dissidents, and journalists must end.''.

SEC. 1293. SANCTIONS WITH RESPECT TO FOREIGN PERSONS LISTED IN THE REPORT OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON THE MURDER OF JAMAL KHASHOGGI.

(a) IMPOSITION OF SANCTIONS.—On and after the date that is 60 days after the date of the enactment of this Act, the sanctions described in subsection (b) shall be imposed with respect to each foreign person listed in the Office of the Director of National Intelligence report titled ''Assessing the Saudi Government's Role in the Killing of Jamal Khashoggi'', dated February 11, 2021.

(b) SANCTIONS DESCRIBED.—

(1) IN GENERAL.—The sanctions described in this subsection are the following:

(A) INELIGIBILITY FOR VISAS AND ADMISSION TO THE UNITED STATES.—

(i) Inadmissibility to the United States.

(ii) Ineligibility to receive a visa or other documentation to enter the United States.

(iii) Ineligibility to otherwise be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 110 et seq.).

(B) CURRENT VISAS REVOKED.—

(i) Revocation of any visa or other entry documentation regardless of when the visa or other entry documentation is or was issued.

(ii) A revocation under clause (i) shall—

(I) take effect immediately; and

(II) automatically cancel any other valid visa or entry documentation that is in the foreign person's possession.

(2) EXCEPTION TO COMPLY WITH INTERNATIONAL OBLIGATIONS.—Sanctions under paragraph (1) shall not apply with respect to a foreign person if admitting or paroling the person into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

(3) WAIVER IN THE INTEREST OF NATIONAL SECURITY.—The President may waive for an individual entry into the United States the application of this section with respect to a foreign person who is A-1 visa eligible and who is present in or seeking admission into the United States for purposes of official business if the President determines and transmits to the appropriate congressional committees an unclassified written notice and justification not later than 15 days before the granting of such waiver, that such a waiver is in the national security interests of the United States.

(c) SUSPENSION OF SANCTIONS.—

(1) IN GENERAL.—The President may suspend in whole or in part the imposition of sanctions otherwise required under this section if the President certifies to the appropriate congressional committees that the following criteria have been met in Saudi Arabia:

(A) The Government of Saudi Arabia is not arbitrarily detaining citizens or legal residents of the United States for arbitrary political reasons, including criticism of Saudi government policies, peaceful advocacy of political beliefs, or the pursuit of United States citizenship.

(B) The Government of Saudi Arabia is cooperating in outstanding criminal proceedings in the United States in which a Saudi citizen or national departed from the United States while the citizen or national was awaiting trial or sentencing for a criminal offense committed in the United States.

(C) The Government of Saudi Arabia has made significant numerical reductions in individuals detained for peaceful political reasons, including activists, journalists, bloggers, lawyers, or critics.

(D) The Government of Saudi Arabia has disbanded any units of its intelligence or security apparatus dedicated to the forced repatriation of dissidents or critical voices in other countries.

(E) The Government of Saudi Arabia has made meaningful public commitments to uphold internationally recognized standards governing the use, sale, and transfer of digital surveillance items and services that can be used to abuse human rights.

(F) The Government of Saudi Arabia has instituted meaningful legal reforms to protect the rights of women, the rights of freedom of expression and religion, and due process in its judicial system.

(2) REPORT.—Accompanying the certification described in paragraph (1), the President shall submit to the appropriate congressional committees a report that contains a detailed description of Saudi Arabia's adherence to the criteria described in the certification.

(d) DEFINITIONS.—In this section:

(1) ADMITTED; ALIEN.—The terms ''admitted'' and ''alien'' have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

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

(A) the Committee on Foreign Affairs, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Foreign Relations, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate.

(3) FOREIGN PERSON.—The term ''foreign person'' means any individual who is a citizen or national of a foreign country (including any such individual who is also a citizen or national of the United States).

(4) FOREIGN PERSON WHO IS A-1 VISA ELIGIBLE.—The term ''foreign person who is A-1 visa eligible'' means an alien described in section 101(a)(15)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(A)(i)).

(5) NATIONAL.—The term ''national'', with respect to an individual, has the meaning given that term in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(6) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity.

SEC. 1294. REPORT ON INTIMIDATION OR HARASSMENT DIRECTED AGAINST INDIVIDUALS IN THE UNITED STATES AND OTHER MATTERS.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of State, in consultation with the Director of National Intelligence and the Director of the Federal Bureau of Investigation, shall submit to the appropriate congressional committees a report identifying any entities, instrumentalities, or agents of the Government of Saudi Arabia engaged in ''a consistent pattern of acts of intimidation or harassment directed against individuals in the United States'' pursuant to section 6 of the Arms Export Control Act (22 U.S.C. 2756).

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include the following:

(1) A detailed description of such acts in the preceding period.

(2) A certification of whether such acts during the preceding period constitute a ''consistent pattern of acts of intimidation or harassment directed against individuals in the United States'' pursuant to section 6 of the Arms Export Control Act (22 U.S.C. 2756).

(3) A determination of whether any United States-origin defense articles were used in the commission of such acts.

(4) A determination of whether entities, instrumentalities, or agents of the Government of Saudi Arabia supported or received support from foreign governments, including China, in the commission of such acts.

(5) Any actions taken by the United States Government to deter incidents of intimidation or harassment directed against individuals in the United States.

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

(d) SUNSET.—This section shall terminate on the date that is 5 years after the date of the enactment of this Act.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

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

(2) the Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate.

SEC. 1295. REPORT ON EFFORTS TO UPHOLD HUMAN RIGHTS IN UNITED STATES SECURITY ASSISTANCE PROGRAMS WITH THE GOVERNMENT OF SAUDI ARABIA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on efforts of the Department of State to ensure that United States security assistance programs with Saudi Arabia are formulated in a manner that will ''avoid identification of the United States, through such programs, with governments which deny to their people internationally recognized human rights and fundamental freedoms'' in accordance with section 502B of the Foreign Assistance Act (22 U.S.C. 2304).

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

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

(2) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representative.

SEC. 1296. REPORT ON CERTAIN ENTITIES CONNECTED TO FOREIGN PERSONS ON THE MURDER OF JAMAL KHASHOGGI.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the heads of appropriate agencies, shall submit to the appropriate congressional committees a report on private, commercial, and nongovernmental entities, including nonprofit foundations, controlled in whole or in part by any foreign person named in the Office of the Director of National Intelligence report titled ''Assessing the Saudi Government's Role in the Killing of Jamal Khashoggi'', dated February 11, 2021.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include the following:

(1) A description of such entities.

(2) A detailed assessment, based in part on credible open sources and other publicly-available information, of the roles, if any, such entities played in the murder of Jamal Khashoggi or any other gross violations of internationally recognized human rights.

(3) A certification of whether any such entity is subject to sanctions pursuant to the Global Magnitsky Human Rights Accountability Act (22 U.S.C. 2656 note).

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

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate.

SA 4240. Mr. MENENDEZ (for himself, Mr. RUBIO, Mr. MERKLEY, and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1253. SAFE HARBOR FOR HONG KONG REFUGEES.

(a) DESIGNATION OF CERTAIN RESIDENTS OF HONG KONG AS PRIORITY 2 REFUGEES.—

(1) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Homeland Security, shall designate, as Priority 2 refugees of special humanitarian concern, the following categories of aliens:

(A) Individuals who are residents of the Hong Kong Special Administrative Region who suffered persecution, or have a well-founded fear of persecution, on account of their peaceful expression of political opinions or peaceful participation in political activities or associations.

(B) Individuals who have been formally charged, detained, or convicted on account of their peaceful actions as described in section 206(b)(2) of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5726).

(C) The spouses, children, and parents (as such terms are defined in subsections (a) and (b) of section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)) of individuals described in subparagraph (A) or (B), except such parents who are citizens of a country other than the People's Republic of China.

(2) PROCESSING OF HONG KONG REFUGEES.—The processing of individuals described in paragraph (1) for classification as refugees may occur in Hong Kong or in a third country.

(3) ELIGIBILITY FOR ADMISSION AS REFUGEES.—An alien may not be denied the opportunity to apply for admission as a refugee under this subsection primarily because such alien—

(A) qualifies as an immediate relative of a citizen of the United States; or

(B) is eligible for admission to the United States under any other immigrant classification.

(4) FACILITATION OF ADMISSIONS.—An applicant for admission to the United States from the Hong Kong Special Administrative Region may not be denied primarily on the basis of a politically motivated arrest, detention, or other adverse government action taken against such applicant as a result of the participation by such applicant in protest activities.

(5) EXCLUSION FROM NUMERICAL LIMITATIONS.—Aliens provided refugee status under this subsection shall not be counted against any numerical limitation under section 201, 202, 203, or 207 of the Immigration and Nationality Act (8 U.S.C. 1151, 1152, 1153, and 1157).

(6) REPORTING REQUIREMENTS.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of State and the Secretary of Homeland Security shall submit a report regarding the matters described in subparagraph (B) to—

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

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

(B) MATTERS TO BE INCLUDED.—Each report required under subparagraph (A) shall include—

(i) the total number of applications that are pending at the end of the reporting period;

(ii) the average wait-times for all applicants who are currently pending—

(I) employment verification;

(II) a prescreening interview with a resettlement support center;

(III) an interview with U.S. Citizenship and Immigration Services; or

(IV) the completion of security checks; and

(iii) the number of denials of applications for refugee status, disaggregated by the reason for each such denial.

(C) FORM.—Each report required under subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

(D) PUBLIC REPORTS.—The Secretary of State shall make each report submitted under this paragraph available to the public on the internet website of the Department of State.

(7) SATISFACTION OF OTHER REQUIREMENTS.—Aliens granted status under this subsection as Priority 2 refugees of special humanitarian concern under the refugee resettlement priority system shall be considered to satisfy the requirements under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) for admission to the United States.

(b) WAIVER OF IMMIGRANT STATUS PRESUMPTION.—

(1) IN GENERAL.—The presumption under the first sentence of section 214(b) of the Immigration and Nationality Act (8 U.S.C. 1184(b)) that every alien is an immigrant until the alien establishes that the alien is entitled to nonimmigrant status shall not apply to an alien described in paragraph (2).

(2) ALIEN DESCRIBED.—

(A) IN GENERAL.—An alien described in this paragraph is an alien who—

(i) is a resident of the Hong Kong Special Administrative Region on February 8, 2021;

(ii) is seeking entry to the United States to apply for asylum under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158); and

(iii)(I) had a leadership role in civil society organizations supportive of the protests in 2019 and 2020 relating to the Hong Kong extradition bill and the encroachment on the autonomy of Hong Kong by the People's Republic of China;

(II) had an organizing role for such protests;

(III) acted as a first aid responder for such protests;

(IV) suffered harm while covering such protests as a journalist;

(V) provided paid or pro-bono legal services to 1 or more individuals arrested for participating in such protests; or

(VI) during the period beginning on June 9, 2019, and ending on February 8, 2021, was formally charged, detained, or convicted for his or her participation in such protests.

(B) EXCLUSION.—An alien described in this paragraph does not include any alien who is a citizen of a country other than the People's Republic of China.

(c) REFUGEE AND ASYLUM DETERMINATIONS UNDER THE IMMIGRATION AND NATIONALITY ACT.—

(1) PERSECUTION ON ACCOUNT OF POLITICAL OPINION.—

(A) IN GENERAL.—For purposes of refugee determinations under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), an individual whose citizenship, nationality, or residency is revoked for having submitted to any United States Government agency a nonfrivolous application for refugee status, asylum, or any other immigration benefit under the immigration laws (as defined in section 101(a) of such Act (8 U.S.C. 1101(a))) shall be considered to have suffered persecution on account of political opinion.

(B) NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA.—For purposes of refugee determinations under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), a national of the People's Republic of China whose residency in the Hong Kong Special Administrative Region, or any other area within the jurisdiction of the People's Republic of China, as determined by the Secretary of State, is revoked for having submitted to any United States Government agency a nonfrivolous application for refugee status, asylum, or any other immigration benefit under the immigration laws shall be considered to have suffered persecution on account of political opinion.

(2) CHANGED CIRCUMSTANCES.—For purposes of asylum determinations under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158), the revocation of the citizenship, nationality, or residency of an individual for having submitted to any United States Government agency a nonfrivolous application for refugee status, asylum, or any other immigration benefit under the immigration laws shall be considered to be a changed circumstance under subsection (a)(2)(D) of such section.

(d) STATEMENT OF POLICY ON ENCOURAGING ALLIES AND PARTNERS TO MAKE SIMILAR ACCOMMODATIONS.—It is the policy of the United States to encourage allies and partners of the United States to make accommodations similar to the accommodations made under this Act for residents of the

Hong Kong Special Administrative Region who are fleeing oppression by the Government of the People's Republic of China.

(e) TERMINATION.—This section shall cease to have effect on the date that is 5 years after the date of the enactment of this Act.

SA 4241. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle H—Combating International Cybercrime

SEC. 1291. DEFINITIONS.

In this subtitle:

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

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

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

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Committee on Financial Services of the House of Representatives.

(2) CRITICAL INFRASTRUCTURE.—The term ''critical infrastructure'' means systems and assets, whether physical or virtual, that are so vital to the United States that the incapacity or destruction of such systems or assets would have a debilitating impact on the security, economic security, public health, or safety of the United States.

(3) CYBERCRIME GROUP.—The term ''cybercrime group'' means any group practicing, or which has significant subgroups which practice, international cybercrime.

(4) INTERNATIONAL CYBERCRIME.—The term ''international cybercrime'' means unlawful activities involving citizens, territory, or infrastructure of at least 1 country that is intended—

(A) to disrupt the confidentiality, integrity, or availability of information systems for financial gain or in order to economically benefit a third party;

(B) to damage, delete, deteriorate, alter, or suppress information systems; or

(C) to distribute credentials, access codes, or similar data.

(5) MAJOR CYBERCRIME INCIDENT.—The term ''major cybercrime incident'' means an act of cybercrime, or a series of such acts, that—

(A) results in the death of, or bodily injury to, 1 or more United States citizens;

(B) results in economic loss to United States persons in excess of—

(i) $5,000,000 in any single act of cybercrime; or

(ii) $50,000,000 in a series of acts of cybercrime; or

(C) materially disrupts United States critical infrastructure.

(6) STATE SPONSOR OF INTERNATIONAL CYBERCRIME..—The term ''state sponsor of international cybercrime'' means a country, the government of which systematically—

(A) commits international cybercrime;

(B) supports, facilitates, encourages, or expressly consents to international cybercrime by third parties, including contractors, proxies, and affiliates; or

(C) fails to take reasonable steps to detect, investigate, or address cybercrime occurring within its territory or through the use of its infrastructure.

SEC. 1292. FINDINGS.

Congress finds the following:

(1) Information and communication technologies underpin the prosperity and national security of the United States. However, the widespread use of these technologies also poses serious risks. In particular, cybercrime (criminal activity using digital means) presents an acute and growing threat to the economic, strategic, and security interests of the United States and its allies and partners.

(2) Cybercriminals cause massive harm. According to National Institute of Standards and Technology estimates, in 2016, United States businesses lost between $167,900,000,000 and $770,000,000,000 to cybercrime, corresponding to between 0.9 percent and 4.1 percent of the total United States gross domestic product that year. The related risk and harm to public health and safety is incalculable and can only be expected to grow as digital technologies become more intertwined in daily life.

(3) Using a wide variety of tactics, cybercriminals—

(A) steal United States intellectual property and sensitive personal information;

(B) defraud United States businesses and citizens; and

(C) disrupt infrastructure critical to Americans' health and safety.

(4) The use of ransomware (malicious software that encrypts and thereby prevents access to data) until a ransom, often costing millions of dollars, is paid is a an especially destructive form of cybercrime.

(5) In 2021, ransomware groups—

(A) crippled or endangered some of the United States' most critical infrastructure, including water utilities, hospitals, meat packing plants, and a critical fuel pipeline; and

(B) extracted hundreds of millions of dollars in ransom from United States businesses and their insurers.

(6) United States allies and partners have also suffered major losses from cybercrime. Recent ransomware victims include Swedish supermarkets, Ireland's national health service, a leading European insurer, and a major German chemical manufacturer.

(7) The Council of Europe's Convention on Cybercrime, done at Budapest November 23, 2001, states, ''an effective fight against cybercrime requires increased, rapid and well-functioning international cooperation in criminal matters'' and requires parties to outlaw digital fraud, digital forgery, intellectual property theft through digital means, and offenses against confidentiality, integrity, and availability of computer data and systems, among other misconduct.

(8) In July 2021, the United Nations Group of Governmental Experts on Advancing responsible State behavior in cyberspace, which includes experts from the United States, Russia, and China, issued a report stating that countries are expected to ''take all appropriate and reasonably available and feasible steps to detect, investigate and address'' known cybercriminal activity emanating from within their borders.

(9) Certain nations, including China, Russia, Iran, and North Korea, ignore, facilitate, or directly participate in cybercrime as a matter of national policy.

(10) Russia is a global haven for cybercriminals, including ransomware groups responsible for attacks on fuel pipelines, meat packing plants, and supermarkets in the United States and in Europe in 2021. These gangs operate freely and with the Kremlin's tacit approval. By allowing cybercriminals to operate with impunity, Russia threatens international stability, undermines international institutions, and disregards international norms.

(11) The People's Republic of China uses cybercrime—

(A) to undermine United States' interests; and

(B) to victimize United States' businesses and government agencies.

(12) In July 2021, Secretary of State Blinken stated, ''The PRC's Ministry of State Security (MSS) has fostered an ecosystem of criminal contract hackers who carry out both state-sponsored activities and cybercrime for their own financial gain. ... These contract hackers cost governments and business billions of dollars in stolen intellectual property, ransom payments, and cybersecurity mitigation efforts, all while the MSS has them on its payroll.''.

(13) Cybercrime is central to North Korea's geopolitical strategy, helping the Kim Jong Un regime maintain its grip on power and providing essential resources for the country's nuclear weapons program.

(14) In February 2021, the Department of Justice indicted 3 North Korean military intelligence agents for a ''wide-ranging criminal conspiracy to conduct a series of destructive cyberattacks, to steal and extort more than $1.3 billion of money and cryptocurrency from financial institutions and companies, to create and deploy multiple malicious cryptocurrency applications, and to develop and fraudulently market a blockchain platform.''.

(15) North Korean hackers are responsible for many of the most brazen cybercrime campaigns, including—

(A) the 2017 WannaCry global ransomware incident;

(B) the 2014 cyberattack on Sony Pictures; and

(C) the attempted theft of nearly $1,000,000,000 from the Central Bank of Bangladesh in 2016.

(16) The Iranian regime is a prolific sponsor of cybercrime. Hackers linked to Iran's Islamic Revolutionary Guard Corps target businesses, academic institutions, and research organizations around the world.

(17) In 2018, the Department of Justice indicted 9 Iranians for a coordinated campaign of cyber intrusions into computer systems belonging to 144 United States universities, 176 universities across 21 foreign countries, 47 domestic and foreign private sector companies, the Department of Labor, the Federal Energy Regulatory Commission, the State of Hawaii, the State of Indiana, the United Nations, and the United Nations Children's Fund.

