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Senate

The Senate met at 10:15 a.m. and was called to order by the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Merciful God, guide our lawmakers and empower them to meet today's challenges.

Lord, our world seems under attack, but we continue to place our trust in You. When we feel fear, remind us that all power belongs to You. We thank You that mere human beings cannot prevail against Your might and majesty.

Lord, keep a record of the tears of those who cry out to You from around the world. Rescue them from their anguish and keep them from defeat.

We pray in Your matchless Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 1, 2022.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. WHITEHOUSE thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

LEGISLATIVE SESSION

POSTAL SERVICE REFORM ACT OF 2022—MOTION TO PROCEED—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 3076, which the clerk will now report.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 273, H.R. 3076, a bill to provide stability to and enhance the services of the United States Postal Service, and for other purposes.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

UKRAINE

Mr. SCHUMER. Mr. President, now, with each new day of war in Ukraine, the brutality and sheer evil of Vladimir Putin's aggression against the Ukrainian people becomes more apparent. Failing at securing the country with quick strikes, Russian forces are evidently starting to engage in siege tactics. Over the past 12 hours, the city of Kharkiv has endured especially heavy fire. Civilian casualties, tragically, are mounting.

Today, every single Member of the Senate must say once again, without equivocation, that the United States stands behind the Ukrainian people and behind all people in all nations who oppose the aggressions of despotism.

In the weeks to come, the Senate must work on a bipartisan basis—and in lockstep with the Biden administration—to pass a strong aid package providing both humanitarian aid and security assistance to Ukraine.

The strongest signal we can send to Vladimir Putin right now is that the United States stands together—together—with the people of Ukraine. Twenty years ago, when our own democracy was attacked right here on our own soil, Americans banded together—Democrat and Republican—to defend our Nation and our democracy.

Today, as democracy faces its greatest crisis in Europe since the end of the Cold War, we must likewise band together in support of our friends in Ukraine. So far, the President has done an excellent job uniting our Nation and our allies against Putin. This was not an easy job. The President had to show patience from some who had urged him to do things that would have torn the relationship apart—the European-American relationship.

Now, because of the President's strong leadership, the Russian President finds himself more isolated and a greater pariah than at any other moment in his time in power. When the full weight of international sanctions takes effect, the consequences will be catastrophic for Putin and the Russian economy.

On the flip side—on the flip side—divisions within the United States or amongst our allies will only strengthen Vladimir Putin and strengthen his resolve that he can win this war, and we must resist him and his deeply cynical efforts however necessary. We must be

united in this moment, and so far our unity has precisely been our greatest asset in resisting Putin's aggression: from unity amongst American people in solidarity with Ukraine to America's unity with our European allies. So I hope our Republican colleagues in this Chamber will work with us and the administration to stay unified with a strong aid package.

We don't know how this crisis will evolve, but one thing that will not change is the need to maintain a united front so long as Vladimir Putin continues down his path of violence.

For that reason, the Senate will continue working in the weeks to come on a strong aid package that will erase any doubt where our allegiance lies.

STATE OF THE UNION ADDRESS

Mr. President, now on another subject, tonight, President Biden will come to the U.S. Capitol and deliver the first State of the Union of his Presidency. Whenever the Nation takes stock of the state of our Union, it is important to know where we are today compared to where we were a single year ago. That, indeed, is a revealing measure of any President's leadership.

And despite the immense challenges we still have, what a difference between last year and this year. At the beginning of last year, we were facing the very worst of the pandemic. Unemployment was over 6 percent. Most forecasters said it would take years—perhaps more—to make significant progress in our recovery.

And, of course, as the Trump Presidency came to a bitter and ignoble end, our country was still in shell shock from the violent assault waged upon this Capitol and upon democracy itself.

Today, as we continue to face the serious challenges of our time, just look at how far we have come. The economy has now grown at the fastest rate in a single year since the 1980s. We have added back the most jobs in a single year than in any President's term ever—6 million jobs. Congress passed—and the President signed—the biggest comprehensive, standalone infrastructure law in generations, which is now fixing our roads and bridges, supply chains, and putting people to work across the country with good-paying jobs. Jobs have always been the No. 1 issue to working families. And on that measure, this first year has been a very, very large success.

And after years of President Trump currying favor with despots and autocrats—we all remember what he said about Vladimir Putin over and over again—the world can now rest assured that the United States is once again a reliable ally in the defense of democracy and our alliances like NATO.

And of course, COVID cases are significantly dropping, communities are reopening, mask mandates are reversing, and over 215 million Americans—215 million—have now been fully vaccinated.

The road has not been easy, and certainly the work is not yet done. The pain of inflation is being felt around this country and around the world, thanks largely to the disruptions of the pandemic.

The two greatest things vexing the American people are completing our recovery from COVID and getting life back to normal and fighting increasing costs.

And Democrats in the Senate will keep our laser focus on precisely those issues: bringing down costs for the American people so we can reap the full benefits of our historic growth. From relieving shipping bottlenecks to making insulin more affordable, to lowering the cost of food, these are some of the things Americans want, and these are the issues that Democrats right now are working to help solve.

These problems must be handled, and Democrats and the Biden administration continue to work on them like a laser. Again, full recovery from COVID and increasing costs are the two biggest remaining issues on our domestic calendar, and we are focused on them. But even so, we cannot ignore that we have come far.

And let me say this: The State of the Union is also an important and rare moment for the American people to see what the party in office actually stands for.

It is under Democratic leadership that we will continue to work to lower costs, to fight inflation, give working families ladders of opportunity to get to the middle class, and thrive there once they are in the middle class.

Republicans can't say that. Crippled by Trump's cult of personality, beholden to corporate interests and the ultrarich, the Republican agenda would trap Americans in a vortex of deep cynicism—issues that would not solve today's dilemmas—while they pass legislation that overwhelmingly would benefit the very few wealthy people.

If anyone doubts where the Republican Party stands today, all they have to do is read the bizarre, truly stunning plan released by the junior Senator from Florida last week—the head of the Republican Campaign Committee—which proposed everything from raising taxes on low-income Americans to naming a useless and ineffective border wall after Donald Trump.

Imagine, we are talking about getting back to normal and recovering from COVID and reducing costs, and they are talking about naming a border wall after Donald Trump. Which party is going to solve America's problems?

Indeed, an analysis released yesterday by the Tax Policy Center found that low-income households would pay an average of nearly $1,000 more in taxes next year under a plan like Senator SCOTT's and that nearly all of the new taxes under a plan like his would be paid by those making less than $100,000 a year—cut the taxes on the wealthy, as they did when Trump was President and they had the majority, and now increase taxes on poor people and working-class people. That seems to be where the Republicans are at.

This is just wrong, especially at a time when American families are looking for our help in lowering costs. So, tonight, the President will make clear that while we have a lot of work left to do, we have gotten a lot of work done already. And the Democratic Senate will continue, likewise, to focus working on legislation that completes our recovery from COVID and does everything we can to make sure it doesn't come back, to lower costs, to strengthen our buoyant economy, and preserve America's place as a nation of immense opportunity deep into the 21st century.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The Republican leader is recognized.

NOMINATION OF KETANJI BROWN JACKSON

Mr. MCCONNELL. Mr. President, last week, President Biden announced his choice to succeed Justice Stephen Breyer on the Supreme Court, Judge Ketanji Brown Jackson. Judge Jackson was confirmed less than a year ago to the DC Circuit Court of Appeals.

Now, every Senator must carefully evaluate Judge Jackson's record, legal views, and judicial philosophy. The nominee, the Senate, the Court, and the American people all deserve a process that is free of embarrassing antics that have become the Democratic Party's routine whenever a Republican President nominates a new Justice—the baseless smears, the shameless distortions. The country deserves a process that is painstakingly rigorous and befitting the seriousness of a lifetime appointment to our highest Court.

I, for one, don't care what Judge Jackson's friends wrote in her high school yearbook. I care that American families are facing major crises that bear directly on Federal courts and our legal system, from surging violent crime and systematically weak prosecutors to open borders and campaigns to shrink religious freedom and the rights of conscience.

What is more, one of our two major political sides increasingly makes noise about attacking the very legitimacy and structure of the Supreme Court itself. The country needs a serious and sobering examination of all of it.

I look forward to discussing these issues and many others with Judge Jackson when I meet with her tomorrow morning.

It has been less than 1 year since Judge Jackson was confirmed to the DC Circuit. Since then, I understand she has authored only two opinions,

both in the last several weeks. I am troubled by the combination of this slim appellate record and the intensity of Judge Jackson's far-left, dark money fan club.

Throughout the jockeying that preceded President Biden's announcement and, indeed, dating back to her prior confirmation last year, Judge Jackson has attracted loyal and intense support from some of the very same dark money, far-left activists who have declared war on the institution of the Court itself. One has to wonder why these leftwing organizations worked so very hard to boost Judge Jackson for this potential promotion.

I am sincerely looking forward to meeting Judge Jackson, to a thorough conversation tomorrow morning, and to the vigorous Senate process that lies ahead.

STATE OF THE UNION ADDRESS

Mr. President, on another matter, tonight, President Biden will deliver his first State of the Union Address.

One year into his term, the American people have a lot of questions they would like answered: why Democrats plunged ahead with reckless spending that caused the worst inflation in 40 years, why violent crime and illegal immigration are setting all-time records, why the administration haphazardly withdrew from Afghanistan and proposed to cut defense spending after inflation at a time when Russia is trying to redraw maps in human blood.

When President Biden took office 1 year ago, he inherited major tailwinds and a brimming optimism. Brilliant scientists and Operation Warp Speed had developed vaccines in record time, and we were already putting doses in more than a million arms every day. Scientific data had already proven that, after a devastating year for children and families, schools were safe to reopen in person.

Thanks to the historic CARES Act and another targeted, bipartisan stimulus that had just passed weeks earlier, our economic foundations had weathered the pandemic lockdowns and were primed for a roaring recovery back to normalcy and prosperity. Before the pandemic, Republican policies had America as a net exporter of oil for the first time since World War II.

The same voters who gave President Biden the Presidency gave him a razor-thin margin in both Chambers. His only mandate was to govern from the middle.

In his inaugural address, President Biden promised to do just that—to unite and to heal—but for the past year, he and his administration have often behaved like they are trying to fail their own test.

Remember, the President made stifling American energy independence a day-1 priority, killing miles of pipeline and freezing new jobs and new exploration with the stroke of a pen.

Then came the spending bill his administration called the ''most progressive domestic legislation in a generation'' that top liberal economists warned would ''set off inflationary pressures . . . we have not seen in a generation.'' Inflation has surged so steeply, most Americans have seen their real wages actually cut.

Then came the decision to cut and run from the international coalition we led in Afghanistan. President Biden's top military advisers warned that retreat would embolden terrorists, endanger loyal partners, and leave our intelligence capabilities in the region badly handicapped; but the Biden administration failed to heed these warnings and presided over a disastrous withdrawal. Our biggest adversaries took notes, and now, one of them is testing the limits of the West's resolve to oppose his murderous conquest.

Then there are the alarming trends this administration has placed on the back burner but which communities across America are facing every day.

After spending the Presidential campaign talking about potential amnesties, the Biden administration wasted no time in making our southern border more porous. The CBP has reported its highest single-year total for southern border encounters on record—with no sign of a coherent administration response in sight.

Meanwhile, Democrats' response to a historic surge in violent crime has been to double down on the hostility toward police and the prosecution that has encouraged it. Across America, radical local prosecutors are simply declining to charge whole categories of crimes. But, instead of condemning this extremism, the Biden administration has endorsed it, staffing their Justice Department with some of the most outspoken critics of law and order.

Meanwhile, this Justice Department goes out of its way to keep tabs on parents who dare to question teachers unions' veto power over established medical science or who exhibit skepticism toward woke propaganda in public schools.

So that is a heck of a rap sheet, but I am afraid the most damaging legacy of President Biden's first year is bigger than just his unwise policies. Democrats have not just tried pushing bad ideas through our institutions; even under the Presidency of a self-styled institutionalist, the far left has tried to wreck—wreck—our institutions altogether.

Tonight, we will hear from a President who assigned a commission to study packing the Supreme Court because his party didn't like its current ideological makeup.

We will hear from a President who urged his former colleagues to tear up Senate rules in order to rewrite the rules of American elections, likened anyone who opposed these efforts to infamous racists, and continues to stoke racial animus with wild nonsense about a revival of segregation.

We will hear from an administration that has failed its own tests and which, candidly, has the public approval figures to match.

On foreign affairs in particular, I am sincerely rooting for President Biden's success. We need steady, serious, and smart leadership to help guide the West through this perilous time, but on most issues, what the American people deserve tonight is a commitment to drastically change course. If this administration does not majorly correct its course, the American people may correct course for them this coming November.

I am glad the American people will also hear from Governor Kim Reynolds this evening. She is a strong and successful leader who delivers real solutions for the great people of Iowa. She fought COVID without declaring war on freedom or common sense. She backed the blue, stayed tough on crime, and kept Iowa's economy open.

I look forward to hearing her reaction to the President's remarks and her thoughts on how Washington could better serve Middle America.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MURPHY). Without objection, it is so ordered.

NOMINATIONS

Mr. BROWN. Mr. President, every day, Americans get up, go to work, and do their jobs. It is time that all of us in the Senate do ours.

We have five outstanding nominees for the Federal Reserve. They are ready. They are ready to get to work fighting inflation. And that fight is all the more important now as Americans brace for possible impacts at the gas pump and throughout our economy from Putin's invasion of Ukraine.

Vladimir Putin has made it clear he doesn't care whom he hurts in his maniacal quest for power. He has no problem attacking innocent Ukrainians defending their country and wanting to continue their freedoms and their democracy. He has no regard for hard-working families in the United States and Europe and across the world who can't afford higher energy prices.

Our Senate colleagues of both parties, led in part by the Presiding Officer today, Senator MURPHY, have so far shown a united front against Putin. We are united in the need for punishing sanctions against Putin and his cronies. But along with these sanctions, it is our job to do all we can to make sure Putin's invasion does not hurt hard-working Americans.

Let's be clear. This body, this administration, this Fed will do all it can to combat inflation. When it comes to spikes in energy prices because of Putin's warmongering, our resolve is strong. Our commitment to democracy is certain.

This is not the moment for political stunts. As we deal with the first land

war in Europe since World War II, as we confront inflation, as we work to continue our economic growth—in fact, in the past year, for the first time in two decades, America's economic growth is stronger than China's economic growth. Our rate of growth exceeds China's. As we emerge from this global pandemic, everyone understands we need a full Federal Reserve Board—the first one in nearly a decade. It has been since 2013 before we have had all seven members of the Federal Reserve. The Federal Reserve is in some sense the supreme court of our economy, as one Nobel Prize-winning economist, Joe Stiglitz, said.

Americans don't want more political theatrics; they want solutions to take on Putin, to protect our national security, and to bring down costs. There is no more reason for delay.

These nominees have met with every Senator, five nominees. These nominees have met with every Senator who asked for a meeting. These nominees met with staffs of Senators who asked. They offered to meet with many of my colleagues who refused to meet with them and in a couple of cases, met with them and were pretty combative, but that is OK. These nominees did everything we asked of them, and then my colleagues boycotted the vote—something I have never seen happen, not just since I have been chair of Banking, Housing, and Urban Affairs; I have never seen it since I have been in the Senate, where one party boycotted a vote and stopped that vote from actually happening as a result.

These nominees answered every question posed to them at the hearing. They answered every question submitted for the record. In one nominee's case, she answered almost 200 questions in a 48-hour period, before the deadline. Then more questions came in after the deadline, and she still answered them. All of these nominees have cooperated with both parties in making sure that we can move forward.

If we are going to continue to grow our economy, we need all seven Fed Governors in place. We need these professionals working, debating, and making decisions about monetary policy and interest rates and jobs and tackling inflation. We need these professionals to do the Fed's critical work on something we hadn't really thought much about before—helping prevent cyber attacks in our financial system.

Let me single out one of these five nominees because she has great expertise in an issue the American public is more and more concerned about. We know and we have heard discussions in the media about Putin potentially having interest in cyber attacks against our country, against Europe, against us. Sarah Bloom Raskin—this is the moment for her in her record and expertise. She helped lead efforts in both government and the private sector.

Before she was nominated for the Federal Reserve to be Vice Chair of Supervision, a key position to weigh risks—risks of cyber attacks, risks of climate change, risks brought about by many, many banks not having the capital that they have held that they should—she served as cochair of the G7 Cyber Expert Group. She is a former Fed Governor. She was No. 2 at Treasury. She was a banking commissioner in Maryland. She has elevated this issue of cyber attacks and cyber attack risks on corporate boards. She played a pivotal role in helping craft the Obama administration's efforts to combat cyber threats in the financial industry.

She is the leader we need at this critical moment on all of these issues, especially cyber. Let's get her on the job. Let's get all of these nominees on the job.

Dr. Lisa Cook and Dr. Philip Jefferson—they understand workers and communities that make our economy work.

Dr. Cook was born in a small town in Georgia, graduated from Spelman, went to Oxford to study as a Truman scholar, and has a Ph.D. from Berkeley.

Dr. Philip Jefferson grew up in the shadow of RFK Stadium—grew up with not a lot of material assets—and worked as a young man at the Federal Reserve before he went back to school and got his Ph.D. He is now dean of a prestigious school in the Carolinas.

As I said, they understand workers. They understand communities.

Chair Powell and Governor Brainard—the two nominees who have already been serving on the Fed—led the Fed's extraordinary effort to support our economy throughout the pandemic.

We need a full Federal Reserve Board. We need a united front to make our economy stronger, to take on inflation, to take on Putin. I implore my Republican colleagues: Just show up. Vote no if you want to vote against these five nominees. That is certainly your right. But we don't come to the Senate where they hand us a paper and say: Check a box—''yes,'' ''no,'' or ''I don't think I will show up and do my job.'' No. You vote yes or you vote no.

I just implore my colleagues on the Banking, Housing, and Urban Affairs Committee to show up to cast their votes, and we will then move forward. We need them to make our economy stronger and to take on inflation.

The world is looking at us now. We are still the leader of the free world. To play these political games while in the midst of this awful attack, this potentially growing land war in Europe, to play games on the committee and withhold your votes and not show up to work—let's show the world what a functioning democratic government looks like. Let's get this done for the people whom we serve.

I yield the floor.

The PRESIDING OFFICER. The Republican whip.

UKRAINE

Mr. THUNE. Mr. President, over the past week, the world has watched in horror as once again an imperialist Russia sets its sights on a sovereign nation in Eastern Europe.

Vladimir Putin's unjustified and unjustifiable war of aggression has already left hundreds dead and created a massive refugee crisis as noncombatants flee Russian attacks.

At this minute, Russia continues to press forward with attacks on several fronts, with a focus on the capital city of Kyiv, but courageous Ukrainian resistance, both from its formal military and from an increasing number of civilians, is slowing Russia. Kyiv and other major cities remain under significant pressure and could fall within days, but Ukraine is demonstrating a fierce resolve and continuing to blunt Russian advances.

Russia has also been a victim of its own deficiencies, such as poor targeting, broken supply lines, and a limited ability to fight at night. Surprisingly, Russia has not yet established full air superiority, with some Ukrainian jets still flying and some air-to-surface systems still available. This means Ukraine can still fly combat sorties and strike back against Russia. Similarly, Ukrainian command, control, and communications appear to be intact.

How long these conditions can last, however, is an open question, which underscores the urgent need to continue to provide Ukraine with the weapons it needs to stay in this fight and to bring the free nations of the world together to sanction and isolate Russia for its unjustifiable aggression. This is Ukraine's fight, but the United States and allies can provide weapons and humanitarian assistance while imposing swift and severe sanctions against Russia.

We must also shore up NATO to send a signal to Putin that the United States will make good on our defense commitments. This is essential not only to help prevent this war from spreading farther into Eastern Europe but to send a message to China that similar acts of aggression will not be tolerated. We know Taiwan remains in the crosshairs of President Xi, and just as Putin is flexing his power in Europe, communist China is looking for any opening to pounce.

Many pundits have speculated about Putin's mindset and ultimate goal with this attack and how far he would be willing to go despite mounting losses. I think it is clear he is willing to take it to the next level. We should be concerned that as Russia continues to meet heavy resistance, Putin will order his generals to increase pressure no matter the cost—this means no matter the cost to his own troops, many of them young soldiers and conscripts, and no matter the cost to the Ukrainian people.

Putin's failures in Ukraine and mounting international pressure may also spur Putin to escalate beyond Ukraine and lash out against the West. He has already ordered his nuclear

forces on high alert—yet another unprovoked escalation that has drawn immediate condemnation.

The United States and other free nations must match the resolve of the Ukrainian people and respond with swift and severe consequences for Putin and his cronies. The people of Ukraine have shown their fierce determination to fight, drawing inspiration from emerging stories of heroism.

A reported ''Ghost of Kyiv'' fighter pilot has allegedly scored six kills against Russian jets. It may only be an urban legend, but it has captured Ukraine's underdog grit nonetheless.

Ukrainian border guards on a remote island in the Black Sea refused to surrender to the Russian Navy in a defiant radio transmission.

A Ukrainian solder sacrificed himself on Friday by manually detonating charges to collapse a bridge when there was not enough time to detonate them remotely before a Russian column closed in.

A Ukrainian woman defiantly addressed Russian occupiers, offering them sunflower seeds and telling them to put the seeds in their pockets so that sunflowers will grow when they die in Ukraine.

Ukraine has handed out over 18,000 weapons to reservists around Kyiv, with social media posts showing men and women lining up to volunteer. Ukrainian Parliament Member Kira Rudik is taking up arms, hoping to inspire other women to join the resistance. Ukrainian media is broadcasting instructions on how to make Molotov cocktails to attack Russian vehicles.

Then there is President Zelenskyy, who has led the Ukrainians with extraordinary resolution and courage. President Zelenskyy is believed to be Putin's top target, and there are reports of Russian forces being sent into Ukraine for the express purpose of assassinating Ukraine's President. Yet, according to press reports, when he was offered the chance to evacuate, Zelenskyy said:

> The fight is here. I need ammunition, not a ride.

Former Ukrainian President Petro Poroshenko has also been visible in Kyiv, saying Ukraine will resist ''forever'' when asked how long the nation can hold out.

Ukraine's resolve has been on display for the world to see, as have Vladimir Putin's true colors. Putin was given every chance to choose diplomacy and peace. Instead, he chose war.

Putin has offered wild justifications for his attacks, suggesting that Ukraine somehow posed a nuclear threat to Russia and is governed by neo-Nazis and drug addicts. He has also called for Ukrainian soldiers to defect and to ''take power into their own hands.'' It may be that Russia is laying the groundwork for a narrative that there is an organic pro-Russian contingent within Ukraine, possibly within the Ukrainian military itself, to be stood up as an ''authentic'' coup to carry out regime change. Putin has also claimed that the Ukrainian military is moving equipment into residential neighborhoods, which would be consistent with a resistance or insurgency defensive posture but will also give Russia pretext to increase civilian targeting.

Vladimir Putin is apparently on a delirious quest to restore the Soviet Union and once again see Ukraine under its thumb. Unfortunately for him, he apparently reckoned without the people of Ukraine. Each missile that strikes a village, every rocket that strikes an apartment building, every tank that rattles by a once-quiet town will only further stoke Ukrainian's resentment of the Kremlin.

Judging by the way Ukrainians are fighting, I don't think they will ever accept Russian rule. As the growing number of Russians boldly protesting in the streets—from Moscow to St. Petersburg to Siberia—and online are making clear, Putin is also losing the trust of everyday Russians, particularly of the younger generations whom he is likely leaning on for conscripts and who will inherit a decimated economy. Even the daughter of Putin's own spokesman posted on Instagram ''No to war!'' which went viral before it was deleted.

Russian protests have spread to more than 50 cities, and, in keeping with his KGB past, Putin's response has been to detain protesters and restrict access to Facebook and Twitter. Unfortunately for him, however, it has become clear that he will not be able to fully hide the truth from the Russian people. Russians are clearly coming to know Putin as a murderous warmonger who will isolate them from the free world.

It is unfortunate that the world did not take a more aggressive stance against Vladimir Putin before he invaded the sovereign nation of Ukraine. I supported sanctions against Nord Stream 2 and the other punitive measures of the NYET Act before Russia made its attack. It is too bad it took Putin actually going to war for the world to get serious about checking Russian aggression. However, I am pleased that the United States and our partners are finally moving forward with unprecedented sanctions against Russia's economy.

The United States is sanctioning Russia's central bank and freezing its assets in the United States, and a growing number of nations are united to block Russia from the SWIFT financial transaction messaging system. If blocked from this system, Russia will have to conduct run-of-the-mill banking transactions directly between banks, adding costly delays that should discourage any business with their banks. Putin has also joined the select list of despots, like Kim Jong-un, individually sanctioned by the United States.

While I am glad we have taken these steps, there is more we can and should do, including directly targeting the lifeblood of the Russian economy, and that is Russia's energy sector. Every dollar the world denies Putin by not buying his oil and gas is one less dollar he has to spend on his war of aggression in Ukraine.

The conflict in Ukraine is also a timely reminder that energy independence is not only economic security but national security and that here in the United States, we need to do everything we can to get our energy producers off the bench and into the game so that we don't have to rely on foreign regimes for energy supplies.

The situation is also a reminder of how important it is to make a robust investment in our own military to restore our Nation's readiness. The Vladimir Putins of the world will only respond to strength, and we need to ensure that our Nation's military is prepared to meet threats from traditional state actors as well as terrorist organizations. When it comes to dictators like Putin, the best way to secure peace is through robust deterrence.

As Congress reviews the administration's supplemental request for foreign security and humanitarian assistance, we cannot offset this funding by degrading our own defense. This is a military emergency—just ask the people of Ukraine—and we should treat it as such. I hope Congress will come to a sensible solution in the days and weeks ahead.

My thoughts and prayers today are with the people of Ukraine. I hope they know that their courage and determination have inspired millions, and I pray that the United States and freedom-loving countries the world over will continue to do our part by providing the lethal aid Ukrainians need to stay in this fight and by implementing biting sanctions that will leave Putin and his cronies out in the cold.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

STATE OF THE UNION ADDRESS

Mr. BARRASSO. Mr. President, I am going to join a number of my Republican colleagues on the floor today to talk about the State of the Union.

Tonight, President Biden will come to Congress to give his annual State of the Union Address. He is going to try to do his very best to paint a rosy picture of the status quo. No matter how hard the President of the United States tries tonight, Joe Biden cannot hide the fact that his policies have put America in crisis. There is a war in Europe. We have the worst inflation in 40 years, the worst violent crime in 25 years, the highest prices at the pump for gasoline in 7 years, and the most illegal crossings into the United States ever. So no matter what Joe Biden says tonight, he is the one who has created these crises. We are less secure at home and abroad than the day Joe Biden took office.

Over the last 10 months, the American people have said loud and clear

that inflation is a top concern, and Joe Biden has only poured fuel on the fire. He told us that the fire would burn itself out quickly. Yet inflation has only burned hotter.

Yesterday, the Associated Press put it this way. The Associated Press said: ''On cusp of Biden speech, a state of disunity, funk, and peril.'' The article goes on to say: ''Today's national psyche is one of fatigue and frustration.'' They go on to say it is ''the malaise of our time.''

In March of 2021, Joe Biden signed the single largest spending bill in American history. He put $2 trillion on America's credit card, flooded the country with cash, government cash. Since then, prices have gone up faster and faster than wages.

Joe Biden repeatedly said inflation would be ''transitory.'' He said it month after month after month as people felt their paychecks being eaten away. In December, Joe Biden said inflation had ''peaked.'' Joe Biden has been dead wrong again and again and again. The American people are reminded of this every time they go to the gas station, every time they go to the grocery store, and every time they pay their heating bill. It is no wonder Joe Biden's approval rating on handling inflation, which is the No. 1 concern of the American people, is just 31 percent. That means Republicans don't approve, Independents don't approve, and a lot of Democrats don't approve of how the President has handled their No. 1 concern.

So tonight I expect President Biden will once again ask Congress to pass another reckless tax-and-spending spree. He will call it Build Back Better or, more accurately, ''Break Your Back'' bill. I am not sure what he is going to call it. It is going to be Build Back Better part 2.

No matter what the President says tonight, the American people are going to continue to say, ''No, thank you,'' to all this additional government spending.

The American people do not trust this President or the Democrats to tackle the issues that they care about. Inflation is eating away their paychecks and has been doing so now month after month after month.

Millions of people are entering this country illegally. Shelves are going empty. No whitewashing by this President can cover up this painful reality for the American people.

So tonight I will listen carefully to what the President has to say. The American people don't want to listen to a fairytale tonight. They are not looking for a bedtime story from the President of the United States. The American people are looking for real answers.

Joe Biden can brag if he wants. The American people know the truth. America is in crisis. The American people understand that. And the American people know that the person to blame for all of this is squarely right there, the man behind the podium, the President of the United States.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KAINE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

REMEMBERING RICHARD C. BLUM

Mr. GRASSLEY. Mr. President, two things, and the first one is very short but something that is sorrowful that we have to talk about, Senator FEINSTEIN losing her husband. Senator FEINSTEIN is a friend of mine. You get very well acquainted with people when you work with—like when I was chairman of the Judiciary, and she was ranking member. For years before that, she and I chaired or cochaired the drug caucus.

So we all know that she lost her husband of 42 years over this weekend. We know that he had a long battle with cancer. Dick and DIANNE supported each other during everything life threw at them, and they had fun along the way. Together, they were even stronger. DIANNE has dedicated herself to working for the people of California, and she had no better confidant and supporter than her husband Dick.

Many Americans think that Senators of opposing political parties don't get along, and that is not the case. All 100 of us know that here. It is too bad that journalists always make controversy the center of everything, so people—at least in Iowa—have an extraordinary view that we never speak to each other, and that is not the case.

And I would just point out how Senator FEINSTEIN and I have worked together. Barbara and I express our deepest sympathy to DIANNE and her family on Dick's passing, as they grieve the loss of a life well lived.

BIDEN ADMINISTRATION

Mr. President, now to another point that I have come to talk to my colleagues about.

In Biden's inaugural address a year ago, he called repeatedly for unity. He said:

> We can treat each other with dignity and respect. We can join forces, stop the shouting, and lower the temperature. For without unity, there is no peace, only bitterness and fury. No progress, only exhausting outrage.

I was glad to hear him say all of those good intentions. I took it, really, as an invitation for bipartisanship. It sounded like the Joe Biden that I knew as a Senator for the 28 years that he and I worked together. So I reached out early on to offer to work with him on lowering the cost of prescription drugs.

But right out of the gate, he rejected good-faith offers from all of us to work together on another COVID relief package, as Republicans and Democrats had on five others throughout the year of 2020.

Even with the narrowest of margins, and you can't get much more narrow than a 50–50 Senate, President Biden let his party's agenda be dictated by the most radical progressive wing of his party. The extreme radicals refused to compromise on a wish list having nothing to do with COVID.

President Biden should instead have listened to Professor Larry Summers. He was President Clinton's Treasury Secretary and President Obama's Chief Economic Adviser. Professor Summers warned that all the spending the progressives were insisting on would fuel the fires of inflation, and now we know how right Professor Summers was.

But that $2 trillion spending binge just whet the appetite of the very young radicals in the Democratic Party who don't remember the 1970s' stagflation. And if they had memories of stagflation, they willingly ignored history.

Instead of offering to find common ground on issues like prescription drug pricing, the Democrats wasted much of the year trying to spend another $4 trillion on a slew of brandnew entitlement programs.

His one significant bipartisan achievement, passing a bipartisan infrastructure bill, was all but gift wrapped and handed to him by a bipartisan group of Senators.

Even then, liberal Democrats nearly derailed it by insisting its fate be tied to the passage of their unrelated liberal spending spree that is referred to as Build Back Better. Opponents called it ''Build Back Worse.''

Thankfully, moderate Democrats in the House successfully delinked the two bills, as we did in the Senate, and sent the infrastructure bill to the President's desk. So that was a bipartisan victory for the President, and it was a victory for bipartisanship in this Senate.

Now, even more importantly, thanks to the leadership of Senator MANCHIN, along with the principled stand of Senator SINEMA, Democrats multibillion-dollar liberal spending spree floundered—Build Back Better floundered. As a result, we avoided piling even more gasoline into the inflation fire.

But as Larry Summers warned and Senator MANCHIN feared, the fire of inflation is already burning brightly. It is picking the pockets of hard-working, middle-class Americans, who are paying more for gas and groceries, and, for that matter, everything else.

President Biden's reluctance to stand up to the radical voices in his own party or listen to moderate criticism has led to failure after failure.

There is President Biden's decision to shut down the Keystone Pipeline day 1 of his administration and, more recently, to not shut down Russia's Nord Stream 2 Pipeline.

But now, thanks to Germany and the Ukraine situation, that is shut down—but no thanks to President Biden.

He pulled the few remaining troops out of Afghanistan in a chaotic hurry, leaving Americans stranded.

He has even accused friends across the aisle, people of my political party whom he has long worked with, as being Jim Crow racists.

This isn't the uniting President that he promised that he would be on January 20 of last year.

The good news is that it is not too late to change course. So, hopefully, he will get a big voice from both political parties about it is not too late to change course and work in a bipartisan way.

There is reason to believe that he is trying to be Franklin Delano Roosevelt. But trying to be FDR without FDR's popularity and FDR's supermajority in the Congress—that approach has failed.

I invite President Biden to face reality, ignore the radicals in his political party, whether in Congress or on his staff, and work across the aisle in a way I know we can. I saw that regularly for 28 years. Be the President you promised to be at your inauguration, in other words.

The American people want action on issues that they are facing this very day: inflation, spike in violent crimes, prescription drug costs, open borders, and you could have a myriad of other things.

I could name three things that I am part of a bipartisan effort to get things done: One, take on Big Tech, KLOBUCHAR and GRASSLEY; take on the big meatpackers, GRASSLEY and TESTER and FISCHER and WYDEN; and take on prescription drugs, as WYDEN and I worked on that prior to last year, when Democrats took over, and they forgot all about it.

Let's get some of these things done.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

ENERGY

Mr. HOEVEN. Mr. President, I rise today to discuss the need to immediately increase our domestic energy production to counter Russia's invasion of Ukraine.

For an energy-rich nation such as ours, it is unacceptable that our country has been increasingly reliant on Russia for oil. In recent months, we have imported nearly 600,000 barrels per day of Russian oil. At the same time, the Biden administration has worked systematically to shut down domestic U.S. oil and gas production.

American oil and gas producers, including those in North Dakota, have proven that they have the capacity to produce more oil here at home. We had gotten to 1.5 million barrels of oil a day production; now, 1.1 million barrels a day.

We can do more; other States can do more. We need to do it not only for our consumers here at home but to help our allies in Europe.

Our economy, quality of life, and security depend on access to low-cost, dependable energy from all sources, both traditional and renewable.

The Biden administration's hostile energy policies treat America's abundant oil, gas, and coal reserves differently, and they treat it as a liability.

We are seeing the direct consequence of that approach, allowing investment and dollars to flow to energy producers like Russia, Iran, and other countries that leverage their own energy against our interests, with little or no regard for environmental stewardship; whereas, our environmental stewardship is the best in the world.

It is time we harness our vast strategic energy reserves and maintain our status as a global energy powerhouse.

President Biden will soon deliver his State of the Union Address, and it is time he works with us to support our domestic energy producers and abandon his failed approach to energy policy.

Each additional barrel of oil we can produce here at home strengthens our economic and national security and helps our allies. Each additional U.S. barrel offsets production from Russia and other adversaries. Each additional barrel of oil helps reduce prices for American consumers, and because energy is built into virtually everything we consume, lowering energy costs helps bring down inflation. That means empowering and encouraging our domestic producers and reversing the Biden administration's policies that curtail production.

To start, the Interior Department needs to immediately end the leasing moratorium and hold previously postponed lease sales, both onshore and offshore.

We need to expand our energy infrastructure to ensure efficient delivery to consumers. That includes approving the Keystone XL Pipeline, which is legislation that I led, and we passed during the Obama administration. Now, it was vetoed by President Obama, but it was my bill. We approved it in this Chamber, approved it in the House, got it to the President, and the President vetoed it. If he hadn't, we would have Keystone Pipeline today, bringing millions of more barrels of energy to our country and to our allies, working with our closest friend and ally, Canada.

We need to strengthen our energy trade with Canada—as I said, obviously, one of our most important allies.

It also includes building new natural gas pipelines to connect areas like New England to domestic gas reserves in Pennsylvania and West Virginia.

We need to expand liquefied natural gas—LNG—exports to our European allies to provide cleaner, more efficient alternatives to Russian gas.

The gas that we send from our LNG facilities to Europe, on a lifecycle basis, has 41 percent less emissions than Russian gas.

I will soon be introducing the American Independence from Russia Act, bicameral legislation, with Representative CATHY MCMORRIS RODGERS, which requires the President to provide Congress with an energy security plan that, first, evaluates U.S. oil imports and exports; second, assesses our energy security risks based on oil imports; and, third, encourages U.S. domestic oil production to offset Russian imports. This is all about a return to regulatory certainty to protect our capacity to produce energy, and that means helping producers attract capital investment.

It is time we unleash the full potential of U.S. energy producers to strengthen our energy independence and weaken authoritarian adversaries like Russia and others. In addition to strengthening national security, robust and domestic energy production will help provide lower energy costs and relief from inflation for hard-working American families. We need to unleash our energy resources for the sake of our own consumers and our allies.

I yield the floor.

The PRESIDING OFFICER (Ms. SINEMA). The Senator from Iowa.

STATE OF THE UNION ADDRESS

Ms. ERNST. Madam President, tonight, the President will deliver the annual State of the Union Address. And I have to admit, as a result of President Biden's policies over the past year, nearly everything is up—consumer prices, up; violent crime, up; the national debt, illegal border crossings, fatal drug overdoses, our trade deficit—they are all up.

But what isn't up is the public's view of the President and his policies. In poll after poll, the majority of Americans disapprove of the job that President Biden is doing. On nearly every key issue facing the country, Americans, by and large, just do not think Mr. Biden is up to the job. And more than two-thirds of Americans lack confidence that President Biden can bring the country closer together, something he promised the American people that he would do. Folks, this is really no surprise since it is, after all, the President's unpopular partisan policies that are driving Americans further apart.

President Biden might try to mask himself as a moderate, but no one is being fooled. Behind the mask, the real Biden agenda is more mandates from Washington, higher prices for all Americans, and less security at home and abroad. As a direct result of mandates imposed by this administration, for example, thousands of healthcare workers have lost their jobs at a time when we need them more than ever.

And because of the massive amount of money being printed in Washington, inflation is soaring at its highest point in 40 years. The cost of food, gas, housing, and just about everything else is significantly more expensive today than it was before President Biden was sworn into office.

The President chose leftwing climate fantasies over national security. His doctrine of appeasement has resulted in America becoming more energy dependent on foreign adversaries like Russia for the energy that is necessary to heat our homes and keep our country on the move.

And with the Russian military on the march in Europe and terrorists in control of Afghanistan once again, the national and economic security of our Nation has been set back decades. It is really quite stunning and gravely concerning what an incredible mess President Biden has created in such a short period of time.

Yet the White House is attempting to convince the American people that everything is fine. The President called his hastily ordered exit from Afghanistan an ''extraordinary success,'' despite leaving thousands of Americans and allies behind.

And the Biden administration has repeatedly denied that rising prices and empty shelves are even a problem, while fanning the flames of inflation and out-of-control spending. Folks, if simply printing money could solve the problem for us, we would be living in a utopia right now since Washington spent nearly $7 trillion last year alone. Instead, every American is feeling the pinch of Bidenomics—because spending is not the solution, folks; it is the problem.

And you would think that in light of Putin's aggression and the threats from other adversaries, our Commander in Chief would be focused on strengthening and modernizing our defenses. Instead, funding for the Department of Defense is being held hostage by the President and Democrats in Congress until the widely popular 50-year-old ban on taxpayer funding for abortions is repealed.

Folks, is this really the time to play abortion politics with our Nation's national security?

Having spent the last half-century in Washington, President Biden is totally out of touch with the everyday needs of Iowa families. And the world around us has become much more dangerous under his watch.

Just remember as you listen to his address, every time the President proposes increasing Washington spending, that translates into higher prices and taxes for you. Every new government expansion the President proposes means more Washington mandates and control over you. And no matter who he blames for the security crises we are in now, it is the President's poor decisions and lack of leadership that continue to make our Nation less safe at home and abroad.

To get our Nation moving in the right direction, we need a forward-looking, freedom-first agenda. To ensure our families have and can afford the food and essentials they need, the supply chain must be fixed. To protect and prepare our children for the future, we need schools to be a place of learning, not ''woke'' indoctrination. To protect our Nation from foreign threats, we need to ensure U.S. energy independence and the strength of our military remains unmatched. And to form a more perfect union, Washington needs to stop micromanaging how we live our lives and start abiding by the most important mandates in America, the ones that are listed in our Constitution's Bill of Rights, which protect us from government intrusion.

These goals don't represent a partisan platform but rather an inclusive agenda for all Americans that puts each one of us back in charge of the direction of our own lives. It is a vision based on freedom, on liberty, on opportunity.

Folks, I know this vision works because that is exactly what is happening in my home State of Iowa under the leadership of our Governor and my friend, Kim Reynolds. She has led with Iowa common sense and compassion since day one.

Right now, Governor Reynolds is expanding opportunities for everyone by cutting taxes to help families and small businesses. She is standing up for our freedom, putting our kids first, and ensuring parents have their voices heard.

Under her leadership, Iowa was the first State to reopen our schools during the pandemic. Governor Reynolds is pushing back on the massive Washington overreach from President Biden and standing up for our way of life. And she is fighting to keep the left's ''woke'' agenda out of Iowa.

Folks, Governor Kim Reynolds is the perfect choice for the Republican response to tonight's State of the Union Address and her record of success in Iowa is the ideal contrast to the life in Joe Biden's America.

Things are not fine, folks. You and I know that, and we feel that every day. But Governor Reynolds—her leadership and her vision for a better future—leaves me very optimistic about what lies ahead for America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CRUZ. Madam President, tonight, on the other side of the Capitol, President Joe Biden will tell the American people what a great job he has done. He will read a speech, and seated behind him will be NANCY PELOSI and Vice President Kamala Harris.

Not even the most extreme Democratic partisan can believe that the last 14 months have been a success. Joe Biden campaigned for President as a reasonable and centrist moderate, and he abandoned every one of those promises the moment he put his hand on the Bible. Instead, he has handed the agenda over to the most radical and extreme voices on the far left, and the result for the country has been disastrous.

In 14 months, we have seen trillions of new spending and trillions of new debt, the highest debt in the history of our Nation.

We have seen a war on domestic energy production. In his first week in office, Joe Biden shut down the Keystone Pipeline, destroying 11,000 jobs, destroying 8,000 union jobs. He halted new leasing on Federal lands and offshore drilling, and the predictable result of launching an assault on domestic energy production is that energy prices skyrocketed.

But for that matter, everything has skyrocketed—food, electricity, rent, home, lumber, gasoline, heat, every basic expense. Working families are suffering and especially seniors—especially those on fixed incomes.

Then we have our southern border—the absolute chaos and crisis on our southern border—over 2 million people crossing illegally into this country, the worst rate of illegal immigration in 61 years. And it is worth noting that Biden inherited, the year before, the lowest rate of illegal immigration in 45 years. So he turned success into failure because he implemented the radical leftwing ideas of open borders from the extreme left.

The crime and chaos of disease coming from 2 million illegal immigrants is compounded domestically by the extreme left's war on the police. We have seen the far left advocating abolishing the police, advocating defunding the police. We have seen George Soros' funded district attorney releasing violent criminals. And as a result, crime is up, murders are up, carjacking is up. And the Biden administration has embraced that radical agenda, nominating not one, but two of the leading advocates of abolishing the police to senior positions in the Department of Justice. Unfortunately, every single Democrat in this Chamber voted to confirm those leading advocates for abolishing the police.

We have seen Joe Biden implementing illegal and unconstitutional vaccine mandates; standing up and firing soldiers and sailors and airmen and marines; advocating that doctors be fired, that nurses be fired, that police officers be fired, that firefighters be fired, that airline captains and flight attendants be fired—an assault on our liberties. And as disastrous as the domestic policy has been and as disastrous as the economic policy has been, the foreign policy has been even worse.

We saw in Afghanistan the catastrophic withdrawal—the surrender to the Taliban, leaving Americans behind. And unfortunately, when that happened, every enemy of America, they looked to Washington, they looked to the Oval Office, and they took the measure of the man in the Oval Office; and they all concluded that the President was weak and feckless and ineffective.

As I said at the time when we withdrew from Afghanistan, the chances of Russia invading Ukraine have increased tenfold. As I said at the time, the chances of China invading Taiwan have increased tenfold.

When the President is weak, when he is ineffective, our enemies are on advance and every region of the world you look at is worse for America.

Russia has launched the largest war in Europe since World War II. China is more aggressive—is running concentration camps with a million Uighurs, is

murdering and torturing innocent people in China.

And mind you, when I brought a vote to the Senate floor that said the U.S. Government should not purchase goods manufactured using slave labor in Chinese concentration camps, every Democrat but one voted no.

These are extreme positions. This is not the mainstream. This is not the center. This is the radical and extreme left. NANCY PELOSI will not portray it on her face, but she knows in January she will no longer be Speaker of the House. And I will say, Joe Biden's becoming President was the best thing that ever happened to Vladimir Putin.

Biden began his Presidency by surrendering to Putin, waving the sanctions on Nord Stream 2; sanctioned bipartisan sanctions that I authored that had stopped that pipeline, that had stopped an invasion of Ukraine; and Biden decided surrendering to our adversary was a better policy. As Neville Chamberlain has demonstrated, appeasement doesn't work.

The state of America is strong, but the state of the Union and the state of the Federal Government in Washington is disastrous. Yet the one bit of bright light on the horizon that I am confident President Biden will not point to is that the American people will vote in November, and I believe they will change the path we are on.

We have seen the disaster of the extreme radical left. If Biden could remember the Joe Biden who swore me into office, the Joe Biden who swore many of my colleagues into office, the Joe Biden whom we served with—if he could remember that Joe Biden—it would be a very different administration. Sadly, this White House has decided the radical, extreme, socialist left sets the agenda, and the results of that agenda are playing out for families all across the country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. KAINE. Madam President, I ask unanimous consent that I, along with Senators Hagerty, Peters, and Portman, be recognized to speak for up to 5 minutes each before the scheduled recess.

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

Mr. KAINE. Madam President, I was not intending to speak. As the Presiding Officer knows, I was presiding, and she was kind to spell me.

Yet, as I was hearing colleagues talk on the floor about the state of our country, what I was hearing from my Republican colleagues were words like ''malaise,'' ''funk,'' ''disaster,'' and I was seeing visuals of a house on fire. So I was compelled to stand and just offer a few extemporaneous remarks.

I don't think America is a disaster. I don't think America is on fire. I don't think America is in a deep, unyielding malaise. I have heard colleagues talk about the situation in the world and use the ''appeasement'' word. I have heard language, both in committee hearings this morning and here on the floor, that I would characterize as a kind of a ''blame America first'' attitude. If something is going on—if a dictator like Vladimir Putin acts in a horrific way—it has got to be America's fault. It has got to be Joe Biden's fault. I don't think our instinct should be to blame America first when dictators in the world undertake despicable actions.

What I have noticed in these comments today in trashing our President and in trashing the country—sort of a cherry-picking of evidence—is that my colleagues have brought up some things that are really very legitimate concerns. Inflation is a very, very legitimate concern that has to be addressed. Yet I have listened to these speeches, and not one has talked about record job growth. Not one has talked about strong GDP growth. Not one has talked about dramatic increases in the wages and salaries of low- and moderate-income people.

Is that because my colleagues are unaware of those things?

No. They know these things. They are just choosing not to discuss them because what they want to do is to paint a picture of an American malaise, an American funk, an American disaster. That is not what this country is. Yet my colleagues are very willing to paint a false picture by omitting key evidence.

I listened to the speeches this morning, and not one mentioned that COVID deaths and hospitalizations are coming down dramatically and that the CDC now has said, in most of my Commonwealth and in most of the country, you needn't wear masks indoors. I would think they might have mentioned that because part of the reason for this recent progress is the vaccinations; it is the vaccines that were developed in the previous administration. They could have taken a little credit for it, but, no, they didn't mention it at all. COVID is coming down. There is strong economic growth, strong job growth, strong wage and salary growth.

Around the world, a NATO that the previous President trashed when he was cozying up to the dictator Vladimir Putin is demonstrating to the entire world that, when it is resolved to unify, the power of American-led alliances is a huge force for good in this world.

So I am just trying to grapple with the one-sided presentation of American disaster, American malaise, American funk. Here is the way I understand it.

The last 2 years have been brutal. The death toll due to COVID is now nearly 950,000. It will eclipse a million. I am 64 years old as of a couple of days ago. It has been the hardest 2 years in my life and for our country with the death, the illness, the economic devastation, the job loss. It has been brutal here, and it has been brutal all around the world, and it is not completely in the rearview mirror yet.

I suspect what you are going to hear President Biden say tonight—this is my intuition; I don't have knowledge. He is going to acknowledge the incredible pain we have been living under in this country and around the world for the last 2 years—nearly unprecedented in a century. He is going to point out that there are still significant challenges and that there is still too high a percentage of Americans who haven't taken advantage of these vaccines.

Yes, inflation is a problem, and there are problems that we have to deal with, but when you look at strong job growth and strong wage growth and strong GDP growth and when you look at declining case numbers, I will tell you what I see. I see the beginnings of something that we often see in American life—an American comeback. We are comeback people. We are comeback people.

A friend of mine once said: Tough times don't last. Tough people do.

We are tough, tough people.

As I travel around Virginia—and I was traveling around Virginia last week—I don't fundamentally see funk or malaise or ''poor, poor, pitiful me'' or blaming America for the woes of the world or blaming Joe Biden for the reality of a tough situation we have been living through. I see people with their chins up and their heads held high, who will acknowledge that we have challenges and that we have got problems to solve but who believe that we are on our way to a better chapter after a very difficult last couple of years.

That is the can-do spirit I see around Virginia. That is the can-do spirit, I believe, that has always characterized Americans, not a ''we are on fire''; ''it is a malaise time''; ''it is a funk time.'' No. I see a can-do spirit and the beginnings of an American comeback underway after what has been the most painful 2 years during my 64 here on the planet.

I don't know, if I am right, whether that is good news or bad news for my colleagues who are here on the floor, painting the negative picture. I would think it would be good news. But if it were good news, why wouldn't I have heard some acknowledgment of job growth or wage growth or GDP growth? Why wouldn't I have heard acknowledgment about COVID cases coming down?

We do need to work together. The Presiding Officer inspired all of us with her work on the bipartisan infrastructure bill, which, as I was traveling around Virginia last week—and I am sure most of us were doing this in our States—my mayors and my State officials and my local economic development officials were talking with excitement about what this will mean in terms of the rebuilding of American communities where we haven't invested in infrastructure for a very long time.

I don't think this is a moment when the leadership class of this country should be amplifying pessimism about

this country. I think it is a moment when the leadership class of this country should be amplifying an optimistic, can-do message that I think is in accord with the values of Virginians and the values of Americans. I suspect that that kind of a message—the acknowledgment of the difficult reality but the foundation being laid for the beginnings of an American comeback after 2 tough years—is the message that we are going to hear from President Biden tonight.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

SUPPORTING REOPENING THE UNITED STATES CAPITOL BUILDING AND SENATE OFFICE BUILDINGS TO THE AMERICAN PEOPLE

Mr. HAGERTY. Madam President, I rose in this Chamber 2 weeks ago to again urge the Senate to reopen the U.S. Capitol and to reopen the Senate office buildings. At that time, Democrats objected to my resolution in support of reopening. Two weeks later, it has become even more clear that the American public is tired of government mandates and of COVID shutdowns.

Democrats have exploited the pandemic to execute a power grab over American life—a power grab that allows Democrats to dictate whether children can attend schools, whether Americans can keep their jobs and operate their businesses, and how elections are conducted. These Big Government lockdowns and mandates have caused irreparable damage that will be felt for generations to come. As we move ahead, we mustn't lose sight of this lesson.

On the bright side, even the Biden administration is seeing the poll numbers, and they are adjusting the science accordingly. On Friday, the CDC changed its guidance once again. Now indoor masks are not recommended for most Americans. Masks are no longer required on either side of the Capitol Building. Why, even Washington, DC, has opened up and lifted its mask mandate. Amazingly, all of this happened just in time for the State of the Union Address.

The only science that is being followed here is the political science, but, thankfully, America is returning to normal. Americans everywhere are safely living their lives—going to work and school, visiting stores, attending events, and gathering with their families and their friends. They shouldn't have to know somebody in order to visit their Representatives, to take a tour of the Capitol, to get into this building.

It is time for the lockdown on democracy to come to an end. Today, I am once again asking my colleagues to rejoin reality and reopen the Capitol to those to whom it belongs—the American people.

Madam President, I ask unanimous consent that the Committee on Rules and Administration be discharged from further consideration and that the Senate now proceed to S. Res. 512.

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

The legislative clerk read as follows:

A resolution (S. Res. 512) supporting reopening the United States Capitol Building and Senate Office Buildings to the American people.

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

Mr. HAGERTY. I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; and that the motions to reconsider be considered made and laid upon the table.

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

The resolution (S. Res. 512) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of February 15, 2022, under ''Submitted Resolutions.'')

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. HAGERTY. Madam President, I am glad that the Senate has agreed to my resolution to reopen the Capitol, and I urge the House of Representatives to pass a very similar resolution that was introduced in that body so that all parts of the Capitol Complex are open to the American people.

I also stand ready to work with my colleagues and with the Capitol Police to implement this resolution so that we can welcome the American people back into their Capitol as soon as possible.

I yield the floor.

POSTAL SERVICE REFORM ACT OF 2022—Motion to Proceed—Continued

The PRESIDING OFFICER. The Senator from Michigan.

H.R. 3076

Mr. PETERS. Madam President, last night, the Senate came together for the American people and overwhelmingly voted to move forward on historic, bipartisan, bicameral, and long-overdue reforms that will help ensure the stability and the long-term success of the U.S. Postal Service.

The Postal Service is one of our Nation's oldest and most trusted institutions. It serves as a critical lifeline for millions of Americans, including seniors and veterans in rural communities who expect the Postal Service to deliver vital mail, including supplies and medications.

However, for more than 15 years, this public service and its dedicated workers have been hindered by burdensome financial requirements. The need to quickly pass these balanced reforms, which are broadly supported by the American people, has become increasingly urgent.

One persistent burden has been a requirement to prefund every single cent of healthcare benefits that every single postal worker employee will use when they eventually retire, no matter how far off that may be. This is something that no business in America is required to do, and for good reason. It makes no practical sense, and it has imposed an enormous cost on the Postal Service that has threatened their ability to provide reliable and timely delivery.

In recent years, we have seen firsthand how burdensome policies have driven the Postal Service to resort to harsh measures to cut costs and, as a result, compromise delivery service. We must act now to set this critical institution on a sustainable financial footing by passing the Postal Service Reform Act.

This bipartisan, commonsense legislation will save the Postal Service more than $49 billion in the next 10 years by eliminating the aggressive prefunding requirement for retiree health benefits and by integrating postal retirees' healthcare with Medicare.

These changes will help ensure the Postal Service, which is self-sustaining and does not receive taxpayer funding, can continue serving the people and avoid making severe cuts down the line that would impact millions of Americans. These reforms will also require the Postal Service to deliver 6 days a week so it can continue serving as a critical lifeline for countless communities that need timely delivery of their essential needs.

This legislation will also make the Postal Service more transparent and accountable to the American people by making weekly local performance data publicly available online, enabling every single community to see exactly how the Postal Service is performing in their area.

I introduced this legislation in the Senate last year and have worked hand in hand with Ranking Member ROB PORTMAN from Ohio, as well as Chairwoman MALONEY and Ranking Member COMER on the House Committee on Oversight and Reform, to craft this bill.

Last month, the House passed this legislation with overwhelming bipartisan support. Last night, we saw this body advance it with significant bipartisan support once again. Now the Senate has a historic opportunity to move this legislation forward.

I am proud to have helped secure significant bipartisan support for our Senate companion bill, with a total of 14 Democratic and 14 Republican cosponsors backing the legislation.

Together, we can finally, after more than 15 years, pass this commonsense, bipartisan legislation to set the Postal Service on a stable financial foot and bring it into the future. We can support our dedicated and hard-working postal employees, as well as the customers whom they serve. We can set the Postal Service up for success so that families and small businesses, veterans, seniors, and all Americans can continue to rely on this critical public

service, as they have for generations. We can show the American people this body can set aside partisanship and work hand in hand to improve their lives.

Every single day that we delay will just hurt the Postal Service. We must pass these urgently needed reforms. I urge all of my colleagues to support this legislation and pass it swiftly so that we can ensure the long-term success of this treasured institution and the essential role it plays in the lives of every single American.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Madam President, I rise today in support of the legislation that my colleague from Michigan just talked about. This is H.R. 3076, the Postal Service Reform Act. What it really is, though, is ensuring that the post office works, that it works for the constituents whom I represent and people all around the country.

Unfortunately, right now, the post office is in trouble. It is in dire need of reform, and if we don't do it, we are going to have big problems. The post office just had its 15th consecutive annual net loss in 2021, and they projected they are going to be insolvent in the next few years unless we make these reforms and other reforms as well that can be made by the post office itself. In fact, they project a 10-year loss of $160 billion if we just continue with the status quo.

The reality is that the Postal Service is delivering less and less first-class mail. We are all online. We are not sending as many letters as we used to. Yet there are more and more addresses that they deliver to because more and more people want to get the mail they do deliver, the packages, the direct mail, and so on. So it doesn't work. It is a recipe for ruin if we don't adjust to the new reality and make some necessary changes.

Last year, Senator PETERS and I did introduce the legislation he talked about. We had 26 cosponsors, equally divided between Republicans and Democrats. We kept this bipartisan from the start. In fact, I would even say we tried to keep it nonpartisan. What could be more nonpartisan than trying to save the post office? Everybody cares about the post office and wants to be sure it is working well and working efficiently. It is not a partisan issue; it is of importance to all Americans—young, old, urban, rural, everybody.

I hear a lot about it back home from my constituents. A constituent from Butler County, OH, wrote me recently and said:

> My father, a veteran of the Vietnam war, has COPD and is 70 years old. He receives his lifesaving medication through the mail. My father can't breathe without his daily inhaler.

We have to be sure the post office works for him.

A constituent from Montgomery County wrote:

> As a disabled veteran, I need to vote by mail.

We have the ability to vote by mail in Ohio. It is no-fault absentee. But it requires the Postal Service to work, right? It doesn't work well if the ballot is late and is not counted.

A constituent from Richland County, OH, wrote:

> The post office is essential to millions of Americans, including seniors and veterans who depend on it for medications, small business owners who are already struggling.

Everybody. Everybody.

Putting the Postal Service on sound financial footing cannot be accomplished through an act of Congress alone. This is not just about passing a law here. We are going to do that. We had a good vote last night, and I think we will get more people supporting it, I hope, as we go through the week. But it is also about reforms that the post office is going to make itself.

The current Postmaster General, Louis DeJoy, has embarked on an ambitious plan to transform the Postal Service by finding efficiencies, including transforming existing capabilities to more efficiently meet the needs of the American people. He is taking on a 10-year plan to make certain changes to make the post office more efficient, but he has made clear to us that he needs the financial space to do that. He needs some headroom here by us making some important changes here in Congress.

We have a role to play too. This is what we do:

First, we eliminate a burdensome and unique prefunding requirement for retiree health benefits. Congress mandated this back in 2006 for current employees, regardless of age. That has crippled the Postal Service financially. Prefunding of retiree health benefits is not something that anybody else has to do. It is really uniquely the post office. The Federal Government does not do that. The private sector does not do that. In fact, very few private sector entities, of course, offer retiree health benefits. They rely on Medicare. So the Federal Government doesn't do it. The private sector doesn't do it. Why is the post office doing it? That is a good question. We are just trying to bring the post office in line with what everybody else is doing with regard to retiree health benefits.

Second, it requires Postal Service employees who are retiring—who have been paying into Medicare their entire career, by the way—to actually enroll in Medicare Part B and Part D. Everybody is in Part A, but about 25 percent of postal employees are not in Part B. Instead, they rely on the Federal employee health benefit plan, which is far more expensive.

This includes the ability for these post office retirees to get into Medicare Advantage. That is very important to me. So just like happens under current opportunities to enroll in Medicare Advantage under the Federal Employees Health Benefits Program, they would be able to use the Medicare Advantage Program, which I like. It is kind of a wraparound program that gives you more opportunities for more options and benefits. It is more like a private sector plan. A lot of my constituents in Ohio like it and use it.

Currently, again, about 25 percent of postal employees don't enroll in Medicare even though they are eligible for it. Again, they paid their HI payroll tax, the HI tax you see on your paycheck. This means the Postal Service is currently paying higher premiums for FEHB than other public or private sector employers who require Medicare. This is a big savings for them.

Third, it requires the Postal Service to maintain its current standard of 6-day-a-week delivery through an integrated delivery network of mail and packages. This was important to a lot of my colleagues—particularly those representing rural areas—that they keep this 6-day-a-week delivery. It is important to the guy who is from Butler County who gets his COPD medication through the mail. So it requires the post office to continue to do that even while finding other efficiencies.

In terms of the integrated delivery network of mail and packages together, it underscores through a rule of construction that this has no impact on existing rules governing how the Postal Service attributes costs between packages and mail.

Let me repeat that. We provide for an integrated delivery system of mail and packages, and that makes sense. If you are going to deliver mail to somebody, you should also be delivering the package, right? That is much more efficient. But we say that this has no impact on existing rules governing how the Postal Service attributes costs between packages and mail.

This is important to me because this makes sure that the private sector will not be subject to unfair competition.

In addition to doing all of these things, the Congressional Budget Office estimates that the bill will result in a little more than $1 billion in savings in outlays and $458 million in savings in direct spending.

The bottom line is, the Congressional Budget Office, CBO, the nonpartisan group up here in Congress, has looked at this and said there is going to be a $1.5 billion savings to the taxpayer because of this legislation—$1.5 billion savings to the taxpayer.

Because it makes sense, this legislation received strong bipartisan support when it was taken up in the House of Representatives. In fact, it was passed by a vote of 342 to 92. Not much gets passed with those kinds of big bipartisan numbers these days. Republicans and Democrats alike looked at this and said: You know, the post office is in trouble. We have to do something.

Some say: Well, this may not be perfect. Well, it is not perfect. Nothing is around here. But it is a whole lot better than the alternative, and it does get the post office back on track.

Again, along with the reforms that are being undertaken at the Postal Service itself, this legislation gives them the financial breathing room they need to be able to save the post office.

I encourage my colleagues to join me in supporting this bill. Let's put the post office in a position to succeed and provide those essential services that small businesses, veterans, and rural constituents rely on so much.

I appreciate working with my colleague Senator PETERS on this over time to find consensus. Both sides had to make concessions to get to this point. We have ended up with a good bill. Let's pass this bill and ensure that the post office is healthy for our constituents moving forward.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:44 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. SINEMA).

POSTAL SERVICE REFORM ACT OF 2022—Motion to Proceed—Continued

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Madam President, as the Senate process on the Postal Service Reform Act is underway, I want to rise today to highlight the daily impact the U.S. Postal Service has on folks back home, particularly in rural Kansas.

Many Americans rely upon the U.S. Postal Service. When a special occasion arises, they will send a card to a loved one. And while receiving a letter or a card, a gift in the mail—instead of a text message or email these days—brings lots of people lots of joy and a connection to people, the U.S. Postal Service holds a very different role for so many Kansans living in rural America.

Its services are ingrained in the daily routines and lifestyles of our rural communities. Men and women of our communities gather at the post office. They see their friends and neighbors when they go to get their mail at the mailbox at the post office. Everything from celebrating birthdays and weddings to supporting the town's economy, to even providing lifesaving assistance during a natural disaster or global pandemic revolves around the post office.

Rod Holub, former president of the Kansas State Association of Letter Carriers, reminded me of a supercell tornado that hit Manhattan, KS, in June 2008. There was no electronic communication available, and the only reliable way to communicate was the post office. One of the first people allowed in the affected area was Rod, the postal carrier.

Kansans living in Manhattan at the time have told me stories of how Rod assured every family that they would still be able to connect to their mail service since electronic communications were down, and it would be a while before they could be restored. Insurance claim information and legal documents were going to be vital in rebuilding their lives, and Rod ensured safe, secure, and timely delivery of those documents.

Similar situations occurred in the communities of Reading and Greensburg when natural disasters cut off their access to the local post office. When natural disasters wreak havoc in Kansas, a priority in the aftermath is helping to ensure postal operations resume quickly for Kansans who lost almost everything. In both of the cases of Greensburg and Reading, the Postal Service worked quickly with the communities to reestablish mail service and provide a method of communication to rebuild from the destruction.

It is often a neglected fact that the U.S. Postal Service letter carriers are the protective eyes and ears of the neighborhood, often going the extra mile to aid a customer in need of assistance. One such story occurred when a Kansas letter carrier discovered a customer confined to a wheelchair in the heat of summer and without air-conditioning, a fan, or a ramp to get in and out of their home. The Kansas letter carrier took it upon herself to rally the neighbors who all provided the customer with a window AC unit, a fan, and had a ramp built.

Much of the benefits of the Postal Service Reform Act will be halting the service reductions Kansans have been subjected to for the past 15 years. Dozens of post offices across the State have closed and multiple rural processing facilities in Dodge City, Colby, Hays, Salina, Topeka, and Fort Scott were shuttered. Now, if you live in many parts of Western Kansas or Eastern or Southeast Kansas, your mail is processed someplace far away—North Platte, NE; Amarillo, TX. There are only two processing facilities that remain in our State. The impact of these closures and consolidations disproportionately affect rural Kansans in both service reductions and lost jobs.

Congressional action on the postal reform legislation will allow the U.S. Postal Service to continue serving rural America without fear of imminent service reductions that will further isolate rural communities. The solution to the post office's financial circumstances can't simply be eliminating service, reducing service. To ensure that the U.S. Postal Service maintains its vital services, I urge my colleagues to support and vote for the Postal Service Reform Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

UNANIMOUS CONSENT REQUEST—S. 3652

Mr. RISCH. Madam President, I rise today to discuss Russia's invasion of Ukraine, and in a moment, I am going to ask unanimous consent to pass some legislation which has been kicking around here for a while and is way overdue.

What we have witnessed over the past 5 days is a flagrant act of unprovoked aggression perpetrated by Russia against Ukraine.

The world we are living in today is different from the one we lived in last week. For months, I, along with my Senate colleagues on both sides of the aisle, have watched the conflict inch closer and closer.

The intelligence community provided accurate and clear information on the situation, and for this, I commend them. I also commend them for releasing the vast majority, if not all of the information they had in an attempt to deter Putin. That didn't work. However, there is no question, we should have taken action sooner rather than later, and it is time to do so now in a much more aggressive fashion.

In preparation for this invasion, many of my Senate colleagues and I drafted hard-hitting sanctions and called repeatedly for more lethal assistance for months. We used all leverage at our disposal to pressure the administration to take sufficient action, but despite our actions, our efforts, it didn't happen. Certainly, some military assistance was provided, but it is hard not to think that if we had expedited Javelin and Stinger deliveries last year and let our allies move more equipment sooner, the Ukrainians would be making the Russians pay a much higher price.

Right now, Ukraine desperately needs the support of the international community. It needs us to sanction Russia, to punish its government for this unjustified attack. These Ukrainian heroes need more weapons, armor, and supplies to fight back the Russian invaders and preserve the lives of its population.

The Biden administration was well-intentioned in pursuit of a diplomatic resolution for Russia's aggression, but the administration was wrong to oppose our congressional efforts to impose even tougher sanctions that were essential to make our deterrence credible. President Biden made it clear that maximum economic sanctions would only come after Putin invaded. The administration's promise that the threat of sanctions would be enough to deter Putin was a mistake. Look where we are now. Diplomacy has failed. The invasion has happened.

While sanctions have now been levied on Russia, there is still room for more robust sanctions in order get Putin to pull back. I have always said I am all in on all of the above when it comes to Ukraine and Russia.

I am happy to support legislation proposed by my Democrat colleagues, but the Senate must take the lead and mandate the massive economic sanctions that President Biden and his officials committed to.

The NYET Act, which I introduced 2 weeks ago with numerous cosponsors,

contains the tough sanctions that will bring the hammer down on Putin and his regime and provide the assistance that Ukrainians need now. It is based on the bipartisan negotiations that took place over the last 2 months and includes many measures that have been endorsed by Members on both sides of the aisle.

To be clear, I understand that my friends on the other side are going to object to this; nonetheless, a good number of the things they suggested are in this bill.

The NYET Act places sanctions on Russia's lucrative mining, mineral, and oil and gas sectors—actions that the administration thus far has refused to take. This needs to be done, and we haven't received an explanation as to why they haven't done it. It punishes Russian and Belarusian Government and military officials for their horrific actions and will expose the full extent of Putin and his cronies on the left.

The bill sanctions 12 of the largest Russian banks and critically also imposes secondary sanctions on them—something the administration has yet to do. Secondary sanctions are critical to hurting the Russian economy. They force the world's financial institutions to make a choice between Russia and Western markets. They will choose the West. Indeed, for their own good, they must choose the West. Russia will be isolated.

When it comes to sanctions, I want to thank Senator TOOMEY for helping on that part of this bill, and he is going to talk about them in just a minute for just a period of time.

NYET also increases the funding for military assistance to Ukraine, as well as other Eastern European nations, to Radio Free Europe, to Radio Liberty, the Global Engagement Center, and refills the President's drawdown account.

It also establishes a new Ukrainian resistance fund to help Ukraine continue to resist attempts to occupy or subjugate any new territory Russia seizes, while sending a clear message to Putin that his military will pay a price for advances into sovereign Ukrainian territory. Their resistance has been nothing short of awe-inspiring; that is, the Ukrainian people themselves. We need to help them, and this bill, the NYET Act, will do exactly that.

I hope my colleagues across the aisle will put aside partisanship and join us today by passing this bill, which will impose crippling sanctions on Russia's most powerful people and which will support the people of Ukraine. All of us are moved by the Ukrainian people and their fight for freedom. I know my Democrat colleagues can and have supported nearly all of these concepts at one time or another. I ask them to join me today.

This is the most deliberative body in the world, we always say. Well, we have overdeliberated, and it is time to act.

I yield the floor to Senator TOOMEY.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Madam President, I want to thank the ranking member of the Senate Foreign Relations Committee for the work he has done on this for years.

I just want to make a couple of points here. One is—it is a very hard point to make, but I think we ought to be candid, and that is, there is a very real danger that the Russian military will eventually prevail. Let's be honest. They are much larger. They have far more resources. The Ukrainians are putting up an absolutely historic and heroic fight, but it is not clear that they can hold on indefinitely.

So what should we be doing in light of that fact and the circumstances we have? I completely agree with Senator RISCH. We have an obligation, in my mind, to provide the resources that we can. We are doing that. This legislation would go further.

There is one other thing we can do that I think is extremely important as well, and that is, establish as a goal that as soon as possible, Vladimir Putin come to regret this decision. It is extremely important, in my mind, that Putin and all of the other authoritarians and bullies and dictators around the world see this invasion of Ukraine as a terrible, strategic mistake for Russia to have made because if they don't conclude that this was a mistake, then it doesn't end with Ukraine.

So how do we ensure that this is universally recognized, including by Putin and those who would like to emulate him? How do we make sure they see it as the mistake that we believe it is? There is one way to do this: We bring the Russian economy to its knees. And we have the ability to do that, but we have chosen not to do so thus far.

Now, I am pleased to see the administration moving in the direction of sanctioning. I am pleased that many of our European allies have taken steps to go in this direction. But until we shut down the main source of revenue for Putin and his war machine, we will not have accomplished what we need to accomplish.

This legislation does that. Among other things, it directly imposes the sanctions on the oil and gas industry—the industry that is 60 percent of all Russian exports, 40 percent of government revenue, and more than 20 percent of the entire economy. It goes after this source of cash to fund the war-fighting machine directly with sanctions, but it also does it in an indirect fashion that is very important, and I want to touch on this.

This legislation imposes what we call secondary sanctions on the Russian banking sector. Why is that important? We have all heard that some Russian banks are going to be excluded from the SWIFT system. That is true, and that is constructive; however, it is not dispositive by any means.

The SWIFT system is just a communication system. There is no money actually transferred on SWIFT. Payments aren't made. If we deny Russian banks access to SWIFT, we don't deny them the ability to conduct business, the ability to move money on behalf of oligarchs and the oil and gas industry. We don't cut off the flow of revenue to Putin, not just by kicking them off SWIFT. We make it inconvenient for them, but there are workarounds that you can use to get around the obstacles.

What we need to do and what we do in this legislation is we make a very simple proposition to the entire world. Banks all around the world will understand that if this legislation becomes law, they have a choice to make: They can do business with Russian banks or they can do business with the United States of America, but they can't do both. That is not a tough decision for the world's banks. The overwhelming majority and all of the significant ones will choose to do business with the United States. That shuts down the Russian banking industry. That shuts down the revenue stream for Vladimir Putin. That shuts down the money that is funding this appalling, atrocious military campaign.

Are there any consequences to us? It is possible that for some period of time, there would be somewhat higher energy prices. We don't import very many Russian energy products. We shouldn't be importing any at this point. We don't import much. But the fact is, we can make up for a disruption in supply by enhancing our own production and encouraging an increase on the part of swing producers who are much more closely allied with us than with the Russians.