SEC. 1293. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) all nations must take reasonable steps to stop cybercriminal activities from taking place within their territories or through their infrastructure;

(2) governments that tolerate, facilitate, or participate in cybercrime threaten the economic and national security of the United States, United States allies and partners, and the international community; and

(3) the rising threat of international cybercrime requires a robust, coordinated response from the United States Government, United States allies and partners, and the private sector—

(A) to prevent and counter international cybercriminal activity; and

(B) to impose significant and tangible costs on cybercriminal groups and on governments that tolerate, facilitate, or participate in cybercrime.

SEC. 1294. STATEMENT OF POLICY.

It shall be the policy of the United States—

(1) to prioritize efforts to counter international cybercrime in United States diplomatic, national security, and law enforcement activities related to cybersecurity and information communication technology;

(2) to cooperate with United States allies and partners to develop and implement strategies, policies, and institutions to address international cybercrime, including joint law enforcement efforts and efforts to develop effective international law and norms related to cybercrime control; and

(3) to identify and impose tangible costs on foreign governments that enable or engage in international cybercrime.

SEC. 1295. DESIGNATION OF STATE SPONSORS OF INTERNATIONAL CYBERCRIME.

(a) IDENTIFYING STATE SPONSORS OF INTERNATIONAL CYBERCRIME.—

(1) LIST OF STATE SPONSORS OF INTERNATIONAL CYBERCRIME.—Not later than 1 year after the date of the enactment of this Act, and not less frequently than annually thereafter, the Secretary of State shall—

(A) compile, or update, a list of countries that the Secretary has identified as state sponsors of international cybercrime; and

(B) make such list publicly available by publishing the list in the Federal Register and through other appropriate means.

(2) CONSULTATION.—In identifying state sponsors of international cybercrime pursuant to paragraph (1), the Secretary of State shall consult with the Attorney General, the Secretary of Homeland Security, the Director of National Intelligence, the Director of the Central Intelligence Agency, and the heads of other appropriate Federal agencies, and, to the extent the Secretary deems appropriate, officials of governments of countries that are allies or key partners of the United States.

(3) REMOVAL FROM LIST.—The identification by the Secretary that a country is a state sponsor of international cybercrime may not be rescinded after such country is included on the list described in paragraph (1)(A) unless the President submits to the Committee on Foreign Relations of the Senate, the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Financial Services of the House of Representatives—

(A) before the proposed rescission would take effect, a report certifying that—

(i) there has been a fundamental change in the leadership and policies of the government of such country;

(ii) such government is not a state sponsor of international cybercrime; and

(iii) such government has provided assurances that it will not engage in conduct in the future that would make such country a state sponsor of international cybercrime; or

(B) not later than 45 days before the proposed rescission would take effect, a report justifying the rescission and certifying that—

(i) the government of such country has not been a state sponsor of international cybercrime at any time during the preceding 18-month period; and

(ii) such government has provided assurances to the United States that the government will not engage in conduct in the future that would make such country a state sponsor of international cybercrime.

(4) PROHIBITION OF REMOVAL.—A rescission under paragraph (3) may not be made if Congress, not later than 45 days after receiving a report from the President under such paragraph, enacts a joint resolution stating, after the resolving clause, the following: ''That the proposed rescission of the identification of _____ as a state sponsor of international cybercrime, pursuant to the report submitted by the President to Congress on _____ is hereby prohibited.'', with the first blank filled in with the name of the applicable country and the second blank filled in with the appropriate date.

(b) RESTRICTION ON EXPORTS TO STATE SPONSORS OF INTERNATIONAL CYBERCRIME.—Section 1754 of the Export Controls Act of 2018 (50 U.S.C. 4813) is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

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

''(d) STATE SPONSORS OF INTERNATIONAL CYBERCRIME.—

''(1) COMMERCE LICENSE REQUIREMENT.—A license shall be required for the export, reexport, or in-country transfer of items, the control of which is implemented pursuant to subsection (a) by the Secretary, to a country if—

''(A) at the time of the proposed export, reexport, or in-country transfer of items, such country is identified as a state sponsor of international cybercrime on the list compiled or updated pursuant to section 1295(a)(1) of the National Defense Authorization Act for Fiscal Year 2021; and

''(B) the Secretary of State determines that the export, reexport, or in-country transfer of such items could materially enhance the ability of such country, or individuals or entities operating from its territory through its infrastructure, to commit, cause, or facilitate international cybercrime.

''(2) NOTIFICATION TO CONGRESS.—The Secretary of State shall include in the notification required under subparagraph (A)—

''(A) a detailed description of the items to be offered, including a brief description of the capabilities of any item for which a license to export, reexport, or in-country transfer the items is sought;

''(B) the reasons why the foreign country, person, or entity to which the export, reexport, or in-country transfer is proposed to be made has requested the items under the export, reexport, or in-country transfer, and a description of the manner in which such country, person, or entity intends to use such items;

''(C) the reasons why the proposed export, reexport, or in-country transfer is in the national interest of the United States;

''(D) an assessment of the ways in which the items proposed to be exported, reexported, or transferred in-country could be used for international cybercrime, and the likelihood that the items would be so used; and

''(E) an assessment of the potential harm to the United States or its allies if the items proposed to be exported, reexported, or transferred in-country were used for cybercrime.'';

(3) in subsection (f), as redesignated, by striking ''subsection (d)'' each place such term appears and inserting ''subsection (e)''; and

(4) in subsection (g), as redesignated, by striking ''subsection (d)'' each place such term appears and inserting ''subsection (e)''; and

(c) RESTRICTIONS ON MUNITIONS SALES TO STATE SPONSORS OF INTERNATIONAL CYBERCRIME.—Section 40 of the Arms Export Control Act (22 U.S.C. 2780) is amended—

(1) in the section heading, by adding at the end the following: ''**OR ACTS OF INTERNATIONAL CYBERCRIME**''; and

(2) by amending subsection (d) to read as follows:

''(d) STATE SPONSORS OF INTERNATIONAL TERRORISM OR INTERNATIONAL CYBERCRIME.—The prohibitions contained in this section apply with respect to a country if—

''(1) the Secretary of State determines that the government of such country has repeatedly provided support for acts of international terrorism, including any activity that the Secretary determines willfully aids or abets—

''(A) the international proliferation of nuclear explosive devices to an individual or group;

''(B) an individual or group in acquiring unsafeguarded special nuclear material; or

''(C) the efforts of an individual or group to use, develop, produce, stockpile, or otherwise acquire chemical, biological, or radiological weapons; or

''(2) at the time the transaction is proposed, such country is identified as a state sponsor of international cybercrime on the list compiled or updated pursuant to section 1295(a)(1) of the National Defense Authorization Act for Fiscal Year 2021.''.

(d) RESTRICTION ON FOREIGN ASSISTANCE TO STATE SPONSORS OF INTERNATIONAL CYBERCRIME.—Section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)) is amended to read as follows:

''(a) PROHIBITION.—The United States shall not provide any assistance under this chapter, the Food Peace Act [7 U.S.C. 1691 et seq.], the Peace Corps Act [22 U.S.C. 2501 et seq.], or the Export-Import Bank Act of 1945 [12 U.S.C. 635 et seq.] to any country if—

''(1) the Secretary of State determines that the government of such country has repeatedly provided support for acts of international terrorism; or

''(2) at the time the assistance is proposed to be provided, such country is identified as a state sponsor of international cybercrime on the list compiled or updated pursuant to section 1295(a)(1) of the National Defense Authorization Act for Fiscal Year 2021.''.

(e) ANNUAL COUNTRY REPORT ON INTERNATIONAL CYBERCRIME.—

(1) IN GENERAL.—Not later than April 30 of each year, the Secretary of State, in consultation with the Attorney General, the Secretary of Homeland Security, the Director of National Intelligence, and the Director of the Central Intelligence Agency, shall submit a full and complete report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that includes—

(A) detailed assessments with respect to—

(i) each foreign country that, at the time of such submission, is identified as a state sponsor of international cybercrime on the list compiled or updated pursuant to subsection (a)(1);

(ii) any other foreign country that is materially involved or implicated in international cybercrime;

(B) all relevant information about the activities during the preceding year of any cybercrime group, and any umbrella organization under which such group falls, which was responsible for a major cybercrime incident during the 5-year period immediately preceding such submission;

(C) with respect to each foreign country from which the United States Government has sought cooperation during such 5-year period in the investigation or prosecution of a major cybercrime incident—

(i) the extent to which the government of the foreign country is cooperating with the United States Government in apprehending, convicting, and punishing the individual or individuals responsible for such incident; and

(ii) the extent to which the government of the foreign country is cooperating in preventing further acts of international cybercrime against the United States; and

(D) with respect to each foreign country from which the United States Government has sought cooperation during the previous 5 years in the prevention or disruption of activity that could lead to a major cybercrime

incident, the information described in paragraph (3)(B).

(2) ADDITIONAL PROVISIONS.—In addition to the information described in paragraph (1), the report required under such paragraph shall describe—

(A) with respect to paragraph (1)(A)—

(i) direct involvement in international cybercrime, if any, of each country that is the subject of such report;

(ii) significant support for international cybercrime, if any, by each country that is the subject of such report, including—

(I) political and financial support;

(II) technical assistance;

(III) the use of state infrastructure or personnel;

(IV) protection from detection, prosecution, or extradition, whether by action or inaction; and

(V) intelligence;

(iii) the extent of knowledge by the government of each country that is the subject of such report with respect to international cybercrime occurring within its territory or through the use of its infrastructure;

(iv) the efforts of each country that is the subject of such report to detect, investigate, and address international cybercrime occurring within its territory or through the use of its infrastructure, including, as appropriate, steps taken in cooperation with the United States or in international fora;

(v) the positions (including voting records) on matters relating to cybercrime in the General Assembly of the United Nations and other international bodies and fora of each country that is the subject of such report;

(vi) the response of the judicial system of each country that is the subject of such report with respect to matters—

(I) relating to international cybercrime affecting United States citizens or interests; or

(II) that have, in the opinion of the Secretary, a significant impact on United States efforts relating to international cybercrime, including responses to extradition requests; and

(B)(i) any significant direct financial support provided to, or support for the activities of, groups or organizations referred to in paragraph (1)(B) by the government of each country that is the subject of such report;

(ii) any significant training, equipment, or other in-kind support to such groups or organizations by such governments; and

(iii) sanctuary from prosecution given by any such government to the members of such groups or organizations who are responsible for the commission, attempt, or planning of a major cybercrime incident;

(C) to the extent practicable, complete statistical information regarding the economic, security, and health and safety impacts of international cybercrime on the United States; and

(D) an analysis, as appropriate, of trends in international cybercrime, including changes in tactics, techniques, and procedures, demographic information on cybercriminals, and other appropriate information.

(3) CLASSIFICATION OF REPORT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the report required under paragraph (1), to the extent practicable—

(i) shall be submitted in an unclassified form; and

(ii) may be accompanied by a classified annex.

(B) EXCEPTION.—If the Secretary of State determines that the submission of the information with respect to a foreign country under subparagraph (C) or (D) of paragraph (1) in classified form would make more likely the cooperation of the government of such foreign country, the Secretary may submit such information in classified form.

SEC. 1296. IMPOSITION OF SANCTIONS WITH RESPECT TO MAJOR CYBERCRIME INCIDENTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and not less frequently than annually thereafter, the President shall—

(1) identify each foreign person that the President determines—

(A) knowingly engages in activities responsible for, or intended to cause, a major cybercrime incident;

(B) is owned or controlled by, or acts or purports to act for or on behalf of, directly or indirectly, a person described in subparagraph (A); or

(C) knowingly materially assists, sponsors, or provides financial, material, or technological support for, or goods or services in support of—

(i) an activity described in subparagraph (A); or

(ii) a person described in subparagraph (A) or (B), the property and interests in property of which are blocked pursuant to this section;

(2) except as provided under subsection (d), impose the sanctions described in subsection (b) with respect to each individual identified under paragraph (1); and

(3) except as provided under subsection (d), impose 5 or more of the sanctions described in subsection (c) with respect to each entity identified under paragraph (1).

(b) APPLICABLE SANCTIONS.—The sanctions referred to in subsection (a)(2) are the following:

(1) BLOCKING OF PROPERTY.—The President shall exercise all of the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of any individual identified under subsection (a)(1) if such property or interests in property—

(A) are in the United States;

(B) come within the United States; or

(C) come within the possession or control of a United States person.

(2) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE.—

(A) VISAS, ADMISSION, OR PAROLE.—Any alien identified under subsection (a)(1)—

(i) is inadmissible to the United States;

(ii) is ineligible to receive a visa or other documentation to enter the United States; and

(iii) is ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—The visa or other entry document issued to any alien identified under subsection (a)(1) is subject to revocation regardless of when such visa or document was issued.

(ii) IMMEDIATE EFFECT.—The revocation of an alien's visa or other entry document pursuant to clause (i)—

(I) shall take effect in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)); and

(II) shall cancel any other valid visa or entry document that is in the alien's possession.

(c) ADDITIONAL SANCTIONS.—The sanctions referred to in subsection (a)(3) are the following:

(1) EXPORT-IMPORT BANK ASSISTANCE FOR EXPORT TO SANCTIONED PERSONS.—The President may direct the Export-Import Bank of the United States not to approve the issuance of any guarantee, insurance, extension of credit, or participation in the extension of credit, or participation in the extension of credit in connection with the export goods or services to any entity identified under subsection (a)(1).

(2) EXPORT SANCTION.—The President may order the United States Government not to issue any specific license, and not to grant any other specific permission or authority to export any goods or technology, to any entity identified under subsection (a)(1) under—

(A) the Export Control Reform Act of 2018 (50 U.S.C. 4801 et seq.);

(B) the Arms Export Control Act (22 U.S.C. 2751 et seq.);

(C) the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(D) any other statute that requires the prior review and approval of the United States Government as a condition for the export or reexport of goods or services.

(3) LOANS FROM UNITED STATES FINANCIAL INSTITUTIONS.—The President may prohibit any United States financial institution from making loans or providing credits to an entity identified under subsection (a)(1) that totals more than $10,000,000 in any 12-month period unless—

(A) such entity is engaged in activities to relieve human suffering; and

(B) such loans or credits are specifically provided for such activities.

(4) LOANS FROM INTERNATIONAL FINANCIAL INSTITUTIONS.—The President may direct the United States executive director to each international financial institution to use the voice and vote of the United States to oppose any loan from the international financial institution that would benefit an entity identified under subsection (a)(1).

(5) PROHIBITIONS FOR FINANCIAL INSTITUTIONS.—The following prohibitions may be imposed against any entity identified under subsection (a)(1) that is a financial institution:

(A) PROHIBITION ON DESIGNATION AS PRIMARY DEALER.—Neither the Board of Governors of the Federal Reserve System nor the Federal Reserve Bank of New York may designate, or permit the continuation of any prior designation of, such entity as a primary dealer in United States government debt instruments.

(B) PROHIBITION ON SERVICE AS A REPOSITORY OF GOVERNMENT FUNDS.—Such entity may not serve as agent of the United States Government or serve as repository for United States Government funds.

(C) TREATMENT OF SANCTIONS.—For purposes of subsection (a)(3)—

(i) the imposition of a sanction under subparagraph (A) or (B) shall be treated as 1 sanction; and

(ii) the imposition of both sanctions under subparagraphs (A) and (B) shall be treated as 2 sanctions.

(6) PROCUREMENT SANCTION.—The United States Government may not procure, or enter into any contract for the procurement of, any goods or services from any entity identified under subsection (a)(1).

(7) FOREIGN EXCHANGE.—Pursuant to such regulations as the President may prescribe, the President may prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which any entity identified under subsection (a)(1) has any interest.

(8) BANKING TRANSACTIONS.—Pursuant to such regulations as the President may prescribe, the President may prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of an entity identified under subsection (a)(1).

(9) PROPERTY TRANSACTIONS.—Pursuant to such regulations as the President may prescribe, the President may prohibit any person from—

(A) acquiring, holding, withholding, using, transferring, withdrawing, transporting, or exporting any property that is subject to the jurisdiction of the United States and with respect to which any entity identified under subsection (a)(1) has any interest;

(B) dealing in or exercising any right, power, or privilege with respect to such property; or

(C) conducting any transaction involving such property.

(10) BAN ON INVESTMENT IN EQUITY OR DEBT OF SANCTIONED PERSON.—Pursuant to such regulations or guidelines as the President may prescribe, the President may prohibit any United States person from investing in or purchasing significant amounts of equity or debt instruments of any entity identified under subsection (a)(1).

(11) EXCLUSION OF CORPORATE OFFICERS.—The President may direct the Secretary of State to deny a visa to, and the Secretary of Homeland Security to exclude from the United States, any alien that the President determines is a corporate officer or principal of, or a shareholder with a controlling interest in, any entity identified under subsection (a)(1).

(12) SANCTIONS ON PRINCIPAL EXECUTIVE OFFICERS.—The President may impose on the principal executive officer or officers of any entity identified under subsection (a)(1), or on persons performing similar functions and with similar authorities as such officer or officers with respect to such entity, any of the sanctions under this subsection.

(d) NATIONAL SECURITY WAIVER.—The President may waive the imposition of sanctions under this section with respect to a foreign person, if the President—

(1) determines that such a waiver is in the national security interests of the United States; and

(2) not more than 15 days after issuing such waiver, submits to the appropriate congressional committees a notification of the waiver and the reasons for the waiver.

SA 4242. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. REPORT BY SECRETARY OF STATE ON FOREIGN MERCENARIES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Director of National Intelligence and the Secretary of Defense, shall submit to the appropriate congressional committees a report on the extent to which foreign mercenaries are being used by countries to train, equip, advise, participate in, or conduct military, security, police, or intelligence-gathering activities and operations.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) A description and evaluation of the use of foreign mercenaries, by country.

(2) A detailed description and evaluation of each such country's justification for the use of foreign mercenaries.

(3) The extent to which such foreign mercenaries are directly or indirectly sponsored or directed by the governments of their countries of origin.

(4) A description of any standards, laws, policies, or regulations that apply to the behavior of such mercenaries, including whether any judicial proceedings have been conducted against such mercenaries within the prior two years.

(5) An estimate of the number of United States citizens engaged in or suspected to be engaged in mercenary activities and operations, including the number of such citizens who have received an export license by the Department of State to engage in such activities or operations, disaggregated by foreign country in which such activities or operations have been authorized, including a description of any investigations that the Department has initiated or participated in concerning such citizens or any other United States citizen who has not received such an export license.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified and unredacted form, and not subject to any additional restriction on public dissemination, to the maximum extent feasible, but may include a classified, unredacted annex.

(d) DEFINITIONS.—In this section:

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

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

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

(2) MERCENARY.—The term ''mercenary'' means a person who—

(A) is not, as of the date on which the report required under subsection (a) is submitted, a member of the military, the security forces, or any law enforcement agency of the government of the country of which the person is a national; and

(B) is engaged in any military-, security-, or intelligence-related activity in a country of which such person is not a national and is not licensed or contracted for such activity by the Government of the United States.

SA 4243. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1253. ESTABLISHMENT OF JOINT INTERAGENCY TASK FORCE ON USE OF GRAY-ZONE TACTICS IN THE INDO-PACIFIC MARITIME DOMAIN.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall establish a joint interagency task force to assess, respond to, and coordinate with United States allies and partners in response to the use of gray-zone tactics by state and nonstate actors in the Indo-Pacific maritime domain.