The Ukrainian people and the Ukrainian people's elected leaders have been absolutely heroic. They are fighting for their very lives. And, as I say, if Putin does not conclude that this was all a very big mistake, then it doesn't end with Ukraine.

I join my colleagues in urging the adoption of this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. SCOTT of Florida. Madam President, I thank my colleagues Senators RISCH and TOOMEY for their leadership on these efforts.

Americans are watching Russia's invasion into Ukraine, and they are looking to us for leadership. As an evil tyrant wages war, they are asking how our government will respond. So here we are. Congress is in session, and Senator SCHUMER has placed the world's most pressing issue on the back burner. What could be more important than supporting a fellow democracy under attack against a thug whose goal is to control as much of Europe as he can? A postal reform bill and a radical abortion bill.

The freedom, wealth, and resources of Europe are under attack. Senator SCHUMER wants to use our time to ensure more unborn babies can be killed and pass a postal reform bill that doesn't actually provide any long-term reform for America's postal workers.

And for what? So that President Biden has some progressive talking points he can use during his speech?

This is wrong. Even Switzerland, which has spent decades with a strong sense of neutrality, took decisive action this week and froze the assets of Putin and his thugs.

The Ukrainian people are being pushed out of their country and are losing their lives as they bravely defend their homes. We are hearing stories of Ukrainian grandfathers taking up arms to defend their families. Why can the Senate not come to work ready to take on the gross attacks by Putin?

He is threatening to use nuclear weapons, and he is threatening NATO members with cyber attacks and subversion. Yet Senator SCHUMER wants to put the Senate's focus elsewhere.

And we all know that the Postal Service is not in dire straits. It will continue delivering the mail this week, next week, and the week after.

But the same cannot be said about the continued self-rule of Ukraine or peace and stability in Europe as Putin threatens to expand this war. That is why Senator RISCH and I sent a letter to Senator SCHUMER asking he delay bringing up the postal reform bill and prioritize our support for the people of Ukraine.

When Putin is threatening to undo our global order and seize further control of wealth and power across Europe, Congress must act swiftly and severely. Placing any other legislation, especially a bill which does not address any urgent issues, ahead of addressing the turmoil in Europe is dereliction of our duty to the American people and a betrayal of our responsibility to stand for freedom and support the world's democracies.

At a time like this, we need to be clear about our priorities. First, the United States must continue to work with our allies and partners to destroy the Russian economy and levy devastating sanctions against the Russian oligarchy and Putin's thugs and cronies, both in and outside of the Kremlin.

Second, the United States must supply Ukraine with every weapon needed and continue to work with our allies and partners to deliver resources to Ukraine's military and the Ukrainian people.

Third, we must prioritize and increase our own defense spending to ensure maximum military readiness as we face both communist China and Putin's aggression. Now is not the time for weakness or any compromise of America's national defense capabilities.

Fourth, we must also immediately ban Russian aircraft from using American airspace.

Fifth, the Biden administration must immediately roll back its failed Green New Deal policies and take action to boost U.S. energy production and independence. They should restart the Keystone XL Pipeline and stop purchasing oil from Russia.

Sixth, all lobbyists currently working with the Russian Government, Russian oligarchs, and other Russian interests should immediately cancel their contracts. The same goes for those representing countries that refuse to condemn Russia's invasion or are aiding Russia's attempts to evade sanctions. It is inexcusable for any American to be lobbying on behalf of Putin's evil regime or those supporting it.

Seventh, all State and local governments should take every action possible to end their relationship with Russian Federal and local governments and with Russian-owned businesses. A number of States and local governments have already taken this step, and we applaud their leadership.

Finally, every American should take care to not purchase Russian-made products. Just like with communist China, buying products made in Russia will only fuel Putin's war. One of the best tools America has at its disposal is our ability to destroy the Russian economy and inflict maximum pain on Putin and his oligarch thugs.

Now is a time for all Americans to come together in defense of freedom and democracy, and the Senate must lead by example.

That is why I am proud to work with my colleague from Idaho on the Never Yielding Europe's Territory Act, or the NYET Act, to provide the critical support Ukraine needs to defend itself and deter Russian aggression, while imposing real costs on the Kremlin for its ongoing aggression against Ukraine.

The Senate should act immediately on this bill. American leadership is needed now more than ever, and taking these steps now is how we as a nation stand up against evil. Until this conflict is over, supporting Ukraine and making the horrific war as painful as possible for Putin and his evil regime must be our top focus.

I yield the floor to Senator RISCH.

Mr. RISCH. Madam President, in closing, let me say, Ukrainians are dying. They are dying in a heroic fight; in a classic David versus Goliath fight. We can do something. We should do something. We have talked and talked; we have debated; and it is time to act.

I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. 3652 and the Senate proceed to its immediate consideration. I further ask that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Connecticut.

Mr. MURPHY. Madam President, reserving the right to object.

First of all, let me agree with my Republican colleagues. We stand in awe today of the Ukrainian people, of President Zelenskyy, of the Ukrainian military. They have given the Russians more than they thought was coming. They have stood up a defense and are resistant. The world has watched with admiration, and the jury is, frankly, still out as to whether the Russians can make good on their plans, given how fierce the Ukrainians have fought.

And I have been proud to stand with my colleagues on this floor as we have delivered additional aid to Ukraine, as we have made sure they have had the Javelins and the Stingers necessary to protect themselves. I have been proud to visit Ukraine with many of my colleagues here today, and we are going to continue to stand with the Ukrainian people.

But I want to make two points today with respect to the effort that has been undertaken by my good friend, the ranking member of the Foreign Relations Committee.

First, let me make a specific point on the merits of the bill that is being proposed here today.

Passing this bill with no committee process, no amendments, no debate would be a terrible idea. What this bill does, essentially, is to shatter American unity with Europe, with Japan, with South Korea, with all the allies that have stood with us over the course of this past week.

President Biden spent the last 2 months methodically building a never-before-seen coalition of nations to impose the most significant set of sanctions ever seen, and this bill would undo that.

Why? Because this would mandate that the United States impose certain new sanctions over Europe's objection. It calls for the United States to abandon our policy of focusing on multilateral sanctions and start over with unilateral sanctions. Why is that a terrible idea? Well, first, because unilateral sanctions just aren't as effective as multilateral sanctions are. When you are talking about energy policy, you want the Europeans with you because that is where the Russian energy ends up. Without Europe, going at it alone, it makes the United States look weak, and the sanctions just aren't as effective.

But second, this bill is a bad idea because breaking with Europe and our NATO partners right now—that is exactly what Vladimir Putin wants. Yes, he wants to control Ukraine, but what he wants more is to smash the transatlantic alliance to pieces. He sees the invasion of Ukraine as a wedge that will cause America to squabble and break with our allies. Putin is setting a trap for us, and this bill would have us walk right into that trap.

Third, let's be clear. With a couple of small exceptions, President Biden has already done everything that this bill calls for and more. This bill calls for sanctions on those responsible for the buildup of forces around Ukraine. The administration has imposed sanctions on Vladimir Putin, Foreign Minister Lavrov, 13 other members of Russia's Security Council.

This bill calls for sanctions on Nord Stream 2. Nord Stream 2 is done.

Thanks to the committed diplomatic efforts of the Biden administration, the German Government has put an end to Nord Stream 2, and we have applied the sanctions.

This bill calls for sanctions on oligarchs. Biden did that with our allies, and he went further. He launched a task force that is going to identify, freeze, and take from Russian oligarchs their assets.

This bill calls for sanctions on financial institutions. The administration has already targeted all 10 of Russia's largest financial institutions, which hold more than three-quarters of the Russian financial sector's total assets.

This bill calls for a prohibition on investment in occupied Ukrainian territory. President Biden did that on the first day of the war.

This bill calls for sanctioning transactions involving the Russian sovereign debt. President Biden did that on the second day of the war.

This bill calls for sanctions on Belarus. President Biden levied sanctions on 24 Belarusian individuals, 2 state-owned banks, and 13 of the country's industries.

President Biden has put together a sanctions package that is sweeping, that is unprecedented, that is breaking the back of the Russian economy. So why are we down here on the floor engaged in this back-and-forth?

And that brings me to my second point, a broader one. It used to be that the all-consuming politics of this town sometimes would take a break when the crisis was big enough. Sometimes they would stop at the water's edge. This was the case in 2001 when this country was attacked.

Republicans were in charge of the White House and both Houses of Congress, and Democrats certainly had the choice to blame the attack on President Bush to try to score political points. Democrats could have come down to the floor to offer partisan bills. Democrats in the Senate could have used their minority prerogatives to block Bush's national security nominees.

But that is not what happened in 2001. Democrats and Republicans came together because, at that moment, patriotism, the love of your country, the defense of your country was more important than politics or party.

Now, today, the shoe is on the other foot. Democrats control the White House, the House, and the Senate. And while our Nation wasn't attacked last week, I would argue that this moment is the most perilous that the United States and the world has faced, certainly since 2001, but given the nuclear stakes involved in a conflict with Russia, perhaps the most perilous since the Cuban Missile Crisis.

Now, I get it. The professional outrage machine that dominates American politics today has deluded a lot of folks in the Congress into believing that unity is weakness; that putting your country over party is an anachronism. But I don't believe that.

I believe that sometimes the stakes are so high that you have got to put aside your politics—at least temporarily—put aside your disagreements and get behind your government.

Now, let's be honest. As this crisis has grown in seriousness, over and over again Republicans have had the chance to do what Democrats did in 2001: elevate loyalty to country.

But all through 2021, even as Senators were made aware of Russia's plans to invade Ukraine, Senators CRUZ and HAWLEY and a few others continued to put politics first by blocking every single national security nominee who came before this body, including those nominees who would have been working to try to help Ukraine and stop the Russian invasion.

Last month, Republicans and Democrats were working on a bipartisan bill to support Ukraine in its time of need. Those negotiations were difficult, but instead of staying at the table, Republicans walked away with virtually no notice to Democrats and introduced this bill, with only Republicans supporting it.

And now, instead of rallying behind a President who has shocked the world by uniting friends and foes behind an unprecedented set of crippling sanctions against Russia, Republicans are down here on the floor, not more than a week since the Russian invasion began, to highlight their grievances with the President's policies.

Russia invaded less than a week ago. We returned to Washington last night, and instead of deciding to sit down with Republicans today and work on agreeing on a package of support for Ukraine, like the one that President Biden has requested, Republicans have instead chosen to spend today, our first day back in the Senate since the invasion, playing politics, trying to force a vote on a bill that they wrote, that not a single Democrat supports, that everybody knows is not going to pass, has no chance of passing.

Now, we could do the same thing. Democrats could just put a bill on the floor that we all negotiated with ourselves and force Republicans to vote on it. We could choose to use this week to highlight the differences between Republicans and Democrats, but we are not going to do that because our priority is to try to work together with our Republican colleagues to find unity—unity—at this moment; to not use the first day that we are back in session since the invasion began to highlight the differences between our two parties.

And, frankly, when I look at what Republicans have been calling on President Biden to do, I don't see a lot of daylight. I don't see a lot of reason for complaint. I don't see the imperative to come down here and highlight the differences.

Nord Stream 2 is gone. It is not happening. SWIFT sanctions, previously opposed by Europe, are now happening. Russian banks are being crippled. Assets of Russian oligarchs are being seized. Vladimir Putin is being personally sanctioned. Embargoes are being put on key technologies sent into Russia.

The set of sanctions that President Biden announced—it goes further than what most all observers and pundits predicted. It is frankly stunning how successful President Biden's diplomacy has been.

And it just strains all credibility for Republicans to suddenly claim that this diplomacy is irrelevant and all these countries are going to impose these sanctions even if President Biden did nothing.

I wish my colleagues could see the seriousness of this moment and the need for us to focus our energies on coming together instead of playing into our enemy's hands and showing our differences at this moment.

Our President has rallied the world to this fight. Vladimir Putin is reeling, but we are forced to spend time today debating a partisan bill introduced by only one party that has no chance of passage because today on this floor scoring political points seems more important than finding a way to come together—to come together with the President, with both parties around our support for Ukraine.

And for those reasons, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Idaho.

Mr. RISCH. Madam President, in rebuttal to my good friend's comments, first of all, let me say that a number of the things I do take exception with—for instance, his statement that if we pass this we are going to somehow shatter the unanimity with which the world has come together to impose this. Nothing could be further from the truth.

Certainly, the sanctions that we have put on have been in conjunction with a lot of our allies and a lot of our partners. Simply putting on secondary sanctions—again, in conjunction with our allies and our partners—will not in any way shatter that at all.

My good friend says, ''Why are we here on the floor today?''

Senator, I would say, the reason we are on the floor today is, it is not enough.

Now, you said I came down here to criticize the President. I did not criticize the President in anything I said. I applaud the action he has taken. I want him to take more.

We have a convoy that is 40 miles long that is headed for Kyiv. Now, that convoy started out after all of these sanctions that the President put in place had taken effect. The banks, as you know, shut down—at least temporarily—in Russia. They closed their stock market. They have done a number of things, but it is not enough. We need to toughen up.

As you know, I have talked and talked and talked with the administration to try to get them to embrace secondary sanctions because it is the secondary sanctions that are truly going

to shut the thing down lock, stock, and barrel; and Putin is going to have to answer to his people if we do get it shut down.

Look, this is not partisan. I am not here to try to drive a wedge in the party. And as you know, your party had substantial input into the NYET Act that we have here. The chairman of the committee, I think, negotiated in good faith as we put this together. I have told him that personally. I have said that publicly.

The fact is, we came very close to the bill, and the NYET bill is very close to what we agreed to, but we couldn't come together on the last few things; and that is, a permanent shutdown of Nord Stream 2—not just the sanctions that are in place on a temporary basis, but a permanent shutdown—and on secondary sanctions, which we believe will be the final nail in the coffin for the economy in Russia.

So, again, I answer the question asked: Why are we here? We are here because it is not enough. The convoys are continuing. There are tens of thousands of more Russian soldiers that are entering Ukraine. They are having a tough, tough time of it.

I agree with Senator TOOMEY. You know, you sit here, and you see what is going on. The question you have to ask is: How long can the Ukrainians hold out? We want them to hold out.

There are provisions in this act, as you know, that provide additional help for the Ukrainians themselves. But most importantly, what it will do is it will flat shut down the economy in Russia.

In addition to that, you and I discussed, I think, the fact that we can never use sanctions in a manner where we or our allies get hurt worse than the enemy does or, for that matter, to any great extent. That is why there are waivers in here. And sanctions always have waiver provisions in them so that it can take the edge off on anything that causes us or our allies any difficulties. So in that regard, I think that you are wrong on that.

Back to the basic bill: I said I am an all-of-the-above person. If the Democrats want to bring their bill down, it will probably look very much like this, but it won't have secondary sanctions in it, it won't have a permanent closing of Nord Stream 1 and 2. I will stand up here and say, We can do better, but I am still going to vote for your bill, and I wish you would do that on mine. But I would respectfully request that you back away from this complaint that this is a partisan exercise. It is not a partisan exercise.

There isn't a person in this body that doesn't want to do all we can possibly do to preserve the lives of the Ukrainians that are perishing every day—women, children, civilians. We need to do all that we can, and Putin is not going to be deterred until we do all that we can, and that comes to permanently shutting down—excuse me, to completely shutting down the economy in Russia. This bill does that.

Again, I apologize if you think there is anything political about this. It is not. It is trying to do the right thing, as you and I have talked about. We have an obligation to do this as Americans, as the strongest country in the world. We can't stand by and watch this slaughter that is happening, and when that convoy gets there, it is going to be even worse.

This is something we can actually do to do more than what the President has done.

And I will say it—I said it before and I will say it again. I commend the President for what he has done. But we also, as the first branch of government, have a responsibility. We believe this bill exercises that responsibility.

The PRESIDING OFFICER. The Senator from Wyoming.

UNANIMOUS CONSENT REQUEST—S. 819

Mr. BARRASSO. Madam President, Russia continues to engage in ruthless and unprovoked attacks against the democratic and independent nation of Ukraine. I strongly condemn Russia's dangerous aggression against the people of Ukraine. Putin is responsible for the death and destruction in his wake, and he must be held accountable.

The one sledgehammer that we can use against Putin is American energy resources. Reducing the amount of Russian energy going to Europe would hurt Russia's economy. The oil and gas revenues made up about 36 percent of Russia's national budget last year. In 2021, Russia sold $100 billion worth of oil and natural gas to Europe.

Russia is Europe's main supplier of energy. The European Union received over 40 percent of its gas imports from Russia. Russia also has significant ownership in Europe's energy infrastructure, including pipelines, distribution centers, and storage facilities.

With natural gas prices increasing and oil surpassing $100 a barrel, more of our allies' money will be lining the pockets of Vladimir Putin. Due to high energy costs, Russian oil and gas revenues exceed initial plans by 5 percent this past year, totaling $119 billion. In 2021, revenues from Russian oil and gas were almost $500 million each and every day. It is a windfall for Vladimir Putin. As a result, the amount of Russian energy going to Europe is a major problem.

We must help our allies escape Russia's energy trap. American energy resources can allow Europeans to meet their energy needs and deprive Russia of the revenue it uses to fund its military aggression. Due to technological advances and an abundance of natural gas, the United States can be a strategic energy supplier to Europe. Our Nation has more than enough gas to meet America's needs and to export to other countries. We must speed up the process of getting American liquefied natural gas to our allies.

That is why I introduced S. 819, the Energy Security Cooperation with Allied Partners in Europe Act, commonly known as the ESCAPE Act. It currently has 23 sponsors. The bill, as amended, does three things: It deems it in the public interest to export U.S. liquefied natural gas to NATO countries and defense allies. It creates a transatlantic energy security strategy focused on increasing American energy exports directly to Europe. And it directs our NATO representative to help our allies and partners improve that energy security.

So, Madam President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. 819 and the Senate proceed to its immediate consideration. I further ask that the Barrasso amendment at the desk be considered and agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Connecticut.

Mr. MURPHY. Madam President, reserving the right to object. First, very quickly, let me make a few final points about Senator RISCH's comments.

Senator RISCH says that this isn't a partisan exercise. It is. The bill that Senator RISCH is talking about was introduced by only Republicans. It was introduced with no notice to Democrats. There was a big showy press conference in which only Republicans were there. In fact, the introduction of this bill was a messaging point for Republicans to announce that they were no longer negotiating with Democrats.

And so I appreciate that Senator RISCH often is working very industriously with Democrats, but in this case, it is a partisan bill. Only Republicans support it.

And offering it today is not helpful to the process because it had no chance of passage. Instead, today, we should be working on getting additional funding to the Ukrainians.

President Biden has requested our help, has requested Congress to step up and provide humanitarian assistance and more lethal assistance to Ukraine. Right now, with the time that we are spending arguing over a bill that is supported only by Republicans that is never going to pass this body, we could be using that time to come together around a bill that can pass, that will pass.

So that is why there is anger on our side about this exercise. There are these moments in American history and world history where our focus should be on unity, where our focus should be on coming together and finding what we can do together; and, instead, the piece of legislation that was just offered was a bill that was specifically introduced to highlight the Republican position in contrast to the Biden administration.

As for Senator BARRASSO's bill, it suffers from the same problem, which is it separates us from Europe. It separates us from our allies.

There is a lot of wisdom on the Republican side of the aisle, but it mystifies me why so many of my friends who know so much about Russia don't understand that Putin's primary objective is to break NATO into pieces, is to smash the European Union, is to create tensions and fissures within the transatlantic alliance, right?

Putin sees the greatest catastrophe of the last 100 years as the breakup of the Soviet Union, and he blames the United States and the West for that breakup. So, while the invasion of Ukraine is part of his process of remedying that grievance, the real crown—the real cherry on top for Vladimir Putin—is the splintering apart of NATO and the United States from Europe. Now, we almost got there during the Trump administration. Relations were never worse; threats of pulling out of NATO or refusing to honor our article 5 obligations.

I would argue that this invasion is happening in part because the Biden administration made clear that there wasn't going to be a natural disintegration of the transatlantic alliance, and so Vladimir Putin is using this invasion of Ukraine, first and foremost, to get control of the territory he wants but also to try to split us from each other. And our fear is that bills like this essentially step into the trap that Vladimir Putin has laid for us because secondary sanctions on European entities against the wishes of European governments splits us from each other. Had Joe Biden gone this route, you would have never had the Europeans working with us on swift sanctions. You would have never had the Europeans working with us on the seizure of Russian assets.

But because Joe Biden made the wise decision to do these sanctions in concert with Europe, we got more than we could have ever imagined. And this bill would walk us backwards, undo that unity with our colleagues.

It may be that there will be a moment in time where we can convince our European colleagues to move with us on sanctions against certain elements of Russia's energy economy, but we must do that together. We have to do that together because you need to understand what Putin's larger game is. It is the breakup of the transatlantic alliance.

I wish my colleagues were on the floor today, celebrating—celebrating what President Biden has done. Nobody thought that he could keep the alliance, that he could keep us together with Europe, that he could get Europe to agree to what they have already agreed to. I wish we were rallying behind our President right now.

I get it that there are always differences between the Republicans and a Democratic President, but, boy, this would be a great moment for us to be on the floor, supporting the breakthrough that President Biden has achieved on crippling sanctions against Russia and spending this day working together to try to deliver billions of dollars in additional aid to Ukraine. Instead, we are engaged in a partisan squabble over bills that have no chance of passing, that are literally just as valuable as the pieces of paper that the press releases from the Republicans will be written on.

I hope that we can get beyond today and get down to work on serious business—the serious business of coming together, Republicans and Democrats, and providing Ukraine the assistance they need, in a bipartisan way, through a package of support that can be supported by both parties and signed by this President.

For that reason, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Wyoming.

Mr. BARRASSO. Madam President, just to point out, Members are clearly entitled to their own opinions, but they are not entitled to their own facts.

The facts of the matter are that this bill that I have at the desk right now includes no sanctions, none whatsoever—none, zero.

This bill that we have at the desk is something that our European allies have asked for. It is not to divide them or us. They have asked for this to help them divide away from Putin. They need the energy; they need the liquefied natural gas. Some of the countries have built or are building what are called gasifiers so they can turn the liquefied natural gas, which comes in at a very low temperature, and turn it into gas that they can use for energy so they don't have to buy it and be held hostage by Vladimir Putin.

This is a bill that has previously gotten bipartisan support, in this very body, with Members of both sides of the aisle supporting efforts to help our European allies—our NATO friends—break the dependence from Russian energy. Those are the facts of the matter. People are entitled to their opinions. These are the facts.

Russia's actions against Ukraine emphasize just how important it is for nations—and specifically for America—to be energy independent.

Under the previous administration, America was energy dominant. We became the world's largest producer of oil and gas. It was the first time we had been energy independent in nearly 70 years; yet this administration has reversed course. It has made it harder for us to use American energy, and that has empowered and emboldened Vladimir Putin. We have moved from energy dominance to energy dependence. We have American energy in the ground that this administration won't let us get out of the ground. We have energy resources that would help lower the cost and help lower the pain at the pump that the American public is living with. It would help break the dependence of our European allies and the people of Ukraine from Vladimir Putin.

We were much better off as a nation when selling energy to our friends than having to buy it from our enemies. We need to expand our energy production to bring down prices for working families in this country whose paychecks can't keep up with the inflation, and we need to sell it to our allies so they can remove themselves from the clutches of Vladimir Putin.

Freeing Europe from Russian energy dependence is going to strengthen both our allies and our NATO alliances. We must provide American energy resources to those countries as quickly as possible. They are asking for it; they want it; they need it. It strengthens our national security and takes money directly out of Vladimir Putin's pockets.

It is this administration's energy policies that have driven up the cost of energy and driven down the production of American energy, which is what has provided a jackpot for Vladimir Putin to fund his war machine. Energy security is a critical part of our shared defense. There is a national security problem for the United States when our allies are more and more dependent on Russian gas.

The world knows Vladimir Putin uses energy as a weapon. Energy is called the master resource for a reason. It powers our country—our economy, our military. It powers the world. Vladimir Putin uses his energy as a weapon to intimidate, to influence, and to coerce other nations. Energy funds Vladimir Putin's aggression, and it has been the cash cow for his invasion of Ukraine.

Look, we have abundant natural gas supplies. My home State of Wyoming has amazing energy resources. We just need to be allowed to produce it. Europe's reliance on Russian gas undermines our national security. Our national security is increased by reducing the leverage that Russia holds over our allies.

It is time for Congress to provide our NATO allies and defense treaty partners a better energy option than they have had under this administration, and the Senate should start by passing S. 819.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

150TH ANNIVERSARY OF YELLOWSTONE NATIONAL PARK

Mr. BARRASSO. Madam President, I come to the floor today to highlight the 150th anniversary of Yellowstone National Park.

When it was established on this date 150 years ago, Yellowstone was the first national park in the world. Today, it is still one of the most popular parks on Earth. One-hundred-fifty years ago, it was a new idea to set aside public land for public enjoyment. With the establishment of Yellowstone, Congress set the gold standard.

Based on Yellowstone's success over the past century and a half, hundreds of additional national parks have been created for Americans to enjoy. Many

other countries have followed our lead and have established their own national parks.

Yellowstone spans over 2 million acres throughout Wyoming, as well as parts of Montana and Idaho. That is more land than the entire State of Rhode Island and Delaware combined. Yellowstone's vast and varied landscapes provide some of the most spectacular views in the world, and this is just one of them. Cascading waterfalls, steaming geysers, and gaping canyons often leave visitors speechless. Many generations of Americans have enjoyed these same views.

That is what Congress intended 150 years ago when it established the park, as they said, for the benefit and enjoyment of the people. Millions of people come from all across the world to experience the park's beauty. From hiking and biking, to boating and wildlife viewing, Yellowstone offers some of the best outdoor recreation opportunities all around the world.

It also has iconic natural wonders like Old Faithful, the Grand Canyon of the Yellowstone, and Yellowstone Lake. It has 25 square miles of geysers—over half of the total number of geysers in the world. The Greater Yellowstone Ecosystem, of which the park is a part, is one of the largest and most intact natural ecosystems in the world.

Yellowstone also has the greatest concentration of mammals among national parks in the lower 48 States. The bison in Yellowstone are part of America's largest and oldest free-range herd.

Today, we carry on a tradition at Yellowstone that goes back not just 150 years but over 11,000 years. For thousands of years, Native Americans have hunted, fished, and used the thermal waters for medicinal purposes.

The people of Wyoming are rightly proud of the culture, as well as its history. Today, the park supports thousands of jobs in Wyoming and Montana and Idaho. It contributes greatly to local economies.

Cam Sholly, the superintendent of Yellowstone, is doing an incredible job. A third-generation Park Service employee, Cam goes above and beyond the call of duty to ensure the park delivers a world-class experience to everyone who visits. Under his leadership, the park has hosted record numbers of visitors. During the height of the COVID pandemic, when the only place to go was outside, Yellowstone set the standard on how parks should operate. Health, safety, security, and public access were always a priority.

I am very grateful for the dedicated leaders and staff at Yellowstone who made it possible for people to visit and enjoy this international landmark.

Recently, the Senate passed my bipartisan resolution to honor Yellowstone on this historic day. This resolution celebrates the park's 150 years of unique cultural heritage and natural beauty. It also encourages people across America and around the world to visit Yellowstone to experience its extraordinary treasures.

I am proud to celebrate Yellowstone with my colleagues in the Senate, along with Senator LUMMIS, who is my colleague from Wyoming, as we celebrate with the people of Wyoming and with all Americans on this historic day.

Congratulations to all of the people of Wyoming who work to keep Yellowstone one of our Nation's greatest treasures.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

FEDERAL RESERVE SYSTEM'S BOARD OF GOVERNORS NOMINATIONS

Mr. REED. Madam President, I rise in support of the swift consideration of President Biden's five nominees to the Board of Governors of the Federal Reserve System.

Over the last year, our economy has improved tremendously, thanks to President Biden's American Rescue Plan and the bipartisan infrastructure law, and we have been guided along the way by steady leadership at the Fed. We are seeing positive results.

Last year, GDP grew by 5.7 percent, and we gained over 6.6 million jobs. In each month during the second half of last year, the family tax credit in the American Rescue Plan pulled approximately 3.5 million children out of poverty; unemployment claims are at a 50-year low; the unemployment rate is at 4 percent; and nominal wages are rising at the fastest pace in decades.

We have also begun investing $1.2 trillion from the bipartisan infrastructure law that will help businesses and the economy in the decades ahead and will provide an extraordinary number of jobs.

We are not yet out of the woods from the pandemic, and there are critical economic challenges we need to address, including inflation, the lack of affordable housing, the high cost of prescription drugs, the need for affordable childcare, and others. The Fed plays a pivotal role in making sure our economy grows on an even keel so that we can meet these challenges and remain the world's leader.

I might add also that this is a very, very difficult time for the world economy as we respond to the illegal attack by Putin on Ukraine. The world, under the leadership of President Biden and the United States, has imposed unprecedented sanctions. It is in this volatile moment that the Fed also will play a critical role.

Unfortunately, Republican partisan brinkmanship is now preventing us from having a fully staffed and functioning Fed, just as Republicans have stymied nominations of qualified individuals to serve at key posts in the Defense Department, in the State Department, and in several other Agencies.

I would note that, at times, we are being forced to break filibusters on nominations that eventually pass with 70, 80, or 90 ''yes'' votes. Perhaps my colleagues think that these tactics are somehow politically beneficial, but the fact is that these tactics diminish and degrade the ability of the Federal Government to serve the American people.

And so we come to the Federal Reserve. The seven-member Board is technically operating with four of its seven members today, and two of those are in confirmation limbo.

Jerome Powell, who has been nominated for a second term as Chair, is serving on an acting basis. Lael Brainard is a Governor and is also the pending nominee for Vice Chair. There is no Vice Chair for Supervision, and two ordinary Governor seats are vacant.

The President has nominated a slate of five qualified, bipartisan candidates to fill these positions, including Mr. Powell.

Mr. Powell was first appointed Fed Chair by Donald Trump and has served admirably for the last 4 years. Lael Brainard was confirmed to her current position on the Federal Reserve Board with strong bipartisan support. Sarah Bloom Raskin is a former Governor and has been nominated as Vice Chair for Supervision. The Senate confirmed Ms. Raskin to the Federal Reserve Board a decade ago by voice vote and as Deputy Treasury Secretary on a bipartisan vote. Lisa Cook and Phil Jefferson are mainstream academic economists who have been nominated as Governors.

Earlier this year, the Banking Committee held hearings on these nominees. They demonstrated their qualifications and responded to hundreds of questions. They have met with Senators on the committee individually as well. But on February 15, my Republican colleagues blocked the Banking Committee from voting on these nominations. They didn't show up and vote no on the nominees whom they opposed; they just didn't show up. They decided to skip the meeting precisely to keep the committee from moving these nominees to the full Senate. They have taken this step during a pandemic, a bout of inflation, and a growing, violent conflict in Europe. At a time when the Federal Reserve's job has never been more important, our Republican colleagues have chosen to stall the confirmations of qualified nominees to help lead our economy.

The Federal Reserve's monetary policy decisions are made by the Federal Open Market Committee, also known as the FOMC. The FOMC has 12 voting members, including all seven Governors on the Board in Washington. The others are presidents of the regional Reserve banks. Due to the Republican boycott, the FOMC is now operating with only nine members—four Governors and five Reserve bank presidents.

The FOMC's primary job is to establish interest rate targets and authorize open market operations to achieve those targets. This function makes it the most important economic policymaking body in the world.

The FOMC now faces enormous challenges to bring prices under control

without harming the strong economic recovery. Supply chain disruptions and the pandemic have pushed inflation up. Russia's unprovoked invasion of Ukraine, which many economists expect to make supply shortages much worse and cause energy prices to rise, creates huge risks for the global economy.

These economic challenges collectively demand a fully staffed FOMC. Indeed, one of the FOMC's biggest strengths is its ability to inspire confidence in the United States and in the world. It is able to do this because it typically works by consensus—consensus that reflects the view of its 12 expert members. But when the FOMC doesn't have its full complement of members and when members are serving in an acting capacity, it doesn't speak with the same authority. At a moment when there is so much turmoil in the domestic and global economies, it is reckless to deny the FOMC its full membership.

My Republican colleagues have spent plenty of time talking about inflation without offering solutions. Now, when presented with a chance to empower the FOMC to combat higher prices, my Republican colleagues have instead chosen to handcuff it.

By weakening the FOMC, Senate Republicans are increasing the odds of a mistake. That makes it more likely for higher prices to persist, and this outcome is unacceptable when millions of Americans are struggling to cover increased costs for everyday expenses. The American people should not need to bear any further economic hardships, however slight, that could result from Republicans continuing to block these nominees.

Blocking these nominees also robs Congress and the public of an important mechanism to hold the FOMC accountable for its decisions. My Republican colleagues say they are committed to accountability, but their blockade is ensuring that the five Reserve bank presidents, who answer to the Nation's commercial banks and are not confirmed by the Senate, are a majority on the FOMC. That means these five non-Senate-confirmed officials predominate when it comes to interest rate decisions.

Congress promised the American people an FOMC led by members who exclusively serve their interests. I urge my Republican colleagues to deliver on that promise.

If the Federal Reserve fails to deliver maximum employment and stable prices, the American people will question why.

Reasonable minds can differ about whether the FOMC ultimately raises interest rates too much, too little, or just enough. Economists are sure to debate that question in the years to come. But one obvious conclusion will be that the FOMC lacked a full complement of members to support the difficult decisions that it will make this year. That conclusion will spread doubts about the integrity of the Federal Reserve and its policies. If those doubts take root, it will be harder for our Nation's central bank to support the economy.

In these rather uncertain economic times, the American people need more certainty, not less, and they need an FOMC that is accountable to them.

I urge my Republican colleagues to allow the Senate to vote on these highly qualified nominees.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

UKRAINE

Mr. DURBIN. Madam President, this evening, the Ukrainian Ambassador, Oksana Markarova, will be the honored guest of President Biden in the State of the Union Address. Yesterday, we hosted the Ambassador for a meeting with almost 25 Senate colleagues. It was a meeting I won't soon forget.

Her country, Ukraine, is facing a barbaric, unprovoked military assault from Russian dictator Vladimir Putin. The images and the stories are heartbreaking and infuriating—more than 600,000 Ukrainians fleeing to neighboring countries; brutal destruction, leaving people without homes or power during the winter; and Russian shelling of residential neighborhoods. We are witnessing innocent lives callously taken and uprooted.

This is a photo from yesterday's Washington Post. It shows a paramedic in Ukraine desperately trying to save this man's young daughter. She had been a victim of Vladimir Putin's shelling in her country of Ukraine. She did not survive.

Why is Putin doing this? Because his own petty grievances and warped nostalgia for the dark days of the Soviet Union have taken control. In his twisted mind, an entire innocent nation of 44 million Ukrainians must be attacked and occupied at any cost.

There is another reason he is trying to end Ukraine as we know it. He cannot bear to have a free and independent nation on his border because it shows to the people living in Russia the stark contrast of democracy versus despotic rule.

This morning, the Human Rights Council in Geneva met. When Russia's Foreign Minister Sergey Lavrov began his speech, 100 diplomats all rose and walked out in protest of Russia's war on Ukraine. All of NATO and nearly the entire world are united in outrage at Russia's aggression.

Mr. Putin should think about the infamy of his legacy. For years, he has poisoned and suppressed his own people. Now he is trying to destroy an entire nation, killing this little girl and who knows how many other innocent people. Mr. Putin will not win this war. And every day, every hour that Russia continues its assault on Ukraine, he is harming his own people and ensuring that he leaves a legacy of shame.

What is also remarkable about the meeting yesterday with Ambassador Markarova was the determination and courage she and her fellow Ukrainians are showing against Putin. She explained to us that Ukrainians are peaceful people, but they will fight.

They will participate in the negotiations, but they won't surrender. And they will fight until the Russians leave. Quite simply, the Ukrainians might be outmatched by the Russian military, but they will not be defeated by it.

Here is one of the many acts of courage and defiance in recent days. In Odessa's historic Brodsky Synagogue, performers sang a moving 19th century version of the ancient Jewish hymn ''Adon Olam''—now a prayer for an end to the invasion.

And the world is on Ukraine's side—with rallies of support in all corners of the globe, Japan, Sweden, Finland, Chicago, even in cities across Russia. Countries like ours are providing urgently needed weapons to help Ukraine defend itself against Russian aggression.

Poland and other Ukrainian neighbors are helping with hundreds of thousands of refugees fleeing in panic and disbelief. Think of it. While we have political factions in the United States who are determined not to let any refugees into our country, Poland and other countries—Moldova, Romania, for example—are opening their doors and accepting the Ukrainian refugees to give them some safety and security.

We must continue and increase all of the help that we can send—military and humanitarian. Let us be crystal clear: Putin will not win this. In the end, the Ukrainian people will prevail. And Putin's legacy and history will be written in the blood of the children and innocents his invasion of Ukraine has spilled.