(b) ACTIVITIES.—The task force established under subsection (a) shall—

(1) conduct domain awareness operations, intelligence fusion, and multi-sensor correlation to detect, monitor, disrupt, and deter suspected gray-zone activities;

(2) promote security cooperation and capacity building to respond to, disrupt, and deter gray-zone activities; and

(3) coordinate United States and partner country initiatives, including across diplomatic, political, economic, and military domains, to counter the use of gray-zone tactics by adversaries.

SA 4244. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1283. SECURITY IMPLICATIONS OF THE COUP IN SUDAN ON UNITED STATES SECURITY INTERESTS.

(a) REPORT.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State and the Director of National Intelligence, shall submit to the appropriate committees of Congress a report on the coup in Sudan on October 25, 2021.

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

(A) An assessment of the security implications of such coup for United States security interests in the Horn of Africa.

(B) An identification of any country that supported such coup.

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

(b) PROHIBITION ON ASSISTANCE.—

(1) IN GENERAL.—Amounts authorized to be appropriated by this Act, or any other Act, may not be obligated or expended to provide assistance to the Government of Sudan until the date on which the certification described in paragraph (2) is made.

(2) CERTIFICATION DESCRIBED.—The certification described in this paragraph is a certification by the Secretary of State to the appropriate committees of Congress that the following criteria have been met:

(A) The Prime Minister of Sudan, other civilian members of the Sovereign Council of Sudan, members of civil society, and other individuals detained in connection with the coup in Sudan on October 25, 2021, have been released from detention.

(B) Sudan has returned to constitutional rule under the transitional constitution.

(C) The state of emergency in Sudan has been lifted, including the full restoration of all means of communication.

(D) The military forces of Sudan, including the rapid support forces, have been ordered to return to their barracks.

(c) SANCTIONS.—The President shall immediately identify the leaders of the coup in Sudan on October 25, 2021, their accomplices, and foreign and United States persons that the President determines enabled the coup for the imposition of sanctions pursuant to applicable sanctions laws.

(d) OPPOSITION TO SUPPORT BY INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall use the voice

and vote of the United States in the international financial institutions (as defined in section 1701(c) of the International Financial Institutions Act (22 U.S.C. 262r(c))) to suspend all actions by those institutions related to loans or debt relief to Sudan until the Secretary of State submits the certification described in subsection (b)(2).

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

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

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

SA 4245. Mr. CRAPO (for himself and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 150. REPORT TO CONGRESS ON AIR FORCE CAPABILITIES ASSOCIATED WITH OPERATING IN A GPS-DEGRADED ENVIRONMENT.

(a) REPORT REQUIRED.—Not later than March 31, 2022, the Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics, in coordination with the Air Combat Command, shall submit to the congressional defense committees a report on—

(1) the procurement of Global Positioning System (GPS) jamming technologies that are training enablers for Air Force pilots to operate in a GPS-degraded environment; and

(2) the status of near-peer competitor efforts in the area of active denial of GPS capabilities.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An explanation of how narrow-beam directional GPS jamming technology is a training enabler to pilots operating in GPS-degraded environments.

(2) The level of investment made by the Air Force in the area of GPS jamming technology for training in GPS-degraded environments.

(3) A five-year plan, executable under the Program Objective Memorandum of the Air Force for fiscal year 2022, that will significantly advance the capabilities of the Air Force to train pilots in GPS-degraded environments.

(4) Recommendations for additional research and development of GPS jamming technologies that will enable development of Air Force capabilities and training in GPS-degraded environments, including systems that—

(A) can incorporate GPS jamming technology components that the Air Force has already invested in;

(B) leverage commercial-off-the-shelf technology to the fullest extent possible;

(C) use multiple sensors with a command and control that fuses tracks;

(D) possess automatic tracking capabilities that enable the targeting of individual aircraft with a steerable GPS jamming beam;

(E) possess airspace deconfliction capabilities organic to the command and control to ensure the safety of civilian or other military aircraft; and

(F) are highly mobile and capable of being rapidly deployed to remote operational environment areas with minimal organic support.

(5) A presentation of current systems, research, development, test, and evaluation of systems, procurement of systems, and other activities or technologies of near-peer competitors, including the People's Republic of China and the Russian Federation, that are being carried out to provide the capability to actively deny GPS-related technologies.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form.

SA 4246. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1253. EXPORT CONTROL MEASURES RELATING TO SEMICONDUCTOR MANUFACTURING INTERNATIONAL CORPORATION AND HUAWEI TECHNOLOGIES CO., LTD.

(a) REMOVAL FROM ENTITY LIST.—The President may not remove SMIC from the Entity List unless—

(1) the President certifies to the appropriate congressional committees that SMIC—

(A) has ceased the activities that were the basis for its addition to the Entity List consistent with the standards for removal of an entity from the Entity List established in the Export Administration Regulations;

(B) could not reasonably be expected to—

(i) resume activities that were the basis for its addition to the Entity List;

(ii) contribute directly or indirectly to the military or intelligence efforts of a country subject to a United States arms embargo; and

(iii) directly or indirectly develop technologies that may be used for violations of internationally recognized human rights, including the surveillance of individuals based on religious, ethnic, cultural, or political expressions or affiliations; and

(C) does not pose a threat to the national security or foreign policy interests of the United States or its allies; or

(2) the President removes SMIC from the Entity List in order to include SMIC on the Denied Persons List.

(b) REVISION OF LICENSING REGULATIONS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Commerce shall publish in the Federal Register a final rule revising the Export Administration Regulations to require that the following be subject to a presumption of denial:

(1) An application for a license or other authorization for the export, re-export, or in-country transfer to SMIC of items capable of supporting the development or production of semiconductors at technology nodes 16 nanometers or below.

(2) An application for a license or other authorization for exports, re-exports, or in-country transfers to Huawei Technologies Co., Ltd. or any of its successor entities or affiliates of items capable of supporting the development or production of semiconductors.

(c) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Commerce shall submit to the appropriate congressional committees a report on applications for licenses for the export, reexport, or in-country transfer of items to SMIC that were issued, denied, or returned without action during the year preceding submission of the report.

(2) MATTERS TO BE INCLUDED.—For each application for a license described in subparagraph (A), the report required by that subparagraph (A) shall include—

(A) an identification of the items to which the application is related;

(B) a description of the end-uses of the items;

(C) a description of the capabilities of the items;

(D) the quantity and value of the items;

(E) the identities of the entities seeking the license; and

(F) if the application was approved, a statement of how the approval of the license is consistent with the national security and foreign policy interests of the United States.

(d) DEFINITIONS.—In this section:

(1) AFFILIATE.—The term ''affiliate'', with respect to an entity, means any other entity that owns or controls, is owned or controlled by, or is under common ownership or control with, the entity.

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

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

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

(3) DENIED PERSONS LIST.—The term ''Denied Persons List'' means the list maintained by the Bureau of Industry and Security of the Department of Commerce and pursuant to section 764.3(a)(2) of the Export Administration Regulations.

(4) ENTITY LIST.—The term ''Entity List'' means the list maintained by the Bureau of Industry and Security of the Department of Commerce and set forth in Supplement No. 4 to part 744 of the Export Administration Regulations.

(5) EXPORT; EXPORT ADMINISTRATION REGULATIONS; IN-COUNTRY TRANSFER; ITEMS; REEXPORT.—The terms ''export'', ''Export Administration Regulations'', ''in-country transfer'', ''items'', and ''reexport'' have the meanings given those terms in section 1742 of the Export Control Reform Act of 2018 (50 U.S.C. 4801).

(6) SMIC.—The term ''SMIC'' means the Semiconductor Manufacturing International Corporation and any of its successor entities or affiliates.

SA 4247. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ESTABLISHMENT OF OFFICE OF INTELLIGENCE IN DEPARTMENT OF AGRICULTURE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Subtitle A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6912 et seq.) is amended by adding at the end the following:

''SEC. 224B. OFFICE OF INTELLIGENCE.

''(a) ESTABLISHMENT.—There is established in the Department an Office of Intelligence. The Office shall be under the National Intelligence Program.

''(b) DIRECTOR.—

''(1) IN GENERAL.—The Office shall be headed by the Director of the Office of Intelligence, who shall be an employee in the Senior Executive Service and who shall be appointed by the Secretary. The Director shall report directly to the Secretary.

''(2) QUALIFICATIONS.—The Secretary shall select an individual to serve as the Director from among individuals who have significant experience serving in the intelligence community.

''(3) STAFF.—The Director may appoint and fix the compensation of such staff as the Director considers appropriate, except that the Director may not appoint more than 5 full-time equivalent positions at an annual rate of pay equal to or greater than the maximum rate of basic pay for GS–15 of the General Schedule.

''(4) DETAIL OF PERSONNEL OF INTELLIGENCE COMMUNITY.—Upon the request of the Director, the head of an element of the intelligence community may detail any of the personnel of such element to assist the Office in carrying out its duties. Any personnel detailed to assist the Office shall not be taken into account in determining the number of full-time equivalent positions of the Office under paragraph (3).

''(c) DUTIES.—The Office shall carry out the following duties:

''(1) The Office shall be responsible for leveraging the capabilities of the intelligence community and National Laboratories intelligence-related research, to ensure that the Secretary is fully informed of threats by foreign actors to United States agriculture.

''(2) The Office shall focus on understanding foreign efforts to—

''(A) steal United States agriculture knowledge and technology; and

''(B) develop or implement biological warfare attacks, cyber or clandestine operations, or other means of sabotaging and disrupting United States agriculture.

''(3) The Office shall prepare, conduct, and facilitate intelligence briefings for the Secretary and appropriate officials of the Department.

''(4) The Office shall operate as the liaison between the Secretary and the intelligence community, with the authority to request intelligence collection and analysis on matters related to United States agriculture.

''(5) The Office shall collaborate with the intelligence community to downgrade intelligence assessments for broader dissemination within the Department.

''(6) The Office shall facilitate sharing information on foreign activities related to agriculture, as acquired by the Department with the intelligence community.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Office $970,000 for fiscal year 2022.

''(e) DEFINITIONS.—In this section, the following definitions apply:

''(1) The term 'Director' means the Director of the Office of Intelligence appointed under subsection (b).

''(2) The terms 'intelligence community' and 'National Intelligence Program' have the meaning given such terms in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

''(3) The term 'Office' means the Office of Intelligence of the Department established under subsection (a).''.

(2) CONFORMING AMENDMENTS.—

(A) Subtitle A of the Department of Agriculture Reorganization Act of 1994 is amended by redesignating the first section 225 (relating to Food Access Liaison) (7 U.S.C. 6925) as section 224A.

(B) Section 296(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b)) is amended by adding at the end the following:

''(11) The authority of the Secretary to carry out section 224B.''.

(b) CONFORMING AMENDMENTS RELATING TO EXISTING FUNCTIONS AND AUTHORITIES.—

(1) EXISTING FUNCTIONS OF OFFICE OF HOMELAND SECURITY OF DEPARTMENT RELATING TO INTELLIGENCE ON THREATS TO FOOD AND AGRICULTURE CRITICAL INFRASTRUCTURE SECTOR.—

(A) IN GENERAL.—Section 221(d) of the Department of Agriculture Reorganization Act (7 U.S.C. 6922(d)) is amended—

(i) by striking paragraphs (4) and (5); and

(ii) by redesignating paragraphs (6) through (8) as paragraphs (4) through (6), respectively.

(B) TRANSFER OF RELATED PERSONNEL AND ASSETS OF OFFICE OF HOMELAND SECURITY.—The functions which the Office of Homeland Security of the Department of Agriculture exercised under paragraphs (4) and (5) of section 221(d) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6922(d)) before the effective date of this paragraph, together with the funds, assets, and other resources used by the Director of the Office of Homeland Security of the Department of Agriculture to carry out such functions before the effective date of this paragraph, are transferred to the Director of the Office of Intelligence of the Department of Agriculture.

(2) CARRYING OUT INTERAGENCY EXCHANGE PROGRAM FOR DEFENSE OF FOOD AND AGRICULTURE CRITICAL INFRASTRUCTURE SECTOR.—Section 221(e) of the Department of Agriculture Reorganization Act (7 U.S.C. 6922(e)) is amended by adding at the end the following new paragraph:

''(3) AUTHORITY OF DIRECTOR OF OFFICE OF INTELLIGENCE AND COUNTERINTELLIGENCE.—The Secretary shall carry out this subsection acting through the Director of the Office of Intelligence of the Department.''.

(3) COORDINATING WITH INTELLIGENCE COMMUNITY ON POTENTIAL THREATS TO AGRICULTURE.—Section 335(a)(3) of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (7 U.S.C. 3354(a)(3)) is amended by striking ''strengthen coordination'' and inserting ''acting through the Director of the Office of Intelligence in the Department of Agriculture, strengthen coordination''.

(4) EFFECTIVE DATE.—This subsection and the amendments made by this subsection shall take effect upon the appointment of the Director of the Office of Intelligence in the Department of Agriculture under section 224B(b) of the Department of Agriculture Reorganization Act of 1994 (as added by subsection (a)(1)).

SA 4248. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. REAUTHORIZATION OF SBIR AND STTR PROGRAMS.

(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended by striking ''September 30, 2022'' and inserting ''September 30, 2027''.

(b) STTR.—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended by striking ''2022'' and inserting ''2027''.

(c) PILOT PROGRAM.—Section 9(gg)(7) of the Small Business Act (15 U.S.C. 638(gg)(7)) is amended by striking ''2022'' and inserting ''2027'',

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SA 4249. Ms. DUCKWORTH (for herself and Ms. ERNST) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1224. ASSESSMENT OF THE COUNTER-UNMANNED AERIAL SYSTEMS (UAS) CAPABILITY OF PARTNER FORCES IN IRAQ.

(a) IN GENERAL.—Not later than March 1, 2022, the Secretary of Defense shall submit to the congressional defense committees an assessment of—

(1) the current state of counter-UAS capability of partner forces in Iraq, including in the Iraqi Kurdistan Region; and

(2) its implications for the security of United States and partner forces in the region against UAS attack.

(b) ELEMENTS.—The assessment required by subsection (a) shall include descriptions of—

(1) the current level of counter-UAS training and equipment available to partner forces in Iraq, including in the Iraqi Kurdistan Region;

(2) the type of additional training and equipment needed to maximize the level of counter-UAS capability of partner forces in Iraq, including in the Iraqi Kurdistan Region;

(3) the availability of additional training and equipment required to maximize partner forces' counter-UAS capability;

(4) an assessment of the current and anticipated threat from UAS systems to Iraqi and coalition security forces to determine the appropriate level of requirements for counter-UAS systems and training; and

(5) any other matters the Secretary of Defense determines appropriate.

SA 4250. Mr. WHITEHOUSE (for himself and Mr. TOOMEY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

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

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

SEC. 1237. INCLUSION OF PORTUGAL AMONG FOREIGN STATES WHOSE NATIONALS ARE ELIGIBLE FOR E VISAS.

(a) SHORT TITLES.—This section may be cited as the ''Advancing Mutual Interests and Growing Our Success Act'' or the ''AMIGOS Act''.

(b) NONIMMIGRANT TRADERS AND INVESTORS.—For purposes of clauses (i) and (ii) of section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)), Portugal shall be considered to be a foreign state described in such section if the Government of Portugal provides similar nonimmigrant status to nationals of the United States.

SA 4251. Mr. PADILLA submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1264. REPORT ON NAGORNO KARABAKH CONFLICT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense, shall submit to the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report on the 2020 conflict in Nagorno Karabakh.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the use of any United States-origin equipment in the 2020 conflict in Nagorno Karabakh, including any potential violations of the Arms Export Control Act (22 U.S.C. 2751 et seq.), sanctions laws, or other provisions of United States law related to the use of United States-origin parts and technology in a conflict.

(2) An assessment of the use of white phosphorous, cluster bombs, and other prohibited munitions in the conflict, including an assessment of any potential violations of United States or international law related to the use of such munitions.

(3) A description of the involvement of foreign actors in the conflict, including a description of the military activities, influence operations, and diplomatic engagement by foreign countries before, during, and after the conflict, and any efforts by parties to the conflict or foreign actors to recruit or employ foreign fighters during the conflict.

(4) Any other matter the Secretary of State considers important.

SA 4252. Mr. PADILLA submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 356. APPROPRIATION OF AMOUNTS FOR CLEANUP OF PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.

(a) APPROPRIATION.—There is appropriated to the Secretary of Defense for operation and maintenance, out of amounts in the Treasury not otherwise appropriated, $549,000,000, to be used for testing and response actions relating to perfluoroalkyl and polyfluoroalkyl substances.

(b) AVAILABILITY.—The amount appropriated under subsection (a) shall be made available as follows:

(1) For the Department of the Army, $100,000,000.

(2) For the Department of the Navy, $174,000,000.

(3) For the Department of the Air Force, $175,000,000.

(4) For the Department of Defense for cleanup at formerly used defense sites, $100,000,000.

(c) EMERGENCY DESIGNATION.—

(1) IN GENERAL.—The amounts appropriated under subsection (a) are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(2) DESIGNATION IN SENATE.—In the Senate, subsection (a) is designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

SA 4253. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1516. SPACE TECHNOLOGY ADVISORY COMMITTEE.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Aviation Administration.

(2) APPLICATION.—The term ''application'' means an application, petition, or other request for a license, including an application, petition, or other request to transfer a license that has already been issued.

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

(4) COMMITTEE.—The term ''Committee'' means the committee established by subsection (b)(1).

(5) COMMITTEE ADVISOR.—The term ''Committee advisor'' means an individual described in subsection (b)(2)(B).

(6) COMMITTEE MEMBER.—The term ''Committee member'' means an individual described in subsection(b)(2)(A).

(7) LEAD MEMBER.—The term ''lead member'' means a Committee member designated under subsection (b)(4) to carry out a specific duty of the Committee.

(8) LICENSE.—The term ''license'' means a license for—

(A) a launch site;

(B) a launch and reentry vehicle;

(C) a commercial spaceport;

(D) a commercial Earth remote sensing satellite; or

(E) commercial satellite communications.

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(b) COMMITTEE TO ADVISE SPACE LICENSING AUTHORITIES.—

(1) ESTABLISHMENT.—There is established a committee to assist the Administrator, the Secretary, and the Commission in conducting reviews of applications and licenses for the purpose of determining whether granting the applications or maintaining the licenses poses a risk to the national security or law enforcement or public safety interests of the United States.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Committee shall be comprised of the following Committee members:

(i) The head, or a senior executive-level designee of the head, of each of the following:

(I) The Department of Defense.

(II) The Department of Homeland Security.

(III) The Department of Justice.

(IV) The Office of the Director of National Intelligence.

(V) The Federal Aviation Administration.

(VI) The National Space Council.

(VII) The Department of Commerce.

(ii) The head of any other executive department of agency, or any Assistant to the President, as the President considers appropriate.

(B) ADVISORY MEMBERS.—In addition to the Committee members, the following individuals shall serve as Committee advisors:

(i) The head, or a senior executive-level designee of the head, of each of the following:

(I) The Department of State.

(II) The Office of the United States Trade Representative.

(III) The Department of the Treasury.

(IV) The Securities and Exchange Commission.

(V) The Federal Communications Commission.

(VI) The Environmental Protection Agency.

(VII) The Department of the Interior.

(VIII) The Office of Science and Technology Policy.

(IX) The Federal Bureau of Investigation.

(ii) The Assistant to the President for National Security Affairs.

(3) CHAIRPERSON.—

(A) IN GENERAL.—The Secretary of Defense shall serve as the chairperson of the Committee.

(B) EXCLUSIVE AUTHORITY.—The chairperson shall have the exclusive authority to act, or to authorize any other Committee member to act, on behalf of the Committee, including by communicating with the Administrator, the Secretary, the Commission, and applicants and licensees.

(4) LEAD MEMBERS.—The chairperson shall designate one or more Committee members to serve as a lead member for carrying out a Committee duty, consistent with the Committee member's statutory authority.

(5) ASSISTANT SECRETARY FOR SPACE REVIEW.—

(A) IN GENERAL.—The chairperson shall establish within the Office of the Under Secretary of Defense for Acquisition and Sustainment the position of Assistant Secretary for Space Review, which position shall be principally related to the Committee, as delegated by the Secretary of Defense.

(B) DUTIES.—The duties of the Assistant Secretary for Space Review shall be—

(i) to prioritize the organization and management of Committee meetings; and

(ii) to produce written archival records of Committee actions.

(6) INFORMATION SHARING AND CONSULTATION.—The chairperson and each lead member shall—

(A) keep the Committee fully informed of their respective activities on behalf of the Committee; and

(B) consult the Committee before taking any material action under this section.

(7) DUTIES.—

(A) RECEIPT OF APPLICATIONS AND LICENSES.—The Administrator, the Secretary, and the Commission shall refer all applications and licenses to the Committee, and the Committee shall receive such applications and licenses, for review and determination.

(B) REVIEW OF APPLICATIONS AND LICENSES.—

(i) IN GENERAL.—The Committee shall—

(I) conduct a review and assessment of each application and license received;

(II) with respect to each such application and license—

(aa) submit questions or requests for information to the applicant, licensee, or any other entity for purposes of the assessment under item (bb);

(bb) assess whether granting the application or maintaining the license would pose a risk to the national security or law enforcement or public safety interests of the United States;

(cc) in the case of an application or a license with respect to which the Committee determines such a risk exists, determine whether, as applicable—

(AA) the application should be granted or denied; or

(BB) the license should be maintained or revoked; and

(dd) in the case of an application or license determined to pose such a risk that may be addressed through approval with conditions—

(AA) not later than 30 days after the date on which the Committee receives such application or license for review, propose to the Administrator, the Secretary, or the Commission, as applicable, the measures necessary to address the risk, and recommend that the application only be granted, or the license only maintained, on the condition of compliance by the applicant or licensee with such measures;

(BB) if the Administrator, the Secretary, or the Commission approves the measures proposed under subitem (AA) and grants the application, or maintains the license, communicate with the applicant or licensee with respect to such measures; and

(CC) monitor compliance with such measures.

(ii) TIMELINE.—Not later than 30 days after the date on which the chairperson determines under subparagraph (D) that the response of the applicant or licensee to any question or information request is complete, the Committee shall complete the review under this subparagraph.

(iii) NOTIFICATION.—The chairperson shall notify the Administrator, the Secretary, or the Commission, as applicable, of any application or license determined by the Committee to warrant a secondary assessment.

(C) SECONDARY ASSESSMENT OF APPLICATIONS AND LICENSES.—

(i) IN GENERAL.—The Committee shall—

(I) conduct a secondary assessment of any application or license determined by the Committee to pose a risk to the national security or law enforcement or public safety interests of the United States that cannot be addressed through standard mitigation measures; and

(II) with respect to each such application or license—

(aa) submit additional questions or requests for information to the applicant, licensee, or any other entity to determine whether there are unresolved concerns; and

(bb) make a recommendation to the Administrator, the Secretary, or the Commission, as applicable, on whether the application should be denied or the license should be revoked.

(ii) TIMELINE.—Not later than 90 days after the date on which the Committee determines that a secondary assessment under this subparagraph is warranted, the Committee shall complete the assessment.

(iii) NOTIFICATION.—The chairperson, in coordination with the Administrator, the Secretary, and the Commission, shall notify the National Security Council and the President of any application or license with respect to which the Committee recommends a denial or revocation.

(D) REQUESTS FOR ADDITIONAL INFORMATION.—

(i) IN GENERAL.—Not later than 15 days after receiving a response to questions or requests for additional information submitted to an applicant, licensee, or any other entity pursuant to an review under subparagraph (B) or a secondary assessment under subparagraph (C), the Committee shall—

(I) make a determination as to whether such response is complete; and

(II) notify the Administrator, the Secretary, or the Commission, as applicable, of such determination.

(ii) FAILURE TO RESPOND.—

(I) IN GENERAL.—In the case of an applicant, licensee, or other entity that fails to respond to such questions or requests for additional information, the Committee may make a recommendation to the Administrator, the Secretary, or the Commission, as applicable—

(aa) to deny the application concerned without prejudice; or

(bb) to rescind the license concerned.

(II) NOTIFICATION.—

(aa) EXTENSION.—The chairperson shall notify the Administrator, the Secretary, or the Commission, as applicable, of any extension of the review or secondary assessment period.

(bb) DENIAL.—The chairperson, in coordination with the Administrator, the Secretary, or the Commission, as applicable, shall notify the National Security Council and the President of any recommendation by the Committee to deny an application or rescind a license.

(iii) CONFIDENTIALITY.—Information submitted to the Committee shall not be disclosed to any individual or entity outside the departments or agencies of Committee members and Committee advisors, except as appropriate and consistent with procedures governing the handling of classified or otherwise privileged information.

(E) NOTIFICATION OF NO OBJECTIONS.—If the Committee does not have a recommendation or an objection to granting an application or maintaining a license, the Committee shall so notify the Administrator, the Secretary, or the Commission, as applicable.

(F) OTHER DUTIES.—The Committees shall conduct other related duties, as the chairperson considers appropriate.

(c) THREAT ANALYSIS.—With respect to each application and license reviewed by the Committee, the Director of National Intelligence, in coordination with the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)), shall issue a written assessment of any threat to the national security interests of the United States posed by granting the application or maintaining the license.

SA 4254. Ms. HASSAN (for herself and Mr. THUNE) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2____. APPLICATION OF PUBLIC-PRIVATE TALENT EXCHANGE PROGRAMS IN THE DEPARTMENT OF DEFENSE TO QUANTUM INFORMATION SCIENCES AND TECHNOLOGY RESEARCH.

In carrying out section 1599g of title 10, United States Code, the Secretary of Defense may establish public-private exchange programs, each with up to 10 program participants, focused on private sector entities working on quantum information sciences and technology research applications.

SEC. 2____. MODIFICATION OF SCIENCE, MATHEMATICS, AND RESEARCH FOR TRANSFORMATION (SMART) DEFENSE EDUCATION PROGRAM.

(a) IN GENERAL.—Section 2192a(b) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(4) The Secretary shall, to the degree the Secretary considers practicable and appropriate, allow a person receiving financial assistance under this section to delay completion of the person's service obligation under this section until the person has completed—

''(A) the terminal degree program of education that is typically expected in the field the person is pursuing; or

''(B) a post-graduate fellowship at a non-Department laboratory.

''(5) In employing participants during the period of obligated service, the Secretary shall strive to ensure that participants are compensated, to the extent practicable, at a rate that is comparable to the rate of compensation for employment in a similar position in the private sector.''.

(b) REPORT ON QUANTUM SCIENCE ACTIVITIES WITHIN SMART PROGRAM.—Not later than three years after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on participation and use of the program under section 2192a of title 10, United States Code, as amended by this subsection, with a particular focus on levels of interest from students engaged in studying quantum fields.

SEC. 2____. IMPROVEMENTS TO DEFENSE QUANTUM INFORMATION SCIENCE AND TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.

(a) FELLOWSHIPS.—Section 234 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2358 note) is amended—

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

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

''(f) FELLOWSHIPS.—

''(1) PROGRAM REQUIRED.—In carrying out the program required by subsection (a) and subject to the availability of appropriations to carry out this subsection, the Secretary shall carry out a program of fellowships in quantum information science and technology research and development for individuals who have a graduate or post-graduate degree.

''(2) GUIDELINES.—The Secretary shall award fellowships under the program required by paragraph (1) pursuant to guidelines that the Secretary shall establish and using appropriate authorities and programs available to the Secretary.

''(3) EQUAL ACCESS.—In carrying out the program required by paragraph (1), the Secretary shall establish procedures to ensure that minority, geographically diverse, and economically disadvantaged students have equal access to fellowship opportunities under such program.''.

(b) MULTIDISCIPLINARY PARTNERSHIPS WITH UNIVERSITIES.—Such section is further amended—

(1) by redesignating subsection (g), as redesignated by subsection (a)(1), as subsection (h); and

(2) by inserting after subsection (f), as added by subsection (a)(2), the following new subsection (g):

''(g) MULTIDISCIPLINARY PARTNERSHIPS WITH UNIVERSITIES.—In carrying out the program under subsection (a), the Secretary of Defense may develop partnerships with universities to enable students to engage in multidisciplinary courses of study.''.

(c) COMPTROLLER GENERAL OF THE UNITED STATES ASSESSMENT OF PROGRAM.—

(1) ASSESSMENT AND BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall—

(A) commence an assessment of the program carried out under section 234 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2358 note), as amended by this section, with consideration of the report submitted under subsection (h) of such section (as redesignated by subsection (b)(2) of this section); and

(B) provide the congressional defense committees a briefing on the preliminary findings of the Comptroller General with respect to such program.

(2) FINAL REPORT.—At a date agreed to by the Comptroller General and the congressional defense committees at the briefing provided pursuant to paragraph (1)(B), the Comptroller General shall submit to the congressional defense committees a final report with the findings of the Comptroller General with respect to the assessment conducted under paragraph (1)(A).

SEC. 2___. IMPROVEMENTS TO NATIONAL QUANTUM INITIATIVE PROGRAM.

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

(1) the execution of the National Defense Strategy is critical to national security; and

(2) the success of the National Quantum Initiative Program is necessary for the Department of Defense to carry out the National Defense Strategy.

(b) DEPARTMENT OF DEFENSE PARTICIPATION IN NATIONAL QUANTUM INITIATIVE PROGRAM.—

(1) CONSULTATION.—Section 234 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2358 note), as amended by section **[**2___**]**, is further amended by inserting after subsection (h), as redesignated by section **[**2___**]**, the following new subsection:

''(i) CONSULTATION.—The Secretary of Defense shall consult with the Secretary of Energy, the Director of the National Institute of Standards and Technology, the Director of the National Science Foundation, and such other officials as the Secretary of Defense considers appropriate in development of efforts to conduct basic research to accelerate scientific breakthroughs in quantum information science and technology.''.

(c) ADDITIONAL IMPROVEMENTS REGARDING CONSULTATION AND COORDINATION.—

(1) IN GENERAL.—The Secretary of Energy, the Secretary of Commerce acting through the Director of the National Institute of Standards and Technology, the Director of the National Science Foundation, and the heads of other Federal agencies participating in the National Quantum Initiative Program shall consult with each other and the heads of other relevant Federal agencies, including the Secretary of Defense and the Director of National Intelligence, to carry out the goals of the National Quantum Initiative Program.

(2) INVOLVEMENT OF DEPARTMENT OF DEFENSE AND INTELLIGENCE COMMUNITY IN NATIONAL QUANTUM INITIATIVE ADVISORY COMMITTEE.—

(A) QUALIFICATIONS.—Subsection (b) of section 104 of the National Quantum Initiative Act (Public Law 115–368; 15 U.S.C. 8814) is amended by striking ''and Federal laboratories'' and inserting ''Federal laboratories, and defense and intelligence researchers''.

(B) INTEGRATION.—Such section is amended—

(i) by redesignating subsections (e) through (g) as subsection (f) through (h), respectively; and

(ii) by inserting after subsection (d) the following new subsection (e):

''(e) INTEGRATION OF DEPARTMENT OF DEFENSE AND INTELLIGENCE COMMUNITY.—The Advisory Committee shall take such actions as may be necessary, including by modifying policies and procedures of the Advisory Committee, to ensure the full integration of the Department of Defense and the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) in activities of the Advisory Committee.''.

(3) CLARIFICATION OF PURPOSE OF MULTIDISCIPLINARY CENTERS FOR QUANTUM RESEARCH AND EDUCATION.—Section 302(c) of the National Quantum Initiative Act (Public Law 115–368; 15 U.S.C. 8842(c)) is amended—

(A) in paragraph (2), by striking ''; and'' and inserting a semicolon;

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

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

''(4) encouraging workforce collaboration, both with private industry and among Federal entities, including national defense agencies and the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)).''.

(4) COORDINATION OF NATIONAL QUANTUM INFORMATION SCIENCE RESEARCH CENTERS.—Section 402(d) of the National Quantum Initiative Act (Public Law 115–368; 15 U.S.C. 8852(d)) is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following new paragraph (2):

''(2) other research entities of the Federal government, including research entities in the Department of Defense and research entities in the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003));''.

(5) NATIONAL QUANTUM COORDINATION OFFICE, COLLABORATION WHEN REPORTING TO CONGRESS.—Section 102 of the National Quantum Initiative Act (Public Law 115–368; 15 U.S.C. 8812) is amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following new subsection (c):

''(c) COLLABORATION WHEN REPORTING TO CONGRESS.—The Coordination Office shall ensure that when participants in the National Quantum Initiative Program prepare and submit reports to Congress that they do so in collaboration with each other and as appropriate Federal civilian, defense, and intelligence research entities.''.

(6) REPORTING TO ADDITIONAL COMMITTEES OF CONGRESS.—Paragraph (2) of section 2 of such Act (15 U.S.C. 8801) is amended to read as follows:

''(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term 'appropriate committees of Congress' means—

''(A) the Committee on Commerce, Science, and Transportation, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate; and

''(B) the Committee on Energy and Commerce, the Committee on Science, Space, and Technology, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives.''.

SA 4255. Ms. HASSAN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SUPPORT AND SERVICES FOR CRITICAL INFRASTRUCTURE.

Section 2012 of title 10, United States Code, is amended—

(1) in subsection (e)—

(A) by redesignating paragraph (3) as paragraph (4); and

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

''(3) Critical infrastructure (as defined in the Critical Infrastructures Protection Act of 2001 (42 U.S.C. 5195c)).''; and

(2) in subsection (f), by adding at the end the following new paragraph:

''(5) Procedures to ensure that assistance provided to an entity specified in subsection (e)(3) is provided in a manner that is consistent with similar assistance provided under authorities applicable to other Federal departments and agencies, including the authorities of the Cybersecurity and Infrastructure Agency under title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.).''.

SA 4256. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 376. BRIEFING ON AIR FORCE PLAN FOR CERTAIN AEROSPACE GROUND EQUIPMENT MODERNIZATION.

Not later than March 1, 2022, the Secretary of the Air Force shall provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives on current and future plans for the replacement of aging aerospace ground equipment, which shall include—

(1) an analysis of the average yearly cost to the Air Force of maintaining legacy and out-of-production air start carts;

(2) a comparison of the cost of reconditioning existing legacy systems compared to the cost of replacing such systems with next-generation air start carts;

(3) an analysis of the long-term maintenance and fuel savings that would be realized by the Air Force if such systems were upgraded to next-generation air start carts;

(4) an analysis of the tactical and logistical benefits of transitioning from current aerospace ground equipment systems to modern systems; and

(5) an overview of existing and future plans to replace legacy air start carts with modern aerospace ground equipment technology.

SA 4257. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1516. PROHIBITION ON THE USE OF AIR FORCE PERSONNEL TO PROVIDE OPERATING SUPPORT TO SPACE FORCE INSTALLATIONS.

(a) IN GENERAL.—Subject to subsection (b), the Secretary of the Air Force may not use Air Force personnel to provide operating support to Space Force installations after October 1, 2024.

(b) WAIVER.—The Secretary may waive the application of subsection (a) on a case-by-case basis if the Secretary certifies to the congressional defense committees that only Air Force personnel are capable of providing the specific support necessary.

SA 4258. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1___. REQUIREMENT FOR OPERATIONAL USE OF F135 ENGINES.

(a) IN GENERAL.—The Secretary of the Defense may not change inspection criteria limits for the F135 engine to allow cracks in fan blades until submittal of the report under subsection (b).

(b) ANALYSIS AND REPORT.—

(1) IN GENERAL.—The Secretary of Defense shall enter into a contract with a federally funded research and development center to provide an independent analysis of and report on the following:

(A) The risk associated with expanding limits on cracked blades or other vulnerabilities to F135 engine operations.

(B) Mitigation of risk associated with expanding such limits.

(C) Alternative courses of action to increase on wing time for the engine.

(D) Other topics as the Secretary considers appropriate.

(2) SUBMITTAL TO CONGRESS.—Not later than June 1, 2022, the Secretary shall submit to the congressional defense committees the report described in paragraph (1).

SA 4259. Mr. LUJÁN (for himself, Mr. CRAPO, Mr. KELLY, Mr. HEINRICH, Ms. ROSEN, Ms. CORTEZ MASTO, and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 3157. IDENTIFICATION OF STATES IN FINDINGS, PURPOSE, AND APOLOGY RELATING TO FALLOUT EMITTED DURING THE GOVERNMENT'S ATMOSPHERIC NUCLEAR TESTS.

Section 2(a)(1) of the Radiation Exposure Compensation Act (Public Law 101–426; 42 U.S.C. 2210 note) is amended by inserting ", including individuals in New Mexico, Idaho, Colorado, Arizona, Utah, Texas, Wyoming, Oregon, Washington, South Dakota, North Dakota, Nevada, Montana, Guam, and the Northern Mariana Islands," after "tests exposed individuals".

SA 4260. Mr. LUJÁN (for himself, Mr. CRAPO, Mr. KELLY, Mr. HEINRICH, Ms. ROSEN, Ms. CORTEZ MASTO, and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EXTENSION OF FUND.

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

(1) by striking the first sentence and inserting "The Fund shall terminate 2 years after the date of enactment of the National Defense Authorization Act for Fiscal Year 2022."; and

(2) by striking "22-year" and inserting "2-year".

SA 4261. Mr. TESTER (for himself, Mr. GRASSLEY, Mr. BOOKER, Mr. DAINES, and Mr. ROUNDS) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. OFFICE OF THE SPECIAL INVESTIGATOR FOR COMPETITION MATTERS.

The Packers and Stockyards Act, 1921, is amended by inserting after section 210 (7 U.S.C. 197c) the following:

"SEC. 211. OFFICE OF THE SPECIAL INVESTIGATOR FOR COMPETITION MATTERS.

"(a) ESTABLISHMENT.—There is established within the Packers and Stockyards Division of the Department of Agriculture an office, to be known as the 'Office of the Special Investigator for Competition Matters' (referred to in this section as the 'Office').

"(b) SPECIAL INVESTIGATOR FOR COMPETITION MATTERS.—The Office shall be headed by the Special Investigator for Competition Matters (referred to in this section as the 'Special Investigator'), who shall be appointed by the Secretary.

"(c) DUTIES.—The Special Investigator shall—

"(1) use all available tools, including subpoenas, to investigate and prosecute violations of this Act by packers;

"(2) serve as a Department of Agriculture liaison to, and act in consultation with, the Department of Justice and the Federal Trade Commission with respect to competition and trade practices in the food and agricultural sector;

"(3) act in consultation with the Department of Homeland Security with respect to national security and critical infrastructure security in the food and agricultural sector; and

"(4) maintain a staff of attorneys and other professionals with appropriate expertise.