NOMINATION OF KETANJI BROWN JACKSON

Mr. President, yesterday, I spoke briefly about President Biden's announcement on Friday of his nomination to the Supreme Court of Judge Ketanji Brown Jackson. Today, I would like to offer some additional thoughts on this nominee.

For those who are less than familiar with Judge Jackson, let me tell you a bit about her. Born in Washington, DC, her mom and dad were public school teachers. When she was 3 years old, Judge Jackson and her family moved to Miami, FL, so her father could attend law school.

Judge Jackson's father later served as the top attorney for the Dade County School Board, and her mother spent 14 years as a high school principal in Miami. In Judge Jackson's family, education and service were honored.

Two of Judge Jackson's uncles were police officers. One became police chief in Miami. Her younger brother also became a police officer and a detective in Baltimore, MD, before going on to serve in the U.S. Army where he was deployed to Iraq.

From a young age, Judge Jackson has been recognized as brilliant and

thoughtful. In high school, she was the class president and the star of the debate team.

It was during a national high school debate championship at Harvard that she fell in love with the university. She would go on to graduate from Harvard College and Harvard Law School.

She then embarked on an amazing and storied career. She practiced law, civil and criminal, at several leading law firms and clerked at all three levels of the Federal judiciary, including—and with some irony—for Justice Stephen Breyer, the Justice she hopes to replace.

She has also worked as a Federal public defender, served on the U.S. Sentencing Commission, spent 8 years as a judge on the U.S. District Court for the District of Columbia. She currently serves on the U.S. Court of Appeals for the DC Circuit, which is often considered to be the second most prestigious court in our Nation. She was confirmed to that position just last year through our Senate Judiciary Committee on a bipartisan basis.

As I noted yesterday, the Senate Judiciary Committee has examined her record three times for three different positions and confirmed her on a bipartisan basis for all three positions.

She has performed each of these public service roles with distinction. In the coming weeks, the Senate Judiciary Committee will undertake another comprehensive review of her record, her qualifications, and her approach to judicial decision making. As chair of the committee, I am determined to see that this review is careful, fair, and professional.

I have great respect for her record, and I will be saying more in the coming days and weeks. For today, I want to focus on three important points: the President's selection process, the historic significance of this nomination, and how Judge Jackson will build upon the honorable legacy of Justice Breyer.

President Joe Biden is a leader who respects the Senate. When Justice Breyer announced a month ago that he intended to retire, President Biden pledged ''to fulfill my duty to select a justice not only with the Senate's consent, but with its advice.''

The President kept that promise; and for that, he should be commended. The process for nominating Justice Breyer's successor has been rigorous and bipartisan. It has included the Senate every step of the way.

Just days after Justice Breyer's announcement, the President hosted Senator GRASSLEY—the ranking Republican on this committee—and myself in the Oval Office to discuss the nomination. Repeatedly, he said to Senator GRASSLEY and to me, ''If you have someone you think I should consider, please let me know.'' And he was sincere.

Over the next several weeks, President Biden sought the advice of many Senators—not just the two of us—including all the members, Democratic members of the Senate Judiciary Committee, then he made this decision to nominate Judge Jackson.

Every Supreme Court nomination is critically important, but this one has special historic significance. In the United States history, our Supreme Court has had 115 Justices; 108 of those Justices have had one thing in common. They were all White men.

Five of those who served on the Court as Justices were women. Only three have been people of color, out of 115. With Judge Jackson's nomination, we have already seen history in the making. If confirmed, she will be the first Black woman ever to serve on the U.S. Supreme Court. With this nomination, Judge Jackson and we have the opportunity to bend the arc of history toward justice.

In accepting President Biden's nomination last week, she said one of her heroes, another brilliant, trailblazing Black woman, was named Constance Baker Motley. Judge Motley was a champion of civil rights and women's rights, a key attorney on Thurgood Marshall's side when the NAACP Legal Defense and Education Fund argued Brown v. Board of Education and other cases which finally ended legal segregation in America.

Judge Motley was the first Black woman to ever argue before the Supreme Court. She went on to be the first Black woman appointed to the Federal judiciary, serving as a U.S. District Judge for the Southern District of New York.

Judge Motley didn't know it, but on her 48th birthday, a little baby girl was born in Washington, DC. She would grow up to be one of the finest legal minds of her generation, and she would be the first Black woman to be nominated to serve on the Supreme Court.

Upon accepting that nomination last week, Judge Jackson said: ''Today, I proudly stand on Judge Motley's shoulders, sharing not only her birthday, but also her steadfast and courageous commitment to equal justice under law.''

And then she added: ''If I'm fortunate enough to be confirmed as the next Associate Justice of the Supreme Court, I can only hope that my life and career, my love of this country and the Constitution, and my commitment to upholding the rule of law and the sacred principles upon which this great nation was founded will inspire future generations.''

I want to conclude my remarks by acknowledging the extraordinary legacy of Justice Stephen Breyer. It is a legacy upon which I believe Justice Jackson will build if she is confirmed. In his time on the Court, Justice Breyer has been defined by his rigorous intellect, his thoughtful, pragmatic approach to judicial decision making, his collegiality and consensus building, and his devotion to the core principles on which America is founded—freedom, liberty, and equality.

By all these measures and more, Judge Jackson is a natural successor to the Justice she once clerked for. She has proven her intellectual mettle—from the debate team in high school in Miami, to Harvard Law where she served as supervising editor of the Harvard Law Review, to clerkships on the District of Massachusetts, the First Circuit, and the Supreme Court, and to an extraordinary record of excellence on the Federal bench.

It goes without saying that if you are going to be the first of anything in America, you have got to be the best. You have got to bring remarkable achievements to your aspiration to make history. Judge Jackson does that.

She is a jurist who understands the importance of pragmatism and real-world experience. She will draw on her broad range of experience on the U.S. Sentencing Commission, as a Federal public defender, as a litigator in civil lawsuits in private practice. Judge Jackson has also demonstrated the premium she places on collegiality and consensus-building, especially with those who may not share her views. That may be unusual, but it sure is important in these days.

Judge Thomas Griffith, a conservative jurist appointed to the DC Circuit by President George W. Bush, wrote in support of Judge Jackson's nomination to the DC Circuit, and he has written again in support of her nomination to the Supreme Court.

Judge Griffith wrote: ''Judge Jackson and I occasionally differed on the best outcome of a given case . . . . However, I have always respected her careful approach, extraordinary judicial understanding, and collegial manner, three indispensable traits for success on the Supreme Court.

He added: ''Judge Jackson has a demonstrated record of excellence, and I believe, based on her work as a trial judge when I served on the Court of Appeals, she'll adjudicate based on the facts and the law and not as a partisan.''

Finally, like Justice Breyer, Judge Jackson has shown her dedication to the Nation's founding principles, on and off the bench. She has a deep faith in the power and promise of our Constitution and an unwavering belief that we must protect and preserve those ideals that set our Nation apart from so many others.

Last Friday, when President Biden nominated Judge Jackson, the Senate Judiciary Committee, we sent the traditional questionnaire that is sent to nominees and candidates. It was returned to us last night promptly. It was lengthy and comprehensive. We have seen much of it before, earlier last year when Judge Jackson was aspiring to be on the DC Circuit. And it is a great starting point for any Senator or any member of the staff who wants to understand Judge Jackson.

She has published over 500—in fact, 573—written opinions. Her background and thoughts on important issues will be no mystery or surprise for those who

want to take the time to look at those cases. It has been less than a year since she was approved here on the floor of the U.S. Senate, but we are starting this process anew with her visitations with Senator MCCONNELL, Senator SCHUMER tomorrow, as well as myself and Senator GRASSLEY.

Senators who wish to meet with her personally and talk about her positions on any issues or other relevant topics are welcome to do so. Senator GRASSLEY this morning in the Judiciary Committee encouraged his colleagues on the Republican side of the aisle to take advantage of the opportunity if they wish. We want to make sure that this is an orderly, respectful, collegial, and professional process.

My dearest hope is at the end of the day, she will receive bipartisan support for this nomination. It would be a great day for the Senate, as well as for the Supreme Court if that happened. But she needs to earn it. And to do it, she will be making the rounds in the Senate with individual Members making her case and then appearing before our committee at a later date, which we will announce this week.

I want to thank my colleagues for taking this as seriously as they should. It is rare in our Senate career that we are allowed to bring up the issue of advise and consent to the highest Court in the land—a lifetime appointment, a critically important appointment for the history of the United States and the history of that great Court.

I want to make sure that on the Senate Judiciary Committee, we are respectful and bipartisan in every aspect of that effort.

I yield the floor.

The PRESIDING OFFICER (Mr. MURPHY). The Senator from Alaska.

UKRAINE

Mr. SULLIVAN. Mr. President, I want to come down to the floor and talk about the issue that is certainly the focus of America and the world right now, and that is Ukraine, and that is the President's State of the Union Address, which will be a very important one tonight.

And I know that Americans all across our great Nation are glued to their televisions, social media streams. And what we are seeing in Europe is quite remarkable, quite unsettling—another major war on the European continent. We are seeing children in bomb shelters singing the Ukrainian national anthem. We are seeing brave young men and women on the front lines taking up arms to defend their country. We are seeing grandmothers take to the streets, foisting upon Russian conscripts the seeds of their country's flower. One of the most effective acts of resistance I have ever witnessed.

Mr. President, you and many of us were over in Europe just about a week ago at the Munich Security Conference, where we had the opportunity to meet with many of these brave Ukrainian ministers, the mayor of Kyiv, parliamentarians, young parliamentarians. And our message—my message certainly was a hard one. At the time, the war had not started, but we were seeing increasing intelligence that it would any day.

And the message was, if war comes, it will be important for the Ukrainian people, the leaders, to fight. And we are seeing that. All across the country, the people in Ukraine are fighting and willing to die for freedom, for their country.

I want to say I think I speak for the whole Senate: Watching these acts of courage and heroism has been truly inspiring, and we all applaud the courage and heroism that we are seeing in Ukraine, and we stand with the people of Ukraine.

Given the circumstances in Ukraine and across the globe and in our country, where working families are struggling under increasing energy costs and inflation, I want to talk a little bit about the President's State of the Union tonight and what I certainly hope he is going to tell the American people.

I and several of my colleagues here, Republican colleagues in the Senate, will be sending a letter to the President very soon, urging him to announce specific actions that relate to an entirely new world with this invasion of Ukraine by Russia and start to announce a course correction on issues under which the Biden administration has been going the wrong way on two key, key areas.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter to the President.

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

U.S. SENATE,
Washington, DC, March 1, 2022.

President JOSEPH R. BIDEN,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We appreciate your call for Americans to come together in light of Russia's brutal, unprovoked invasion of Ukraine. We strongly support working with our allies and partners—one of our nation's most important strategic advantages—as well as sending U.S. troops to support and defend NA TO allies in Eastern Europe during these challenging and dangerous times.

Yet, as our nation prepares for this new era of authoritarian aggression led by the dictators in Russia and China, we have serious concerns that we encourage you to address in tonight's State of the Union and thereafter act upon immediately.

First, you must submit a robust military budget that significantly increases defense spending to reflect the realities of our geostrategic competition with China and Russia. Your Fiscal Year (FY) 2022 budget proposed significant real cuts to the Department of Defense when, at the same time, you proposed massive increases to almost every other federal agency and department. Putin and Xi were undoubtedly encouraged that the President of the United States proposed significant budget cuts to his own armed services. We implore you not to make the same strategic mistake again. The FY 2022 National Defense Authorization Act (NOAA) was a clear bipartisan rebuke of your misguided defense budget cuts. You must put forward a robust, real increase in defense spending focused on the current and future readiness and lethality of our force. You should also continue to press our NATO allies to meet their two percent of Gross Domestic Product (GDP) goal for defense spending.

Second, your Administration's energy policies—which focus on restricting, delaying, and killing the production of American energy—have had the predictable but catastrophic effect of driving up energy prices for American working families, increasing pinks slips for American energy workers, and significantly empowering our adversaries, especially Putin, who has used energy as a weapon for decades.

You recently told the American people in a press conference that your Administration was using ''every tool at our disposal to protect American families and businesses from rising prices at the gas pump'' and ''taking active steps to bring down the cost.'' Mr. President, respectfully, that is not true and the facts show it.

Time and time again, your administration has taken steps to unilaterally disarm the American energy sector. We hope that in your address tonight, you make a strategic course correction on your misguided energy policies that properly reflects your recent promises to reduce energy prices for American families, protect the national security of the United States, and provide meaningful support to our allies who are struggling to meet their energy needs. You can do this through the following actions:

1. Rescind your decision to cancel the Keystone XL Pipeline and fast-track other similar energy infrastructure projects across the country.

2. Work to rescind the recent decision by the Federal Energy Regulatory Commission (FERC) that makes it much more difficult to approve natural gas pipelines.

3. Commit to fast tracking and producing American energy on federal lands, including the 1002 Area of the Arctic National Wildlife Refuge (ANWR), the National Petroleum Reserve of Alaska (NPR–A), and the Gulf of Mexico, all of which have decades of abundant proven reserves of oil and gas.

4. Expedite the permitting of critical minerals mining and processing, particularly Alaska's Ambler Road project, and reinstate the leases issued to Twin Metals Minnesota LLC for the northeastern Minnesota mining project.

5. Reinstate the January 2021 proposed rule from the U.S. Office of the Comptroller of the Currency that would prevent America's large financial institutions from black-listing whole sectors of the economy and ensure the energy sector has fair access to capital and banking service to advance critically needed energy projects.

6. Direct the Department of Justice to appeal the U.S. District Court's decision invalidating the Department of the Interior's Lease Sale 257. Appealing the Court's decision to block this sale will demonstrate the administration's commitment to continuing critical offshore development.

7. Direct the Department of the Interior to finalize a new 5-year offshore lease plan by June 30, 2022.

8. Use your bully pulpit to encourage—not discourage—America's financial institutions to support American energy independence by investing in American oil and gas.

9. Sanction Russian oil and gas exports to America and our allies. We have seen a spike in American imports of Russian energy during your Administration. We would replace such imports, which only empower Putin, with increased production of American energy for our citizens.

10. Issue all pending export licenses and announce an initiative to surge American liquefied natural gas (LNG) exports to our allies and partners in Europe who are being blackmailed and are trapped by the whims of tyrant Vladimir Putin.

11. Terminate the positions of White House Climate Czar Gina McCarthy and Special Presidential Envoy for Climate John Kerry, who have aggressively pushed an all-out assault on America's energy sector—at home and abroad—and whose actions are dramatically weakening America's geostrategic advantages. John Kerry's statements just days ago clearly portray someone who does not care about the lives lost in the crisis in Ukraine but rather protecting the climate agenda no matter the cost. In his own words, he said, ''Massive emissions consequences to the war, but equally importantly you're going to lose people's focus. You're going to lose, certainly, big country attention because they will be diverted, and I think it could have a damaging impact,'' and ''I hope President Putin will help us to stay on track with respect to what we need to do for the climate.''

12. Withdraw your nomination of Sarah Bloom Raskin based on her commitment to reduce American energy projects that would provide energy to our allies and reduce America's dependence on Russian oil.

It is our sincere hope that you announce these changes in your address this evening. Only then will your promise to use ''every tool at our disposal to protect American families and businesses from rising prices at the gas pump'' be fulfilled and our national security appropriately protected.

The American people are looking to their President to rise to this critical moment. Our national security, global stability for ourselves and our allies, as well as the prosperity of every American family are on the line.

We await your response in tonight's address.

Sincerely,

DAN SULLIVAN,
United States Senator.
KEVIN CRAMER,
United States Senator.
ROGER WICKER
United States Senator.
JAMES LANKFORD,
United States Senator.
JOHN CORNYN,
United States Senator.
JOHN HOEVEN,
United States Senator.

Mr. SULLIVAN. Mr. President, let me begin with one of the areas of course correction that we are urging the President to undertake, and that is in the area of national defense.

There are many lessons that we are going to learn from this Ukrainian invasion, but one of them is certainly that we have entered a new era of authoritarian aggression, led by the dictator in Russia—that is Putin—and the dictator in China—that is Xi Jinping. When they sense weakness, particularly military weakness, they are acting.

As I mentioned, this new era of authoritarian aggression is something we need to be ready for. It is led by the dictators of Russia and China, who are increasingly isolated and dangerous. They are driven by historical grievances, they are paranoid about their democratic neighbors, and they are more than willing to use military force and other aggressive actions to crush the citizens of such countries on their periphery. These dangerous dictators, Putin and Xi Jinping, are increasingly working together to achieve their aggressive goals.

We must wake up to the fact, and that is what we are calling the President to do—hopefully he does in his speech tonight—that this new era of authoritarian aggression is likely to be with us for decades.

What are the areas which we should focus on and which we are respectfully requesting the President to focus on and announce tonight? Well, first, as I mentioned, our Nation's national defense. Now, unfortunately, this has not been a priority of Democratic Presidents. That is a fact. This has not been a priority often of my Democratic colleagues—some; not all but some.

Let me just give you some of the numbers. In the second term of the Obama administration, the Pentagon's budget was slashed by 25 percent—25 percent. Our military readiness plummeted.

When I got elected to the Senate—in many ways, I ran because of these issues in 2014. When I was elected in 2015, I was on the Readiness Subcommittee of the Armed Services Committee. The numbers at the time were classified because they were so horrendous in terms of our military's readiness. Three out of fifty-eight brigade combat teams of the U.S. Army were at the tier 1 level of readiness needed for deployment—3 out of 58. The Air Force was the smallest and oldest in terms of aircraft age ever, and less than half of the U.S. Navy and Marine Corps' aviation fleet could fly. That was the U.S. military during the end of the second term of the Obama administration. When you gut defense spending, you gut readiness, you gut lethality.

During the Trump administration, when the Republicans had control of the Senate, we worked to reverse this dangerous hollowing out of our military by dramatically increasing funding. Many of the areas I talked about involving readiness and lethality returned back to the levels that the American people expect of their military.

Unfortunately, when the President, President Biden, was elected, he reverted back to what Democratic Presidents always do: He submitted a budget that cut defense spending in real terms, inflation adjusted, about 3 to 4 percent cuts.

What was remarkable, if you looked at the Biden budget, everywhere else, it was double-digit increases. You name the Agency, it got a double-digit increase, with the exception of two: Department of Defense and Homeland Security. Budgets are an indication of priorities, and this President was not prioritizing his own armed services.

So what we are doing with regard to the letter today is asking the President of the United States: You can't do that anymore, Mr. President. We are in a new era.

We had a hearing in the Armed Services Committee today. I asked both the witnesses what they thought Xi Jinping and Putin thought when the President of the United States put forward a budget to cut his own military. The witnesses answered today in this hearing: Undoubtedly, it helped embolden Putin and Xi Jinping.

So the first thing we are asking the President to make clear in his speech tonight is that he needs to put forward a robust, real increase in defense spending to make sure we have current and future readiness and lethality of our military forces. Obviously, if you turn on the TV and see what is going on around the world, this needs to happen.

The President also needs to continue, as every President has done before him, to call out our NATO allies, whom we are acting closely with right now, to meet their obligations that they have committed to for years, which is to spend at least 2 percent of their GDP on defense spending.

The good news is, Germany just announced that it was going to do this, that it was going to double its budget. That is remarkable. That is great news. But we can't have Germany leading on the calls for increasing defense spending and lethality. The President of the United States needs to do it, and he needs to do it tonight.

The second issue that we raised in our letter on the critical need for a strategic course correction with this administration is with regard to energy. Everybody knows it. Everybody feels it. Everybody understands it. Yet, for some reason—I think driven by the far left of the Democratic Party—this administration won't get real on energy.

Let me talk about that for a minute because it is a topic I care deeply about and, by the way, have been pressing the Biden administration on since day 1, that this is bad for our economy, bad for working families, and bad for national security.

What am I talking about? Well, first, it is important to understand what President Biden inherited. Over the 4 years of the Trump administration, with Republicans in control of the Senate, we were able to achieve a bipartisan goal of American foreign policy and energy security that we collectively as a nation had been seeking for decades: American energy independence.

Before the pandemic hit, the United States was the largest producer of oil in the world, bigger than Saudi Arabia; the largest producer of natural gas in the world, bigger than Russia; and a leader in producing renewables—all-of-the-above energy.

At the same time, and I really want my colleagues on the other side of the aisle to listen to this, we led the world in terms of major economies on reducing greenhouse gas emissions. Since 2005, we have reduced these by almost 15 percent. No other industrialized nation in the world has a record like

that, including our high standards on producing energy. In China, the emissions are going through the roof. In the United States, they are coming down dramatically because of the American energy revolution. Millions of jobs were created because of this revolution in energy, in U.S. manufacturing, in energy sectors, and our energy independence significantly enhanced our Nation's national security.

I often recount this story. In a meeting about 4 years ago I had with Senator John McCain—a close friend of mine and mentor in the Senate—and a very senior level Russian dissident. At the end of the meeting, I asked this brave Russian dissident: What more can the United States do to undermine the Putin regime and to undercut Vladimir Putin's malign influence in Europe and around the world? Without hesitation, this Russian dissident said: It is easy, Senator; America needs to produce more American energy. That is exactly what we did, and our country and our allies benefited enormously.

So what has been the policy of this administration? From day 1—and I mean day 1—1 hour into his administration, President Biden has intentionally done the opposite. We are not going to produce more American energy, as that Russian dissident told me and Senator McCain to do to undermine Putin. To the contrary, the Biden administration made the conscious decision: We are going to undercut the production of American energy.

Since taking office, this administration has shut down energy production, has made it hard to produce on Federal lands, has killed energy infrastructure like pipelines, has strong-armed American financial institutions and not invested in energy here and particularly in places like my State, the great State of Alaska.

All of this restricting, delaying, killing the production of American energy, driven by a far-left agenda that makes no sense, has had the very predictable result of what? Catastrophically driving up energy prices for American working families—we are seeing that every day; my colleagues know that—increasing pink slips for American energy workers. Keystone XL laid off 10,000 workers, a lot of laborers. First day on the job—that was the President's call.

Here is the thing that matters right now: This war on American energy has significantly empowered our adversaries, especially Vladimir Putin, who has used energy as a weapon for decades.

Again, I see this every day. Think about this statistic if you are an Alaskan citizen. This administration comes up to Alaska and tries to delay and shut down the production of American energy. Guess what. At the same time, year 1 in the Biden administration, we are now importing 700,000 barrels a day of oil from Russia—almost a 40-percent increase in year 1 from the Biden administration. Does any American or any U.S. Senator think that makes sense—killing American energy production in our great Nation and importing hundreds of thousands of barrels more from Vladimir Putin? Because if you do—well, actually, I don't think anyone thinks that makes sense. But that is what is happening right now. In effect, the United States, in many ways, along with countries in Europe, is funding the very war that Putin has launched.

The United States still is the world's largest producer of natural gas, but, again, due to the irrationality and hostility toward pipelines, we can't get enough natural gas to the Northeast. So you see places like Boston importing LNG from where? Russia.

This is insane. This is insane. This is a colossal, strategic mistake. It is clearly harming American working families. I am sure every Senator hears about it when they go home. But it is also national security suicide.

It is being done, supposedly, to lower carbon emissions, but I want to be clear about that, too, because it isn't. In fact, oil produced in the United States has lower emissions than oil produced in most other countries. LNG shipped to Europe from the United States has a 41-percent lower carbon emission footprint than gas piped in from Russia, and we also have some of the most rigorous environmental standards anywhere on the planet in terms of production.

So, again, the Biden administration's energy policies are strengthening Putin, increasing costs and hurting Americans, and are actually doing zero to address global emissions. The only conclusion I can come up with is the far left has undertaken some kind of holy war against the production of American energy, and it makes no sense.

So here is what we are asking the President. He gave a speech to the American people the other night where he said that he is using all available tools to address these energy challenges. With all due respect to the President of the United States, that is not true. The President knows it; his team knows it; every Senator here knows it, and the American people know it.

So in our letter today that we are sending to the President, we are saying, President Biden, if you want to keep your word to the American people on what you just told them, ''all available tools,'' here is what you can actually announce tonight at the State of the Union that will have very significant, real impacts on lowering energy costs in America and increasing our national security relative to Putin.

Some of the actions we requested the President to take in the letter we are sending him before the State of the Union.

Simple, rescind your decision to cancel the Keystone XL Pipeline and fast-track other similar energy infrastructure projects around the country.

Work to rescind the recent decision by the Biden administration's Federal Energy Regulatory Commission, FERC, that makes it much more difficult to actually approve natural gas pipelines. My understanding is my good friend from West Virginia Senator MANCHIN is holding a hearing on this very issue on Thursday because he knows that this is national security suicide.

Commit to fast-tracking and producing American energy on American lands, particularly where the Congress has told you to do so, like ANWR in Alaska, like the National Petroleum Reserve in Alaska—Congress has said produce there; that is the law—like the Gulf of Mexico. We have decades in our great Nation of abundant proven reserves of oil and gas. So why are we importing so much from Putin right now?

This brings me to another request. And this is a request of many Senators, and I believe Democratic Senators also. We should be banning the importation of Russian oil into the United States. Canada just announced it was doing it yesterday. Why would we be importing 700,000 barrels a day of Russian oil when we have millions and millions of barrels in Alaska? Can somebody answer that question?

I hope the President of the United States looks at our letter and recognizes these are commonsense approaches that are going to be needed to address this new era of authoritarian aggression, not just with Vladimir Putin but with Xi Jinping as well. When you look at what the Communist Party fears more than anything, it is American energy dominance. And yet this administration has come in, in year 1, unilaterally disarmed one of our most important strategic advantages in the world.

One other thing we mention in the letter, which makes so much sense, is to issue all pending export licenses and announce an initiative to help surge American liquefied natural gas to our allies in Europe and partners in Europe who right now are being blackmailed and trapped by Vladimir Putin's use of energy.

Again, you would think that would be a no-brainer.

And we hope the President looks at the American people tonight and goes through this list of good energy ideas that we have given him and says he is going to do it—says he is going to do it.

The world is reeling right now. Our country certainly is hurting, in terms of inflation and many other challenges, many of which are self-inflicted like the energy challenges. We can take steps to strengthen our country. And a strong United States, of course, strengthens the world.

We have seen this time and time again throughout history. Our country is the beacon of freedom and hope, and the light of that beacon can only shine brightly, can only cast light on all corners of the globe when we are strong. And it shines most brightly when our

citizens are not struggling, but when we have strong communities, strong families, bolstered by good-paying jobs that provide dignity.

Our light of freedom shines most brightly when our country is on a common mission, and I think the President can call us toward a common mission tonight by listening to some of the things that we as Republicans have implored him to talk about and focus on in his speech.

As I mentioned, as a country, it is important that we wake up to the fact that this new era of authoritarian aggression will likely be with us for decades. We need to face it with confidence and strategic resolve.

Our country has extraordinary advantages relative to the dictatorships of Russia and China if we are wise enough to utilize and strengthen them. Our global network of allies, our lethal military, our world-class natural resources and energy resources, our dynamic economy, and most important, our democratic values and commitment to liberty.

Xi Jinping and Putin's biggest weakness and vulnerability is that they fear their own people. We should remember and exploit this vulnerability in the months and years ahead.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, yesterday, many of us in the Senate had the opportunity to meet with the Ukrainian Ambassador to the United States.

It was an opportunity for many of us to express our admiration for the commitment of the Ukrainian people to the sovereignty of their country. They are motivated by the love of their country and a passion for freedom. Their President, President Zelenskyy, has shown courageous leadership. He has been inspirational as we have watched how he has put his own life at risk in order to serve his country. He has put country before personal safety.

Ukraine versus Russia, good versus evil, this unprovoked attack on a peaceful sovereign country, orchestrated by Mr. Putin. We are not surprised. It was widely publicized, the use of his playbook. We knew what he was doing hour by hour in planning the invasion on Ukraine. It doesn't diminish the tragedy of Mr. Putin's actions. This is Mr. Putin's war, and he must be held fully accountable for what he has caused.

I want to thank President Biden for his extraordinary global leadership on this issue. We have seen unity among our alliance, and we have seen global unity in condemning Mr. Putin's actions, which is so important in order to put the right focus on who is responsible and who can end this tragic war.

We have imposed the strongest set of multilateral sanctions ever on Russia's leaders and institutions. We have cut off many of its banks from the Swiss system of banking. We have put personal sanctions on Mr. Putin and his enablers. We have frozen assets around the world. We have isolated Russia from international organizations and events. We have restricted airspace to Russian aircraft. All that has been done not just by the United States but in conjunction with our allies around the world, and it is having a major impact on Russia.

We have seen unity in NATO. I think Mr. Putin thought that his campaign in Ukraine would weaken the NATO alliance. It has done just the opposite. It has strengthened the NATO alliance. We have sent NATO troops to the countries that border Russia that are members of NATO to make it clear that we understand our collective obligation under article 5 of the NATO treaty: an attack on one is an attack on all, and we will come to each other's mutual defense.

And we have seen many countries that have been reluctant to get involved in war-type activities change their position because they realize how clear it is what Russia is doing violates every international commitment and jeopardizes not just the integrity of Ukraine but the integrity of Europe, the integrity of sovereign states around the world.

So let me point out just one of our NATO partners, Germany. Germany canceled—put on hold Nord Stream 2. We know Mr. Putin has used energy as a weapon. He has weaponized the source of energy he has in his country. He has done that several times. Nord Stream 2 would give him additional wealth and energy—stopped by Germany. But Germany has gone further than that. For the first time, now they are going to be supplying lethal weapons to Ukraine, recognizing that all of us have a responsibility to help Ukraine in its hour of need.

And, yes, Germany has now made a commitment that we have asked all NATO nations to do, devote 2 percent of their economy to our mutual defense, and Germany is now stepping up to meet that 2 percent commitment. That is what we are seeing from NATO partners.

Turkey is going to block the use of warships from being able to use its waters in order to get engaged in the conflict; that is, Russian warships.

We have seen non-NATO countries step up to the plate. We are very pleased with the global response, Finland's response, Switzerland's response. This is unprecedented that we had this type of global unity saying to Mr. Putin: Stop this invasion, an unprovoked attack on a peaceful nation. Stop it.

Now, the consequences of our action have had major impact on the Russian economy. Their interest rates have gone up dramatically. The value of their currency, the ruble, has fallen dramatically. Their economy is suffering dramatically. And when the Russian people want to know who to blame as a result of their economy going into the tank—one person, the person who caused this war, Mr. Putin.

The Ukrainians are defending their country and have disrupted Putin's military expectations. These are really people motivated for the right reasons to defend their country, and they have been able to do amazing things in stopping Russia's advancements. That is because of the will, determination, and bravery of the Ukrainian people.

They need our help, and they need the help of our allies in supplying the necessary military equipment in order to defend themselves. We know how many Russian tanks are out there, and we know how many Russian aircraft are out there. They need anti-tank and anti-aircraft weapons, and they need ammunition. They need a lot in order to defend themselves, and we and our allies need to step up to make sure they have what they need.

They also, by the way, need humanitarian aid. We know that there are already over several hundred thousand refugees who have escaped the violence in Ukraine and have gone into neighboring countries. It is estimated that number could grow into the millions. We need to work with the international community in regard to the humanitarian needs of the refugees. We also have to realize that Ukraine's supply chain has been totally disrupted. We need to provide humanitarian aid within Ukraine, get it to the border, and work with the Ukrainian officials so they can get it inside the country. That is our responsibility in order to help in this hour of need. We need to do even more than that, and there are additional steps that we can take.

We need to continue to ratchet up the sanctions that are being imposed against Mr. Putin and Russia. As I said earlier, these sanctions are severe today, and we need to consider doing more. The administration is already setting up a process by which we can trace laundered assets so that, when we say we are going to freeze the assets of those who are being sanctioned, we will find those assets wherever you try to hide them. We are going to work with our allies around the world in order to make it clear that there is no safe haven for you to hide your wealth.

We need to continue to build on individual sanctions. We know that. Individual sanctions mean a great deal, and there are others who need to be sanctioned. Yes, I think we need to consider the oil and gas industry as to how we can make it clear that we are not going to let Mr. Putin benefit from his assets.

Trading policies need to be reevaluated. A country that invades another country without any provocation whatsoever should not be entitled to normal trade relations with the United States, and we should be looking at how we can enforce those types of changes.

Yes, there needs to be personal accountability. It has now become quite obvious that Mr. Putin has had no regard whatsoever for civilian casualties. In fact, there have been reports that he may have targeted civilians in his effort to gain control of Ukraine. We

need to make it clear that, if the facts are there, we will pursue potential war crimes. No one should escape accountability. We should hold those who are responsible for these tragedies accountable for them.

Let me make it clear. As Mr. Zelenskyy has said, the President of Ukraine, we will always look for a diplomatic way to end this war. We want this war never to have started, and we want it to end as soon as possible. We will look in any way we can for a diplomatic end to this war—preserving the sovereignty of Ukraine.

We recognize that Mr. Putin's war has brought to our attention other issues that we need to really pay attention to. One is the energy policy of Europe and the United States. I have heard my colleagues talk about this, but the right answer is energy independence, investment in renewable energy sources, so that we can not only protect our national security but so that we can also protect our environment. We need to make those investments moving forward so none of our allies ever has to rely upon an autocratic government's supply of oil or gas.

I want to underscore the importance that was brought to our attention yesterday. There was a parliamentarian from Ukraine who was there who said: Thank you so much for the Magnitsky sanctions that you have imposed on individuals because that really hurts.

Well, we are proud because it was this body that initiated the Magnitsky sanctions.

Let me remind my colleagues that our law expires at the end of this year. Now is the time to expand and extend the Global Magnitsky law. We need to protect our supply chains. We saw that during the coronavirus, but we also recognize, with supplies in autocratic countries, that we need to shore up our own supplies and make them in America. We have legislation that has passed the House and Senate. Let's get that bill to the finish line. That would be so important for our national security.

Our immediate priority: Let us all stand with the people of Ukraine in their struggle for freedom. They have not only our admiration, but they have our support. We want to do what we can, and we stand with the people of Ukraine.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. TUBERVILLE. Mr. President, last week, President Putin of Russia ordered 100,000 to 200,000 Russians across Ukraine's border. Air raid sirens rang out. Bombs rained down. Russia declared war on Ukraine—the first war in Europe since 1945.

Putin's terror is hard to watch. We have all seen it on television in realtime, but it is important we not look away. Amid it all, we are seeing examples of heroism and hearing stories of strength.

Early in the fight, Russian warships called for Ukrainians to lay down their weapons on the small Snake Island. Ukrainian fighters answered with a bold response that has reverberated as a sort of drumbeat of defiance across the country. Since then, we have seen Ukrainians embody determination in the face of desperation—all in the name of freedom and love for their country. A Ukrainian marine sacrificed himself to blow up a bridge near Kyiv so that Russian tanks could not cross.

All the while, President Zelenskyy of Ukraine has stayed. He has not abandoned his country, even though he knows Putin's goal is to topple the Ukrainian Government—all this while knowing that President Putin of Russia has sent over assassins to eliminate him. He planted his feet and squared his shoulders for the fight and is rallying his fellow countrymen to do the same.

Ukrainian citizens are following suit, showing true bravery in the face of madness. As the Ukrainian Government began to hand out weapons, thousands and thousands lined up to receive them, men and women. Volunteers, ordinary citizens, are adding to the resistance. They are men and women, young and old, coming from all backgrounds and walks of life—all to defend freedom and democracy in their country.

It is clear Mr. Putin underestimated the Ukrainians' will to fight. While Ukrainians are handing Russia a tough fight, we know there will be hard days ahead. Mr. Putin's rationale for invading was the ''demilitarization and de-Nazification of Ukraine,'' arguing that, if Ukraine joined NATO, the West would have an excuse to invade Russia. That is paranoia. That is delusion. That doesn't sound like a strong leader. It sounds like a weak leader. Putin was betting that NATO would fold and that countries would turn against one another. If anything, Mr. Putin's bullying has strengthened NATO.

Last week, Germany halted the Nord Stream 2 Pipeline, and now, in a somewhat surprising about-face, Germany is agreeing to send weapons to Ukraine. This not only frees up other countries to follow suit, but it also reverses their historic policy of never sending weapons to a conflict zone.

Over the weekend, the United States joined with the European Commission and Canada, France, the United Kingdom, Italy, and Germany to ban select Russian banks from SWIFT. By limiting access to this international payment system, we move closer to the goal of further isolating Russia. Additionally, the group leveled sanctions on Russia's central bank—paralyzing assets and freezing transactions. At least 26 NATO countries have either independently issued sanctions or have joined the EU sanctions.

Since the invasion, the United States has not only imposed economic and financial sanctions, but we also authorized $350 million in new military aid to Ukraine, including anti-tank and air defense capabilities, and the State Department has sent millions in humanitarian aid. We are now seeing an inflection point for other countries—a time for choosing. Countries like Sweden, Finland, and Kosovo are all voicing a desire to join NATO. They are choosing to align with the West.

So, in a moment of apparent frustration over the past few days, Putin ordered his Russian nuclear deterrent forces to be put on high alert in response to what he calls ''aggressive statements'' from NATO leaders and the West's financial sanctions.