"(d) PROSECUTORIAL AUTHORITY.—Notwithstanding title 28, United States Code, the Special Investigator shall have the authority to bring any civil or administrative action authorized under this Act against a packer.".

SA 4262. Mr. MURPHY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. GLOBAL COVID–19 VACCINE DISTRIBUTION AND DELIVERY.

(a) ACCELERATING GLOBAL COVID–19 VACCINE DISTRIBUTION STRATEGY.—The Secretary of State, in consultation with the Secretary of Defense, the Secretary of Health and Human Services, the Administrator of the United States Agency for International Development, the Director of the Centers for Disease Control and Prevention, the Chief Executive Officer of the United States International Development Finance Corporation, and the heads of other relevant Federal departments and agencies, as determined by the President, shall develop a strategy to expand access to, and accelerate the global distribution of, COVID–19 vaccines to other countries.

(b) CONTENTS.—The strategy developed pursuant to subsection (a) shall—

(1) describe how the United States Government will ensure the efficient delivery and

administration of COVID–19 vaccines to United States citizens residing overseas, including through the donation of vaccine doses to United States embassies, consulates, and international Department of Defense Outside Contiguous United States sites, as appropriate; and

(2) give priority for COVID–19 vaccine deliveries to—

(A) countries in which United States citizens are deemed ineligible or low priority in the national vaccination deployment plan; and

(B) countries that are not presently distributing a COVID–19 vaccine that—

(i) has been approved by the United States Food and Drug Administration for emergency use; or

(ii) has met the necessary criteria for safety and efficacy established by the World Health Organization.

(c) SUBMISSION OF STRATEGY.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit the strategy developed pursuant to subsection (a) to—

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Armed Services of the Senate;

(3) the Committee on Appropriations of the Senate;

(4) the Committee on Health, Education, Labor, and Pensions of the Senate;

(5) the Committee on Foreign Affairs of the House of Representatives;

(6) the Committee on Armed Services of the House of Representatives;

(7) the Committee on Appropriations of the House of Representatives; and

(8) the Committee on Energy and Commerce of the House of Representatives.

SA 4263. Mr. MURPHY (for himself and Mr. LEE) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1283. LIMITATION ON AUTHORIZATIONS FOR THE INTRODUCTION OF ARMED FORCES INTO HOSTILITIES.

Section 5 of the War Powers Resolution (50 U.S.C. 1544) is amended by adding at the end the following new subsection:

''(d) Any specific authorization for the introduction of United States Armed Forces enacted by Congress in accordance with subsection (b) shall terminate not later than 2 years after the date of such enactment.''.

SA 4264. Mr. MURPHY (for himself and Mr. LEE) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1283. AMENDMENT OF WAR POWERS RESOLUTION REGARDING AUTHORIZATION AND TERMINATION OF ACTIVITIES RELATING TO HOSTILITIES.

(a) AUTHORIZATION OF ACTIVITIES.—Section 4 of the War Powers Resolution (50 U.S.C. 1543) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

''(1) into hostilities or a situation where there is a serious risk of hostilities either because of the need to repel a sudden attack upon the United States, its territories or possessions, its armed forces, or other United States citizens overseas or because the concrete, specific, and immediate threat of such a sudden attack, and the time required to provide Congress with a briefing necessary to inform a vote to obtain prior authorization from Congress within 72 hours would prevent an effective defense against the attack or threat of immediate attack;'';

(B) in the matter following paragraph (3)—

(i) by redesignating subparagraphs (A), (B), and (C), as clauses (i), (ii), and (iii), respectively, and moving such clauses (as so redesignated) 2 ems to the right; and

(ii) by striking ''shall'' and inserting the following: ''shall—''

''(A) with respect to paragraph (1)—

''(i) within 48 hours, inform Congress of the President's decision, describe the action taken, the justification for proceeding without prior authorization, and certify either that hostilities have concluded or that they are continuing; and

''(ii) not later than 7 calendar days after such introduction, submit to Congress a hostilities report and request for specific statutory authorization except in cases where a certification is submitted to Congress that the President—

''(I) has withdrawn, removed, and otherwise ceased the use of United States Armed Forces from the situation that triggered this requirement; and

''(II) does not intend to reintroduce such forces; and

''(B) with respect to paragraphs (2) and (3),''; and

(2) by adding at the end the following subsection:

''(d) DEFINITION OF HOSTILITIES REPORT.—In this joint resolution, the term 'hostilities report' means a written report that sets forth the following information:

''(1) The circumstances necessitating the introduction of United States Armed Forces into hostilities or a situation where there is a serious risk of hostilities, or retaining them in a location where hostilities or the serious risk of hostilities has developed.

''(2) The estimated cost of such operations.

''(3) The specific legislative and constitutional authority for such action.

''(4) Any international law implication related to such action if applicable.

''(5) The estimated scope and duration of United States Armed Forces' participation in hostilities, including an accounting of the personnel and weapons to be deployed.

''(6) The foreign country (or countries) in which the operations or deployment of United States Armed Forces are to occur or are ongoing.

''(7) A description of their mission and the mission objectives that would indicate the mission is complete.

''(8) Any foreign partner force or multilateral organization that may be involved in the operations.

''(9) The name of the specific foreign country (or countries) or organized armed group (or groups) against which the use of force is authorized.

''(10) The risk to United States Armed Forces or other United States persons or property involved in the operations.

''(11) Any other information as may be required to fully inform Congress.''.

(b) HOSTILITIES REPORT; TERMINATION OF ACTIVITIES.—Section 5 of the War Powers Resolution (50 U.S.C. 1544) is amended—

(1) in subsection (a), by striking ''report'' each place it appears and inserting ''hostilities report''; and

(2) by striking subsection (b) and inserting the following:

''(b) If Congress does not enact a specific statutory authorization for United States Armed Forces to engage in hostilities in response to a request in accordance with section 4(a) within 20 days after the introduction of United States Armed Forces into hostilities or a situation where there is a serious risk of hostilities, the President shall withdraw, remove, and otherwise cease the use of United States Armed Forces. This 20-day period shall be extended for not more than an additional 10 days if the President determines, certifies, and justifies to Congress in writing that unavoidable military necessity involving the safety of the forces requires the continued use of the forces for the sole purpose of bringing about their safe removal from hostilities.''.

SA 4265. Mr. MURPHY (for himself and Mr. LEE) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1283. AMENDMENT OF WAR POWERS RESOLUTION TO DEFINE CERTAIN TERMS.

(a) Section 4 of the War Powers Resolution (50 U.S.C. 1543) is amended—

(1) in subsection (a), by striking ''in which the United States Armed Forces are introduced'' and inserting ''of the introduction of United States Armed Forces''; and

(2) in subsection (c)—

(A) by striking ''United States Armed Forces are introduced'' and inserting ''the introduction of United States Armed Forces''; and

(B) by inserting ''occurs'' after ''section''.

(b) Section 8 of the War Powers Resolution (50 U.S.C. 1547) is amended by striking subsection (c) and inserting the following:

''(c) DEFINITIONS.—In this joint resolution:

''(1) INTRODUCTION OF UNITED STATES ARMED FORCES; INTRODUCE UNITED STATES ARMED FORCES.—The terms 'introduction of United States Armed Forces' and 'introduce United States Armed Forces' mean—

''(A) with respect to hostilities or a situation where there is a serious risk of hostilities, any commitment, engagement, or other involvement of United States Armed Forces, whether or not constituting self-defense measures by United States Armed Forces in response to an attack or serious risk of an attack in any foreign country (including the airspace, cyberspace, or territorial waters of such country) or otherwise outside the United States and whether or not United States forces are present or operating remotely launched, piloted, or directed attacks; or

''(B) the assigning or detailing of members of United States Armed Forces to command,

advise, assist, accompany, coordinate, or provide logistical or material support or training for any foreign regular or irregular military forces if—

''(i) those foreign forces are involved in hostilities; and

''(ii) such activities by United States forces make the United States a party to a conflict or are more likely than not to do so.

''(2) SUBSTANTIALLY ENLARGE.—

''(A) IN GENERAL.—The term 'substantially enlarge' means, for any 2 year period, an increase of the number of United States Armed Forces that causes the total number of forces in a foreign country to exceed the lowest number of forces in that country during that period by 25 percent or more, or any increase of 1,000 or more forces.

''(B) SPECIAL RULE.—Temporary duty and rotational forces shall be included in the number of United States Armed Forces for the purposes of subparagraph (A).''.

SA 4266. Mr. MURPHY (for himself and Mr. LEE) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1283. AMENDMENT OF REPORTING REQUIREMENTS FOR THE INTRODUCTION OF ARMED FORCES INTO HOSTILITIES.

Section 4 of the War Powers Resolution (50 U.S.C. 1543) is amended—

(1) in the matter following subsection (a)(3) by striking subparagraphs (A) through (C) and inserting the following:

''(A) the circumstances necessitating the introduction of United States Armed Forces into hostilities or a situation where there is a serious risk of hostilities, or retaining them in a location where hostilities or the serious risk of hostilities has developed;

''(B) the estimated cost of such action;

''(C) the specific legislative and constitutional authority for such action;

''(D) any international law implication related to such action if applicable;

''(E) the estimated scope and duration of United States Armed Forces' participation in hostilities, including an accounting of the personnel and weapons to be deployed;

''(F) the foreign country (or countries) in which the operations or deployment of United States Armed Forces are to occur or are ongoing;

''(G) a description of their mission and the mission objectives that would indicate the mission is complete;

''(H) any foreign partner force or multilateral organization that may be involved in the operations;

''(I) the name of the specific foreign country (or countries) or organized armed group (or groups) against which the use of force is authorized;

''(J) the risk to United States Armed Forces or other United States persons or property involved in the operations; and

''(K) any other information as may be required to fully inform Congress of such action.''; and

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

''(d) In this joint resolution, the term 'hostilities' means any situation involving any use of lethal or potentially lethal force by or against United States Armed Forces (or for purposes of assigning or detailing of members of United States Armed Forces to command, advise, assist, accompany, coordinate, or provide logistical or material support or training for any foreign regular or irregular military forces), irrespective of the domain, whether such force is deployed remotely, or the intermittency thereof. The term does not include activities undertaken pursuant to section 503 of the National Security Act of 1947 (50 U.S.C. 3093) if such action is intended to have exclusively non-lethal effects.''.

SA 4267. Mr. MURPHY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. AUTHORIZATION FOR UNITED STATES PARTICIPATION IN THE COALITION FOR EPIDEMIC PREPAREDNESS INNOVATIONS.

(a) IN GENERAL.—The United States is authorized to participate in the Coalition for Epidemic Preparedness Innovations (referred to in this section as ''CEPI'') as a Member of the Investors Council.

(b) INVESTORS COUNCIL AND BOARD OF DIRECTORS.—

(1) INITIAL DESIGNATION.—The President shall designate an employee of the United States Agency for International Development—

(A) to represent the United States on the Investors Council; and

(B) if such employee is nominated to the Board of Directors of CEPI, to represent the United States on the Board of Directors during the period beginning on the date of such designation and ending on September 30, 2022.

(2) ONGOING DESIGNATIONS.—The President may designate an employee of the relevant Federal department or agency with fiduciary responsibility for United States contributions to CEPI—

(A) to represent the United States on the Investors Council; and

(B) if such employee is nominated to the Board of Directors of CEPI, to represent the United States on the Board of Directors.

(3) QUALIFICATIONS.—Any employee designated pursuant to paragraph (1) or (2) shall have demonstrated knowledge and experience in the fields of development and public health, epidemiology, or medicine from the Federal department or agency with primary fiduciary responsibility for United States contributions under subsection (c).

(c) CONSULTATION.—Not later than 60 days after the date of the enactment of this Act, the employee designated pursuant to subsection (b)(1) shall consult with the appropriate congressional committees regarding—

(1) the manner and extent to which the United States plans to participate in CEPI, including through the governance of CEPI;

(2) any planned financial contributions to CEPI from the United States; and

(3) how participation in CEPI is expected to support—

(A) the United States Government Global Health Security Strategy;

(B) the applicable revision of the National Biodefense Strategy required under section 1086 of the National Defense Authorization Act for Fiscal Year 2017 (6 U.S.C. 104); and

(C) any other relevant programs relating to global health security and biodefense.

(d) UNITED STATES CONTRIBUTIONS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the President, consistent with section 10003(a)(1) of the American Rescue Plan Act of 2021, should immediately make a $300,000,000 contribution to CEPI to expand the research and development of vaccines to combat the spread of COVID–19 variants.

(2) NOTIFICATION.—Not later than 15 days before a contribution is made available pursuant to paragraph (1), the President shall notify the appropriate congressional committees of the amount of such contribution and the purposes and national interests served by such contribution.

SA 4268. Mr. MURPHY (for himself, Mr. LEE, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle H—National Security Powers Act of 2021

SEC. 1071. SHORT TITLE.

This subtitle may be cited as the ''National Security Powers Act of 2021''.

PART I—WAR POWERS REFORM

SEC. 1073. DEFINITIONS.

In this part:

(1) COUNTRY.—The term ''country'', when used in a geographic sense, includes territories (whether or not disputed) and possessions, territorial waters, and airspace.

(2) HOSTILITIES.—The term ''hostilities'' means any situation involving any use of lethal or potentially lethal force by or against United States forces (or, for purposes of paragraph 4(B), by or against foreign regular or irregular forces), irrespective of the domain, whether such force is deployed remotely, or the intermittency thereof. The term does not include activities undertaken pursuant to section 503 of the National Security Act of 1947 (50 U.S.C. 5093) if such action is intended to have exclusively non-lethal effects.

(3) HOSTILITIES REPORT.—The term ''hostilities report'' means a written report that sets forth the following information:

(A) The circumstances necessitating the introduction of United States forces into hostilities or a situation where there is a serious risk thereof, or retaining them in a location where hostilities or the serious risk thereof has developed.

(B) The estimated cost of such operations.

(C) The specific legislative and constitutional authority for such action.

(D) Any international law implications related to such action if applicable.

(E) The estimated scope and duration of the United States forces' participation in hostilities, including an accounting of the personnel and weapons to be deployed.

(F) The country or countries in which the operations or deployment of United States forces are to occur or are ongoing.

(G) A description of their mission and the mission objectives that would indicate the mission is complete.

(H) Any foreign partner forces or multilateral organizations that may be involved in the operations.

(I) The name of the specific country (or countries) or organized armed group (or groups) against which the use of force is authorized.

(J) The risk to United States forces or other United States persons or property involved in the operations.

(K) Any other information as may be required to fully inform Congress.

(4) INTRODUCE.—The term ''introduce'' means—

(A) with respect to hostilities or a situation where there is a serious risk of hostilities, any commitment, engagement, or other involvement of United States forces, whether or not constituting self-defense measures by United States forces in response to an attack or serious risk thereof in any foreign country (including its airspace, cyberspace, or territorial waters) or otherwise outside the United States and whether or not United States forces are present or operating remotely launched, piloted, or directed attacks; or

(B) the assigning or detailing of members of United States forces to command, advise, assist, accompany, coordinate, or provide logistical or material support or training for any foreign regular or irregular military forces if—

(i) those foreign forces are involved in hostilities; and

(ii) such activities by United States forces make the United States a party to a conflict or are more likely than not to do so.

(5) SERIOUS RISK OF HOSTILITIES.—The term ''serious risk of hostilities'' means any situation where it is more likely than not that the United States forces will become engaged in hostilities, irrespective of whether the primary purpose of the mission is training or assistance.

(6) SPECIFIC STATUTORY AUTHORIZATION.—The term ''specific statutory authorization'' means any joint resolution or bill introduced after the date of the enactment of this Act and enacted into law to authorize the use of military force that includes, at a minimum, the following elements:

(A) A clearly defined mission and operational objectives and the identities of all individual countries or organized armed groups against which hostilities by the United States forces are authorized.

(B) A requirement the President seek from the Congress a subsequent specific statutory authorization for any expansion of the mission to include new operational objectives, additional countries, or organized armed groups.

(C) A termination of the authorization for such use of United States forces within two years absent the enactment of a subsequent specific statutory authorization for such use of United States forces.

(D) In cases where the use of military force in a particular situation is being reauthorized, an estimate and analysis prepared by the Congressional Budget Office of costs to United States taxpayers to date of operations conducted pursuant to the prior authorization or authorizations for that situation, and of prospective costs to United States taxpayers for operations to be conducted pursuant to the proposed authorization.

(7) SUBSTANTIALLY ENLARGE.—The term ''substantially enlarge'' means, for any two-year period, an increase in the number of United States forces that causes the total number of forces in a foreign country to exceed the lowest number of forces in that country during that period by 25 percent or more, or any increase of 1,000 or more forces. Temporary duty and rotational forces shall be included in the number of United States forces for the purposes of this part.

(8) TRAINING.—When used with respect to any foreign regular or irregular forces, the term ''training'' has the meaning given the term ''military education and training'' in section 644 of the Foreign Assistance Act of 1961 (22 U.S.C. 2403), but does not include training that is focused entirely on observance of and respect for the law of armed conflict, human rights and fundamental freedoms, the rule of law, and civilian control of the military.

(9) UNITED STATES FORCES.—The term ''United States forces'' means any individuals employed by, or under contract to, or under the direction of, any department or agency of the United States Government who are—

(A) deployed military or paramilitary personnel; or

(B) military or paramilitary personnel who use lethal or potentially lethal force in the cyberspace domain.

SEC. 1074. POLICY.

The constitutional authority of the President as Commander-in-Chief to introduce United States Armed forces into hostilities or into situations where there is a serious risk of hostilities shall be exercised only pursuant to—

(1) a declaration of war;

(2) specific statutory authorization; or

(3) when necessary to repel a sudden attack, or the concrete, specific, and immediate threat of such a sudden attack upon the United States, its territories, or possessions, its armed forces, or other United States citizens overseas.

SEC. 1075. SUNSET OF EXISTING AUTHORIZATIONS FOR THE USE OF MILITARY FORCE.

Effective 180 days after the date of the enactment of this Act, the following laws are hereby repealed:

(1) The Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243; 116 Stat. 1498; 50 U.S.C. 1541 note).

(2) The Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note).

(3) The Authorization for Use of Military Force Against Iraq (Public Law 102–1; 105 Stat. 3; 50 U.S.C. 1541 note).

(4) The 1957 Authorization for Use of Military Force in the Middle East (Public Law 87–5).

SEC. 1076. REPEAL OF THE WAR POWERS RESOLUTION.

The War Powers Resolution (Public Law 93–148; 50 U.S.C. 1541 et seq.) is hereby repealed.

SEC. 1077. NOTIFICATION.

The President shall notify Congress, in writing, within 48 hours after United States forces enter the territory, airspace, or waters of a foreign country—

(1) while equipped for combat, except for deployments which relate solely to transportation, supply, replacement, or training of such United States forces; or

(2) in numbers that substantially enlarge the number of United States forces already located in a foreign nation.

SEC. 1078. REQUIREMENT FOR AUTHORIZATION.

(a) PRIOR AUTHORIZATION FOR CERTAIN ACTIVITIES RELATING TO HOSTILITIES.—Except as provided in subsection (b), before introducing United States forces into hostilities or a situation where there is a serious risk of hostilities, the President shall provide a hostilities report to Congress and obtain a specific statutory authorization for such introduction. The President shall provide continuing hostilities reports to Congress 30 days after the initial report and every 30 days thereafter, in accordance with subsection (d).