But I ask this question: Why? Why were all of these sanctions not presented 6 months ago to possibly deter this aggression and save tens of thousands of lives?

We were late.

As it currently stands, this is not a fight for American troops, but if a NATO country is threatened, we will and do need to act. Facts could change; therefore, policies have to change, which is why we need to continue to impose harsh financial sanctions and project strength during this very ugly situation.

Another step we must take is to regain energy independence. We import nearly 600,000 barrels of oil a day from Russia. The Keystone Pipeline would have provided us 800,000 barrels per day.

Ahead of the invasion, President Biden admitted ''defending freedom will have costs for us at home here as well.'' The irony is that Americans aren't just now feeling the economic strain as we begin to ''defend freedom'' through sanctions on Russia. Gas prices began to soar long before Mr. Putin waged war in Ukraine. It started with the President's first day in office when he blocked the Keystone Pipeline and undercut our Nation's energy independence. Russia ramped up aggression against Ukraine at the same time as the administration was canceling 80 million acres of oil and gas leases. Green policies here at home have pushed us to seek energy abroad, and our country is paying a huge and hefty price.

President Biden has again admitted that we might need to dip into our oil reserves, but why not dig into the oil reserves—dig our own oil?

This is no time to be a purist and think others can bail us out. The United States of America is an energy-rich nation, but we must have smart policies in place to use them.

This is an economic and a national security issue. You cannot have a strong economy without low energy costs, and ridding ourselves of our reliance on Russian energy is a matter of national security. What happens in Ukraine matters, but so, too, do our actions here at home.

So as our country prepares to hear from President Biden tonight on the state of our Union, I urge the President to project a strong path forward, to

double down on investments in our military, and to put forth policies to ensure we regain our energy independence.

If the state of our Union here at home is strong, it will only serve to strengthen our standing abroad.

I yield the floor.

The PRESIDING OFFICER (Mr. MARKEY). The Senator from Texas.

Mr. CORNYN. Mr. President, Russia is waging war, the likes we have not seen since World War II. They are waging war on freedom and democracy.

Over recent days, the world has watched in horror as Russian troops have invaded and brutally attacked Ukraine and Ukrainians. So far, estimates are that 350 Ukrainians have been killed. We really don't know what the number is, but we do know that countless civilians have been injured, and more than half a million Ukrainians, including women and children, are now refugees.

This invasion was not weeks or even months in the making; this has been Moscow's plan for years. Putin has made no secret of his desire to redraw the maps of Europe and to restore the Russian Empire. That is why in 2008, Russia invaded the nation of Georgia. In 2014, it invaded Ukraine, for the first time since the end of the Cold War, taking the Crimea region. So the current invasion of Ukraine is really the second invasion we have seen from Vladimir Putin's Russian Federation since 2014. Putin's appetite has not been satisfied. If anything, these invasions have made him hungrier for power.

The people of Ukraine have lived under the shadow of Russian aggression for years, and it has always been a question of when, not if, Russia would finally act. For months, Russia has amassed hundreds of thousands of troops on Ukraine's border, with numbers growing from a few thousand to more than 150,000.

Defenders of freedom and democracy everywhere look to the United States for leadership. But, sadly, they were let down. That is because when it comes to projecting strength to authoritarians like Vladimir Putin and President Xi, to the Ayatollahs in Iran and Kim Jong Un in North Korea, the Biden administration repeatedly projects not strength but weakness.

First of all, when it comes to Europe and Ukraine and Russia, President Biden should not have waived sanctions on the Nord Stream 2 Pipeline last year. He should have never suggested that certain Russian attacks would be disregarded by the United States. A minor incursion, he said, might be overlooked.

And he should have taken swift action and imposed paralyzing sanctions on Russia before—before—an invasion to give them a taste of what might come, in an effort to deter Putin from invading in the first place. And we should have earlier sent greater defensive weapons to the Ukrainians. Strong action was called for before the war started, but unfortunately, we have been playing catchup since it did start.

But now, we have a critical task ahead of us. Between this crisis and the disastrous withdrawal from Afghanistan stranding thousands of Americans without consultation or communication with any of our NATO allies that were discouraged and shocked to find out that we would leave them hanging, President Biden has repeatedly given our NATO allies reason to doubt our commitment and our credibility.

I am sure Vladimir Putin is taking notice. I am sure President Xi and the People's Republic of China has as well. In fact, Xi Jinping has already expressed approval of the Russian invasion of Ukraine.

Putin has now put Russia's nuclear forces on high alert, threatening to escalate to the unthinkable—something that hasn't happened since 1945—the discharge of a nuclear device. He has also ordered his soldiers to fire on residential neighborhoods, a clear-cut example of a war crime.

There is need of decisive action to counter Russian aggression. With the eyes the world looking at the United States for leadership, it is time for us to step up in defense of this democracy. President Biden needs to follow through on his promise to make Putin a ''pariah on the world stage.'' The Biden administration has put harsh sanctions on Russia, but its most valuable asset remains virtually untouched, and that is Russia's oil and gas sector.

Even as Russia wages a brutal war against the people of Ukraine, it is exporting energy to the rest the world and using the profits—$100 oil and higher—to fund the war against innocent Ukrainian citizens. Sanctions against banks and oligarchs are crucial, but we should not ignore Russia's single largest economic asset.

The United States must identify ways to offset the global demand for Russian energy, both here at home and with our oil-producing allies abroad, so we can cut off Putin's biggest stream of revenue. That would be the biggest and best sanction of all.

Our friend John McCain used to joke that Russia was a gas station masquerading as a country to make the point that their oil and gas sector is the single most important part of their economy. And yet so far, the U.S. Government has left it relatively untouched and unscathed.

In addition to economic penalties, we must provide additional materiel support for Ukrainian forces to sustain their heroic and inspirational fight against Russian aggression. A few weeks ago, I began working with a bipartisan group of colleagues on a far-reaching bill to counter this aggression. This package included legislation that I introduced called the Ukraine Democracy Defense Lend-Lease Act, reminiscent of what the United States did when Britain was hanging by a thread under Nazi aggression in World War II.

Just as we did in World War II for our allies in Britain, this bill would ensure that Ukrainian forces and the Ukrainian citizenry had the defensive weapons, the air power, the ships—whatever they needed—in order to defend their sovereignty. It also included security assistance, as well as sanctions on Russia.

And even though we agreed on a bipartisan basis on the vast majority of what was being discussed, the administration's oppositions prevented us from reaching a final agreement.

I am disappointed that we were unable to act and send a strong and united and bipartisan message as Congress to Vladimir Putin, but the fact that we were unsuccessful then doesn't eliminate the need for us to take further action now.

Thanks to the leadership of the ranking member of the Senate Foreign Relations Committee, Senator RISCH from Idaho, I was proud to join my Republican colleagues in introducing legislation that will kneecap Russia's efforts. The Never Yielding Europe's Territory Act doesn't just support Ukraine or impose economic consequences on Russia on counter Russian aggression, it does all of the above.

This legislation includes a range of measures to strengthen Ukraine's ability to defend itself, including my lend-lease bill. It imposes harsh economic consequences on the Russian economy through far-reaching sanctions.

As we all know, Senator MENENDEZ, the chairman of the Foreign Relations Committee, and Senator RISCH, the ranking member, negotiated for days and indeed weeks upon weeks, but were unable to come up with a bipartisan package.

I am especially disappointed that today, when Senator RISCH offered to take up and pass this bill by unanimous consent, that it was blocked by one of our Democratic colleagues. I wonder what kind of message that sends to Vladimir Putin—not a good one.

America stands with Ukraine, and we must do everything in our power to help Ukrainian forces defend their freedom and their democracy. Through the devastation that we have seen over the past couple of days, we have all been inspired by the strength and courage of the Ukrainian people. They are on the frontlines of the war against our values, against their sovereignty, against democracy, and they deserve our unequivocal support.

As the conflict—indeed, as the war—in Ukraine wages on, strong American leadership is desperately needed on a bipartisan, monolithic basis.

This evening, President Biden will have a chance to provide his State of the Union message, and I hope that he sends a clear message to the world that Russia's belligerence and hostility will not be tolerated. The American people, our friends and allies, and our adversaries will be paying close attention,

and President Biden should not pull any punches. He should not mince words. He should say that America stands with Ukraine, and we will not tolerate as civilized nations—as democracies—a blatant attack on a fellow democracy.

In addition to the many challenges abroad, the American people are facing the failures of the President Biden's domestic policies here at home. Families are being battered by the worst inflation in 40 years, up 7½ percent so far this year alone. It is more expensive in Texas to heat your home, to stock your pantry, or fill your gas tank.

I spoke to cotton producers in Abilene, TX, just last week. They told me their single biggest problem is the cost of inputs, of fuel, fertilizer, and other things they need in order to grow their product, their commodity.

Anyone who has a need to make a big purchase—things like a car or home appliances—has likely experienced extreme sticker shock.

Business owners, too, have been hit with a double whammy as supply chain issues make it even more difficult and more costly to produce, sell, and ship their products.

Wages have increased some, which would normally be good news, but wage growth is still being outpaced by inflation; meaning that for the average American family, their purchasing power is shrinking, not growing because of inflation. That means our workers have essentially gotten a pay cut because of the flawed policies of the Biden administration.

Economists said that if our Democratic colleagues had proceeded with their nearly $2 trillion partisan spending spree at the beginning of last year, that it would cause inflation. I still remember Larry Summers, a Democratic-leaning economist who served in Bill Clinton's Cabinet, warning that all of this money that Congress is spending—not the money we were spending for public health purposes or to mitigate the economic consequences of COVID–19, but the money spent on other items in our Democratic colleagues' outbox—he said that we are risking the return of inflation like we haven't seen in the last few decades. Despite the warning from people like Larry Summers and others, our Democratic colleagues forged ahead and now America's working families are paying the price.

I hope President Biden has a plan he will announce tonight on how to attack inflation. But that plan cannot—cannot—involve his ill-conceived ''Build Back Broke'' agenda. This is another $5 trillion spending bill that, thanks to bipartisan opposition, did not go anywhere, but which threatened huge tax increases and huge inflationary spending. This is not time to pile on and make the American people's pain worse. We need to do everything we can to reduce inflation, to increase their buying power.

I would like to also hear the President's strategy to address another crisis, and that is the crisis at our southern border. My State has 1,200 miles of border with Mexico, and, last year alone, we have seen 2 million people show up at the border, either to be returned to their country of origin or, more likely, to be welcomed into the United States and be given a slip of paper that says: Show up for your immigration court hearing in a year or 2 years.

We know that the human smugglers are getting rich smuggling people into the United States. They understand our system. They know how to exploit the flaws in our system, and they are getting rich doing so. And by flooding the border with so many people, including unaccompanied children at one time, it takes Border Patrol off the frontlines while the drug smugglers move their illicit cargo into the United States. And it is those drugs that have contributed to the loss of more than 100,000 American lives due to drug overdoses last year alone.

I want to hear President Biden's answer: Why haven't you done anything about it? Why haven't you welcomed or asked for the help of bipartisan Members of Congress to try to address this crisis at the border?

Instead, the Biden administration made it worse. They revoked many of the policies of the previous administration that deterred an influx of migration, and they failed to anticipate the obvious consequences. When you lay out the welcome mat on the U.S. border, people will come, and they come not just from Mexico and Central America. They come from around the world.

I remember early on during the Biden administration talking to the chief of the Border Patrol in the Del Rio Sector. He said: In the last few weeks, we have detained people from 150-plus countries.

The reason for that is obvious. Illegal immigration is the way that international criminal networks get rich and do business. And if you have enough money, they will get you across the southern border, exploiting the laws that we know need to be changed but we cannot seem to muster the support from President Biden nor our Democratic friends to fix.

Local governments and my constituents in the Rio Grande Valley and along the border, who are largely Hispanic themselves, understand the difference between legal and illegal immigration, and they are being inundated with illegal immigration and the burdens that are associated with that. They are looking to Washington to do something about it, but those calls are not being answered. So the burden falls on State government—Governor Abbott and the Texas Legislature—to try to step up. But this is the Federal Government's responsibility, not the State government's responsibility. Leaders in Texas have begged the Biden administration to step up and do its duty. They have asked for more staff, better resources, and policies that put an end to these pull factors, but the administration has done nothing. The only conclusion I can draw after all this time is they just don't care.

As we head into the spring, which is typically the busiest time at the border, the Biden administration needs to take action. The President cannot continue to ignore this humanitarian crisis. We need a concrete plan to address this chaos and ensure that migrants are treated fairly and humanely in accordance with U.S. law.

But, sadly, the border crisis isn't the only problem the administration has shown complete and utter disregard for. Communities across the country are worried about alarming increases in violent crime.

This morning alone, we had a hearing in the Judiciary Committee on carjacking, the violent theft of an automobile using a gun or other weapon to steal it from a person who may be driving their kids to school or to work or to church, only to have their car stolen and their life threatened or taken.

In 2020, murders rose nearly 30 percent from the year before—30 percent—the single largest increase on record. We are still waiting for the rest of the data from 2021, but, so far, the picture is no brighter. A number of major cities experienced their deadliest years on record. Of course, this was in the wake of this boneheaded idea called ''defund the police,'' which destroyed support for the police at the local level and demoralized the men and women who are doing their duty in an honorable and necessary way each and every day. This is the price that you pay for such misguided efforts as defunding the police.

The American people are paying attention, as you would expect. A poll in November found that more than half of those surveyed believe that local crime had gotten worse—a 13-percent jump from the previous year. Concerns at the national level are even higher. Nearly three-quarters of Americans believe that crime is up nationally. They believe that because it is. This is bad news for families, for communities, for businesses, and for our dedicated law enforcement professionals, and the administration needs to take action.

American families are facing a host of crises at home, and democracy is taking a beating abroad. Tonight, I hope President Biden will outline a clear plan to address these many challenges and come up with answers that we can work on together in a bipartisan way. Trying to do things in a 50–50 Senate or at the 4-vote majority in the House of Representatives is destined to fail, as we have seen time and time again. The only way to get things done in a 50–50 Senate is to work to build consensus and get bipartisan support.

I hope we will see a midcourse correction from the administration on these many challenges that I mentioned

today. I hope the President will finally acknowledge and commit to helping address the humanitarian crisis at the border, which he has ignored for more than a year now. I hope and I trust he will send a strong message to the world that America condemns Russian action and stands with solidarity with Ukraine. The American people deserve to hear their President explain his plan to address each of these looming challenges, and I hope he doesn't let them down.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

VOTE ON H.R. 3076—MOTION TO PROCEED

Mr. SCHUMER. Mr. President, I know of no further debate on the motion to proceed to H.R. 3076.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the motion to proceed.

The motion was agreed to.

POSTAL SERVICE REFORM ACT OF 2022

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

The legislative clerk read as follows:

A bill (H.R. 3076) to provide stability to and enhance the services of the United States Postal Service, and for other purposes.

AMENDMENT NO. 4955

Mr. SCHUMER. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for Mr. PETERS, proposes an amendment numbered 4955.

The amendment is as follows:

(Purpose: To modify the deadline for the initial report on the operations and financial condition of the United States Postal Service)

On page 61, line 18, strike ''240 days'' and insert ''eight months''.

ORDER OF BUSINESS

Mr. SCHUMER. Mr. President, I ask unanimous consent that at 12 p.m. on Wednesday, March 2, the Senate proceed to the immediate consideration of Calendar No. 291, S.J. Res. 32. Further, I ask unanimous consent that the time until 2:30 p.m. be equally divided between the leaders or their designees on the joint resolution, and that following the use or yielding back of that time, the joint resolution be read a third time and the Senate vote on the joint resolution.

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

MORNING BUSINESS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

VOTE EXPLANATION

Mr. HAWLEY. Mr. President, had there been a recorded vote, I would have voted no on the confirmation of Executive Calendar No. 693, John F. Plumb, of New York, to be an Assistant Secretary of Defense.

Mr. President, had there been a recorded vote, I would have voted no on the confirmation of Executive Calendar No. 694, Melissa Griffin Dalton, of Virginia, to be an Assistant Secretary of Defense.

WOMEN'S HEALTH PROTECTION ACT

Mr. BENNET. Mr. President, I strongly believe women should have the right to choose. That freedom is under attack in many States across the country. For this reason, I voted to move to the Women's Health Protection Act. I will continue to fight to codify Roe v. Wade, as I have since coming to the Senate, so that no matter where you live in America you can access the full range of reproductive health care. I know that many Coloradans have a moral difference of opinion on this matter, and I respect their beliefs. In the end, I believe the value of individual liberty demands that people, not governments, make these most personal decisions.

ADDITIONAL STATEMENTS

BETH TFILOH CONGREGATION SPIRITUAL LEADERSHIP TRANSITION

• Mr. CARDIN. Mr. President, I rise today in recognition of a rare event happening this Saturday at my home synagogue of Beth Tfiloh in Pikesville, MD. At what is the largest Modern Orthodox Synagogue in America, with over 1,200 members, we will install only the fourth senior rabbi since the founding of the congregation in 1921.

In Judaism, a rabbi is a leader or teacher. ''Teacher'' is the literal translation of the word. He or she is a spiritual guide for the community through spiritual learning and religious exploration. Our rabbi is an integral part of all life-cycle and congregational events.

Rabbi Chai Posner was selected by a unanimous vote of the members of the Beth Tfiloh congregation as the next spiritual leader of our synagogue in September 2019, just before the pandemic transformed our world. While his official installation will take place on Saturday, March 5, Rabbi Posner officially became the senior rabbi of Beth Tfiloh Congregation and dean of the Beth Tfiloh Dahan Community School on January 1, 2022.

Originally, from Brooklyn, he has been a member of the Beth Tfiloh clergy since 2010 and is often described as ''wise beyond his years.'' Rabbi Posner represents the next generation of leadership in our community. He has a keen understanding of where the community has been and where we are heading.

In a recent interview with local Jmore Baltimore Jewish Living, he described the legacy he has taken on: ''One of the main reasons that Beth Tfiloh has been so successful is we have stayed true to our mission but have also adapted to the changing world around us. Rabbi Samuel Rosenblatt, Beth Tfiloh's founding rabbi, was committed to tradition, modernity, Israel, education, children and women's inclusion. All of those look different today than they did 100 years ago, but it's astounding to see that we are still committed to all of these same principles.''

The other part of this spiritual transition, along with Rabbi Posner, is Rabbi Mitchell Wohlberg, who held the position of senior rabbi for 43 years. He will serve in the position of rabbi-in-residence through December 2025.

What can I say about Rabbi Wohlberg? He has been a friend and a counselor, a leader and guide for Beth Tfiloh Congregation and Baltimore over the course of four decades—for my family and me as well.

Through his legendary sermons and community involvement, his moral leadership has inspired generations of community leaders. For 40-plus years, he has led our community through the most joyous and most painful moments in our lives, and everything in between. Through it all, he maintains, ''we are supposed to serve God in joy.''

As for those sermons—on every topic imaginable and then some—they stand as a legacy to Rabbi Wohlberg's love of scripture, his faith, and the world as a whole. In one such sermon, he shared ''It is said that actions speak louder than words. That may be so but words carry a lot of weight. They are what makes us human.''

Rabbi Wohlberg also has embodied the spirit of tikkun olam—repairing our world. I want to share one example among countless instances of how he has transformed the lives around him.

A half-dozen years ago, Rev. Dr. Terris King of the Liberty Grace Church of God in Ashburton reached out to Rabbi Wohlberg in fellowship. This was a time when Baltimore was still healing from the death of Freddie Gray and some national leaders chose to attack Baltimore for their own personal gain. Rabbi Wohlberg and Dr. King connected over faith, shared community and shared history. Barely 5 miles separates the two congregations, but as the two clergy have explained: ''In some ways, Ashburton and Pikesville are in two different worlds. But the reality is, we are next-door neighbors. Maryland's recently maligned

seventh district reminds us that there are no barriers separating Baltimore City and Baltimore County; the only barriers are the ones we establish in our hearts. We have discovered that getting to know each other not only brings us closer, but helps us to learn from each other, to better understand each other's lived experiences, and even to better understand ourselves.''

The interfaith and interracial relationship between Beth Tfiloh and Liberty Grace has grown stronger over the years, nurtured by Rabbi Wohlberg and Dr. King. Branded as ''Building Bridges Across Baltimore,'' volunteers from both communities have come together to provide fresh produce and meals to West Baltimore residents, renovate local schools, host local festivals and book fairs, promote reading and writing partnerships, and work together to reduce violence. This model of community involvement has maintained its focus of ''Working together to improve the education and health of Baltimore children and families [as] the only way we will improve the conditions of our city.''

Throughout Rabbi Wohlberg's four decades at Beth Tfiloh Congregation, I especially have been struck at how he has made the children of our congregation and our community a priority. During his tenure, the Beth Tfiloh Dahan Community School has grown in both size and reputation.

Thanks in no small part to Rabbi Wohlberg's determination and high expectations, in 2000, the school, which now serves children from preschool through high school, was named a National Blue Ribbon School of Excellence. It was 1 of 12 schools nationally to receive an award for its special emphasis in technology.

On a very personal note, I am a third-generation member of Beth Tfiloh congregation. Rabbi Wohlberg and I have been friends for years, and my children and grandchildren have attended the schools. He presided over the B'nai Mitzvahs of our children and the wedding of my daughter. Rabbi Wohlberg is and will forever be an indelible part of my family history.

As Beth Tfiloh congregation begins to write a new chapter in its century-long history, I want to extend my heartfelt congratulations and thanks to both Rabbi Posner and Rabbi Wohlberg.

Transitions are not always easy, but these two spiritual and community leaders, who have worked side-by-side for so many years, have forged a path forward that celebrates past successes and has the community excited for the future.

As it says in Ecclesiastes Chapter 3, ''to every thing there is a season, and a time to every purpose under the heaven.''●

TRIBUTE TO CAITLYN KNOWLES, BELLA DONOHUE, AND EMMA SUGHRUE

● Ms. HASSAN. Mr. President, I am honored to recognize Caitlyn Knowles and Bella Donohue of Exeter and Emma Sughrue of Brentwood as February's Granite Staters of the Month. This trio led the Exeter High School girl's hockey team in organizing this year's ''Stick it to Stigma'' game, an initiative to promote discussions around student mental health and show teenagers that they are not alone.

Exeter High School's first ''Stick it to Stigma'' game was in 2017 and is now an annual tradition for the community to raise awareness about students' mental health. The event is in partnership with Connor's Climb, an organization that provides suicide prevention education to young people in New Hampshire.

After last year's event was downsized due to COVID–19, team captains Caitlyn, Emma, and Bella wanted this year's event to bring the community together in a big way and to help reduce the stigma around mental health.

The trio promoted the event to their classmates and shared the word both in school and over social media. The incredible size of the crowd on game day was evidence of their hard work in bringing people together and raising awareness about mental health.

Spectators participated in a Chuck-a-Puck fundraiser to compete for raffle prize money, mingled with new and old friends, and cheered on the teams. Parents, students, and former players also wore buttons and t-shirts with messages of support to raise awareness around mental health, and shared information with one another about mental health resources.

Caitlyn, Emma, and Bella are working to address mental health challenges and share the message that ''it's okay to not be okay,'' a phrase that their coach often tells them. These young women showed enormous leadership in organizing an event that helped bring their community together, all the while shining a spotlight on one of the most important issues facing young people today. They exemplify the Granite State spirit of tackling an issue head on to help others, and I commend them for their efforts.●

TRIBUTE TO D. BROCK HORNBY

● Mr. KING. Mr. President, today I wish to recognize Judge D. Brock Hornby of Cape Elizabeth, ME. Last week, after more than 40 years of service on both Maine's State and Federal courts, Judge Hornby presided over his final proceeding at the U.S. District Court in Portland. I want to honor Judge Hornby's incredible career, thank him for his service, and wish him well in this next chapter.

Judge Hornby is a native of Manitoba, Canada, and earned his bachelor's degree in English and history in Canada before coming to the United States to attend Harvard Law School. The year after graduating from Harvard, Judge Hornby began teaching at my alma mater, the University of Virginia Law School—where I am certain he obtained the wit and polish he would carry throughout his career. He moved to Maine in 1974, became a citizen, and began to practice law in Portland at Perkins, Thompson, Hinckley, and Keddy.

In 1982, Judge Hornby became a U.S. magistrate judge, serving in Portland and Bangor until 1988. He then served on the Maine Supreme Judicial Court for 2 years. In 1990, President George H.W. Bush nominated him to the U.S. District Court, and the Senate confirmed him to this position by unanimous consent. At the district court, he served as chief judge from 1996 to 2003.

During his distinguished career, Judge Hornby has presided over thousands of criminal and civil cases. Some have grabbed headlines, others may only impact those involved, but in all his cases, his colleagues say that he brought a sense of fairness to the bench. Judge Hornby played a critical role in changing strict Federal sentencing guidelines, allowing judges to use their discretion in sentencing the defendants before them.

Through his career, Judge Hornby has been a fair and neutral arbiter of the law, offering respect to all who entered his courtroom. While we will miss his insight, intellect, and experience on the bench, he has earned this retirement. I extend my best wishes to Judge Hornby and thank him again for his unwavering service—the State of Maine is lucky to call him one of our own.●

70TH ANNIVERSARY OF MARINE CORPS LOGISTICS BASE ALBANY

● Mr. OSSOFF. Mr. President, today let the Senate recognize the 70th anniversary of the Marine Corps Logistics Base in Albany, GA.

For 70 years, Marines Corps Logistics Base Albany has provided critical support to its tenants, including the Marine Corps Logistics Command and Marine Depot Maintenance Command/Production Plant Albany.

Marine Corps Logistics Base Albany and its outstanding personnel provide the U.S. Marine Corps with advanced logistical capabilities vital to U.S. national security.

Under the leadership of Col. Michael J. Fitzgerald, Mr. Leonard Housey, and Sgt. Maj. Auburne I. Edwards II, the base has been recognized for its leadership in energy security. Last year, the Secretary of the Navy awarded the Energy Excellence Award to Marine Corps Logistics Base Albany for its commitment to energy security planning, cybersecurity, and energy reduction.

On behalf of the State of Georgia and the U.S. Senate, I express our heartfelt gratitude to each servicemember and civilian marine who has served at Marine Corps Logistics Base Albany.●

MESSAGE FROM THE HOUSE

At 11:13 a.m., a message from the House of Representatives, delivered by

Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 321. An act to award a Congressional Gold Medal to the members of the Women's Army Corps who were assigned to the 6888th Central Postal Directory Battalion, known as the ''Six Triple Eight''.

S. 854. An act to designate methamphetamine as an emerging threat, and for other purposes.

S. 1543. An act to amend the Public Health Service Act to provide best practices on student suicide awareness and prevention training and condition State educational agencies, local educational agencies, and tribal educational agencies receiving funds under sections 520A of such Act to establish and implement a school-based student suicide awareness and prevention training policy.

S. 1662. An act to increase funding for the Reagan-Udall Foundation for the Food and Drug Administration and for the Foundation for the National Institutes of Health.

S. 3706. An act to provide for the application of certain provisions of the Secure Rural Schools and Community Self-Determination Act of 2000 for fiscal year 2021.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 55. An act to amend section 249 of title 18, United States Code, to specify lynching as a hate crime act.

H.R. 2142. An act to designate the facility of the United States Postal Service located at 170 Manhattan Avenue in Buffalo, New York, as the ''Indiana HuntMartin Post Office Building''.

The message further announced that the House has agreed to the following resolution:

H. Res. 949. Resolution relative to the death of the Honorable James L. Hagedorn, a Representative from the State of Minnesota.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2142. An act to designate the facility of the United States Postal Service located at 170 Manhattan Avenue in Buffalo, New York, as the ''Indiana Hunt-Martin Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

MEASURES DISCHARGED

The following joint resolution was discharged from the Committee on Finance, by petition, pursuant to 5 U.S.C. 802(c), and placed on the calendar:

S.J. Res. 32. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Centers for Medicare & Medicaid Services relating to ''Medicare and Medicaid Programs; Omnibus COVID–19 Health Care Staff Vaccination''.

MEASURES DISCHARGED PETITION

MOTION TO DISCHARGE S.J. RES. 32

We, the undersigned Senators, in accordance with chapter 8 of title 5, United States Code, hereby direct that the Senate Committee on Finance be discharged from further consideration of S.J. Res. 32, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Centers for Medicare & Medicaid Services relating to ''Medicare and Medicaid Programs; Omnibus COVID–19 Health Care Staff Vaccination'', and, further, that the joint resolution be immediately placed upon the Legislative Calendar under General Orders.

Roger W. Marshall, Mitch McConnell, Thom Tillis, Tom Cotton, Kevin Cramer, Ted Cruz, Marsha Blackburn, John Cornyn, John Thune, Steve Daines, Joni K. Ernst, Mike Crapo, Chuck Grassley, Richard Shelby, John Hoeven, Jerry Moran, Tommy Tuberville, Mike Rounds, Richard Burr, Tim Scott, John Barrasso, James Lankford, Roy Blunt, Dan Sullivan, Rick Scott, Mike Braun, Cindy Hyde-Smith, Ron Johnson, Cynthia M. Lummis, and Rand Paul.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 3717. A bill to withdraw normal trade relations treatment from, and apply certain provisions of title IV of the Trade Act of 1974 to, products of the Russian Federation, and for other purposes.

S. 3723. A bill to impose sanctions with respect to the Russian Federation in response to the invasion of Ukraine, to confiscate assets of the Russian Federation and remit those assets to the legitimate Government of Ukraine, and for other purposes.

S. 3724. A bill to provide emergency supplemental appropriations in response to the crisis in Ukraine, and for other purposes.

PRIVILEGED NOMINATION REFERRED TO COMMITTEE

On request by Senator RON WYDEN, under the authority of S. Res. 116, 112th Congress, the following nomination was referred to the Committee on Finance: Rebecca E. Jones Gaston, of Oregon, to be Commissioner on Children, Youth, and Families, Department of Health and Human Services, vice Elizabeth Darling.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3293. A communication from the Assistant Secretary for Water and Science, Department of the Interior, transmitting, pursuant to law, a report entitled ''Annual Operating Plan (AOP) for Colorado River System Reservoirs for 2022''; to the Committee on Energy and Natural Resources.

EC–3294. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Receipts-Based NRC Size Standards'' (RIN3150–AJ51) received in the Office of the President of the Senate on February 16, 2022; to the Committee on Environment and Public Works.

EC–3295. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Montana; Administrative Rule Revisions: 17.8.334'' (FRL No. 9543–01–R8) received in the Office of the President of the Senate on February 16, 2022; to the Committee on Environment and Public Works.

EC–3296. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Alaska; Incorporation by Reference Updates and Permit Program Revisions'' (FRL No. 9168–02–R10) received in the Office of the President of the Senate on February 16, 2022; to the Committee on Environment and Public Works.

EC–3297. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Arizona State Implementation Plan Revisions; Maricopa County Air Quality Department; Stationary Source Permits; New Source Review'' (FRL No. 9463–01–R9) received in the Office of the President of the Senate on February 16, 2022; to the Committee on Environment and Public Works.

EC–3298. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Michigan; Base Year Emissions Inventory for the 2010 Sulfur Dioxide Standard'' (FRL No. 9160–02–R5) received in the Office of the President of the Senate on February 16, 2022; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. TESTER, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute:

S. 2089. A bill to amend title 38, United States Code, to ensure that grants provided by the Secretary of Veterans Affairs for State veterans' cemeteries do not restrict States from authorizing the interment of certain deceased members of the reserve components of the Armed Forces in such cemeteries, and for other purposes.

By Mr. TESTER, from the Committee on Veterans' Affairs, without amendment:

S. 2794. A bill to amend title 38, United States Code, to increase automatic maximum coverage under the Servicemembers' Group Life Insurance program and the Veterans' Group Life Insurance program, and for other purposes.

By Mr. TESTER, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute:

S. 3025. A bill to amend title 38, United States Code, to expand health care and benefits from the Department of Veterans Affairs for military sexual trauma, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. THUNE (for himself, Mr. MORAN, Mr. YOUNG, and Mrs. BLACKBURN):

S. 3715. A bill to amend the Electronic Signatures in Global and National Commerce Act to accommodate emerging technologies; to the Committee on Commerce, Science, and Transportation.

By Mr. KENNEDY (for himself and Ms. LUMMIS):

S. 3716. A bill to require Federal financial regulators to create a publicly available database for certain bad actors, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CASSIDY (for himself and Mr. BROWN):

S. 3717. A bill to withdraw normal trade relations treatment from, and apply certain provisions of title IV of the Trade Act of 1974 to, products of the Russian Federation, and for other purposes; read the first time.

By Mr. MARSHALL (for himself, Mr. BARRASSO, Mr. MORAN, Mr. CRAMER, Mr. RUBIO, Mr. SCOTT of Florida, Mr. GRASSLEY, Mr. HOEVEN, and Mr. CORNYN):

S. 3718. A bill to prohibit the importation of petroleum and petroleum products from the Russian Federation; to the Committee on Finance.

By Mr. MORAN:

S. 3719. A bill to establish the Southwestern Power Administration Fund, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DURBIN (for himself, Mr. GRASSLEY, Mr. BLUMENTHAL, Mr. TUBERVILLE, Mr. BROWN, Mr. HAGERTY, and Mr. SANDERS):

S. 3720. A bill to amend the Immigration and Nationality Act to reform and reduce fraud and abuse in certain visa programs for aliens working temporarily in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. DURBIN (for himself, Mr. LEAHY, Ms. HIRONO, Ms. CORTEZ MASTO, Ms. DUCKWORTH, and Mr. PADILLA):

S. 3721. A bill to amend the Immigration and Nationality Act to end the immigrant visa backlog, and for other purposes; to the Committee on the Judiciary.

By Mr. WYDEN:

S. 3722. A bill to withdraw normal trade relations treatment from, and apply certain provisions of title IV of the Trade Act of 1974 to, products of the Russian Federation, and for other purposes; to the Committee on Finance.

By Mr. CASSIDY:

S. 3723. A bill to impose sanctions with respect to the Russian Federation in response to the invasion of Ukraine, to confiscate assets of the Russian Federation and remit those assets to the legitimate Government of Ukraine, and for other purposes; read the first time.

By Mr. RUBIO:

S. 3724. A bill to provide emergency supplemental appropriations in response to the crisis in Ukraine, and for other purposes; read the first time.

By Mr. PORTMAN (for himself and Mr. CARDIN):

S. 3725. A bill to withdraw normal trade relations treatment from products of countries that commit acts of aggression in violation of international law against other countries or territories and to amend the Global Magnitsky Human Rights Accountability Act to modify the foreign persons subject to sanctions and to remove the sunset for the imposition of sanctions; to the Committee on Foreign Relations.

By Ms. HIRONO (for herself and Mr. MARKEY):

S.J. Res. 40. A joint resolution formally apologizing for the nuclear legacy of the United States in the Republic of the Marshall Islands and affirming the importance of the free association between the Government of the United States and the Government of the Marshall Islands; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. BLACKBURN (for herself, Mr. CRAMER, Mr. GRASSLEY, Mrs. HYDE-SMITH, Mr. SCOTT of Florida, Ms. ERNST, Mr. TILLIS, Mr. DAINES, and Mr. WICKER):

S. Con. Res. 30. A concurrent resolution expressing the sense of Congress that the United Nations should take immediate procedural actions necessary to amend Article 23 of the Charter of the United Nations to remove the Russian Federation as a permanent member of the United Nations Security Council; to the Committee on Foreign Relations.

By Mr. KELLY (for himself and Mr. TESTER):

S. Con. Res. 31. A concurrent resolution requiring all Members of Congress to publish a public schedule; to the Committee on Homeland Security and Governmental Affairs.

ADDITIONAL COSPONSORS

S. 56

At the request of Ms. KLOBUCHAR, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 56, a bill to amend the Public Health Service Act to authorize grants for training and support services for families and caregivers of people living with Alzheimer's disease or a related dementia.

S. 127

At the request of Mr. REED, the name of the Senator from Georgia (Mr. OSSOFF) was added as a cosponsor of S. 127, a bill to support library infrastructure.

S. 212

At the request of Mr. CARDIN, the name of the Senator from Iowa (Ms. ERNST) was added as a cosponsor of S. 212, a bill to amend the Internal Revenue Code of 1986 to allow a refundable tax credit against income tax for the purchase of qualified access technology for the blind.

S. 564

At the request of Mr. MERKLEY, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 564, a bill to prohibit Members of Congress from purchasing or selling certain investments, and for other purposes.

S. 680

At the request of Mr. SCHATZ, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. 680, a bill to award grants to States to establish or improve, and carry out, Seal of Biliteracy programs to recognize high-level student proficiency in speaking, reading, and writing in both English and a second language.

S. 800

At the request of Mr. BROWN, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 800, a bill to amend title XVIII of the Social Security Act to permit nurse practitioners and physician assistants to satisfy the documentation requirement under the Medicare program for coverage of certain shoes for individuals with diabetes.