(b) AUTHORIZATION FOR CERTAIN ACTIVITIES RELATING TO HOSTILITIES.—In cases where the President introduces United States forces into hostilities or a situation where there is a serious risk of hostilities either because of the need to repel a sudden attack upon the United States, its territories or possessions, its armed forces, or other United States citizens overseas or because the concrete, specific, and immediate threat of such a sudden attack, and the time required to provide Congress with a briefing necessary to inform a vote to obtain prior authorization from Congress within 72 hours would prevent an effective defense against the attack or threat of immediate attack, the President shall—

(1) within 48 hours of ordering the introduction of United States forces into hostilities or a situation where there is a serious risk of hostilities, inform Congress of the President's decision, describe the action taken, the justification for proceeding without prior authorization, and certifying either that hostilities have concluded or that they are continuing; and

(2) not later than 7 calendar days after ordering the introduction of United States forces into hostilities or a situation where there is a serious risk of hostilities, submit to Congress a hostilities report and request for specific statutory authorization except in cases where a certification is submitted to Congress that the President—

(A) has withdrawn, removed, and otherwise ceased the use of United States forces from the situation that triggered this requirement; and

(B) does not intend to reintroduce them.

(c) TERMINATION OF ACTIVITIES RELATED TO HOSTILITIES.—If Congress does not enact a specific statutory authorization for United States forces to engage in hostilities in response to a request in accordance with subsection (b) within 20 days after the introduction of United States forces into hostilities or a situation where there is a serious risk of hostilities, the President shall withdraw, remove, and otherwise cease the use of United States forces. This 20-day period shall be extended for not more than an additional 10 days if the President determines, certifies, and justifies to Congress in writing that unavoidable military necessity involving the safety of the forces requires the continued use of the forces for the sole purpose of bringing about their safe removal from hostilities.

(d) CONTINUING HOSTILITIES REPORTS.—If the President obtains specific statutory authorization, the President shall continue to provide hostilities reports to Congress on the United States' forces' engagement or possible engagement in hostilities whenever there is a material change in the information previously reported under this section and in no event less frequently than every 30 days from the delivery of the first hostilities report.

(e) FORM.—Any report submitted pursuant to subsection (a), (b), or (d) shall be submitted to Congress in unclassified form without any designation relating to dissemination control and may include a classified annex only to the extent required to protect the national security of the United States.

(f) TRANSMITTAL.—Each report submitted pursuant to subsection (a), (b), or (d) shall be transmitted to each house of Congress on the same calendar day. The report shall be—

(1) referred to—

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

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

(2) made available to any member of Congress upon request.

SEC. 1079. EXPEDITED PROCEDURES FOR CONGRESSIONAL ACTION.

(a) CONSIDERATION BY CONGRESS.—Any resolution of disapproval described in subsection (b) may be considered by Congress using the expedited procedures set forth in this section.

(b) RESOLUTION OF DISAPPROVAL.—For purposes of this section, the term ''resolution'' means only a joint resolution of the two Houses of Congress—

(1) the title of which is as follows: ''A joint resolution disapproving of the use of the United States Armed Forces in the prosecution of certain conflict.'';

(2) which does not have a preamble; and

(3) the sole matter after the resolving clause of which is as follows: ''That Congress does not approve the use of military force in the prosecution of _____'', with the blank space being filled with a description of the conflict concerned.

(c) REFERRAL.—A resolution described in subsection (b) introduced in the Senate shall be referred to the Committee on Foreign Relations of the Senate. A resolution described in subsection (b) that is introduced in the House of Representatives shall be referred to the Committee on Foreign Affairs of the House of Representatives.

(d) DISCHARGE.—If the committee to which a resolution described in subsection (b) is referred has not reported such resolution (or an identical resolution) by the end of 10 calendar days beginning on the date of introduction, such committee shall be, at the end of such period, discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calendar of the House involved.

(e) CONSIDERATION.—

(1) IN GENERAL.—On or after the third calendar day after the date on which the committee to which such a resolution is referred has reported, or has been discharged (under subsection (d)) from further consideration of, such a resolution, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution. All points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the respective House shall immediately proceed to consideration of the joint resolution without intervening motion, order, or other business, and the resolution shall remain the unfinished business of the respective House until disposed of.

(2) DEBATE.—Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution is not in order. A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(3) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on the resolution and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(4) APPEALS FROM DECISIONS OF CHAIR.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be decided without debate.

(f) CONSIDERATION BY OTHER HOUSE.—

(1) IN GENERAL.—If, before the passage by one House of a resolution of that House described in subsection (b), that House receives from the other House a resolution described in subsection (b), then the following procedures shall apply:

(A) The resolution of the other House shall not be referred to a committee.

(B)(i) The consideration as described in (e) in that House shall be the same as if no resolution had been received from the other House; but

(ii) The vote on final passage shall be on the resolution of the other House.

(2) FOLLOWING DISPOSITION.—Upon disposition of the resolution received from the other House, it shall no longer be in order to consider the resolution that originated in the receiving House.

(g) VETOES.—If the President vetoes a resolution, debate in the Senate of any veto message with respect to the resolution, including all debatable motions and appeals in connection with the resolution, shall be limited to 10 hours, which shall be divided equally between those favoring and those opposing the resolution.

(h) RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (b), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 1080. TERMINATION OF FUNDING.

Notwithstanding any other provision of law, no funds appropriated or otherwise made available under any law may be obligated or expended for any activity by United States forces for which prior congressional authorization is required under this part but has not been obtained, or for which authorization is required under this part but has not been obtained by the deadline specified in section 1078(c) or for which a resolution of disapproval in accordance with section 1079(b) has been enacted into law.

SEC. 1081. INTERPRETATION OF STATUTORY AUTHORITY REQUIREMENT.

Statutory authority to introduce United States forces into hostilities or into situations where there is a serious risk of hostilities, or to retain them in a situation where hostilities or the serious risk thereof has developed, shall not be inferred—

(1) from any provision of law, including any provision contained in any appropriation Act, unless such provision expressly authorizes such introduction or retention and states that it is intended to constitute specific statutory authorization within the meaning of this part; or

(2) from any source of international legal obligation binding on the United States, including any resolution of the United Nations Security Council and any treaty ratified before, on, or after the date of the enactment of this Act, unless such treaty is implemented by legislation specifically authorizing such introduction or retention and stating that it is intended to constitute specific statutory authorization within the meaning of this part.

SEC. 1082. SEPARABILITY CLAUSE.

If any provision of this part or the application thereof to any person or circumstance is held invalid, the remainder of the resolution and the application of such provision to any other person or circumstance shall not be affected thereby.

PART II—ARMS EXPORT CONTROL

SEC. 1085. SHORT TITLE.

This part may be cited as the ''Arms Export Reform Act of 2021''.

SEC. 1086. PURPOSE.

It is the purpose of this part to ensure the proper role of Congress in national security decisions pertaining to sales, exports, leases, and loans of defense articles, especially with respect to armed conflict and human rights.

SEC. 1087. CONGRESSIONAL AUTHORIZATION OF ARMS SALES.

(a) CERTIFICATION REQUIRED.—

(1) IN GENERAL.—Notwithstanding any other provision of law, in the case of a covered letter of offer, a covered application for a license, or a covered agreement, before such a letter of offer or license is issued or before such an agreement is entered into or renewed, the President shall submit to Congress a certification described in paragraph (3).

(2) COVERED LETTERS OF OFFERS, APPLICATIONS FOR LICENSES, AND AGREEMENTS.—For purposes of this subsection:

(A) A covered letter of offer is any letter of offer to sell under the Arms Export Control Act (22 U.S.C. 2751 et seq.) any item described in subsection (c).

(B) A covered application for a license is any application by a person (other than with regard to a sale under section 21 or 22 of the Arms Export Control Act (22 U.S.C. 2761, 2762)) for a license for the export of any item described in subsection (c).

(C) A covered agreement is any agreement involving the lease under chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 et seq.), or the loan under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.), of any item described in subsection (c) to any foreign country or international organization for a period of one year or longer.

(3) CERTIFICATION DESCRIBED.—A certification described in this paragraph is a numbered certification containing the following:

(A) In the case of a letter of offer to sell, the information described in section 36(b)(1) of the Arms Export Control Act (22 U.S.C. 2776(b)(1)) and section 36(b)(2) of such Act, as redesignated by section 1090(a) of this Act, without regard to the dollar amount of such sale, except as specified in subsection (c).

(B) In the case of a license for export (other than with regard to a sale under section 21 or 22 of the Arms Export Control Act (22 U.S.C. 2761, 2762)), the information described in section 36(c) of such Act (22 U.S.C. 2776(c)), as amended by section 1090(b) of this Act, without regard to the dollar amount of such export, except as specified in subsection (c).

(C) In the case of a lease or loan agreement, the information described in section 62(a) of the Arms Export Control Act (22 U.S.C. 2796a(a)), unless section 62(b) of such Act (22 U.S.C. 2796a(b)) applies, without regard to the dollar amount of such lease or loan, except as specified in subsection (c).

(b) CONGRESSIONAL AUTHORIZATION REQUIRED.—

(1) PRIOR CONGRESSIONAL AUTHORIZATION.—No letter of offer may be issued under the Arms Export Control Act (22 U.S.C. 2751 et seq.) with respect to a proposed sale of any item described in subsection (c) to any country or international organization (other than a country or international organization described in paragraph (2)), no license may be issued under such Act with respect to a proposed export of any such item to any such country or organization, and no lease may be made under chapter 6 of such Act (22 U.S.C. 2796 et seq.) and no loan may be made under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.) of any such item to any such country or organization, unless there is enacted a joint resolution or other provision of law authorizing such sale, export, lease, or loan, as the case may be.

(2) NATO AND CERTAIN COUNTRIES.—No letter of offer or license described in paragraph (1) may be issued and no lease or loan described in such paragraph may be made with respect to a proposed sale, export, lease, or loan, as the case may be, of any item described in subsection (c) to the North Atlantic Treaty Organization (NATO), any member country of such organization, Australia, Japan, the Republic of Korea, Israel, New Zealand, or Taiwan, if, not later than 20 calendar days after receiving the appropriate certification, a joint resolution is enacted prohibiting the proposed sale, export, lease, or loan, as the case may be.

(c) ITEMS DESCRIBED.—The items described in this subsection are those items of types and classes as follows (including parts, components, and technical data):

(1) Firearms and ammunition of $1,000,000 or more.

(2) Air to ground munitions of $14,000,000 or more.

(3) Tanks, armored vehicles, and related munitions of $14,000,000 or more.

(4) Fixed and rotary, manned or unmanned armed aircraft of $14,000,000 or more.

(5) Services or training to security services of $14,000,000 or more.

SEC. 1088. PROCEDURES FOR CONSIDERATION OF JOINT RESOLUTION AUTHORIZING OR PROHIBITING ARMS SALES.

(a) CONSIDERATION BY CONGRESS.—

(1) IN GENERAL.—Except as provided under paragraph (2), any joint resolution under section 1087(b) shall be considered by Congress using the expedited procedures set forth in section 1079(c)-(h).

(2) CONSIDERATION OF MULTIPLE CERTIFICATIONS.—

(A) MULTIPLE CERTIFICATIONS.—If a joint resolution under section 1087(b) deals with more than one certification, the references in section 601(b)(3)(A) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94–329; 90 Stat. 765) to a resolution with respect to the same certification shall be deemed to be a reference to a joint resolution which relates to all of those certifications.

(B) AMENDMENTS.—If the text of a joint resolution under section 1087(b) contains more than one section, amendments which would strike one of those sections shall be in order but amendments which would add an additional section shall not be in order.

(b) FORM OF JOINT RESOLUTIONS.—

(1) PRIOR CONGRESSIONAL AUTHORIZATION.—The joint resolution required by section 1087(b)(1) is a joint resolution the text of which consists only of one or more sections, each of which reads as follows: ''The proposed _____ to _____ described in the certification submitted pursuant to section 1087(a) of the Arms Export Reform Act of 2021, which was received by Congress on _____ (Transmittal number) is authorized.'', with the appropriate activity, whether sale, export, lease, or loan, and the appropriate country or international organization, date, and transmittal number inserted.

(2) NATO AND CERTAIN COUNTRIES.—The joint resolution required by section 1087(b)(2) is a joint resolution the text of which consists of only one section, which reads as follows: ''That the proposed _____ to _____ described in the certification submitted pursuant to section 1087(a) of the Arms Export Reform Act of 2021, which was received by Congress on _____ (Transmittal number) is not authorized.'', with the appropriate activity, whether sale, export, lease, or loan, and the appropriate country or international organization, date, and the transmittal number inserted.

SEC. 1089. EMERGENCY PROCEDURES UNDER ARMS EXPORT CONTROL ACT.

Section 36 of the Arms Export Control Act is amended by adding at the end the following:

''(j) RESTRICTION ON EMERGENCY AUTHORITY RELATING TO ARMS SALES UNDER THIS ACT.—A determination of the President that an emergency exists requiring a proposed transfer of defense articles or defense services in the national security interests of the United States, thus waiving the congressional review requirements pursuant to section 3 —

''(1) shall apply only if—

''(A) the President submits a determination and justification for each individual approval, letter of offer, or license for the defense articles or defense services that includes a specific and detailed description of how such waiver of the congressional review requirements directly responds to or addresses the circumstances of the emergency cited in the determination; and

''(B) the delivery of the defense articles or defense services will take place not later than 60 days after the date on which such determination is made, unless otherwise authorized by Congress; and

''(2) shall not apply in the case of defense articles or defense services that include manufacturing or co-production of the articles or services outside the United States.''.

SEC. 1090. CONFORMING AMENDMENTS.

(a) GOVERNMENT-TO-GOVERNMENT SALES.—

(1) IN GENERAL.—Section 36(b) of the Arms Export Control Act (22 U.S.C. 2776(b)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), in the first sentence, by striking ''Subject to paragraph (6)'' and inserting ''Subject to paragraph (4)''; and

(ii) in the flush text following subparagraph (P), by striking the last 2 sentences;

(B) by striking paragraphs (2) and (3);

(C) by redesignating paragraphs (4), (5), and (6) as paragraphs (2), (3), and (4), respectively;

(D) in subparagraph (C) of paragraph (3), as so redesignated, in the first sentence, by striking ''Subject to paragraph (6)'' and inserting ''Subject to paragraph (4)''; and

(E) in paragraph (4), as redesignated by subparagraph (C) of this paragraph, in the matter preceding subparagraph (A), by striking ''in paragraph (5)(C)'' and inserting ''in paragraph (3)(C)''.

(2) CONFORMING AMENDMENT.—Section 38(f)(5)(B)(ii) of such Act (22 U.S.C. 2778(f)(5)(B)(ii)) is amended by striking ''section 36(b)(5)(A)'' and inserting ''section 36(b)(3)(A)''.

(b) COMMERCIALLY LICENSED SALES.—Section 36(c) of such Act (22 U.S.C. 2776(c)) is amended—

(1) in paragraph (1), in the first sentence, by striking ''Subject to paragraph (5), in'' and inserting ''In'';

(2) by striking paragraphs (2) through (5); and

(3) by redesignating paragraph (6) as paragraph (2).

(c) LEGISLATIVE REVIEW OF LEASES AND LOANS.—

(1) REPEAL.—Section 63 of such Act (22 U.S.C. 2796b) is repealed.

(2) CONFORMING AMENDMENT.—Section 62(b) of such Act (22 U.S. 2976a(b)) is amended, in the first sentence, by striking ''(and in the case'' and all that follows through ''of that section)''.

SEC. 1091. APPLICABILITY.

This part and the amendments made by this part shall apply with respect to any letter of offer or license for export issued, or any lease or loan made, after the date of the enactment of this Act.

PART III—NATIONAL EMERGENCIES ACT REFORM

SEC. 1093. REQUIREMENTS RELATING TO DECLARATION AND RENEWAL OF NATIONAL EMERGENCIES.

Section 201 of the National Emergencies Act (50 U.S.C. 1621) is amended to read as follows:

''SEC. 201. DECLARATIONS AND RENEWALS OF NATIONAL EMERGENCIES.

''(a) AUTHORITY TO DECLARE NATIONAL EMERGENCIES.—With respect to Acts of Congress authorizing the exercise, during the period of a national emergency, of any special or extraordinary power, the President is authorized to declare such a national emergency by proclamation. Such proclamation shall immediately be transmitted to Congress and published in the Federal Register.

''(b) SPECIFICATION OF PROVISIONS OF LAW TO BE EXERCISED.—

''(1) IN GENERAL.—No powers or authorities made available by statute for use during the period of a national emergency shall be exercised unless and until the President specifies the provisions of law under which the President proposes that the President or other officers will act in—

''(A) a proclamation declaring a national emergency under subsection (a); or

''(B) one or more Executive orders relating to the emergency published in the Federal Register and transmitted to Congress.

''(2) LIMITATIONS.—The President may—

''(A) specify under paragraph (1) only provisions of law that make available powers and authorities that relate to the nature of the national emergency; and

''(B) exercise such powers and authorities only to address the national emergency.

''(c) TEMPORARY EFFECTIVE PERIODS.—

''(1) IN GENERAL.—A declaration of a national emergency under subsection (a) may last for 30 days from the issuance of the proclamation (not counting the day on which the proclamation was issued) and shall terminate when that 30-day period expires unless there is enacted into law a joint resolution of approval under section 203 with respect to the proclamation.

''(2) EXERCISE OF POWERS AND AUTHORITIES.—Any power or authority made available under a provision of law described in subsection (a) and specified pursuant to subsection (b) may be exercised for 30 days from the issuance of the proclamation or Executive order (not counting the day on which such proclamation or Executive order was issued). That power or authority cannot be exercised once that 30-day period expires, unless there is enacted into law a joint resolution of approval under section 203 approving—

''(A) the proclamation of the national emergency or the Executive order; and

''(B) the exercise of the power or authority specified by the President in such proclamation or Executive order.

''(3) EXCEPTION IF CONGRESS IS UNABLE TO CONVENE.—If Congress is physically unable to convene as a result of an armed attack upon the United States or another national emergency, the 30-day periods described in paragraphs (1) and (2) shall begin on the first day Congress convenes for the first time after the attack or other emergency.

''(d) PROHIBITION ON SUBSEQUENT ACTIONS IF EMERGENCIES NOT APPROVED.—

''(1) SUBSEQUENT DECLARATIONS.—If a joint resolution of approval is not enacted under section 203 with respect to a national emergency before the expiration of the 30-day period described in subsection (c), or with respect to a national emergency proposed to be renewed under subsection (e), the President may not, during the remainder of the term of office of that President, declare a subsequent national emergency under subsection (a) with respect to the same circumstances.

''(2) EXERCISE OF AUTHORITIES.—If a joint resolution of approval is not enacted under section 203 with respect to a power or authority specified by the President in a proclamation under subsection (a) or an Executive order under subsection (b)(1)(B) with respect to a national emergency, the President may not, during the remainder of the term of office of that President, exercise that power or authority with respect to that emergency.

''(e) RENEWAL OF NATIONAL EMERGENCIES.—A national emergency declared by the President under subsection (a) or previously renewed under this subsection, and not already terminated pursuant to subsection (c) or section 202(a), shall terminate on a date that is not later than one year after the President transmitted to Congress the proclamation declaring the emergency under subsection (a) or Congress approved a previous renewal pursuant to this subsection, unless—

''(1) the President publishes in the Federal Register and transmits to Congress an Executive order renewing the emergency; and

''(2) there is enacted into law a joint resolution of approval renewing the emergency pursuant to section 203 before the termination of the emergency or previous renewal of the emergency.