S. 870

At the request of Ms. STABENOW, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 870, a bill to amend title XVIII of the Social Security Act to improve access to mental health services under the Medicare program.

S. 1158

At the request of Mr. SCHATZ, the names of the Senator from Ohio (Mr. BROWN) and the Senator from New Mexico (Mr. HEINRICH) were added as cosponsors of S. 1158, a bill to provide paid family and medical leave to Federal employees, and for other purposes.

S. 1312

At the request of Mr. MURPHY, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 1312, a bill to amend title II of the Social Security Act to eliminate the waiting periods for disability insurance benefits and Medicare coverage for individuals with metastatic breast cancer and for other purposes.

S. 1489

At the request of Mr. MENENDEZ, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 1489, a bill to amend the Inspector General Act of 1978 to establish an Inspector General of the Office of the United States Trade Representative, and for other purposes.

S. 1736

At the request of Mr. HICKENLOOPER, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1736, a bill to amend the Small Business Act to address the participation of cooperatives in the program carried out under section 7(a) of that Act, and for other purposes.

S. 1767

At the request of Ms. SMITH, the names of the Senator from Montana (Mr. TESTER), the Senator from Montana (Mr. DAINES), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Tennessee (Mr. HAGERTY) were added as cosponsors of S. 1767, a bill to amend the Federal Credit Union Act to modernize certain processes regarding expulsion of credit union members for cause, and for other purposes.

S. 1873

At the request of Mr. CRAPO, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 1873, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of multi-cancer early detection screening tests.

S. 1893

At the request of Mr. TESTER, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of S. 1893, a bill to amend title

XVIII of the Social Security Act to support rural residency training funding that is equitable for all States, and for other purposes.

S. 1902

At the request of Ms. CORTEZ MASTO, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 1902, a bill to empower communities to establish a continuum of care for individuals experiencing mental or behavioral health crisis, and for other purposes.

S. 2092

At the request of Ms. SMITH, the name of the Senator from New Mexico (Mr. LUJÁN) was added as a cosponsor of S. 2092, a bill to permanently authorize the Native Community Development Financial Institutions lending program of the Department of Agriculture, and for other purposes.

S. 2233

At the request of Mr. BLUMENTHAL, the name of the Senator from New Mexico (Mr. LUJÁN) was added as a cosponsor of S. 2233, a bill to establish a grant program for shuttered minor league baseball clubs, and for other purposes.

S. 2291

At the request of Mr. CARDIN, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 2291, a bill to amend the Internal Revenue Code of 1986 to establish a tax credit for production of electricity using nuclear power.

S. 2613

At the request of Mr. MENENDEZ, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 2613, a bill to provide for climate change planning, mitigation, adaptation, and resilience in the United States Territories and Freely Associated States, and for other purposes.

S. 2675

At the request of Mr. CARDIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2675, a bill to amend the American Rescue Plan Act of 2021 to increase appropriations to Restaurant Revitalization Fund, and for other purposes.

S. 2828

At the request of Mr. TILLIS, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2828, a bill to authorize U.S. Citizenship and Immigration Services to process employment-based immigrant visa applications after September 30, 2021, and to award such visas to eligible applicants from the pool of unused employment-based immigrant visas during fiscal years 2020 and 2021.

S. 2952

At the request of Mr. PAUL, the name of the Senator from California (Mr. PADILLA) was added as a cosponsor of S. 2952, a bill to amend the Federal Food, Drug, and Cosmetic Act to allow manufacturers and sponsors of a drug to use alternative testing methods to animal testing to investigate the safety and effectiveness of a drug, and for other purposes.

S. 2981

At the request of Mr. RUBIO, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2981, a bill to amend the National Housing Act to establish a mortgage insurance program for first responders, and for other purposes.

S. 3229

At the request of Mrs. FISCHER, the name of the Senator from Missouri (Mr. HAWLEY) was added as a cosponsor of S. 3229, a bill to amend the Agricultural Marketing Act of 1946 to establish a cattle contract library, and for other purposes.

S. 3384

At the request of Mr. BOOKER, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Virginia (Mr. KAINE) were added as cosponsors of S. 3384, a bill to establish in the Department of State the Office to Monitor and Combat Islamophobia, and for other purposes.

S. 3494

At the request of Mr. OSSOFF, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 3494, a bill to amend the Ethics in Government Act of 1978 to require Members of Congress and their spouses and dependents to place certain assets into blind trusts, and for other purposes.

S. 3518

At the request of Mr. SCHATZ, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 3518, a bill to increase the rates of pay under the statutory pay systems and for prevailing rate employees by 5.1 percent, and for other purposes.

S. 3605

At the request of Mr. CASEY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3605, a bill to amend the Higher Education Act of 1965 to provide formula grants to States to improve higher education opportunities for foster youth and homeless youth, and for other purposes.

S. 3710

At the request of Mr. BOOKER, the names of the Senator from Georgia (Mr. WARNOCK) and the Senator from Kentucky (Mr. PAUL) were added as cosponsors of S. 3710, a bill to amend section 249 of title 18, United States Code, to specify lynching as a hate crime act.

S.J. RES. 38

At the request of Mr. MARSHALL, the name of the Senator from Florida (Mr. SCOTT) was added as a cosponsor of S.J. Res. 38, a joint resolution relating to a national emergency declared by the President on March 13, 2020.

S. RES. 377

At the request of Ms. ROSEN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. Res. 377, a resolution urging the European Union to designate Hizballah in its entirety as a terrorist organization.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THUNE (for himself, Mr. MORAN, Mr. YOUNG, and Mrs. BLACKBURN):

S. 3715. A bill to amend the Electronic Signatures in Global and National Commerce Act to accommodate emerging technologies; to the Committee on Commerce, Science, and Transportation.

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

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

S. 3715

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''E-SIGN Modernization Act of 2022''.

SEC. 2. REQUIREMENTS FOR CONSENT TO ELECTRONIC DISCLOSURES.

(a) IN GENERAL.—Title I of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7001 et seq.) is amended—

(1) in section 101(c) (15 U.S.C. 7001(c))—

(A) in paragraph (1), by striking subparagraphs (C) and (D) and inserting the following:

''(C) the consumer, prior to consenting, is provided with a statement of the hardware and software requirements for access to and retention of the electronic records; and

''(D) after the consent of a consumer in accordance with subparagraph (A), if a change in the hardware or software requirements needed to access or retain electronic records creates a material risk that the consumer will not be able to access or retain a subsequent electronic record that was the subject of the consent, the person providing the electronic record provides the consumer with a statement of—

''(i) the revised hardware and software requirements for access to and retention of the electronic records; and

''(ii) the right to withdraw consent without the imposition of any fees for such withdrawal and without the imposition of any condition or consequence that was not disclosed under subparagraph (B)(i).'';

(B) by striking paragraph (3); and

(C) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively;

(2) in section 104(d)(1) (15 U.S.C. 7004(d)(1)), by inserting ''or a State regulatory agency'' after ''Federal regulatory agency'';

(3) by striking section 105 (15 U.S.C. 7005); and

(4) by redesignating sections 106 and 107 (15 U.S.C. 7006, 7001 note) as sections 105 and 106, respectively.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) ECONOMIC GROWTH, REGULATORY RELIEF, AND CONSUMER PROTECTION ACT.—Section 215(f)(2) of the Economic Growth, Regulatory Relief, and Consumer Protection Act (42 U.S.C. 405b(f)(2)) is amended by striking ''section 106 of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7006)'' and inserting ''section 105 of the Electronic Signatures in Global and National Commerce Act''.

(2) ELECTRONIC FUND TRANSFER ACT.—Section 920(g)(2)(A) of the Electronic Fund Transfer Act (15 U.S.C. 1693o–1(g)(2)(A)) is amended by striking ''section 106(2) of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7006(2))'' and inserting ''section 105(2) of the Electronic Signatures in Global and National Commerce Act''.

(3) ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT.—The Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7001 et seq.) is amended—

(A) in section 201(a)(2) (15 U.S.C. 7021(a)(2)), by striking ''section 106'' and inserting ''section 105''; and

(B) in section 301(c) (15 U.S.C. 7031(c)), by striking ''section 106'' and inserting ''section 105''.

(c) RULE OF CONSTRUCTION.—Nothing in this section, or the amendments made by this section, may be construed as affecting the consent provided by any consumer under section 101(c) of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7001(c)) before the date of enactment of this Act.

By Mr. DURBIN (for himself, Mr. GRASSLEY, Mr. BLUMENTHAL, Mr. TUBERVILLE, Mr. BROWN, Mr. HAGERTY, and Mr. SANDERS):

S. 3720. A bill to amend the Immigration and Nationality Act to reform and reduce fraud and abuse in certain visa programs for aliens working temporarily in the United States, and for other purposes; to the Committee on the Judiciary.

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

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

S. 3720

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''H–1B and L–1 Visa Reform Act of 2022''.

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

TITLE I—H–1B VISA FRAUD AND ABUSE PROTECTIONS

Subtitle A—H–1B Employer Application Requirements

SEC. 101. MODIFICATION OF APPLICATION REQUIREMENTS.

(a) GENERAL APPLICATION REQUIREMENTS.—Section 212(n)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(A)) is amended to read as follows:

''(A) The employer—

''(i) is offering and will offer to H–1B nonimmigrants, during the period of authorized employment for each H–1B nonimmigrant, wages that are determined based on the best information available at the time the application is filed and which are not less than the highest of—

''(I) the locally determined prevailing wage level for the occupational classification in the area of employment;

''(II) the median wage for all workers in the occupational classification in the area of employment; and

''(III) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

''(ii) will provide working conditions for such H–1B nonimmigrant that will not adversely affect the working conditions of United States workers similarly employed by the employer or by an employer with which such H–1B nonimmigrant is placed pursuant to a waiver under paragraph (2)(E).''.

(b) INTERNET POSTING REQUIREMENT.—Section 212(n)(1)(C) of such Act is amended—

(1) by redesignating clause (ii) as subclause (II);

(2) by striking ''(i) has provided'' and inserting the following:

''(ii)(I) has provided''; and

(3) by inserting before clause (ii), as redesignated by paragraph (2), the following:

''(i) has posted on the Internet website described in paragraph (3), for at least 30 calendar days, a detailed description of each position for which a nonimmigrant is sought that includes a description of—

''(I) the wages and other terms and conditions of employment;

''(II) the minimum education, training, experience, and other requirements for the position; and

''(III) the process for applying for the position; and''.

(c) WAGE DETERMINATION INFORMATION.—Section 212(n)(1)(D) of such Act is amended by inserting ''the wage determination methodology used under subparagraph (A)(i),'' after ''shall contain''.

(d) APPLICATION OF REQUIREMENTS TO ALL EMPLOYERS.—

(1) NONDISPLACEMENT.—Section 212(n)(1)(E) of such Act is amended to read as follows:

''(E)(i) The employer—

''(I) will not at any time replace a United States worker with 1 or more H–1B nonimmigrants; and

''(II) did not displace and will not displace a United States worker employed by the employer within the period beginning 180 days before and ending 180 days after the date of the placement of the nonimmigrant with the employer.

''(ii) The 180-day period referred to in clause (i) may not include any period of onsite or virtual training of H–1B nonimmigrants by employees of the employer.''.

(2) RECRUITMENT.—Section 212(n)(1)(G)(i) of such Act is amended by striking ''In the case of an application described in subparagraph (E)(ii), subject'' and inserting ''Subject''.

(e) WAIVER REQUIREMENT.—Section 212(n)(1)(F) of such Act is amended to read as follows:

''(F) The employer will not place, outsource, lease, or otherwise contract for the services or placement of H–1B nonimmigrants with another employer, regardless of the physical location where such services will be performed, unless the employer of the alien has been granted a waiver under paragraph (2)(E).''.

SEC. 102. NEW APPLICATION REQUIREMENTS.

Section 212(n)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)), as amended by section 101, is further amended by inserting after subparagraph (G)(ii) the following:

''(H)(i) The employer, or a person or entity acting on the employer's behalf, has not advertised any available position specified in the application in an advertisement that states or indicates that—

''(I) such position is only available to an individual who is or will be an H–1B nonimmigrant; or

''(II) an individual who is or will be an H–1B nonimmigrant shall receive priority or a preference in the hiring process for such position.

''(ii) The employer has not primarily recruited individuals who are or who will be H–1B nonimmigrants to fill such position.

''(I) If the employer employs 50 or more employees in the United States—

''(i) the sum of the number of such employees who are H–1B nonimmigrants plus the number of such employees who are nonimmigrants described in section 101(a)(15)(L) does not exceed 50 percent of the total number of employees; and

''(ii) the employer's corporate organization has not been restructured to evade the limitation under clause (i).

''(J) If the employer, in such previous period as the Secretary shall specify, employed 1 or more H–1B nonimmigrants, the employer will submit to the Secretary the Internal Revenue Service Form W–2 Wage and

Tax Statements filed by the employer with respect to the H–1B nonimmigrants for such period.''.

SEC. 103. APPLICATION REVIEW REQUIREMENTS.

(a) TECHNICAL AMENDMENT.—Section 212(n)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)), as amended by sections 101 and 102, is further amended, in the undesignated paragraph at the end, by striking ''The employer'' and inserting the following:

''(K) The employer.''.

(b) APPLICATION REVIEW REQUIREMENTS.—Section 212(n)(1)(K), as designated by subsection (a), is amended—

(1) in the fourth sentence, by inserting ''and through the Department of Labor's website, without charge.'' after ''D.C.'';

(2) in the fifth sentence, by striking ''only for completeness'' and inserting ''for completeness, indicators of fraud or misrepresentation of material fact,'';

(3) in the sixth sentence—

(A) by striking ''or obviously inaccurate'' and inserting '', presents indicators of fraud or misrepresentation of material fact, or is obviously inaccurate''; and

(B) by striking ''within 7 days of'' and inserting ''not later than 14 days after''; and

(4) by adding at the end the following: ''If the Secretary of Labor's review of an application identifies indicators of fraud or misrepresentation of material fact, the Secretary may conduct an investigation and hearing in accordance with paragraph (2).''.

SEC. 104. H–1B VISA ALLOCATION.

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(3)), is amended—

(1) by striking the first sentence and inserting the following:

''(A) Subject to subparagraph (B), aliens who are subject to the numerical limitations under paragraph (1)(A) shall be issued visas, or otherwise provided nonimmigrant status, in a manner and order established by the Secretary by regulation.''; and

(2) by adding at the end the following:

''(B) The Secretary shall consider petitions for nonimmigrant status under section 101(a)(15)(H)(i)(b) in the following order:

''(i) Petitions for nonimmigrants described in section 101(a)(15)(F) who, while physically present in the United States, have earned an advanced degree in a field of science, technology, engineering, or mathematics from a United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) that has been accredited by an accrediting entity that is recognized by the Department of Education.

''(ii) Petitions certifying that the employer will be paying the nonimmigrant the median wage for skill level 4 in the occupational classification found in the most recent Occupational Employment Statistics survey.

''(iii) Petitions for nonimmigrants described in section 101(a)(15)(F) who are graduates of any other advanced degree program, undertaken while physically present in the United States, from an institution of higher education described in clause (i).

''(iv) Petitions certifying that the employer will be paying the nonimmigrant the median wage for skill level 3 in the occupational classification found in the most recent Occupational Employment Statistics survey.

''(v) Petitions for nonimmigrants described in section 101(a)(15)(F) who are graduates of a bachelor's degree program, undertaken while physically present in the United States, in a field of science, technology, engineering, or mathematics from an institution of higher education described in clause (i).

''(vi) Petitions for nonimmigrants described in section 101(a)(15)(F) who are graduates of bachelor's degree programs, undertaken while physically present in the United States, in any other fields from an institution of higher education described in clause (i).

''(vii) Petitions for aliens who will be working in occupations listed in Group I of the Department of Labor's Schedule A of occupations in which the Secretary of Labor has determined there are not sufficient United States workers who are able, willing, qualified, and available.

''(viii) Petitions filed by employers meeting the following criteria of good corporate citizenship and compliance with the immigration laws:

''(I) The employer is in possession of—

''(aa) a valid E-Verify company identification number; or

''(bb) if the enterprise is using a designated agent to perform E-Verify queries, a valid E-Verify client company identification number and documentation from U.S. Citizenship and Immigration Services that the commercial enterprise is a participant in good standing in the E-Verify program.

''(II) The employer is not under investigation by any Federal agency for violation of the immigration laws or labor laws.

''(III) A Federal agency has not determined, during the immediately preceding 5 years, that the employer violated the immigration laws or labor laws.

''(IV) During each of the preceding 3 fiscal years, at least 90 percent of the petitions filed by the employer under section 101(a)(15)(H)(i)(b) were approved.

''(V) The employer has filed, pursuant to section 204(a)(1)(F), employment-based immigrant petitions, including an approved labor certification application under section 212(a)(5)(A), for at least 90 percent of employees imported under section 101(a)(15)(H)(i)(b) during the preceding 3 fiscal years.

''(ix) Any remaining petitions.

''(C) In this paragraph the term 'field of science, technology, engineering, or mathematics' means a field included in the Department of Education's Classification of Instructional Programs taxonomy within the summary groups of computer and information sciences and support services, engineering, biological and biomedical sciences, mathematics and statistics, and physical sciences.''.

SEC. 105. H–1B WORKERS EMPLOYED BY INSTITUTIONS OF HIGHER EDUCATION.

Section 214(g)(5) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(5)) is amended by striking ''is employed (or has received an offer of employment) at'' each place such phrase appears and inserting ''is employed by (or has received an offer of employment from)''.

SEC. 106. SPECIALTY OCCUPATION TO REQUIRE AN ACTUAL DEGREE.

Section 214(i) of the Immigration and Nationality Act (8 U.S.C. 1184(i)) is amended—

(1) in paragraph (1), by amending subparagraph (B) to read as follows:

''(B) attainment of a bachelor's or higher degree in the specific specialty directly related to the occupation as a minimum for entry into the occupation in the United States.''; and

(2) by striking paragraph (2) and inserting the following:

''(2) For purposes of section 101(a)(15)(H)(i)(b), the requirements under this paragraph, with respect to a specialty occupation, are—

''(A) full State licensure to practice in the occupation, if such licensure is required to practice in the occupation; or

''(B) if a license is not required to practice in the occupation—

''(i) completion of a United States degree described in paragraph (1)(B) for the occupation; or

''(ii) completion of a foreign degree that is equivalent to a United States degree described in paragraph (1)(B) for the occupation.''.

SEC. 107. LABOR CONDITION APPLICATION FEE.

Section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)), as amended by sections 101 through 103, is further amended by adding at the end the following:

''(6)(A) The Secretary of Labor shall promulgate a regulation that requires applicants under this subsection to pay a reasonable application processing fee.

''(B) All of the fees collected under this paragraph shall be deposited as offsetting receipts within the general fund of the Treasury in a separate account, which shall be known as the 'H–1B Administration, Oversight, Investigation, and Enforcement Account' and shall remain available until expended. The Secretary of the Treasury shall refund amounts in such account to the Secretary of Labor for salaries and related expenses associated with the administration, oversight, investigation, and enforcement of the H–1B nonimmigrant visa program.''.

SEC. 108. H–1B SUBPOENA AUTHORITY FOR THE DEPARTMENT OF LABOR.

Section 212(n)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)) is amended—

(1) by redesignating subparagraph (I) as subparagraph (J); and

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

''(I) The Secretary of Labor is authorized to take such actions, including issuing subpoenas and seeking appropriate injunctive relief and specific performance of contractual obligations, as may be necessary to ensure employer compliance with the terms and conditions under this subsection. The rights and remedies provided to H–1B nonimmigrants under this subsection are in addition to any other contractual or statutory rights and remedies of such nonimmigrants and are not intended to alter or affect such rights and remedies.''.

SEC. 109. LIMITATION ON EXTENSION OF H–1B PETITION.

Section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) is amended to read as follows:

''(4)(A) Except as provided in subparagraph (B), the period of authorized admission as a nonimmigrant described in section 101(a)(15)(H)(i)(b) may not exceed 3 years.

''(B) The period of authorized admission as a nonimmigrant described in subparagraph (A) who is the beneficiary of an approved employment-based immigrant petition under section 204(a)(1)(F) may be authorized for a period of up to 3 additional years if the total period of stay does not exceed six years, except for an extension under section 104(c) or 106(b) of the American Competitiveness in the Twenty-first Century Act of 2000 (8 U.S.C. 1184 note).''.

SEC. 110. ELIMINATION OF B–1 VISAS IN LIEU OF H–1 VISAS.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following:

''(12) Unless otherwise authorized by law, an alien normally classifiable under section 101(a)(15)(H)(i) who seeks admission to the United States to provide services in a specialty occupation described in paragraph (1) or (3) of subsection (i) may not be issued a visa or admitted under section 101(a)(15)(B) for such purpose. Nothing in this paragraph may be construed to authorize the admission of an alien under section 101(a)(15)(B) who is coming to the United States for the purpose

of performing skilled or unskilled labor if such admission is not otherwise authorized by law.''.

Subtitle B—Investigation and Disposition of Complaints Against H–1B Employers

SEC. 111. GENERAL MODIFICATION OF PROCEDURES FOR INVESTIGATION AND DISPOSITION.

Section 212(n)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(A)) is amended—

(1) by striking ''(A) Subject'' and inserting the following:

''(A)(i) Subject'';

(2) by striking ''12 months'' and inserting ''two years'';

(3) by striking the last sentence; and

(4) by adding at the end the following:

''(ii)(I) Upon the receipt of a complaint under clause (i), the Secretary may initiate an investigation to determine if such failure or misrepresentation has occurred.

''(II) In conducting an investigation under subclause (I), the Secretary may—

''(aa) conduct surveys of the degree to which employers comply with the requirements under this subsection; and

''(bb) conduct compliance audits of employers that employ H–1B nonimmigrants.

''(III) The Secretary shall—

''(aa) conduct annual compliance audits of not fewer than 1 percent of the employers that employ H–1B nonimmigrants during the applicable calendar year;

''(bb) conduct annual compliance audits of each employer with more than 100 employees who work in the United States if more than 15 percent of such employees are H–1B nonimmigrants; and

''(cc) make available to the public an executive summary or report describing the general findings of the audits carried out pursuant to this subclause.

''(iii) The process for receiving complaints under clause (i) shall include a hotline that is accessible 24 hours a day, by telephonic and electronic means.''.

SEC. 112. INVESTIGATION, WORKING CONDITIONS, AND PENALTIES.

Section 212(n)(2)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(C)) is amended—

(1) in clause (i)—

(A) in the matter preceding subclause (I), by striking ''a condition of paragraph (1)(B), (1)(E), or (1)(F), a substantial failure to meet a condition of paragraph (1)(C), (1)(D), or (1)(G)(i)(I)'' and inserting ''a condition under subparagraph (A), (B), (C), (D), (E), (F), (G)(i), (H), (I), or (J) of paragraph (1)'';

(B) in subclause (I)—

(i) by striking ''$1,000'' and inserting ''$5,000''; and

(ii) by striking ''and'' at the end;

(C) in subclause (II), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(III) an employer that violates paragraph (1)(A) shall be liable to the employees harmed by such violation for lost wages and benefits.'';

(2) in clause (ii)—

(A) in subclause (I)—

(i) by striking ''may'' and inserting ''shall''; and

(ii) by striking ''$5,000'' and inserting ''$25,000'';

(B) in subclause (II), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(III) an employer that violates paragraph (1)(A) shall be liable to the employees harmed by such violation for lost wages and benefits.'';

(3) in clause (iii)—

(A) in the matter preceding subclause (I), by striking ''displaced a United States worker employed by the employer within the period beginning 90 days before and ending 90 days after the date of filing of any visa petition supported by the application'' and inserting ''displaced or replaced a United States worker in violation of subparagraph (E)'';

(B) in subclause (I)—

(i) by striking ''may'' and inserting ''shall'';

(ii) by striking ''$35,000'' and inserting ''$150,000''; and

(iii) by striking ''and'' at the end;

(C) in subclause (II), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(III) an employer that violates paragraph (1)(A) shall be liable to the employees harmed by such violation for lost wages and benefits.'';

(4) by striking clause (iv) and inserting the following:

''(iv)(I) An employer that has filed an application under this subsection violates this clause by taking, failing to take, or threatening to take or fail to take a personnel action, or intimidating, threatening, restraining, coercing, blacklisting, discharging, or discriminating in any other manner against an employee because the employee—

''(aa) disclosed information that the employee reasonably believes evidences a violation of this subsection or any rule or regulation pertaining to this subsection; or

''(bb) cooperated or sought to cooperate with the requirements under this subsection or any rule or regulation pertaining to this subsection.

''(II) In this subparagraph, the term 'employee' includes—

''(aa) a current employee;

''(bb) a former employee; and

''(cc) an applicant for employment.

''(III) An employer that violates this clause shall be liable to the employee harmed by such violation for lost wages and benefits.''; and

(5) in clause (vi)—

(A) by amending subclause (I) to read as follows:

''(I) It is a violation of this clause for an employer that has filed an application under this subsection—

''(aa) to require an H–1B nonimmigrant to pay a penalty or liquidated damages for ceasing employment with the employer before a date agreed to by the nonimmigrant and the employer; or

''(bb) to fail to offer to an H–1B nonimmigrant, during the nonimmigrant's period of authorized employment, on the same basis, and in accordance with the same criteria, as the employer offers to United States workers, benefits and eligibility for benefits, including—

''(AA) the opportunity to participate in health, life, disability, and other insurance plans;

''(BB) the opportunity to participate in retirement and savings plans; and

''(CC) cash bonuses and noncash compensation, such as stock options (whether or not based on performance).''; and

(B) in subclause (III), by striking ''$1,000'' and inserting ''$5,000''.

SEC. 113. WAIVER REQUIREMENTS.

(a) IN GENERAL.—Section 212(n)(2)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(E)) is amended to read as follows:

''(E)(i) The Secretary of Labor may waive the prohibition under paragraph (1)(F) if the Secretary determines that the employer seeking such waiver has established that—

''(I) the employer with which the H–1B nonimmigrant would be placed—

''(aa) does not intend to replace a United States worker with 1 or more H–1B nonimmigrants; and

''(bb) has not displaced, and does not intend to displace, a United States worker employed by the employer within the period beginning 180 days before the date of the placement of the nonimmigrant with the employer and ending 180 days after such date (not including any period of on-site or virtual training of H–1B nonimmigrants by employees of the employer);

''(II) the H–1B nonimmigrant will be principally controlled and supervised by the petitioning employer; and

''(III) the placement of the H–1B nonimmigrant is not essentially an arrangement to provide labor for hire for the employer with which the H–1B nonimmigrant will be placed.

''(ii) The Secretary shall grant or deny a waiver under this subparagraph not later than seven days after the date on which the Secretary receives an application for such waiver.''.

(b) RULEMAKING.—

(1) RULES FOR WAIVERS.—The Secretary of Labor, after notice and a period for comment, shall promulgate a final rule for an employer to apply for a waiver under section 212(n)(2)(E) of the Immigration and Nationality Act, as amended by subsection (a).

(2) REQUIREMENT FOR PUBLICATION.—The Secretary of Labor shall submit to Congress, and publish in the Federal Register and in other appropriate media, a notice of the date on which the rules required under paragraph (1) are promulgated.

SEC. 114. INITIATION OF INVESTIGATIONS.

Section 212(n)(2)(G) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(G)) is amended—

(1) in clause (i), by striking ''if the Secretary of Labor'' and all that follows and inserting ''with regard to the employer's compliance with the requirements under this subsection.'';

(2) in clause (ii), by striking ''and whose identity'' and all that follows through ''failure or failures.'' and inserting ''the Secretary may conduct an investigation into the employer's compliance with the requirements under this subsection.'';

(3) in clause (iii), by striking the last sentence;

(4) by striking clauses (iv) and (v);

(5) by redesignating clauses (vi), (vii), and (viii) as clauses (iv), (v), and (vi), respectively;

(6) in clause (iv), as redesignated, by striking ''meet a condition described in clause (ii), unless the Secretary of Labor receives the information not later than 12 months'' and inserting ''comply with the requirements under this subsection unless the Secretary of Labor receives the information not later than 2 years'';

(7) by amending clause (v), as redesignated, to read as follows:

''(v)(I) Except as provided in subclause (II), the Secretary of Labor shall provide notice to an employer of the intent to conduct an investigation under this subparagraph. Such notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced.

''(II) The Secretary of Labor is not required to comply with subclause (I) if the Secretary determines that such compliance would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements under this subsection.

''(III) A determination by the Secretary of Labor under this clause shall not be subject to judicial review.'';

(8) in clause (vi), as redesignated, by striking ''An investigation'' and all that follows through ''the determination.'' and inserting

''If the Secretary of Labor, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary, not later than 120 days after the date of such determination, shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code.''; and

(9) by adding at the end the following:

''(vii) If the Secretary of Labor, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary shall impose a penalty in accordance with subparagraph (C).''.

SEC. 115. INFORMATION SHARING.

Section 212(n)(2)(H) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(H)) is amended to read as follows:

''(H) The Director of U.S. Citizenship and Immigration Services shall provide the Secretary of Labor with any information contained in the materials submitted by employers of H–1B nonimmigrants as part of the petition adjudication process that indicates that the employer is not complying with visa program requirements for H–1B nonimmigrants. The Secretary may initiate and conduct an investigation and hearing under this paragraph after receiving information of noncompliance under this subparagraph.''.

SEC. 116. CONFORMING AMENDMENT.

Section 212(n)(2)(F) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(F)) is amended by striking ''The preceding sentence shall apply to an employer regardless of whether or not the employer is an H–1B-dependent employer.''.

Subtitle C—Other Protections

SEC. 121. POSTING AVAILABLE POSITIONS THROUGH THE DEPARTMENT OF LABOR.

(a) DEPARTMENT OF LABOR WEBSITE.—Section 212(n)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(3)) is amended to read as follows:

''(3)(A) Not later than 90 days after the date of the enactment of the H–1B and L–1 Visa Reform Act of 2022, the Secretary of Labor shall establish a searchable Internet website for posting positions in accordance with paragraph (1)(C) that is available to the public without charge.

''(B) The Secretary may work with private companies or nonprofit organizations to develop and operate the Internet website described in subparagraph (A).

''(C) The Secretary may promulgate rules, after notice and a period for comment, to carry out this paragraph.''.

(b) PUBLICATION REQUIREMENT.—The Secretary of Labor shall submit to Congress, and publish in the Federal Register and in other appropriate media, a notice of the date on which the internet website required under section 212(n)(3) of the Immigration and Nationality Act, as amended by subsection (a), will be operational.

(c) APPLICATION.—The amendment made by subsection (a) shall apply to any application filed on or after the date that is 30 days after the date described in subsection (b).

SEC. 122. TRANSPARENCY AND REPORT ON WAGE SYSTEM.

(a) IMMIGRATION DOCUMENTS.—Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following:

''(m) EMPLOYER TO PROVIDE IMMIGRATION PAPERWORK EXCHANGED WITH FEDERAL AGENCIES.—

''(1) IN GENERAL.—Not later than 21 business days after receiving a written request from a former, current, or prospective employee of an employer who is the beneficiary of an employment-based nonimmigrant petition filed by the employer, such employer shall provide such employee or beneficiary with the original (or a certified copy of the original) of all petitions, notices, and other written communication exchanged between the employer and the Department of Labor, the Department of Homeland Security, or any other Federal agency or department that is related to an immigrant or nonimmigrant petition filed by the employer for such employee or beneficiary.

''(2) WITHHOLDING OF FINANCIAL OR PROPRIETARY INFORMATION.—If a document required to be provided to an employee or prospective employee under paragraph (1) includes any sensitive financial or proprietary information of the employer, the employer may redact such information from the copies provided to such person.''.

(b) GAO REPORT ON JOB CLASSIFICATION AND WAGE DETERMINATIONS.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall prepare a report that—

(1) analyzes the accuracy and effectiveness of the Secretary of Labor's current job classification and wage determination system;

(2) specifically addresses whether the systems in place accurately reflect the complexity of current job types and geographic wage differences; and

(3) makes recommendations concerning necessary updates and modifications.

SEC. 123. REQUIREMENTS FOR INFORMATION FOR H–1B AND L–1 NONIMMIGRANTS.

Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following:

''(s) REQUIREMENTS FOR INFORMATION FOR H–1B AND L–1 NONIMMIGRANTS.—

''(1) IN GENERAL.—Upon issuing a visa to an applicant, who is outside the United States, for nonimmigrant status pursuant to subparagraph (H)(i)(b) or (L) of section 101(a)(15), the issuing office shall provide the applicant with—

''(A) a brochure outlining the obligations of the applicant's employer and the rights of the applicant with regard to employment under Federal law, including labor and wage protections;

''(B) the contact information for appropriate Federal agencies or departments that offer additional information or assistance in clarifying such obligations and rights; and

''(C) a copy of the petition submitted for the nonimmigrant under section 212(n) or the petition submitted for the nonimmigrant under subsection (c)(2)(A), as appropriate.

''(2) APPLICANTS INSIDE THE UNITED STATES.—Upon the approval of an initial petition filed for an alien who is in the United States and seeking status under subparagraph (H)(i)(b) or (L) of section 101(a)(15), the Secretary of Homeland Security shall provide the applicant with the material described in subparagraphs (A), (B), and (C) of paragraph (1).''.

SEC. 124. ADDITIONAL DEPARTMENT OF LABOR EMPLOYEES.

(a) IN GENERAL.—The Secretary of Labor is authorized to hire up to 200 additional employees to administer, oversee, investigate, and enforce programs involving nonimmigrant employees described in section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)).

(b) SOURCE OF FUNDS.—The cost of hiring the additional employees authorized to be hired under subsection (a) shall be recovered with funds from the H–1B Administration, Oversight, Investigation, and Enforcement Account established under section 212(n)(6) of the Immigration and Nationality Act, as added by section 107.

SEC. 125. TECHNICAL CORRECTION.

Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by redesignating the second subsection (t), as added by section 1(b)(2)(B) of the Act entitled ''An Act to amend and extend the Irish Peace Process Cultural and Training Program Act of 1998'' (Public Law 108–449; 118 Stat. 3470), as subsection (u).

SEC. 126. APPLICATION.

Except as specifically otherwise provided, the amendments made by this title shall apply to petitions and applications filed on or after the date of the enactment of this Act.

TITLE II—L–1 VISA FRAUD AND ABUSE PROTECTIONS

SEC. 201. PROHIBITION ON REPLACEMENT OF UNITED STATES WORKERS AND RESTRICTING OUTPLACEMENT OF L–1 NONIMMIGRANTS.

(a) RESTRICTION ON OUTPLACEMENT OF L–1 WORKERS.—Section 214(c)(2)(F) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)(F)) is amended to read as follows:

''(F)(i) Unless an employer receives a waiver under clause (ii), an employer may not employ an alien, for a cumulative period exceeding 1 year, who—

''(I) will serve in a capacity involving specialized knowledge with respect to an employer for purposes of section 101(a)(15)(L); and

''(II) will be stationed primarily at the worksite of an employer other than the petitioning employer or its affiliate, subsidiary, or parent, including pursuant to an outsourcing, leasing, or other contracting agreement.

''(ii) The Secretary of Labor may grant a waiver of the requirements under clause (i) if the Secretary determines that the employer requesting such waiver has established that—

''(I) the employer with which the alien referred to in clause (i) would be placed—

''(aa) will not at any time replace a United States worker with 1 or more nonimmigrants described in section 101(a)(15)(L); and

''(bb) has not displaced and does not intend to displace a United States worker employed by the employer within the period beginning 180 days before the date of the placement of such alien with the employer and ending 180 days after such date (not including any period of on-site or virtual training of nonimmigrants described in section 101(a)(15)(L) by employees of the employer);

''(II) such alien will be principally controlled and supervised by the petitioning employer; and

''(III) the placement of the nonimmigrant is not essentially an arrangement to provide labor for hire for an unaffiliated employer with which the nonimmigrant will be placed, rather than a placement in connection with the provision of a product or service for which specialized knowledge specific to the petitioning employer is necessary.

''(iii) The Secretary shall grant or deny a waiver under clause (ii) not later than seven days after the date on which the Secretary receives the application for the waiver.''.

(b) PROHIBITION ON REPLACEMENT OF UNITED STATES WORKERS.—Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)) is amended by adding at the end the following:

''(G)(i) An employer importing an alien as a nonimmigrant under section 101(a)(15)(L)—

''(I) may not at any time replace a United States worker (as defined in section 212(n)(4)(E)) with 1 or more such nonimmigrants; and

''(II) may not displace a United States worker (as defined in section 212(n)(4)(E)) employed by the employer during the period

beginning 180 days before and ending 180 days after the date of the placement of such a nonimmigrant with the employer.

''(ii) The 180-day period referenced in clause (i)(II) may not include any period of on-site or virtual training of nonimmigrants described in clause (i) by employees of the employer.''.

(c) RULEMAKING.—The Secretary of Homeland Security, after notice and a period for comment, shall promulgate rules for an employer to apply for a waiver under section 214(c)(2)(F)(ii), as added by subsection (a).