''(f) EFFECT OF FUTURE LAWS.—No law enacted after the date of the enactment of this Act shall supersede this title unless it does so in specific terms, referring to this title, and declaring that the new law supersedes the provisions of this title.''.

SEC. 1094. TERMINATION OF NATIONAL EMERGENCIES.

Section 202 of the National Emergencies Act (50 U.S.C. 1622) is amended to read as follows:

''SEC. 202. TERMINATION OF NATIONAL EMERGENCIES.

''(a) IN GENERAL.—Any national emergency declared by the President under section 201(a) shall terminate on the earliest of—

''(1) the date provided for in section 201(c);

''(2) the date on which Congress, by statute, terminates the emergency;

''(3) the date on which the President issues a proclamation terminating the emergency; or

''(4) the date provided for in section 201(e).

''(b) 5-YEAR LIMITATION.—Under no circumstances may a national emergency declared by the President under section 201(a) continue on or after the date that is 5 years after the date on which the national emergency was first declared.

''(c) EFFECT OF TERMINATION.—

''(1) IN GENERAL.—Effective on the date of the termination of a national emergency under subsection (a) or (b)—

''(A) except as provided by paragraph (2), any powers or authorities exercised by reason of the emergency shall cease to be exercised;

''(B) any amounts reprogrammed or transferred under any provision of law with respect to the emergency that remain unobligated on that date shall be returned and made available for the purpose for which such amounts were appropriated; and

''(C) any contracts entered into under any provision of law relating to the emergency shall be terminated.

''(2) SAVINGS PROVISION.—The termination of a national emergency shall not moot—

''(A) any legal action taken or pending legal proceeding not finally concluded or determined on the date of the termination under subsection (a) or (b); or

''(B) any legal action or legal proceeding based on any act committed prior to that date.''.

SEC. 1095. REVIEW BY CONGRESS OF NATIONAL EMERGENCIES.

Title II of the National Emergencies Act (50 U.S.C. 1621 et seq.) is amended by adding at the end the following:

''SEC. 203. REVIEW BY CONGRESS OF NATIONAL EMERGENCIES.

''(a) JOINT RESOLUTIONS OF APPROVAL AND OF TERMINATION.—

''(1) DEFINITIONS.—In this section:

''(A) JOINT RESOLUTION OF APPROVAL.—The term 'joint resolution of approval' means a joint resolution that contains only the following provisions after its resolving clause:

''(i) A provision approving—

''(I) a proclamation of a national emergency made under section 201(a);

''(II) an Executive order issued under section 201(b)(1)(B); or

''(III) an Executive order issued under section 201(e).

''(ii) A provision approving a list of all or a portion of the provisions of law specified by the President under section 201(b) in the proclamation or Executive order that is the subject of the joint resolution.

''(B) JOINT RESOLUTION OF TERMINATION.—The term 'joint resolution of termination' means a joint resolution terminating—

''(i) a national emergency declared under section 201(a); or

''(ii) the exercise of any powers or authorities pursuant to that emergency.

''(2) PROCEDURES FOR CONSIDERATION OF JOINT RESOLUTIONS OF APPROVAL.—

''(A) INTRODUCTION.—After the President transmits to Congress a proclamation declaring a national emergency under section 201(a), or an Executive order renewing an emergency under section 201(e) or specifying emergency powers or authorities under section 201(b)(1)(B), a joint resolution of approval or a joint resolution of termination may be introduced in either House of Congress by any member of that House.

''(B) REQUESTS TO CONVENE CONGRESS DURING RECESSES.—If, when the President transmits to Congress a proclamation declaring a national emergency under section 201(a), or an Executive order renewing an emergency under section 201(e) or specifying emergency powers or authorities under section 201(b)(1)(B), Congress has adjourned sine die or has adjourned for any period in excess of 3 calendar days, the Speaker of the House of Representatives and the President pro tempore of the Senate, if they deem it advisable (or if petitioned by at least one-third of the membership of their respective Houses) shall jointly request the President to convene Congress in order that it may consider the proclamation or Executive order and take appropriate action pursuant to this section.

''(C) COMMITTEE REFERRAL.—A joint resolution of approval or a joint resolution of termination shall be referred in each House of Congress to the committee or committees having jurisdiction over the emergency authorities invoked pursuant to the national emergency that is the subject of the joint resolution.

''(D) CONSIDERATION IN SENATE.—In the Senate, the following rules shall apply:

''(i) REPORTING AND DISCHARGE.—If the committee to which a joint resolution of approval or a joint resolution of termination has been referred has not reported it at the end of 10 calendar days after its introduction, that committee shall be automatically discharged from further consideration of the resolution and it shall be placed on the calendar.

''(ii) PROCEEDING TO CONSIDERATION.—Notwithstanding Rule XXII of the Standing Rules of the Senate, when the committee to which a joint resolution of approval or a joint resolution of termination is referred has reported the resolution, or when that committee is discharged under clause (i) from further consideration of the resolution, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution to be made, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion to proceed is subject to 4 hours of debate divided equally between those favoring and those opposing the joint resolution of approval or the joint resolution of termination. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business.

''(iii) FLOOR CONSIDERATION.—A joint resolution of approval or a joint resolution of termination shall be subject to 10 hours of debate, to be divided evenly between the proponents and opponents of the resolution.

''(iv) AMENDMENTS.—

''(I) IN GENERAL.—Except as provided in subclause (II), no amendments shall be in order with respect to a joint resolution of approval or a joint resolution of termination.

''(II) AMENDMENTS TO STRIKE OR ADD SPECIFIED PROVISIONS OF LAW.—Subclause (I) shall not apply with respect to any amendment to a joint resolution of approval to strike from or add to the list required by paragraph (1)(A)(ii) a provision or provisions of law specified by the President under section 201(b) in the proclamation or Executive order.

''(v) MOTION TO RECONSIDER FINAL VOTE.—A motion to reconsider a vote on final passage of a joint resolution of approval or of a joint resolution of termination shall not be in order.

''(vi) APPEALS.—Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

''(E) CONSIDERATION IN HOUSE OF REPRESENTATIVES.—In the House of Representatives, if any committee to which a joint resolution of approval or a joint resolution of termination has been referred has not reported it to the House at the end of 10 calendar days after its introduction, such committee shall be discharged from further consideration of the joint resolution, and it shall be placed on the appropriate calendar. On Thursdays it shall be in order at any time for the Speaker to recognize a Member who favors passage of a joint resolution that has appeared on the calendar for at least 3 calendar days to call up that joint resolution for immediate consideration in the House without intervention of any point of order. When so called up a joint resolution shall be considered as read and shall be debatable for 1 hour equally divided and controlled by the proponent and an opponent, and the previous question shall be considered as ordered to its passage without intervening motion. It shall

not be in order to reconsider the vote on passage. If a vote on final passage of the joint resolution has not been taken on or before the close of the tenth calendar day after the resolution is reported by the committee or committees to which it was referred, or after such committee or committees have been discharged from further consideration of the resolution, such vote shall be taken on that day.

''(F) RECEIPT OF RESOLUTION FROM OTHER HOUSE.—If, before passing a joint resolution of approval or a joint resolution of termination, one House receives from the other House a joint resolution of approval or a joint resolution of termination—

''(i) the joint resolution of the other House shall not be referred to a committee and shall be deemed to have been discharged from committee on the day it is received; and

''(ii) the procedures set forth in subparagraph (D) or (E), as applicable, shall apply in the receiving House to the joint resolution received from the other House to the same extent as such procedures apply to a joint resolution of the receiving House.

''(G) RULE OF CONSTRUCTION.—The enactment of a joint resolution of approval or of a joint resolution of termination under this subsection shall not be interpreted to serve as a grant or modification by Congress of statutory authority for the emergency powers of the President.

''(b) RULES OF THE HOUSE AND THE SENATE.—Subsection (a) is enacted by Congress—

''(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in the House in the case of joint resolutions of approval, and supersede other rules only to the extent that it is inconsistent with such other rules; and

''(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.''.

SEC. 1096. REPORTING REQUIREMENTS.

Section 401 of the National Emergencies Act (50 U.S.C. 1641) is amended by adding at the end the following:

''(d) REPORT ON EMERGENCIES.—The President shall transmit to Congress, with any proclamation declaring a national emergency under section 201(a), or Executive order renewing an emergency under section 201(e) or specifying emergency powers or authorities under section 201(b)(1)(B), a report, in writing, that includes the following:

''(1) A description of the circumstances necessitating the declaration of a national emergency, the renewal of such an emergency, or the use of a new emergency authority specified in the Executive order, as the case may be.

''(2) The estimated duration of the national emergency.

''(3) A summary of the actions the President or other officers intend to take, including any reprogramming or transfer of funds, and the statutory authorities the President and such officers expect to rely on in addressing the national emergency.

''(4) In the case of a renewal of a national emergency, a summary of the actions the President or other officers have taken in the preceding one-year period, including any reprogramming or transfer of funds, to address the emergency.

''(e) PROVISION OF INFORMATION TO CONGRESS.—The President shall provide to Congress such other information as Congress may request in connection with any national emergency in effect under title II.

''(f) PERIODIC REPORTS ON STATUS OF EMERGENCIES.—If the President declares a national emergency under section 201(a), the President shall, not less frequently than every 180 days for the duration of the emergency, report to Congress on the status of the emergency and the actions the President or other officers have taken and authorities the President and such officers have relied on in addressing the emergency.

''(g) FINAL REPORT ON ACTIVITIES DURING NATIONAL EMERGENCY.—Not later than 90 days after the termination under section 202 of a national emergency declared under section 201(a), the President shall transmit to Congress a final report describing—

''(1) the actions that the President or other officers took to address the emergency; and

''(2) the powers and authorities the President and such officers relied on to take such actions.

''(h) PUBLIC DISCLOSURE.—Each report required by this section shall be transmitted in unclassified form and be made public at the same time the report is transmitted to Congress, although a classified annex may be provided to Congress, if necessary.''.

SEC. 1097. CONFORMING AMENDMENTS.

(a) NATIONAL EMERGENCIES ACT.—Title III of the National Emergencies Act (50 U.S.C. 1631) is repealed.

(b) INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—Section 207 of the International Emergency Economic Powers Act (50 U.S.C. 1706) is amended—

(1) in subsection (b), by striking ''if the national emergency'' and all that follows through ''under this section.'' and inserting the following: ''if—

''(1) the national emergency is terminated pursuant to section 202(a)(2) of the National Emergencies Act; or

''(2) a joint resolution of approval is not enacted as required by section 203 of that Act to approve—

''(A) the national emergency; or

''(B) the exercise of such authorities.''; and

(2) in subsection (c)(1), by striking ''paragraphs (A), (B), and (C) of section 202(a)'' and inserting ''section 202(c)(2)''.

SEC. 1098. APPLICABILITY.

(a) IN GENERAL.—Except as provided in subsection (b), this part and the amendments made by this part shall take effect on the date of the enactment of this Act.

(b) APPLICATION TO NATIONAL EMERGENCIES PREVIOUSLY DECLARED.—A national emergency declared under section 201 of the National Emergencies Act before the date of the enactment of this Act shall be unaffected by the amendments made by this part, except that such an emergency shall terminate on the date that is not later than one year after such date of enactment unless the emergency is renewed under subsection (e) of such section 201, as amended by section 1093 of this Act.

SA 4269. Mr. WICKER (for himself, Ms. COLLINS, Mr. KING, and Mrs. HYDE-SMITH) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 138. REPORT ON THE POTENTIAL BENEFITS OF A MULTIYEAR CONTRACT FOR FISCAL YEAR 2023 THROUGH 2027 FOR THE PROCUREMENT OF FLIGHT III ARLEIGH BURKE-CLASS DESTROYERS.

(a) IN GENERAL.—Not later than March 1, 2022, the Secretary of the Navy shall submit to the congressional defense committees a report on the potential benefits of a multiyear contract for the period of fiscal year 2023 through 2027 for the procurement of Flight III Arleigh Burke-class destroyers.

(b) ELEMENTS.—The report required by subsection (a) shall include preliminary findings, and the basis for such findings, of the Secretary with respect to whether—

(1) the use of a contract described in such subsection could result in significant savings of the total anticipated costs of carrying out the program through annual contracts;

(2) the minimum need for the destroyers described in such subsection to be purchased is expected to remain substantially unchanged during the contemplated contract period in terms of production rate, procurement rate, and total quantities;

(3) there is a reasonable expectation that throughout the contemplated contract period the Secretary of Defense will request funding for the contract at the level required to avoid contract cancellation;

(4) there is a stable design for the destroyers to be acquired and that the technical risks associated with such property are not excessive;

(5) the estimates of both the cost of the contract and the anticipated cost avoidance through the use of a multiyear contract are realistic; and

(6) the use of such a contract will promote the national security of the United States.

(c) EVALUATION BY QUANTITY.—The report required by subsection (a) shall evaluate each of the following quantities of Flight III Arleigh Burke-class destroyers for the period described in such subsection:

(1) 10.

(2) 12.

(3) 15.

(4) Any other quantities the Secretary of the Navy considers appropriate.

SA 4270. Ms. BALDWIN (for herself and Ms. ERNST) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 318. CONSIDERATION UNDER DEFENSE ENVIRONMENTAL RESTORATION PROGRAM FOR STATE-OWNED FACILITIES OF THE NATIONAL GUARD WITH PROVEN EXPOSURE OF HAZARDOUS SUBSTANCES AND WASTE.

(a) DEFINITION OF STATE-OWNED NATIONAL GUARD FACILITY.—Section 2700 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4) The term 'State-owned National Guard facility' means land owned and operated by a State when such land is used for training the National Guard pursuant to chapter 5 of title 32 with funds provided by the Secretary of Defense or the Secretary of a military department, even though such land is not

under the jurisdiction of the Department of Defense.''.

(b) AUTHORITY FOR DEFENSE ENVIRONMENTAL RESTORATION PROGRAM.—Section 2701(a)(1) of such title is amended, in the first sentence, by inserting ''and at State-owned National Guard facilities'' before the period.

(c) RESPONSIBILITY FOR RESPONSE ACTIONS.—Section 2701(c)(1) of such title is amended by adding at the end the following new subparagraph:

''(D) Each State-owned National Guard facility currently being used for training the National Guard pursuant to chapter 5 of title 32.''.

SA 4271. Mr. REED (for himself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 728. ASSIGNMENT OF MEDICAL AND DENTAL PERSONNEL OF THE MILITARY DEPARTMENTS TO MILITARY MEDICAL TREATMENT FACILITIES.

(a) IN GENERAL.—The Secretaries of the military departments shall ensure that the Surgeons General of the Armed Forces carry out fully the requirements of section 712(b)(3) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 1073c note) by not later than September 30, 2022.

(b) ASSIGNMENTS TO MILITARY MEDICAL TREATMENT FACILITIES.—For purposes of carrying out fully the requirements of section 712(b)(3) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, as required by subsection (a), assignment of uniformed medical and dental personnel to a military medical treatment facility pursuant to such section may be accomplished by the assignment of such personnel to an organizational unit of the military department concerned under a service manpower document with allocation against a manpower requirement on a Defense Health Agency manpower document of a military medical treatment facility with duty at the military medical treatment facility.

(c) ADDITIONAL REQUIREMENT FOR WALTER REED NATIONAL MILITARY MEDICAL CENTER.—

(1) ASSIGNMENT OF MILITARY PERSONNEL.—For fiscal years 2023 through 2027, except as provided in paragraph (2), the Secretary of Defense shall ensure that the Secretaries of the military departments assign to the Walter Reed National Military Medical Center sufficient military personnel to meet not less than 85 percent of the joint table of distribution in effect for such facility on December 23, 2016.

(2) EXCEPTION.—Paragraph (1) shall not apply to any fiscal year for which the Secretary of Defense certifies at the beginning of such fiscal year to the Committees on Armed Services of the Senate and the House of Representatives that notwithstanding the failure to meet the requirement under such paragraph, the Walter Reed National Military Medical Center is fully capable of carrying out all significant activities as the premier medical center of the military health system.

(d) REPORTS.—

(1) IN GENERAL.—Not later than September 30, 2022, each Secretary of a military department shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the compliance of the military department concerned with this section.

(2) ELEMENTS.—

(A) IN GENERAL.—Each report required by paragraph (1) shall include—

(i) an accounting of the number of uniformed personnel and civilian personnel assigned to a military medical treatment facility as of October 1, 2019; and

(ii) a comparable accounting as of September 30, 2022.

(B) EXPLANATION.—If the number specified in clause (ii) of subparagraph (A) is less than the number specified in clause (i) of such subparagraph, the Secretary concerned shall provide a full explanation for the reduction.

SA 4272. Mr. OSSOFF submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1054. BRIEFING ON GEOGRAPHIC EXPANSION OF DEFENSE INNOVATION UNIT ACTIVITIES.

Not later than one year after enactment of this Act, the Secretary of Defense shall provide a briefing to Congress on courses of action to expand the geographic reach of Defense Innovation Unit activities to new or underserved regions, with particular emphasis on—

(1) access to partnership opportunities at institutions of higher education that conduct relevant Federally funded research;

(2) access to a relevant private commercial sector; and

(3) proximity to major Department of Defense installations and relevant activities.

SA 4273. Mr. OSSOFF (for himself, Mr. TILLIS, Mr. SCOTT of South Carolina, Mr. KING, Ms. CORTEZ MASTO, Mr. KELLY, and Mr. ROUNDS) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DR. DAVID SATCHER CYBERSECURITY EDUCATION GRANT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ENROLLMENT OF NEEDY STUDENTS.—The term ''enrollment of needy students'' has the meaning given the term in section 312(d) of the Higher Education Act of 1965 (20 U.S.C. 1058(d)).

(2) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term ''historically Black college or university'' has the meaning given the term ''part B institution'' as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(3) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(4) MINORITY-SERVING INSTITUTION.—The term ''minority-serving institution'' means an institution listed in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(b) AUTHORIZATION OF GRANTS.—

(1) IN GENERAL.—The Secretary shall—

(A) award grants to assist institutions of higher education that have an enrollment of needy students, historically Black colleges and universities, and minority-serving institutions, to establish or expand cybersecurity programs, to build and upgrade institutional capacity to better support new or existing cybersecurity programs, including cybersecurity partnerships with public and private entities, and to support such institutions on the path to producing qualified entrants in the cybersecurity workforce or becoming a National Center of Academic Excellence in Cybersecurity; and

(B) award grants to build capacity at institutions of higher education that have an enrollment of needy students, historically Black colleges and universities, and minority-serving institutions, to expand cybersecurity education opportunities, cybersecurity technology and programs, cybersecurity research, and cybersecurity partnerships with public and private entities.

(2) RESERVATION.—The Secretary shall award not less than 50 percent of the amount available for grants under this section to historically Black colleges and universities and minority-serving institutions.

(3) COORDINATION.—The Secretary shall carry out this section in coordination with the National Initiative for Cybersecurity Education at the National Institute of Standards and Technology.

(4) SUNSET.—The Secretary's authority to award grants under paragraph (1) shall terminate on the date that is 5 years after the date the Secretary first awards a grant under paragraph (1).