SEC. 202. L–1 EMPLOYER PETITION REQUIREMENTS FOR EMPLOYMENT AT NEW OFFICES.

Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)), as amended by section 201, is further amended by adding at the end the following:

''(H)(i) If the beneficiary of a petition under this paragraph is coming to the United States to open, or to be employed in, a new office, the petition may be approved for up to 12 months only if—

''(I) the alien has not been the beneficiary of 2 or more petitions under this subparagraph during the immediately preceding 2 years; and

''(II) the employer operating the new office has—

''(aa) an adequate business plan;

''(bb) sufficient physical premises to carry out the proposed business activities; and

''(cc) the financial ability to commence doing business immediately upon the approval of the petition.

''(ii) An extension of the approval period under clause (i) may not be granted until the importing employer submits an application to the Secretary of Homeland Security that contains—

''(I) evidence that the importing employer meets the requirements of this subsection;

''(II) evidence that the beneficiary of the petition is eligible for nonimmigrant status under section 101(a)(15)(L);

''(III) a statement summarizing the original petition;

''(IV) evidence that the importing employer has fully complied with the business plan submitted under clause (i)(I);

''(V) evidence of the truthfulness of any representations made in connection with the filing of the original petition;

''(VI) evidence that the importing employer, for the entire period beginning on the date on which the petition was approved under clause (i), has been doing business at the new office through regular, systematic, and continuous provision of goods and services;

''(VII) a statement of the duties the beneficiary has performed at the new office during the approval period under clause (i) and the duties the beneficiary will perform at the new office during the extension period granted under this clause;

''(VIII) a statement describing the staffing at the new office, including the number of employees and the types of positions held by such employees;

''(IX) evidence of wages paid to employees;

''(X) evidence of the financial status of the new office; and

''(XI) any other evidence or data prescribed by the Secretary.

''(iii) A new office employing the beneficiary of an L–1 petition approved under this paragraph shall do business only through regular, systematic, and continuous provision of goods and services for the entire period for which the petition is sought.

''(iv) Notwithstanding clause (ii), and subject to the maximum period of authorized admission set forth in subparagraph (D), the Secretary of Homeland Security, in the Secretary's discretion, may approve a subsequently filed petition on behalf of the beneficiary to continue employment at the office described in this subparagraph for a period beyond the initially granted 12-month period if the importing employer has been doing business at the new office through regular, systematic, and continuous provision of goods and services for the 6 months immediately preceding the date of extension petition filing and demonstrates that the failure to satisfy any of the requirements described in those subclauses was directly caused by extraordinary circumstances, as determined by the Secretary in the Secretary's discretion.''.

SEC. 203. COOPERATION WITH SECRETARY OF STATE.

Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)), as amended by sections 201 and 202, is further amended by adding at the end the following:

''(I) The Secretary of Homeland Security shall work cooperatively with the Secretary of State to verify the existence or continued existence of a company or office in the United States or in a foreign country for purposes of approving petitions under this paragraph.''.

SEC. 204. INVESTIGATION AND DISPOSITION OF COMPLAINTS AGAINST L–1 EMPLOYERS.

Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)), as amended by sections 201 through 203, is further amended by adding at the end the following:

''(J)(i) The Secretary of Homeland Security may initiate an investigation of any employer that employs nonimmigrants described in section 101(a)(15)(L) with regard to the employer's compliance with the requirements under this subsection.

''(ii) If the Secretary receives specific credible information from a source who is likely to have knowledge of an employer's practices, employment conditions, or compliance with the requirements under this subsection, the Secretary may conduct an investigation into the employer's compliance with the requirements of this subsection. The Secretary may withhold the identity of the source from the employer, and the source's identity shall not be subject to disclosure under section 552 of title 5, United States Code.

''(iii) The Secretary shall establish a procedure for any person desiring to provide to the Secretary information described in clause (ii) that may be used, in whole or in part, as the basis for the commencement of an investigation described in such clause, to provide the information in writing on a form developed and provided by the Secretary and completed by or on behalf of the person.

''(iv) No investigation described in clause (ii) (or hearing described in clause (vi) based on such investigation) may be conducted with respect to information about a failure to comply with the requirements under this subsection, unless the Secretary receives the information not later than 24 months after the date of the alleged failure.

''(v) Before commencing an investigation of an employer under clause (i) or (ii), the Secretary shall provide notice to the employer of the intent to conduct such investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that to do so would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. There shall be no judicial review of a determination by the Secretary under this clause.

''(vi) If the Secretary, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide the interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination. If such a hearing is requested, the Secretary shall make a finding concerning the matter by not later than 120 days after the date of the hearing.

''(vii) If the Secretary, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary shall impose a penalty under subparagraph (K).

''(viii)(I) The Secretary may conduct surveys of the degree to which employers comply with the requirements under this section.

''(II) The Secretary shall—

''(aa) conduct annual compliance audits of not less than 1 percent of the employers that employ nonimmigrants described in section 101(a)(15)(L) during the applicable fiscal year;

''(bb) conduct annual compliance audits of each employer with more than 100 employees who work in the United States if more than 15 percent of such employees are nonimmigrants described in section 101(a)(15)(L); and

''(cc) make available to the public an executive summary or report describing the general findings of the audits carried out pursuant to this subclause.

''(ix) The Secretary is authorized to take other such actions, including issuing subpoenas and seeking appropriate injunctive relief and specific performance of contractual obligations, as may be necessary to assure employer compliance with the terms and conditions under this paragraph. The rights and remedies provided to nonimmigrants described in section 101(a)(15)(L) under this paragraph are in addition to, and not in lieu of, any other contractual or statutory rights and remedies of such nonimmigrants, and are not intended to alter or affect such rights and remedies.''.

SEC. 205. WAGE RATE AND WORKING CONDITIONS FOR L–1 NONIMMIGRANTS.

(a) IN GENERAL.—Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)), as amended by sections 201 through 204, is further amended by adding at the end the following:

''(K)(i) An employer that employs a nonimmigrant described in section 101(a)(15)(L) for a cumulative period of time in excess of 1 year shall—

''(I) offer such nonimmigrant, during the period of authorized employment, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

''(aa) the locally determined prevailing wage level for the occupational classification in the area of employment;

''(bb) the median wage for all workers in the occupational classification in the area of employment; and

''(cc) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

''(II) provide working conditions for such nonimmigrant that will not adversely affect the working conditions of workers similarly employed by the employer or by an employer with which such nonimmigrant is placed pursuant to a waiver under subparagraph (F)(ii).

''(ii) If an employer, in such previous period specified by the Secretary of Homeland Security, employed 1 or more such nonimmigrants, the employer shall provide to the Secretary of Homeland Security the Internal Revenue Service Form W–2 Wage and

Tax Statement filed by the employer with respect to such nonimmigrants for such period.

''(iii) It is a failure to meet a condition under this subparagraph for an employer who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) to require such a nonimmigrant to pay a penalty or liquidated damages for ceasing employment with the employer before a date mutually agreed to by the nonimmigrant and the employer; or

''(II) to fail to offer to such a nonimmigrant, during the nonimmigrant's period of authorized employment, on the same basis, and in accordance with the same criteria, as the employer offers to United States workers, benefits and eligibility for benefits, including—

''(aa) the opportunity to participate in health, life, disability, and other insurance plans;

''(bb) the opportunity to participate in retirement and savings plans; and

''(cc) cash bonuses and noncash compensation, such as stock options (whether or not based on performance).''.

(b) RULEMAKING.—The Secretary of Homeland Security, after notice and a period of comment and taking into consideration any special circumstances relating to intracompany transfers, shall promulgate rules to implement the requirements under section 214(c)(2)(K) of the Immigration and Nationality Act, as added by subsection (a).

SEC. 206. PENALTIES.

Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)), as amended by sections 201 through 205, is further amended by adding at the end the following:

''(L)(i) If the Secretary of Homeland Security determines, after notice and an opportunity for a hearing, that an employer failed to meet a condition under subparagraph (F), (G), (K), or (M), or misrepresented a material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) the Secretary shall impose such administrative remedies (including civil monetary penalties in an amount not to exceed $5,000 per violation) as the Secretary determines to be appropriate;

''(II) the Secretary may not, during a period of at least 1 year, approve a petition for that employer to employ 1 or more aliens as such nonimmigrants; and

''(III) in the case of a violation of subparagraph (K) or (M), the employer shall be liable to the employees harmed by such violation for lost wages and benefits.

''(ii) If the Secretary finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (F), (G), (K), or (M) or a willful misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) the Secretary shall impose such administrative remedies (including civil monetary penalties in an amount not to exceed $25,000 per violation) as the Secretary determines to be appropriate;

''(II) the Secretary may not, during a period of at least 2 years, approve a petition filed for that employer to employ 1 or more aliens as such nonimmigrants; and

''(III) in the case of a violation of subparagraph (K) or (M), the employer shall be liable to the employees harmed by such violation for lost wages and benefits.''.

SEC. 207. PROHIBITION ON RETALIATION AGAINST L–1 NONIMMIGRANTS.

Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)), as amended by sections 201 through 206, is further amended by adding at the end the following:

''(M)(i) An employer that has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L) violates this subparagraph by taking, failing to take, or threatening to take or fail to take, a personnel action, or intimidating, threatening, restraining, coercing, blacklisting, discharging, or discriminating in any other manner against an employee because the employee—

''(I) has disclosed information that the employee reasonably believes evidences a violation of this subsection, or any rule or regulation pertaining to this subsection; or

''(II) cooperates or seeks to cooperate with the requirements under this subsection, or any rule or regulation pertaining to this subsection.

''(ii) In this subparagraph, the term 'employee' includes—

''(I) a current employee;

''(II) a former employee; and

''(III) an applicant for employment.''.

SEC. 208. ADJUDICATION BY DEPARTMENT OF HOMELAND SECURITY OF PETITIONS UNDER BLANKET PETITION.

(a) IN GENERAL.—Section 214(c)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)(A)) is amended to read as follows:

''(A) The Secretary of Homeland Security shall establish a procedure under which an importing employer that meets the requirements established by the Secretary may file a blanket petition to authorize aliens to enter the United States as nonimmigrants described in section 101(a)(15)(L) instead of filing individual petitions under paragraph (1) on behalf of such aliens. Such procedure shall permit—

''(i) the expedited processing by the Secretary of State of visas for admission of aliens covered under such blanket petitions; and

''(ii) the expedited adjudication by the Secretary of Homeland Security of individual petitions covered under such blanket petitions.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed on or after the date of the enactment of this Act.

SEC. 209. REPORTS ON EMPLOYMENT-BASED NONIMMIGRANTS.

(a) IN GENERAL.—Section 214(c)(8) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(8)) is amended to read as follows—

''(8) The Secretary of Homeland Security or Secretary of State, as appropriate, shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes, with respect to petitions under subsection (e) and each subcategory of subparagraphs (H), (L), (O), (P), and (Q) of section 101(a)(15)—

''(A) the number of such petitions (or applications for admission, in the case of applications by Canadian nationals seeking admission under subsection (e) or section 101(a)(15)(L)) which have been filed;

''(B) the number of such petitions which have been approved and the number of workers (by occupation) included in such approved petitions;

''(C) the number of such petitions which have been denied and the number of workers (by occupation) requested in such denied petitions;

''(D) the number of such petitions which have been withdrawn;

''(E) the number of such petitions which are awaiting final action;

''(F) the number of aliens in the United States under each subcategory under section 101(a)(15)(H); and

''(G) the number of aliens in the United States under each subcategory under section 101(a)(15)(L).''.

(b) NONIMMIGRANT CHARACTERISTICS REPORT.—Section 416(c) of the American Competitiveness and Workforce Improvement Act of 1998 (8 U.S.C. 1184 note) is amended—

(1) by amending paragraph (2) to read as follows:

''(2) ANNUAL H–1B NONIMMIGRANT CHARACTERISTICS REPORT.—The Secretary of Homeland Security shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that contains—

''(A) for the previous fiscal year—

''(i) information on the countries of origin of, occupations of, educational levels attained by, and compensation paid to, aliens who were issued visas or provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b));

''(ii) a list of all employers who petitioned for H–1B workers, the number of such petitions filed and approved for each such employer, the occupational classifications for the approved positions, and the number of H–1B nonimmigrants for whom each such employer filed an employment-based immigrant petition pursuant to section 204(a)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(F)); and

''(iii) the number of employment-based immigrant petitions filed pursuant to such section 204(a)(1)(F) on behalf of H–1B nonimmigrants;

''(B) a list of all employers for whom more than 15 percent of their United States workforce is H–1B or L–1 nonimmigrants;

''(C) a list of all employers for whom more than 50 percent of their United States workforce is H–1B or L–1 nonimmigrants;

''(D) a gender breakdown by occupation and by country of origin of H–1B nonimmigrants;

''(E) a list of all employers who have been granted a waiver under section 214(n)(2)(E) of the Immigration and Nationality Act (8 U.S.C. 1184(n)(2)(E)); and

''(F) the number of H–1B nonimmigrants categorized by their highest level of education and whether such education was obtained in the United States or in a foreign country.'';

(2) by redesignating paragraph (3) as paragraph (5);

(3) by inserting after paragraph (2) the following:

''(3) ANNUAL L–1 NONIMMIGRANT CHARACTERISTICS REPORT.—The Secretary of Homeland Security shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that contains—

''(A) for the previous fiscal year—

''(i) information on the countries of origin of, occupations of, educational levels attained by, and compensation paid to, aliens who were issued visas or provided nonimmigrant status under section 101(a)(15)(L) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(L));

''(ii) a list of all employers who petitioned for L–1 workers, the number of such petitions filed and approved for each such employer, the occupational classifications for the approved positions, and the number of L–1 nonimmigrants for whom each such employer filed an employment-based immigrant petition pursuant to section 204(a)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(F)); and

''(iii) the number of employment-based immigrant petitions filed pursuant to such section 204(a)(1)(F) on behalf of L–1 nonimmigrants;

''(B) a gender breakdown by occupation and by country of L–1 nonimmigrants;

''(C) a list of all employers who have been granted a waiver under section 214(c)(2)(F)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)(F)(ii));

''(D) the number of L–1 nonimmigrants categorized by their highest level of education and whether such education was obtained in the United States or in a foreign country;

''(E) the number of applications that have been filed for each subcategory of nonimmigrant described under section 101(a)(15)(L) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(L)), based on an approved blanket petition under section 214(c)(2)(A) of such Act; and

''(F) the number of applications that have been approved for each subcategory of nonimmigrant described under such section 101(a)(15)(L), based on an approved blanket petition under such section 214(c)(2)(A).

''(4) ANNUAL H–1B EMPLOYER SURVEY.—The Secretary of Labor shall—

''(A) conduct an annual survey of employers hiring foreign nationals under the H–1B visa program; and

''(B) issue an annual report that—

''(i) describes the methods employers are using to meet the requirement under section 212(n)(1)(G)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(G)(i)) of taking good faith steps to recruit United States workers for the occupational classification for which the nonimmigrants are sought, using procedures that meet industry-wide standards;

''(ii) describes the best practices for recruiting among employers; and

''(iii) contains recommendations on which recruiting steps employers can take to maximize the likelihood of hiring American workers.''; and

(4) in paragraph (5), as redesignated, by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''.

SEC. 210. SPECIALIZED KNOWLEDGE.

Section 214(c)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)(B)) is amended to read as follows:

''(B)(i) For purposes of section 101(a)(15)(L), the term 'specialized knowledge'—

''(I) means knowledge possessed by an individual whose advanced level of expertise and proprietary knowledge of the employer's product, service, research, equipment, techniques, management, or other interests of the employer are not readily available in the United States labor market;

''(II) is clearly different from those held by others employed in the same or similar occupations; and

''(III) does not apply to persons who have general knowledge or expertise which enables them merely to produce a product or provide a service.

''(ii)(I) The ownership of patented products or copyrighted works by a petitioner under section 101(a)(15)(L) does not establish that a particular employee has specialized knowledge. In order to meet the definition under clause (i), the beneficiary shall be a key person with knowledge that is critical for performance of the job duties and is protected from disclosure through patent, copyright, or company policy.

''(II) Different procedures are not proprietary knowledge within this context unless the entire system and philosophy behind the procedures are clearly different from those of other firms, they are relatively complex, and they are protected from disclosure to competition.''.

SEC. 211. TECHNICAL AMENDMENTS.

Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)) is amended by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security''.

SEC. 212. APPLICATION.

Except as otherwise specifically provided, the amendments made by this title shall apply to petitions and applications filed on or after the date of the enactment of this Act.

By Mr. DURBIN (for himself, Mr. LEAHY, Ms. HIRONO, Ms. CORTEZ MASTO, Ms. DUCKWORTH, and Mr. PADILLA):

S. 3721. A bill to amend the Immigration and Nationality Act to end the immigrant visa backlog, and for other purposes; to the Committee on the Judiciary.

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

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

S. 3721

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Resolving Extended Limbo for Immigrant Employees and Families Act'' or the ''RELIEF Act''.

SEC. 2. NUMERICAL LIMITATION TO ANY SINGLE FOREIGN STATE.

(a) IN GENERAL.—Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended—

(1) in the paragraph heading, by striking ''AND EMPLOYMENT-BASED'';

(2) by striking ''(3), (4), and (5),'' and inserting ''(3) and (4),'';

(3) by striking ''subsections (a) and (b) of section 203'' and inserting ''section 203(a)'';

(4) by striking ''7'' and inserting ''15''; and

(5) by striking ''such subsections'' and inserting ''such section''.

(b) CONFORMING AMENDMENTS.—Section 202 of the Immigration and Nationality Act (8 U.S.C. 1152) is amended—

(1) in subsection (a)(3), by striking ''both subsections (a) and (b) of section 203'' and inserting ''section 203(a)'';

(2) by striking subsection (a)(5); and

(3) by amending subsection (e) to read as follows:

''(e) SPECIAL RULES FOR COUNTRIES AT CEILING.—If it is determined that the total number of immigrant visas made available under section 203(a) to natives of any single foreign state or dependent area will exceed the numerical limitation specified in subsection (a)(2) in any fiscal year, in determining the allotment of immigrant visa numbers to natives under section 203(a), visa numbers with respect to natives of that state or area shall be allocated (to the extent practicable and otherwise consistent with this section and section 203) in a manner so that, except as provided in subsection (a)(4), the proportion of the visa numbers made available under each of paragraphs (1) through (4) of section 203(a) is equal to the ratio of the total number of visas made available under the respective paragraph to the total number of visas made available under section 203(a).''.

(c) COUNTRY-SPECIFIC OFFSET.—Section 2 of the Chinese Student Protection Act of 1992 (8 U.S.C. 1255 note) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''subsection (e))'' and inserting ''subsection (d))'';

(2) by striking subsection (d); and

(3) by redesignating subsection (e) as subsection (d).

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if enacted on September 30, 2021, and shall apply to fiscal years beginning with fiscal year 2022.

(e) TRANSITION RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

(1) IN GENERAL.—Subject to the succeeding paragraphs of this subsection and notwithstanding title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.), the following rules shall apply:

(A) For fiscal year 2022, 15 percent of the immigrant visas made available under each of paragraphs (2), (3), and (5) of section 203(b) of such Act (8 U.S.C. 1153(b)) shall be allotted to immigrants who are natives of a foreign state or dependent area that is not one of the two states with the largest aggregate numbers of natives who are beneficiaries of approved petitions for immigrant status under such paragraphs.

(B) For fiscal year 2023, 10 percent of the immigrant visas made available under each of such paragraphs shall be allotted to immigrants who are natives of a foreign state or dependent area that is not one of the two states with the largest aggregate numbers of natives who are beneficiaries of approved petitions for immigrant status under such paragraphs.

(C) For fiscal year 2024, 10 percent of the immigrant visas made available under each of such paragraphs shall be allotted to immigrants who are natives of a foreign state or dependent area that is not one of the two states with the largest aggregate numbers of natives who are beneficiaries of approved petitions for immigrant status under such paragraphs.

(2) PER-COUNTRY LEVELS.—

(A) RESERVED VISAS.—With respect to the visas reserved under each of subparagraphs (A) through (C) of paragraph (1), the number of such visas made available to natives of any single foreign state or dependent area in the appropriate fiscal year may not exceed 25 percent (in the case of a single foreign state) or 2 percent (in the case of a dependent area) of the total number of such visas.

(B) UNRESERVED VISAS.—With respect to the immigrant visas made available under each of paragraphs (2), (3), and (5) of section 203(b) of such Act (8 U.S.C. 1153(b)) and not reserved under paragraph (1), for each of fiscal years 2022, 2023, and 2024, not more than 85 percent shall be allotted to immigrants who are natives of any single foreign state.

(3) SPECIAL RULE TO PREVENT UNUSED VISAS.—If, with respect to fiscal year 2022, 2023, or 2024, the operation of paragraphs (1) and (2) of this subsection would prevent the total number of immigrant visas made available under paragraph (2) or (3) of section 203(b) of such Act (8 U.S.C. 1153(b)) from being issued, such visas may be issued during the remainder of such fiscal year without regard to paragraphs (1) and (2) of this subsection.

(4) TRANSITION RULE FOR CURRENTLY APPROVED BENEFICIARIES.—

(A) IN GENERAL.—Notwithstanding section 202 of the Immigration and Nationality Act, as amended by this Act, immigrant visas under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)) shall be allocated such that no alien described in subparagraph (B) receives a visa later than the alien otherwise would have received said visa had this Act not been enacted.

(B) ALIEN DESCRIBED.—An alien is described in this subparagraph if the alien is the beneficiary of a petition for an immigrant visa under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)) that was approved prior to the date of enactment of this Act.

(5) RULES FOR CHARGEABILITY.—Section 202(b) of such Act (8 U.S.C. 1152(b)) shall apply in determining the foreign state to

which an alien is chargeable for purposes of this subsection.

(6) ENSURING AVAILABILITY OF IMMIGRANT VISAS.—For each of fiscal years 2022 through 2026, notwithstanding sections 201 and 202 of the Immigration and Nationality Act (8 U.S.C. 1151, 1152), as amended by this Act, additional immigrant visas under section 203 of the Immigration and Nationality Act (8 U.S.C. 1153) shall be made available and allocated—

(A) such that no alien who is a beneficiary of a petition for an immigrant visa under such section 203 receives a visa later than the alien otherwise would have received such visa had this Act not been enacted; and

(B) to permit all visas to be distributed in accordance with this section.

SEC. 3. ENDING IMMIGRANT VISA BACKLOG.

(a) IN GENERAL.—In addition to any immigrant visa made available under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), as amended by this Act, subject to paragraphs (1) and (2), the Secretary of State shall make immigrant visas available to—

(1) aliens who are beneficiaries of petitions filed under subsection (b) of section 203 of such Act (8 U.S.C. 1153) before the date of the enactment of this Act; and

(2) aliens who are beneficiaries of petitions filed under subsection (a) of such section before the date of the enactment of this Act.

(b) ALLOCATION OF VISAS.—The visas made available under this section shall be allocated as follows:

(1) EMPLOYMENT-SPONSORED IMMIGRANT VISAS.—In each of fiscal years 2022 through 2026, the Secretary of State shall allocate to aliens described in subsection (a)(1) a number of immigrant visas equal to ⅕ of the number of aliens described in such subsection the visas of whom have not been issued as of the date of the enactment of this Act.

(2) FAMILY-SPONSORED IMMIGRANT VISAS.—In each of fiscal years 2022 through 2026, the Secretary of State shall allocate to aliens described in subsection (a)(2) a number of immigrant visas equal to ⅕ of the difference between—

(A) the number of aliens described in such subsection the visas of whom have not been issued as of the date of the enactment of this Act; and

(B) the number of aliens described in subsection (a)(1).

(c) ORDER OF ISSUANCE FOR PREVIOUSLY FILED APPLICATIONS.—The visas made available under this section shall be issued in accordance with section 202 of the Immigration and Nationality Act (8 U.S.C. 1152), as amended by this Act, in the order in which the petitions under section 203 of such Act (8 U.S.C. 1153) were filed.

SEC. 4. KEEPING AMERICAN FAMILIES TOGETHER.

(a) RECLASSIFICATION OF SPOUSES AND MINOR CHILDREN OF LAWFUL PERMANENT RESIDENTS AS IMMEDIATE RELATIVES AND EXEMPTION OF DERIVATIVES.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(1) in section 201(b) (8 U.S.C. 1151(b))—

(A) in paragraph (1), by adding at the end the following:

''(F) Aliens who derive status under section 203(d).''; and

(B) by amending paragraph (2) to read as follows:

''(2)(A) IMMEDIATE RELATIVES.—Aliens who are immediate relatives.

''(B) DEFINITION OF IMMEDIATE RELATIVE.—In this paragraph, the term 'immediate relative' means—

''(i) a child, spouse, or parent of a citizen of the United States, except that in the case of such a parent such citizen shall be at least 21 years of age;

''(ii) a child or spouse of an alien lawfully admitted for permanent residence;

''(iii) a child or spouse of an alien described in clause (i), who is accompanying or following to join the alien;

''(iv) a child or spouse of an alien described in clause (ii), who is accompanying or following to join the alien;

''(v) an alien admitted under section 211(a) on the basis of a prior issuance of a visa to the alien's accompanying parent who is an immediate relative; and

''(vi) an alien born to an alien lawfully admitted for permanent residence during a temporary visit abroad.

''(C) TREATMENT OF SPOUSE AND CHILDREN OF DECEASED CITIZEN OR LAWFUL PERMANENT RESIDENT.—If an alien who was the spouse or child of a citizen of the United States or of an alien lawfully admitted for permanent residence and was not legally separated from the citizen or lawful permanent resident at the time of the citizen's or lawful permanent resident's death files a petition under section 204(a)(1)(B), the alien spouse (and each child of the alien) shall remain, for purposes of this paragraph, an immediate relative during the period beginning on the date of the citizen's or permanent resident's death and ending on the date on which the alien spouse remarries.

''(D) PROTECTION OF VICTIMS OF ABUSE.—An alien who has filed a petition under clause (iii) or (iv) of section 204(a)(1)(A) shall remain, for purposes of this paragraph, an immediate relative if the United States citizen or lawful permanent resident spouse or parent loses United States citizenship on account of the abuse.''; and

(2) in section 203(a) (8 U.S.C. 1153(a))—

(A) in paragraph (1), by striking ''23,400'' and inserting ''111,334''; and

(B) by amending paragraph (2) to read as follows:

''(2) UNMARRIED SONS AND UNMARRIED DAUGHTERS OF LAWFUL PERMANENT RESIDENTS.—Qualified immigrants who are the unmarried sons or unmarried daughters (but are not the children) of aliens lawfully admitted for permanent residence shall be allocated visas in a number not to exceed 26,266, plus—

''(A) the number of visas by which the worldwide level exceeds 226,000; and

''(B) the number of visas not required for the class specified in paragraph (1).''.

(b) PROTECTING CHILDREN FROM AGING OUT.—Section 203(h) of the Immigration and Nationality Act (8 U.S.C. 1153(h)) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—For purposes of subsection (d), a determination of whether an alien satisfies the age requirement in the matter preceding subparagraph (A) of section 101(b)(1) shall be made using the age of the alien on the date on which the petition is filed with the Secretary of Homeland Security under section 204.'';

(2) by amending paragraph (2) to read as follows:

''(2) PETITIONS DESCRIBED.—A petition described in this paragraph is a petition filed under section 204 for classification of—

''(A) the alien's parent under subsection (a), (b), or (c); or

''(B) the alien as an immediate relative based on classification as a child of—

''(i) a citizen of the United States; or

''(ii) a lawful permanent resident.'';

(3) in paragraph (3), by striking ''subsections (a)(2)(A) and'' and inserting ''subsection''; and

(4) by adding at the end the following:

''(5) TREATMENT FOR NONIMMIGRANT CATEGORIES PURPOSES.—An alien dependent treated as a child for immigrant visa purposes under this subsection shall be treated as a dependent child for nonimmigrant categories.''.

(c) CONFORMING AMENDMENTS.—

(1) DEFINITIONS.—Section 101(a)(15)(K)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)(ii)) is amended by striking ''section 201(b)(2)(A)(i)'' and inserting ''section 201(b)(2) (other than clause (v) or (vi) of subparagraph (B))''.

(2) RULES FOR DETERMINING WHETHER CERTAIN ALIENS ARE IMMEDIATE RELATIVES.—Section 201(f) of the Immigration and Nationality Act (8 U.S.C. 1151(f)) is amended—

(A) in paragraph (1), by striking ''paragraphs (2) and (3),'' and inserting ''paragraph (2),'';

(B) by striking paragraph (2);

(C) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(D) in paragraph (3), as so redesignated, by striking ''through (3)'' and inserting ''and (2)''.

(3) PER COUNTRY LEVEL.—Section 202(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(1)(A)) is amended by striking ''section 201(b)(2)(A)(i)'' and inserting ''section 201(b)(2) (other than clause (v) or (vi) of subparagraph (B))''.

(4) NUMERICAL LIMITATION TO ANY SINGLE FOREIGN STATE.—Section 202(a)(4) (8 U.S.C. 1152(a)(4)) is amended—

(A) by striking subparagraphs (A) and (B);

(B) by redesignating subparagraphs (C) and (D) as subparagraphs (A) and (B), respectively; and

(C) in subparagraph (A), as so redesignated—

(i) by striking the undesignated matter following clause (ii);

(ii) by striking clause (ii);

(iii) in clause (i), by striking '', or'' and inserting a period; and

(iv) in the matter preceding clause (i), by striking ''section 203(a)(2)(B) may not exceed'' and all that follows through ''23 percent'' in clause (i) and inserting ''section 203(a)(2) may not exceed 23 percent''.

(5) PROCEDURES FOR GRANTING IMMIGRANT STATUS.—Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) in subparagraph (A)—

(aa) in clause (i), by striking ''section 201(b)(2)(A)(i)'' and inserting ''clause (i) or (ii) of section 201(b)(2)(B)'';

(bb) in clause (ii), by striking ''the second sentence of section 201(b)(2)(A)(i)'' and inserting ''section 201(b)(2)(C)'';

(cc) by amending clause (iii) to read as follows:

''(iii)(I) An alien who is described in clause (ii) may file a petition with the Secretary of Homeland Security under this subparagraph for classification of the alien (and any child of the alien) if the alien demonstrates to the Secretary that—

''(aa) the marriage or the intent to marry the citizen of the United States or lawful permanent resident was entered into in good faith by the alien; and

''(bb) during the marriage or relationship intended by the alien to be legally a marriage, the alien or a child of the alien has been battered or has been the subject of extreme cruelty perpetrated by the alien's spouse or intended spouse.

''(II) For purposes of subclause (I), an alien described in this subclause is an alien—

''(aa)(AA) who is the spouse of a citizen of the United States or lawful permanent resident;

''(BB) who believed that he or she had married a citizen of the United States or lawful permanent resident and with whom a marriage ceremony was actually performed and

who otherwise meets any applicable requirements under this Act to establish the existence of and bona fides of a marriage, but whose marriage is not legitimate solely because of the bigamy of such citizen of the United States or lawful permanent resident; or

''(CC) who was a bona fide spouse of a citizen of the United States or a lawful permanent resident within the past 2 years and whose spouse died within the past 2 years, whose spouse renounced citizenship status or renounced or lost status as a lawful permanent resident within the past 2 years related to an incident of domestic violence, or who demonstrates a connection between the legal termination of the marriage within the past 2 years and battering or extreme cruelty by a spouse who is a citizen of the United States or a lawful permanent resident spouse;

''(bb) who is a person of good moral character;

''(cc) who is eligible to be classified as an immediate relative under section 201(b)(2)(B) or who would have been so classified but for the bigamy of the citizen of the United States or lawful permanent resident that the alien intended to marry; and

''(dd) who has resided with the alien's spouse or intended spouse.'';

(dd) by amending clause (iv) to read as follows:

''(iv) An alien who is the child of a citizen or lawful permanent resident of the United States, or who was a child of a United States citizen or lawful permanent resident parent who within the past 2 years lost or renounced citizenship status related to an incident of domestic violence, and who is a person of good moral character, who is eligible to be classified as an immediate relative under section 201(b)(2)(B), and who resides, or has resided in the past, with the citizen or lawful permanent resident parent may file a petition with the Secretary of Homeland Security under this subparagraph for classification of the alien (and any child of the alien) under such section if the alien demonstrates to the Secretary that the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's citizen or lawful permanent resident parent. For purposes of this clause, residence includes any period of visitation.''; and

(ee) in clause (v)(I), in the matter preceding item (aa), by inserting ''or lawful permanent resident'' after ''citizen'';

(ff) in clause (vi), by striking ''renunciation of citizenship'' and all that follows through ''citizenship status'' and inserting ''renunciation of citizenship or lawful permanent resident status, death of the abuser, divorce, or changes to the abuser's citizenship or lawful permanent resident status''; and

(gg) in clause (vii), by striking ''section 201(b)(2)(A)(i)'' each place it appears and inserting ''section 201(b)(2)(B)'';

(II) by amending subparagraph (B) to read as follows:

''(B)(i)(I) Except as provided in subclause (II), any alien lawfully admitted for permanent residence claiming that an alien is entitled to a classification by reason of the relationship described in section 203(a)(2) may file a petition with the Attorney General for such classification.

''(II) Subclause (I) shall not apply in the case of an alien lawfully admitted for permanent residence who has been convicted of a specified offense against a minor (as defined in subparagraph (A)(viii)(II)), unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that such person poses no risk to the alien with respect to whom a petition described in subclause (I) is filed.

''(ii) An alien who was the child of a lawful permanent resident who within the past 2 years lost lawful permanent resident status due to an incident of domestic violence, and who is a person of good moral character, who is eligible for classification under section 203(a)(2), and who resides, or has resided in the past, with the alien's permanent resident alien parent may file a petition with the Secretary of Homeland Security under this subparagraph for classification of the alien (and any child of the alien) under such section if the alien demonstrates to the Secretary that the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's permanent resident parent.

''(iii)(I) For purposes of a petition filed or approved under clause (ii), the loss of lawful permanent resident status by a parent after the filing of a petition under that clause shall not adversely affect approval of the petition, and for an approved petition, shall not affect the alien's ability to adjust status under subsections (a) and (c) of section 245 or obtain status as a lawful permanent resident based on an approved self-petition under clause (ii).

''(II) Upon the lawful permanent resident parent becoming or establishing the existence of United States citizenship through naturalization, acquisition of citizenship, or other means, any petition filed with the Secretary of Homeland Security and pending or approved under clause (ii) on behalf of an alien who has been battered or subjected to extreme cruelty shall be deemed reclassified as a petition filed under subparagraph (A) even if the acquisition of citizenship occurs after the termination of parental rights.''; and

(III) in subparagraph (D)(i)(I), by striking ''paragraph (1), (2), or (3)'' and inserting ''paragraph (1) or (3)''; and

(ii) in paragraph (2)—

(I) by striking ''spousal second preference petition'' each place it appears and inserting ''petition for the spouse of an alien lawfully admitted for permanent residence''; and

(II) in the undesignated matter following subparagraph (A)(ii), by striking ''preference status under section 203(a)(2)'' and inserting ''classification as an immediate relative under section 201(b)(2)(B)(ii)'';

(B) in subsection (c)(1), by striking ''or preference status''; and

(C) in subsection (k)(1), by striking ''203(a)(2)(B)'' and inserting ''203(a)(2)''.

(6) EXCLUDABLE ALIENS.—Section 212(d)(12)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(12)(B)) is amended by striking ''section 201(b)(2)(A)'' and inserting ''section 201(b)(2) (other than subparagraph (B)(vi))''.

(7) ADMISSION OF NONIMMIGRANTS.—Section 214(r)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(r)(3)(A)) is amended by striking ''section 201(b)(2)(A)(i)'' and inserting ''section 201(b)(2) (other than clause (v) or (vi) of subparagraph (B)).''

(8) DEFINITION OF ALIEN SPOUSE.—Section 216(h)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1186a(h)(1)(A)) is amended by inserting ''or an alien lawfully admitted for permanent residence'' after ''United States''.

(9) REFUGEE CRISIS IN IRAQ ACT OF 2007.—Section 1243(a)(4) of the Refugee Crisis in Iraq Act of 2007 (Public Law 110–118; 8 U.S.C. 1157 note) is amended by striking ''section 201(b)(2)(A)(i)'' and inserting ''section 201(b)(2) (other than clause (v) or (vi) of subparagraph (B))''.

(10) PROCESSING OF VISA APPLICATIONS.—Section 233(b)(1) of the Department of State Authorization Act, Fiscal Year 2003 (Public Law 107–228; 8 U.S.C. 1201 note) is amended by striking ''section 201(b)(2)(A)(i)'' and inserting ''section 201(b)(2) (other than clause (v) or (vi) of subparagraph (B))''.

By Ms. HIRONO (for herself and Mr. MARKEY):

S.J. Res. 40. A joint resolution formally apologizing for the nuclear legacy of the United States in the Republic of the Marshall Islands and affirming the importance of the free association between the Government of the United States and the Government of the Marshall Islands; to the Committee on Energy and Natural Resources.