(5) AMOUNTS TO REMAIN AVAILABLE.—Notwithstanding section 1552 of title 31, United States Code, or any other provision of law, funds available to the Secretary for obligation for a grant under this section shall remain available for expenditure for 100 days after the last day of the performance period of such grant.

(c) APPLICATIONS.—An eligible institution seeking a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including a statement of how the institution will use the funds awarded through the grant to expand cybersecurity education opportunities at the eligible institution.

(d) ACTIVITIES.—An eligible institution that receives a grant under this section may use the funds awarded through such grant for increasing research, education, technical, partnership, and innovation capacity, including for—

(1) building and upgrading institutional capacity to better support new or existing cybersecurity programs, including cybersecurity partnerships with public and private entities;

(2) building and upgrading institutional capacity to provide hands-on research and

training experiences for undergraduate and graduate students; and

(3) outreach and recruitment to ensure students are aware of such new or existing cybersecurity programs, including cybersecurity partnerships with public and private entities.

(e) REPORTING REQUIREMENTS.—Not later than—

(1) 1 year after the effective date of this section, as provided in subsection (g), and annually thereafter until the Secretary submits the report under paragraph (2), the Secretary shall prepare and submit to Congress a report on the status and progress of implementation of the grant program under this section, including on the number and nature of institutions participating, the number and nature of students served by institutions receiving grants, the level of funding provided to grant recipients, the types of activities being funded by the grants program, and plans for future implementation and development; and

(2) 5 years after the effective date of this section, as provided in subsection (g), the Secretary shall prepare and submit to Congress a report on the status of cybersecurity education programming and capacity-building at institutions receiving grants under this section, including changes in the scale and scope of these programs, associated facilities, or in accreditation status, and on the educational and employment outcomes of students participating in cybersecurity programs that have received support under this section.

(f) PERFORMANCE METRICS.—The Secretary of Homeland Security shall establish performance metrics for grants awarded under this section.

(g) EFFECTIVE DATE.—This section shall take effect 1 year after the date of enactment of this Act.

SA 4274. Mr. OSSOFF submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. OUTREACH TO HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY SERVING INSTITUTIONS REGARDING DEFENSE INNOVATION UNIT PROGRAMS THAT PROMOTE ENTREPRENEURSHIP AND INNOVATION AT INSTITUTIONS OF HIGHER EDUCATION.

(a) PILOT PROGRAM.—The Under Secretary of Defense for Research and Engineering may establish activities, including outreach and technical assistance, to better connect historically Black colleges and universities to the programs of the Defense Innovation Unit and its associated programs.

(b) BRIEFING.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall brief the congressional defense committees on the results of any activities conducted under subsection (a), including the results of outreach efforts, the success of expanding Defense Innovation Unit programs to historically Black colleges and universities and minority serving institutions, the barriers to expansion, and recommendations for how the Department of Defense and the Federal Government can support such institutions to successfully participate in Defense Innovation Unit programs.

SA 4275. Mr. DURBIN (for himself and Mr. CASSIDY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. COLLECTION, VERIFICATION, AND DISCLOSURE OF INFORMATION BY ONLINE MARKETPLACES TO INFORM CONSUMERS.

(a) COLLECTION AND VERIFICATION OF INFORMATION.—

(1) COLLECTION.—

(A) IN GENERAL.—An online marketplace shall require any high-volume third party seller on such online marketplace's platform to provide, not later than 10 days after qualifying as a high-volume third party seller on the platform, the following information to the online marketplace:

(i) BANK ACCOUNT.—

(I) IN GENERAL.—A bank account number, or, if such seller does not have a bank account, the name of the payee for payments issued by the online marketplace to such seller.

(II) PROVISION OF INFORMATION.—The bank account or payee information required under subclause (I) may be provided by the seller in the following ways:

(aa) To the online marketplace.

(bb) To a payment processor or other third party contracted by the online marketplace to maintain such information, provided that the online marketplace ensures that it can obtain such information on demand from such payment processor or other third party.

(ii) CONTACT INFORMATION.—Contact information for such seller as follows:

(I) With respect to a high-volume third party seller that is an individual, the individual's name.

(II) With respect to a high-volume third party seller that is not an individual, one of the following forms of contact information:

(aa) A copy of a valid government-issued identification for an individual acting on behalf of such seller that includes the individual's name.

(bb) A copy of a valid government-issued record or tax document that includes the business name and physical address of such seller.

(iii) TAX ID.—A business tax identification number, or, if such seller does not have a business tax identification number, a taxpayer identification number.

(iv) WORKING EMAIL AND PHONE NUMBER.—A current working email address and phone number for such seller.

(B) NOTIFICATION OF CHANGE; ANNUAL CERTIFICATION.—An online marketplace shall—

(i) periodically, but not less than annually, notify any high-volume third party seller on such online marketplace's platform of the requirement to keep any information collected under subparagraph (A) current; and

(ii) require any high-volume third party seller on such online marketplace's platform to, not later than 10 days after receiving the notice under clause (i), electronically certify that—

(I) the seller has provided any changes to such information to the online marketplace, if any such changes have occurred;

(II) there have been no changes to such seller's information; or

(III) such seller has provided any changes to such information to the online marketplace.

(C) SUSPENSION.—In the event that a high-volume third party seller does not provide the information or certification required under this paragraph, the online marketplace shall, after providing the seller with written or electronic notice and an opportunity to provide such information or certification not later than 10 days after the issuance of such notice, suspend any future sales activity of such seller until such seller provides such information or certification.

(2) VERIFICATION.—

(A) IN GENERAL.—An online marketplace shall—

(i) verify the information collected under paragraph (1)(A) not later than 10 days after such collection; and

(ii) verify any change to such information not later than 10 days after being notified of such change by a high-volume third party seller under paragraph (1)(B).

(B) PRESUMPTION OF VERIFICATION.—In the case of a high-volume third party seller that provides a copy of a valid government-issued tax document, any information contained in such document shall be presumed to be verified as of the date of issuance of such document.

(3) DATA USE LIMITATION.—Data collected solely to comply with the requirements of this section may not be used for any other purpose unless required by law.

(4) DATA SECURITY REQUIREMENT.—An online marketplace shall implement and maintain reasonable security procedures and practices, including administrative, physical, and technical safeguards, appropriate to the nature of the data and the purposes for which the data will be used, to protect the data collected to comply with the requirements of this section from unauthorized use, disclosure, access, destruction, or modification.

(b) DISCLOSURE REQUIRED.—

(1) REQUIREMENT.—

(A) IN GENERAL.—An online marketplace shall—

(i) require any high-volume third party seller with an aggregate total of $20,000 or more in annual gross revenues on such online marketplace, and that uses such online marketplace's platform, to provide the information described in subparagraph (B) to the online marketplace; and

(ii) disclose the information described in subparagraph (B) to consumers in a clear and conspicuous manner—

(I) in the order confirmation message or other document or communication made to a consumer after a purchase is finalized; and

(II) in the consumer's account transaction history.

(B) INFORMATION DESCRIBED.—The information described in this subparagraph is the following:

(i) Subject to paragraph (2), the identity of the high-volume third party seller, including—

(I) the full name of the seller, which may include the seller name or seller's company name, or the name by which the seller or company operates on the online marketplace;

(II) the physical address of the seller; and

(III) contact information for the seller, to allow for the direct, unhindered communication with high-volume third party sellers by users of the online marketplace, including—

(aa) a current working phone number;

(bb) a current working email address; or

(cc) other means of direct electronic messaging (which may be provided to such seller by the online marketplace).

(ii) Whether the high-volume third party seller used a different seller to supply the consumer product to the consumer upon purchase, and, upon the request of an authenticated purchaser, the information described in clause (i) relating to any such seller that supplied the consumer product to the purchaser, if such seller is different than the high-volume third party seller listed on the product listing prior to purchase.

(2) EXCEPTION.—

(A) IN GENERAL.—Subject to subparagraph (B), upon the request of a high-volume third party seller, an online marketplace may provide for partial disclosure of the identity information required under paragraph (1)(B)(i) in the following situations:

(i) If such seller certifies to the online marketplace that the seller does not have a business address and only has a residential street address, or has a combined business and residential address, the online marketplace may—

(I) disclose only the country and, if applicable, the State in which such seller resides; and

(II) inform consumers that there is no business address available for the seller and that consumer inquiries should be submitted to the seller by phone, email, or other means of electronic messaging provided to such seller by the online marketplace.

(ii) If such seller certifies to the online marketplace that the seller is a business that has a physical address for product returns, the online marketplace may disclose the seller's physical address for product returns.

(iii) If such seller certifies to the online marketplace that the seller does not have a phone number other than a personal phone number, the online marketplace shall inform consumers that there is no phone number available for the seller and that consumer inquiries should be submitted to the seller's email address or other means of electronic messaging provided to such seller by the online marketplace.

(B) LIMITATION ON EXCEPTION.—If an online marketplace becomes aware that a high-volume third party seller has made a false representation to the online marketplace in order to justify the provision of a partial disclosure under subparagraph (A) or that a high-volume third party seller who has requested and received a provision for a partial disclosure under subparagraph (A) has not provided responsive answers within a reasonable time frame to consumer inquiries submitted to the seller by phone, email, or other means of electronic messaging provided to such seller by the online marketplace, the online marketplace shall, after providing the seller with written or electronic notice and an opportunity to respond not later than 10 days after the issuance of such notice, suspend any future sales activity of such seller unless such seller consents to the disclosure of the identity information required under paragraph (1)(B)(i).

(3) REPORTING MECHANISM.—An online marketplace shall disclose to consumers in a clear and conspicuous manner on the product listing of any high-volume third party seller a reporting mechanism that allows for electronic and telephonic reporting of suspicious marketplace activity to the online marketplace.

(4) COMPLIANCE.—If a high-volume third party seller does not comply with the requirements to provide and disclose information under this subsection, the online marketplace shall, after providing the seller with written or electronic notice and an opportunity to provide or disclose such information not later than 10 days after the issuance of such notice, suspend any future sales activity of such seller until the seller complies with such requirements.

(c) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—

(1) UNFAIR AND DECEPTIVE ACTS OR PRACTICES.—A violation of subsection (a) or (b) by an online marketplace shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(2) POWERS OF THE COMMISSION.—

(A) IN GENERAL.—The Commission shall enforce subsections (a) and (b) in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this section.

(B) PRIVILEGES AND IMMUNITIES.—Any person that violates subsection (a) or (b) shall be subject to the penalties, and entitled to the privileges and immunities, provided in the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(3) REGULATIONS.—The Commission may promulgate regulations under section 553 of title 5, United States Code, with respect to the collection, verification, or disclosure of information under this section, provided that such regulations are limited to what is necessary to collect, verify, and disclose such information.

(4) AUTHORITY PRESERVED.—Nothing in this section shall be construed to limit the authority of the Commission under any other provision of law.

(d) ENFORCEMENT BY STATE ATTORNEYS GENERAL.—

(1) IN GENERAL.—If the attorney general of a State has reason to believe that any online marketplace has violated or is violating this section or a regulation promulgated under this section that affects one or more residents of that State, the attorney general of the State may bring a civil action in any appropriate district court of the United States, to—

(A) enjoin further such violation by the defendant;

(B) enforce compliance with this section or such regulation;

(C) obtain civil penalties in the amount provided for under subsection (c);

(D) obtain other remedies permitted under State law; and

(E) obtain damages, restitution, or other compensation on behalf of residents of the State.

(2) NOTICE.—The attorney general of a State shall provide prior written notice of any action under paragraph (1) to the Commission and provide the Commission with a copy of the complaint in the action, except in any case in which such prior notice is not feasible, in which case the attorney general shall serve such notice immediately upon instituting such action.

(3) INTERVENTION BY THE FTC.—Upon receiving notice under paragraph (2), the Commission shall have the right—

(A) to intervene in the action;

(B) upon so intervening, to be heard on all matters arising therein; and

(C) to file petitions for appeal.

(4) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Commission has instituted a civil action for violation of this section or a regulation promulgated under this section, no State attorney general, or official or agency of a State, may bring a separate action under paragraph (1) during the pendency of that action against any defendant named in the complaint of the Commission for any violation of this section or a regulation promulgated under this section that is alleged in the complaint. A State attorney general, or official or agency of a State, may join a civil action for a violation of this section or regulation promulgated under this section filed by the Commission.

(5) RULE OF CONSTRUCTION.—For purposes of bringing a civil action under paragraph (1), nothing in this section shall be construed to prevent the chief law enforcement officer, or official or agency of a State, from exercising the powers conferred on such chief law enforcement officer, official or agency of a State, by the laws of the State to conduct investigations, administer oaths or affirmations, or compel the attendance of witnesses or the production of documentary and other evidence.

(6) ACTIONS BY OTHER STATE OFFICIALS.—

(A) IN GENERAL.—In addition to civil actions brought by attorneys general under paragraph (1), any other officer of a State who is authorized by the State to do so, except for any private person on behalf of the State attorney general, may bring a civil action under paragraph (1), subject to the same requirements and limitations that apply under this subsection to civil actions brought by attorneys general.

(B) SAVINGS PROVISION.—Nothing in this subsection may be construed to prohibit an authorized official of a State from initiating or continuing any proceeding in a court of the State for a violation of any civil or criminal law of the State.

(e) SEVERABILITY.—If any provision of this section, or the application thereof to any person or circumstance, is held invalid, the remainder of this section and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected by the invalidation.

(f) DEFINITIONS.—In this section:

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

(2) CONSUMER PRODUCT.—The term ''consumer product'' has the meaning given such term in section 101 of the Magnuson-Moss Warranty—Federal Trade Commission Improvement Act (15 U.S.C. 2301) and section 700.1 of title 16, Code of Federal Regulations.

(3) HIGH-VOLUME THIRD PARTY SELLER.—

(A) IN GENERAL.—The term ''high-volume third party seller'' means a participant on an online marketplace's platform who is a third party seller and who, in any continuous 12-month period during the previous 24 months, has entered into 200 or more discrete sales or transactions of new or unused consumer products and an aggregate total of $5,000 or more in gross revenues.

(B) CLARIFICATION.—For purposes of calculating the number of discrete sales or transactions or the aggregate gross revenues under subparagraph (A), an online marketplace shall only be required to count sales or transactions made through the online marketplace and for which payment was processed by the online marketplace, either directly or through its payment processor.

(4) ONLINE MARKETPLACE.—The term ''online marketplace'' means any person or entity that operates a consumer-directed electronically based or accessed platform that—

(A) includes features that allow for, facilitate, or enable third party sellers to engage in the sale, purchase, payment, storage, shipping, or delivery of a consumer product in the United States;

(B) is used by one or more third party sellers for such purposes; and

(C) has a contractual or similar relationship with consumers governing their use of the platform to purchase consumer products.

(5) SELLER.—The term ''seller'' means a person who sells, offers to sell, or contracts to sell a consumer product through an online marketplace's platform.

(6) THIRD PARTY SELLER.—

(A) IN GENERAL.—The term ''third party seller'' means any seller, independent of an online marketplace, who sells, offers to sell, or contracts to sell a consumer product in the United States through such online marketplace's platform.

(B) EXCLUSIONS.—The term ''third party seller'' does not include, with respect to an online marketplace—

(i) a seller who operates the online marketplace's platform; or

(ii) a business entity that has—

(I) made available to the general public the entity's name, business address, and working contact information;

(II) an ongoing contractual relationship with the online marketplace to provide the online marketplace with the manufacture, distribution, wholesaling, or fulfillment of shipments of consumer products; and

(III) provided to the online marketplace identifying information, as described in subsection (a), that has been verified in accordance with that subsection.

(7) VERIFY.—The term ''verify'' means to confirm information provided to an online marketplace pursuant to this section, which may include the use of one or more methods that enable the online marketplace to reliably determine that any information and documents provided are valid, corresponding to the seller or an individual acting on the seller's behalf, not misappropriated, and not falsified.

(g) RELATIONSHIP TO STATE LAWS.—No State or political subdivision of a State, or territory of the United States, may establish or continue in effect any law, regulation, rule, requirement, or standard that conflicts with the requirements of this section.

(h) EFFECTIVE DATE.—This section shall take effect 180 days after the date of the enactment of this Act.

(i) SHORT TITLE.—this section may be cited as the ''Integrity, Notification, and Fairness in Online Retail Marketplaces for Consumers Act'' or the ''INFORM Consumers Act''.

SA 4276. Mr. BRAUN (for himself, Mr. TILLIS, Mrs. GILLIBRAND, and Mr. VAN HOLLEN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 596. POSTHUMOUS HONORARY PROMOTION TO GENERAL OF LIEUTENANT GENERAL FRANK MAXWELL ANDREWS, UNITED STATES ARMY.

(a) POSTHUMOUS HONORARY PROMOTION.—Notwithstanding any time limitation with respect to posthumous promotions for persons who served in the Armed Forces, the President is authorized to issue a posthumous honorary commission promoting Lieutenant General Frank Maxwell Andrews, United States Army, to the grade of general.

(b) ADDITIONAL BENEFITS NOT TO ACCRUE.—The honorary promotion of Frank Maxwell Andrews under subsection (a) shall not affect the retired pay or other benefits from the United States to which Frank Maxwell Andrews would have been entitled based upon his military service or affect any benefits to which any other person may become entitled based on his military service.

AUTHORITY FOR COMMITTEES TO MEET

Mr. KAINE. Mr. President, I have 9 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority Leaders.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Wednesday, November 3, 2021, at 9:30 a.m., to conduct a hearing on nominations.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Wednesday, November 3, 2021, at 10 a.m., to conduct a hearing.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, November 3, 2021, at 10 a.m., to conduct a hearing.

COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Wednesday, November 3, 2021, at 9:30 a.m., to conduct a hearing on a nomination.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, November 3, 2021, at 9:45 a.m., to conduct a business meeting.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, November 3, 2021, at 10 a.m., to conduct a classified briefing.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, November 3, 2021, at 10:30 a.m., to conduct a business meeting.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, November 3, 2021, at 10 a.m., to conduct a hearing on nominations.

COMMITTEE ON VETERANS' AFFAIRS

The Committee on Veterans' Affairs is authorized to meet during the session of the Senate on Wednesday, November 3, 2021, at 3 p.m., to conduct a hearing.

PRIVILEGES OF THE FLOOR

Ms. LUMMIS. Mr. President, I ask unanimous consent that the following interns in my office be granted floor privileges until November 4, 2021: Alyssa Burleson, Charlotte Holding, and Tanner Weekly.

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

EXPRESSING SUPPORT FOR THE DESIGNATION OF THE WEEK OF NOVEMBER 1 THROUGH NOVEMBER 5, 2021, AS NATIONAL FAMILY SERVICE LEARNING WEEK

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 439, submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 439) expressing support for the designation of the week of November 1 through November 5, 2021, as ''National Family Service Learning Week''.

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. 439) was agreed to.

The preamble was agreed to.

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

PERMITTING THE USE OF THE ROTUNDA OF THE CAPITOL FOR A CEREMONY AS PART OF THE COMMEMORATION OF THE 100TH ANNIVERSARY OF THE DEDICATION OF THE TOMB OF THE UNKNOWN SOLDIER

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 19.

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

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 19) permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the 100th anniversary of the dedication of the Tomb of the Unknown Soldier.

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

Mr. SCHUMER. I ask unanimous consent that the concurrent resolution be agreed to and the motion 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 concurrent resolution (S. Con. Res. 19) was agreed to.

(The concurrent resolution is printed in today's RECORD under ''Submitted Resolutions.'')