Ms. HIRONO. Mr. President, I rise today to introduce a resolution that affirms the importance of our compact of free association with the Republic of the Marshall Islands and apologizes to the people of the Republic of the Marshall Islands on behalf of the U.S. Government for the United States' nuclear testing program. I am thankful to Senator MARKEY for joining me in this resolution as we seek to strengthen the ties between the United States and the Republic of the Marshall Islands.

After freeing what are now the Republic of the Marshall Islands from Japanese control during the Second World War, the United States was entrusted with administering the islands as a part of the United Nations Trust Territory of the Pacific Islands. Under the trusteeship, the United States was charged with promoting self-government and the economic and educational advancement of the islands. The trusteeship also obligated the United States to protect the health of the inhabitants of the trust territory.

President Harry Truman reaffirmed the United States' ''special responsibility'' for the people of the Republic of the Marshall Islands when he reassured the United Nations that the people of the Marshall Islands ''will be accorded all rights which are the normal constitutional rights of the citizens under the Constitution.''

In many ways, the Government of the United States failed to live up to that special responsibility. From 1946 to 1958, the United States conducted 67 thermonuclear tests in the Marshall Islands. The tests contaminated at least 11 of the Marshall Island's 29 atolls. These tests destroyed their land and led to their displacement. Nuclear testing also exposed the Marshallese to radioactive fallout, contributing to increased cancer rates, birth defects, and other serious health conditions. The nuclear testing program has caused irreparable harm to the people of the Republic of the Marshall Islands.

That harm and our collective failure to live up to our nation's responsibilities have similarly failed members of the Armed Forces and civilian contractors that were tasked by our government with cleaning up nuclear waste in the Marshall Islands. In the 1970s, the United States sought to clean up Enewetak Atoll, where the United States conducted over 40 nuclear tests. In an effort to contain radioactive material on Enewetak, members of the

Armed Forces and civilian contractors constructed the Runit Dome, an unlined nuclear waste containment structure that stores approximately 110,000 cubic yards of radioactively contaminated soil and debris. Thousands of servicemembers were exposed to radiation and nuclear waste as they worked to clean up Enewetak Atoll.

To this day, those servicemembers remain ineligible for health benefits through the Department of Veterans Affairs that other ''radiation-exposed veterans'' receive. I am thankful to Senators SMITH and TILLIS for their leadership on this issue, as they seek to secure health benefits for these servicemembers through the Mark Takai Atomic Veterans Healthcare Parity Act.

The Republic of the Marshall Islands is one of the United States' strongest allies and one of its most important partners in the Indo-Pacific region. Since entering into a Compact of Free Association with the United States in the 1980s, thousands of Marshallese have migrated to the United States to live and work. The Marshallese have made invaluable contributions to my home State of Hawaii and have enriched communities throughout the country. The compact also protects U.S. national security interests by providing the U.S. military with exclusive access to the territorial waters of the Marshall Islands and serves as host to the Ronald Reagan Ballistic Missile Defense Test Site on Kwajalein Atoll.

While our relationship with the Republic of the Marshall Islands remains strong, they are in jeopardy. U.S. economic assistance under the Compact of Free Association to the Marshall Islands is set to end in 2023 while near-peer competitors threaten to undermine our alliances. Additionally, climate change poses an existential threat to the Republic of the Marshall Islands.

But in order to continue on with our relationship with the Marshall Islands, we need to reckon with our past. The United States has never apologized for its nuclear testing program in the Marshall Islands. The harm caused by the United States' nuclear legacy in the Marshall Islands cannot be taken back or undone. But as the Republic of the Marshall Islands memorializes today, March 1, as Nuclear Victims Remembrance Day, we can show our contrition and endeavor to build a stronger relationship based on correcting the wrongs of the past and strengthening the special ties that bind our two nations.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 30—EXPRESSING THE SENSE OF CONGRESS THAT THE UNITED NATIONS SHOULD TAKE IMMEDIATE PROCEDURAL ACTIONS NECESSARY TO AMEND ARTICLE 23 OF THE CHARTER OF THE UNITED NATIONS TO REMOVE THE RUSSIAN FEDERATION AS A PERMANENT MEMBER OF THE UNITED NATIONS SECURITY COUNCIL

Mrs. BLACKBURN (for herself, Mr. CRAMER, Mr. GRASSLEY, Mrs. HYDE-SMITH, Mr. SCOTT of Florida, Ms. ERNST, Mr. TILLIS, Mr. DAINES, and Mr. WICKER) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 30

Whereas the United Nations Security Council is tasked with upholding international peace and security among the countries of the world;

Whereas the primary responsibility of the United Nations Security Council is to determine the existence of a threat to international peace or act of aggression and to recommend what necessary action should be taken;

Whereas Article 39 of the Charter of the United Nations states that ''The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security'';

Whereas the United Nations Security Council currently has five permanent members: the United States of America, the United Kingdom, France, the People's Republic of China, and the Russian Federation;

Whereas the acts of aggression and malign influence by the Russian Federation and its proxies in Ukraine are a threat to the territorial integrity and democratic sovereignty of Ukraine and run counter to both the letter and spirit of the Security Council's responsibility to maintain peace and security;

Whereas the build-up of nearly 200,000 Russian Federation military troops, artillery, tanks, armor, and other military equipment on Ukraine's border since March 2021 has significantly threatened the safety, security, stability, and sovereignty of Ukraine and has destabilized the security of the continent of Europe;

Whereas, on February 21, 2022, the Russian Federation deployed additional military forces into two Russian-declared separatist regions of eastern Ukraine, which are under Ukrainian government control;

Whereas, on February 22, 2022, Russian Federation President Vladimir Putin recognized the independence of the two Russian-backed separatist republics in eastern Ukraine, the Donetsk and Luhansk People's Republics, and secured parliamentary authorization to deploy additional Russian forces abroad, setting conditions for a further offensive against Ukraine;

Whereas, on February 24, 2022, Russian Federation President Vladimir Putin launched a well-coordinated disinformation campaign, announcing the start of a ''special military operation'' aimed at the ''demilitarization and denazification of Ukraine'' in order ''to protect the people who have been abused by 'the genocide' of the Kyiv regime for 8 years'';

Whereas, on February 24, 2022, the Russian Federation launched multiple unprovoked missile strikes in Kyiv, Ukraine, as well as in numerous key eastern Ukrainian cities, including Kharkiv, Odessa, Mariupol, Dnipro, and Kramatorsk, jeopardizing the safety of civilians and with the intent to strike Ukrainian military infrastructure, including airfields, military depots, air defenses, and command and control sites; and

Whereas the increased aggression of the Russian Federation against the sovereignty of Ukraine has destabilized the security of the continent of Europe and could cause massive casualties, energy shortages, and financial instability across the globe: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) condemns the Russian Federation's invasion of Ukraine's sovereign territory and its ongoing support of proxy militias in the region, which together pose a direct threat to international peace and security and run contrary to its responsibilities and obligations as a permanent member of the United Nations Security Council;

(2) urges the President to direct the United States representative to the United Nations to use the voice, vote, and influence of the United States to take all necessary steps to remove the Russian Federation as a Permanent Member of the United Nations Security Council; and

(3) urges other member states to support such efforts to hold the Russian Federation accountable at the United Nations by supporting such efforts.

SENATE CONCURRENT RESOLUTION 31—REQUIRING ALL MEMBERS OF CONGRESS TO PUBLISH A PUBLIC SCHEDULE

Mr. KELLY (for himself and Mr. TESTER) submitted the following concurrent resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. CON. RES. 31

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SHORT TITLE.

This resolution may be cited as the ''Transparency in Congress Resolution of 2022''.

SEC. 2. PUBLICATION OF PUBLIC SCHEDULE.

(a) DEFINITIONS.—In this section—

(1) the term ''disclosure'' has the meaning given that term in section 2302(a)(2) of title 5, United States Code;

(2) the term ''Member of Congress'' has the meaning given that term in section 2106 of title 5, United States Code, except that such term does not include the Vice President; and

(3) the term ''public schedule'' means the public schedule of a Member of Congress required to be published under subsection (b)(1).

(b) REQUIREMENT.—

(1) IN GENERAL.—Not later than the last day of each month, each Member of Congress shall publish a public schedule of the Member of Congress for the preceding month that includes the following:

(A) A daily calendar of—

(i) each hearing, meeting, or event attended by the Member of Congress during the month, either in person or by teleconference or other electronic means, at which the Member of Congress appears in his or her official capacity; and

(ii) the floor activity of the Member of Congress during the month.

(B) For each meeting or event described in subparagraph (A), if known by the Member of Congress—

(i) a general description of the individuals, entities, or organizations participating in the meeting or event; or

(ii) a general description of the meeting or event.

(2) EXCLUSIONS.—A public schedule is not required to include—

(A) personal or campaign meetings or events;

(B) meetings or events with congressional staff; or

(C) meetings or events at which the Member of Congress is not appearing in an official capacity.

(c) INFORMATION NOT DISCLOSED.—A Member of Congress may determine to not disclose in a public schedule the following information:

(1) Any information—

(A) that implicates personal privacy or law enforcement concerns;

(B) that implicates the personal safety of congressional staff (including the time of the arrival or departure of congressional staff from their duty station); or

(C) the release or disclosure of which would cause a threat to national security interests or reveal information that is confidential or classified.

(2) Information related to particularly sensitive meetings, including a meeting with an anonymous or confidential whistleblower.

(d) AVAILABILITY.—

(1) IN GENERAL.—For each Congress and as required under subsection (b)(1), a Member of Congress shall make each monthly public schedule of the Member of Congress publicly available on the website of the Member of Congress at least until the date that is 30 days after—

(A) the last day of the Congress; or

(B) in the case of a Member of Congress whose service as a Member of Congress ends before the last day of the Congress, the last day of such service.

(e) ETHICS IMPLEMENTATION AND GUIDANCE.—The Select Committee on Ethics of the Senate and the Committee on Ethics of the House of Representatives—

(1) shall have authority to implement this resolution with respect to Members of Congress of the applicable House; and

(2) may issue guidance as needed to implement this resolution.

(f) EFFECTIVE DATE.—A Member of Congress shall make available the public schedule of the Member of Congress in accordance with this section for each day on or after the date that is 180 days after the date of adoption of this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4934. Mr. MARSHALL (for himself and Mr. SCOTT of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 3076, to provide stability to and enhance the services of the United States Postal Service, and for other purposes; which was ordered to lie on the table.

SA 4935. Mrs. HYDE–SMITH submitted an amendment intended to be proposed by her to the bill H.R. 3076, supra; which was ordered to lie on the table.

SA 4936. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 3076, supra; which was ordered to lie on the table.

SA 4937. Mr. LEE (for himself and Mr. COTTON) submitted an amendment intended to be proposed by him to the bill H.R. 3076, supra; which was ordered to lie on the table.

SA 4938. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 3076, supra; which was ordered to lie on the table.

SA 4939. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 3076, supra; which was ordered to lie on the table.

SA 4940. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 3076, supra; which was ordered to lie on the table.

SA 4941. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 3076, supra; which was ordered to lie on the table.

SA 4942. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 3076, supra; which was ordered to lie on the table.

SA 4943. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 3076, supra; which was ordered to lie on the table.

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SA 4945. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 3076, supra; which was ordered to lie on the table.

SA 4946. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 3076, supra; which was ordered to lie on the table.

SA 4947. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 3076, supra; which was ordered to lie on the table.

SA 4948. Mr. ROMNEY submitted an amendment intended to be proposed by him to the bill H.R. 3076, supra; which was ordered to lie on the table.

SA 4949. Ms. ERNST submitted an amendment intended to be proposed by her to the bill H.R. 3076, supra; which was ordered to lie on the table.

SA 4950. Mr. RUBIO (for himself and Mr. SCOTT of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 3076, supra; which was ordered to lie on the table.

SA 4951. Mr. BRAUN submitted an amendment intended to be proposed by him to the bill H.R. 3076, supra; which was ordered to lie on the table.

SA 4952. Mr. BRAUN submitted an amendment intended to be proposed by him to the bill H.R. 3076, supra; which was ordered to lie on the table.

SA 4953. Mr. PETERS (for himself and Mr. PORTMAN) proposed an amendment to the bill S. 3600, to improve the cybersecurity of the Federal Government, and for other purposes..

SA 4954. Mr. PETERS (for Mr. WICKER) proposed an amendment to the bill S. 3600, supra.

SA 4955. Mr. SCHUMER (for Mr. PETERS) proposed an amendment to the bill H.R. 3076, to provide stability to and enhance the services of the United States Postal Service, and for other purposes.

TEXT OF AMENDMENTS

SA 4934. Mr. MARSHALL (for himself and Mr. SCOTT of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 3076, to provide stability to and enhance the services of the United States Postal Service, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 210. PROHIBITION ON MAILING COVID–19 TESTS MANUFACTURED IN CHINA UNDER FEDERAL PROGRAM TO DISTRIBUTE FREE TESTS.

In carrying out the Federal program to distribute free at-home tests for SARS–CoV–2 announced on January 14, 2022, the Postal Service shall treat any at-home test for SARS–CoV–2 that was manufactured, in whole or in part, in the People's Republic of China as nonmailable matter under section 3001 of title 39, United States Code.

SA 4935. Mrs. HYDE–SMITH submitted an amendment intended to be proposed by her to the bill H.R. 3076, to provide stability to and enhance the services of the United States Postal Service, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE IV—SAVE MOMS AND BABIES

SEC. 401. ABORTION DRUGS PROHIBITED.

(a) IN GENERAL.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended by adding at the end the following:

''(z) ABORTION DRUGS.—

''(1) PROHIBITIONS.—The Secretary shall not approve—

''(A) any application submitted under subsection (b) or (j) for marketing an abortion drug; or

''(B) grant an investigational use exemption under subsection (i) for—

''(i) an abortion drug; or

''(ii) any investigation in which the human embryo or human fetus of a woman known to be pregnant is knowingly destroyed.

''(2) PREVIOUSLY APPROVED ABORTION DRUGS.—If an approval described in paragraph (1) is in effect for an abortion drug as of the date of enactment of this subsection, the Secretary shall—

''(A) not approve any labeling change—

''(i) to approve the use of such abortion drug after 70 days gestation; or

''(ii) to approve the dispensing of such abortion drug by any means other than in-person administration by the prescribing health care practitioner;

''(B) treat such abortion drug as subject to section 503(b)(1); and

''(C) require such abortion drug to be subject to a risk evaluation and mitigation strategy under section 505–1 that at a minimum—

''(i) requires health care practitioners who prescribe such abortion drug—

''(I) to be certified in accordance with the strategy; and

''(II) to not be acting in their capacity as a pharmacist;

''(ii) as part of the certification process referred to in clause (i), requires such practitioners—

''(I) to have the ability to assess the duration of pregnancy accurately;

''(II) to have the ability to diagnose ectopic pregnancies;

''(III) to have the ability to provide surgical intervention in cases of incomplete abortion or severe bleeding;

''(IV) to have the ability to ensure patient access to medical facilities equipped to provide blood transfusions and resuscitation, if necessary; and

''(V) to report any deaths or other adverse events associated with the use of such abortion drug to the Food and Drug Administration and to the manufacturer of such abortion drug, identifying the patient by a non-identifiable reference and the serial number from each package of such abortion drug;

''(iii) limits the dispensing of such abortion drug to patients—

''(I) in a clinic, medical office, or hospital by means of in-person administration by the prescribing health care practitioner; and

''(II) not in pharmacies or any setting other than the health care settings described in subclause (I);

''(iv) requires the prescribing health care practitioner to give to the patient documentation on any risk of serious complications associated with use of such abortion drug and receive acknowledgment of such receipt from the patient;

''(v) requires all known adverse events associated with such abortion drug to be reported, excluding any individually identifiable patient information, to the Food and Drug Administration by the—

''(I) manufacturers of such abortion drug; and

''(II) prescribers of such abortion drug; and

''(vi) requires reporting of administration of the abortion drug as required by State law, or in the absence of a State law regarding such reporting, in the same manner as a surgical abortion.

''(3) REPORTING ON ADVERSE EVENTS BY OTHER HEALTH CARE PRACTITIONERS.—The Secretary shall require all other health care practitioners to report to the Food and Drug Administration any adverse events experienced by their patients that are connected to use of an abortion drug, excluding any individually identifiable patient information.

''(4) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to restrict the authority of the Secretary, or of a State, to establish, implement, and enforce requirements and restrictions with respect to abortion drugs under provisions of law other than this section that are in addition to the requirements and restrictions under this section.

''(5) DEFINITIONS.—In this section:

''(A) The term 'abortion drug' means any drug, substance, or combination of drugs or substances that is intended for use or that is in fact used (irrespective of how the product is labeled)—

''(i) to intentionally kill the unborn child of a woman known to be pregnant; or

''(ii) to intentionally terminate the pregnancy of a woman known to be pregnant, with an intention other than—

''(I) to produce a live birth; or

''(II) to remove a dead unborn child.

''(B) The term 'adverse event' includes each of the following:

''(i) A fatality.

''(ii) An ectopic pregnancy.

''(iii) A hospitalization.

''(iv) A blood loss requiring a transfusion.

''(v) An infection, including endometritis, pelvic inflammatory disease, and pelvic infections with sepsis.

''(vi) A severe infection.

''(C) The term 'gestation' means the period of days beginning on the first day of the last menstrual period.

''(D) The term 'health care practitioner' means any individual who is licensed, registered, or otherwise permitted, by the United States or the jurisdiction in which the individual practices, to prescribe drugs subject to section 503(b)(1).

''(E) The term 'unborn child' means an individual organism of the species homo sapiens, beginning at fertilization, until the point of being born alive as defined in section 8(b) of title 1, United States Code.''.

(b) ONGOING INVESTIGATIONAL USE.—In the case of any investigational use of a drug pursuant to an investigational use exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) that was granted before the date of enactment of this Act, such exemption is deemed to be rescinded as of the day that is 3 years after the date of enactment of this Act if the Secretary would be prohibited by section 505(z)(1)(B) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), from granting such exemption as of such day.

SA 4936. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 3076, to provide stability to and enhance the services of the United States Postal Service, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, strike line 5 and all that follows through ''shall occur at least'' on line 11 and insert the following:

SEC. 202. DISCLOSURE OF CERTAIN CONTRACTUAL PROVISIONS ON POSTAL SERVICE WEBSITE.

(a) SERVICE CONTRACT DEFINED.—For the purposes of this section, the term ''service contract'' means a contract between the Postal Service and a private business entity under which the Postal Service provides delivery services for the delivery of the competitive products of the private business entity.

(b) REQUIRED DISCLOSURE.—For any service contract, the Postal Service shall disclose to the public on the website of the Postal Service the service contract provisions, including—

(1) the rate to be paid for delivery services; and

(2) the main terms of the contract.

(c) EXCEPTION.—The disclosures required under subsection (b) shall not be construed to require the Postal Service to disclose to the public any information—

(1) described in section 410(c) of title 39, United States Code; or

(2) exempt from public disclosure under section 552(b) of title 5, United States Code.

SEC. 203. INTEGRATED DELIVERY NETWORK.

(a) IN GENERAL.—Section 101(b) of title 39, United States Code, is amended by inserting before ''The Postal Service'' the following: ''The Postal Service shall deliver market-dominant and competitive products (as defined in chapter 36 of this title) at least

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SA 4937. Mr. LEE (for himself and Mr. COTTON) submitted an amendment intended to be proposed by him to the bill H.R. 3076, to provide stability to and enhance the services of the United States Postal Service, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 210. PROHIBITION ON MAILING ABORTION-INDUCING DRUGS.

(a) IN GENERAL.—Section 3001 of title 39, United States Code, is amended by adding at the end the following:

''(p) ABORTION-INDUCING DRUGS.—

''(1) IN GENERAL.—An abortion-inducing drug is nonmailable.

''(2) DEFINITION.—For purposes of this subsection, the term 'abortion-inducing drug' means any drug, substance, or combination of drugs or substances that is intended for use or that is in fact used (irrespective of how the product is labeled)—

''(A) to intentionally kill the unborn child of a woman known to be pregnant; or

''(B) to intentionally terminate the pregnancy of a woman known to be pregnant, with an intention other than—

''(i) to produce a live birth; or

''(ii) to remove a dead unborn child.''.

(b) RULE OF CONSTRUCTION.—The amendment made by subsection (a) shall not be construed to limit or otherwise affect any other provision of Federal, State, or local law that is in addition to, or in furtherance of, the requirements and restrictions under that amendment.

SA 4938. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 3076, to provide stability to and enhance the services of the United States Postal Service, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 210. STUDY AND REPORT ON LONG-TERM SUSTAINABILITY OF UNIVERSAL SERVICE OBLIGATION.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Postal Service, in consultation with the Commission and the Comptroller General of the United States, shall study and submit to Congress a report on the long-term sustainability of the universal service obligation (referred to in this section as the ''USO'') of the Postal Service.

(b) CONTENTS.—The report under subsection (a) shall include the following:

(1) An analysis of how the Postal Service and the Commission each interpret the legal definition and scope of the USO, including—

(A) any legal ambiguities regarding the scope of the USO; and

(B) any discrepancies between the interpretations of the Postal Service and the Commission.

(2) An analysis of how the legal definition of the USO impacts the ability of the Postal Service to achieve a financially sustainable business model.

(3) Recommendations on proposed changes or clarifications to the USO in order to achieve a financially sustainable business model, including recommendations on—

(A) the types of products that should minimally be covered by the USO and the types of products that should not be covered;

(B) the form or forms of delivery that should be required under the USO;

(C) the appropriate standard for access to postal services under the USO; and

(D) the proposed geographic scope of the USO.

SA 4939. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 3076, to provide stability to and enhance the services of the United States Postal Service, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 210. DISCLOSURE OF CERTAIN CONTRACTUAL PROVISIONS ON POSTAL SERVICE WEBSITE.

(a) SERVICE CONTRACT DEFINED.—For the purposes of this section, the term ''service contract'' means a contract between the Postal Service and a private business entity under which the Postal Service provides delivery services for the delivery of the competitive products of the private business entity.

(b) REQUIRED DISCLOSURE.—For any service contract, the Postal Service shall disclose to the public on the website of the Postal Service the service contract provisions, including—

(1) the rate to be paid for delivery services; and

(2) the main terms of the contract.

(c) EXCEPTION.—The disclosures required under subsection (b) shall not be construed to require the Postal Service to disclose to the public any information—

(1) described in section 410(c) of title 39, United States Code; or

(2) exempt from public disclosure under section 552(b) of title 5, United States Code.

SA 4940. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 3076, to provide stability to and enhance the services of the United States Postal Service, and for other purposes; which was ordered to lie on the table; as follows:

On page 56, beginning on line 13, strike ''If the Commission'' and all that follows through line 16 and insert the following: ''The Postal Service shall provide the Commission with all data necessary for the determination. If the Commission determines, after notice and opportunity for public comment, that revisions are appropriate, the Commission shall make modifications or adopt alternative methodologies as necessary. If the Commission determines, after notice and opportunity for public comment, that revisions are not appropriate, the Commission shall submit a detailed report to Congress with the specific reasons that revisions are not appropriate, including a detailed assessment of how the regulations ensure that all direct and indirect costs are attributed to each respective product.''.

SA 4941. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 3076, to provide stability to and enhance the services of the United States Postal Service, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 101.

SA 4942. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 3076, to provide stability to and enhance the services of the United States Postal Service, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, beginning on line 8, strike ''shall maintain'' and all that follows through ''shall occur at least'' on line 11 and insert the following: ''shall deliver market-dominant and competitive products (as defined in chapter 36 of this title) at least''.

SA 4943. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 3076, to provide stability to and enhance the services of the United States Postal Service, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 202.

SA 4944. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 3076, to provide stability to and enhance the services of the United States Postal Service, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, beginning on line 11, strike ''Delivery'' and all that follows through ''2022.'' on line 16 and insert the following: ''Delivery of essential products shall occur at least six days a week, except during weeks that include a Federal holiday, in emergency situations, such as natural disasters, or in geographic areas where the Postal Service has established a policy of delivering mail fewer than six days a week as of the date of enactment of the Postal Service Reform Act of 2022. For the purposes of this subsection, the term 'essential product' means an item required in order to sustain the health or life of an individual. Not later than 60 days after the date of enactment of the Postal Service Reform Act of 2022, the Postal Regulatory Commission shall conduct a rulemaking to specify the products that are essential products.''.

SA 4945. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 3076, to provide stability to and enhance the services of the United States Postal Service, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 204.

SA 4946. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 3076, to provide stability to and enhance the services of the United States Postal Service, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, beginning on line 3, strike '', except that'' and all that follows through ''costs attributable'' on line 7.

SA 4947. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 3076, to provide stability to and enhance the services of the United States Postal Service, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, after line 22, insert the following:

SEC. 203. MODE OF DELIVERY.

(a) IN GENERAL.—Section 101 of title 39, United States Code, is amended—

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

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

''(f) The Postal Service shall determine the appropriate mode of delivery for all products consistent with developing and maintaining a financially sustainable business model that takes into consideration the needs of customers.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 5001 of title 39, United States Code, is amended by striking ''section 101(e) and (f)'' and inserting ''subsections (e), (f), and (g) of section 101''.

SA 4948. Mr. ROMNEY submitted an amendment intended to be proposed by him to the bill H.R. 3076, to provide stability to and enhance the services of the United States Postal Service, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 104. ARBITRATION; LABOR DISPUTES.

Section 1207(c)(2) of title 39, United States Code, is amended—

(1) by inserting ''(A)'' after ''(2)'';

(2) by striking the last sentence and inserting ''The arbitration board shall render a decision not later than 45 days after the date of its appointment.''; and

(3) by adding at the end the following:

''(B) In rendering a decision under this paragraph, the arbitration board shall consider the financial condition of the Postal Service.''.

SA 4949. Ms. ERNST submitted an amendment intended to be proposed by her to the bill H.R. 3076, to provide stability to and enhance the services of the United States Postal Service, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. MILITARY ASSISTANCE FOR UKRAINE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the President should use the authorities vested in him by the Constitution of the United States and the law, including section 301 of title 3, United States Code, and sections 614(a)(3) and 652 of the Foreign Assistance Act of 1961 (22 U.S.C. 2364(a)(3), 2411), to provide immediate military assistance to Ukraine, including defense articles and services of the Department of Defense and military education and training, to defend the territorial integrity of Ukraine.

(b) TRANSFER OF DEFENSE SUPPORT CAPABILITIES AND DEFENSE ARTICLES.—

(1) AUTHORITY.—Notwithstanding any other provision of law, the Secretary of Defense may immediately transfer to Ukraine weapons, equipment, additional defense support capabilities, and relevant defense articles that have been authorized, procured, and contracted by, and are available to, the Department of Defense, as necessary to defend the territorial integrity of Ukraine against aggression and other malign influence by the Russian Federation.

(2) INCLUSIONS.—The capabilities referred to in paragraph (1) include the following:

(A) Small arms, crew-served weapons, grenade launchers, and ammunition previously allocated for provision to the Afghan Security Forces under the Afghan Security Forces Fund.

(B) Man-portable missiles and rockets in a ready-to-fire configuration, including Dragon, FGM-148 Javelins with command launch units, FIM-92 Stinger Missiles, and other light antitank weapons (66mm), shoulder-launched multipurpose assault weapon rockets (83mm), M136 (AT4) anti-armor launchers, M141 Bunker Defeat Munitions, and cartridges (84mm).

(C) Night thermal vision devices, including fused panoramic night vision goggles, squad binocular night vision goggles, night vision and thermal and infrared sights for crew-served weapons, binoculars, and rangefinders.

(D) Unmanned aerial vehicles (tactical and armed) and crew-served weapons ammunition with low-light and infrared night sights.

(E) Secure, commercial off-the-shelf communications capabilities, including handheld secure communications devices.

(F) Individual protective equipment.

(G) Field rations.

(H) Field medical kits.

SA 4950. Mr. RUBIO (for himself and Mr. SCOTT of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 3076, to provide stability to and enhance the services of the United States Postal Service, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 210. ZIP CODES.

Not later than 270 days after the date of enactment of this Act, the Postal Service shall designate a single, unique ZIP code for, as nearly as practicable, each of the following communities:

(1) Miami Lakes, Florida.

(2) Flanders, Northampton, and Riverside in the Town of Southampton, New York.

(3) Ocoee, Florida.

(4) Oakland, Florida.

(5) Glendale, New York.

(6) Village of Estero, Florida.

SA 4951. Mr. BRAUN submitted an amendment intended to be proposed by

him to the bill H.R. 3076, to provide stability to and enhance the services of the United States Postal Service, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 210. DONATIONS TO IMPROVE ACCESS TO POSTAL FACILITIES AND FOR THE RESTORATION OR MAINTENANCE OF ITEMS OF HISTORIC OR ARCHITECTURAL SIGNIFICANCE.

(a) IN GENERAL.—The Postal Service may accept gifts or donations—

(1) to improve access to facilities of the Postal Service; or

(2) for the purpose of restoration or maintenance of items of historic or architectural significance, including murals commissioned for United States post offices by the Procurement Division of the Department of the Treasury during the period from 1934 through 1943.

(b) AMENDMENTS TO REGULATIONS.—The Postal Service shall amend—

(1) section 255.8 of title 39, Code of Federal Regulations, to allow local postal managers to accept donations to local post offices for discretionary alterations to improve local post office facilities in a manner consistent with paragraph (a)(2) of that section; and

(2) section 777.51 of title 39, Code of Federal Regulations, in accordance with subsection (a)(2) of this section.

(c) DISCRETIONARY ALTERATIONS.—For purposes of subsection (b)(1), the term ''discretionary alteration'' includes a modification to the grounds of a local post office to promote accessibility.

SA 4952. Mr. BRAUN submitted an amendment intended to be proposed by him to the bill H.R. 3076, to provide stability to and enhance the services of the United States Postal Service, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 210. QUALIFICATIONS FOR CERTAIN GOVERNORS AND POSTMASTER GENERAL.

(a) GOVERNORS.—Section 202(a)(1) of title 39, United States Code, is amended by inserting after ''50,000 employees'' the following: ''and shall have significant knowledge of and expertise in finance, management, and business organization or operation''.

(b) POSTMASTER GENERAL.—Section 202(c) of title 39, United States Code, is amended—

(1) by inserting ''(1)'' after ''(c)''; and

(2) by adding at the end the following:

''(2) An individual appointed to serve as the Postmaster General shall have—

''(A) demonstrated ability in managing organizations or corporations that employ at least 50,000 employees; and

''(B) significant knowledge of and experience in finance, management, and business organization or operation.''.

SA 4953. Mr. PETERS (for himself and Mr. PORTMAN) proposed an amendment to the bill S. 3600, to improve the cybersecurity of the Federal Government, and for other purposes; as follows:

At the end of title I, add the following:

SEC. 123. FEDERAL CYBERSECURITY REQUIREMENTS.

(a) EXEMPTION FROM FEDERAL REQUIREMENTS.—Section 225(b)(2) of the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1523(b)(2)) is amended to read as follows:

''(2) EXCEPTION.—

''(A) IN GENERAL.—A particular requirement under paragraph (1) shall not apply to an agency information system of an agency if—

''(i) with respect to the agency information system, the head of the agency submits to the Director an application for an exemption from the particular requirement, in which the head of the agency personally certifies to the Director with particularity that—

''(I) operational requirements articulated in the certification and related to the agency information system would make it excessively burdensome to implement the particular requirement;

''(II) the particular requirement is not necessary to secure the agency information system or agency information stored on or transiting the agency information system; and

''(III) the agency has taken all necessary steps to secure the agency information system and agency information stored on or transiting the agency information system;

''(ii) the head of the agency or the designee of the head of the agency has submitted the certification described in clause (i) to the appropriate congressional committees and any other congressional committee with jurisdiction over the agency; and

''(iii) the Director grants the exemption from the particular requirement.

''(B) DURATION OF EXEMPTION.—

''(i) IN GENERAL.—An exemption granted under subparagraph (A) shall expire on the date that is 1 year after the date on which the Director granted the exemption.

''(ii) RENEWAL.—Upon the expiration of an exemption granted to an agency under subparagraph (A), the head of the agency may apply for an additional exemption.''.

(b) REPORT ON EXEMPTIONS.—Section 3554(c)(1) of title 44, United States Code, as amended by section 103(c) of this title, is amended—

(1) in subparagraph (C), by striking ''and'' at the end;

(2) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(E) with respect to any exemption the Director of the Office of Management and Budget has granted the agency under section 225(b)(2) of the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1523(b)(2)) that is effective on the date of submission of the report—

''(i) an identification of each particular requirement from which any agency information system (as defined in section 2210 of the Homeland Security Act of 2002 (6 U.S.C. 660)) is exempted; and

''(ii) for each requirement identified under clause (i)—

''(I) an identification of the agency information system described in clause (i) exempted from the requirement; and

''(II) an estimate of the date on which the agency will to be able to comply with the requirement.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 1 year after the date of enactment of this Act.

SA 4954. Mr. PETERS (for Mr. WICKER) proposed an amendment to the bill S. 3600, to improve the cybersecurity of the Federal Government, and for other purposes; as follows:

On page 18, strike line 10 and insert the following:

''agency.

''(o) REVIEW OF OFFICE OF MANAGEMENT AND BUDGET GUIDANCE AND POLICY.—

''(1) REVIEW.—

''(A) IN GENERAL.—Not less frequently than once every 3 years, the Director, in consultation with the Chief Information Officers Council, the Director of the Cybersecurity and Infrastructure Security Agency, the National Cyber Director, the Comptroller General of the United States, and the Council of the Inspectors General on Integrity and Efficiency, shall—

''(i) review the efficacy of the guidance and policy developed by the Director under subsection (a)(1) in reducing cybersecurity risks, including an assessment of the requirements for agencies to report information to the Director; and

''(ii) determine whether any changes to the guidance or policy developed under subsection (a)(1) is appropriate.

''(B) CONSIDERATIONS.—In conducting the review required under subparagraph (A), the Director shall consider—

''(i) the Federal risk assessments performed under subsection (i);

''(ii) the cumulative reporting and compliance burden to agencies; and

''(iii) the clarity of the requirements and deadlines contained in guidance and policy documents.

''(2) UPDATED GUIDANCE.—Not later than 90 days after the date on which a review is completed under paragraph (1), the Director shall issue updated guidance or policy to agencies determined appropriate by the Director, based on the results of the review.

''(3) PUBLIC REPORT.—Not later than 30 days after the date on which the Director completes a review under paragraph (1), the Director shall make publicly available a report that includes—

''(A) an overview of the guidance and policy developed under subsection (a)(1) that is in effect;

''(B) the cybersecurity risk mitigation, or other cybersecurity benefit, offered by each guidance or policy described in subparagraph (A);

''(C) a summary of the guidance or policy developed under subsection (a)(1) to which changes were determined appropriate during the review; and

''(D) the changes that are anticipated to be included in the updated guidance or policy issued under paragraph (2).

''(4) CONGRESSIONAL BRIEFING.—Not later than 60 days after the date on which a review is completed under paragraph (1), the Director shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives a briefing on the review.

''(p) AUTOMATED STANDARD IMPLEMENTATION VERIFICATION.—When the Director of the National Institute of Standards and Technology issues a proposed standard pursuant to paragraphs (2) or (3) of section 20(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(a)), the Director of the National Institute of Standards and Technology shall consider developing and, if appropriate and practical, develop, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, specifications to enable the automated verification of the implementation of the controls within the standard.'';

On page 26, line 15, strike ''considering—'' and all that follows through ''and'' on line 23 and insert ''considering the agency risk assessment performed under subsection (a)(1)(A); and''.

On page 74, strike line 10 and all that follows through page 80, line 19.

On page 99, line 17, strike ''the use of—'' and all that follows through ''additional'' on line 21 and insert ''the use of additional''.

SA 4955. Mr. SCHUMER (for Mr. PETERS) proposed an amendment to the bill H.R. 3076, to provide stability to

and enhance the services of the United States Postal Service, and for other purposes; as follows:

On page 61, line 18, strike ''240 days'' and insert ''eight months''.

AUTHORITY FOR COMMITTEES TO MEET

Mr. KAINE. Mr. President, I have 6 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority Leaders.

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

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, March 1, 2022, at 9:30 a.m., to conduct a hearing.

COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Tuesday, March 1, 2022, at 10 a.m., to conduct a hearing on nominations.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Tuesday, March 1, 2022, at 10 a.m., to conduct a hearing.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Tuesday, March 1, 2022, at 10 a.m., to conduct a classified briefing.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Tuesday, March 1, 2022, at 10 a.m., to conduct a hearing.

COMMITTEE ON VETERANS' AFFAIRS

The Committee on Veterans' Affairs is authorized to meet during the session of the Senate on Tuesday, March 1, 2022, at 10 a.m., to conduct a joint hearing.

PRESIDENTIAL MESSAGE

REPORT ON THE STATE OF THE UNION DELIVERED TO A JOINT SESSION OF CONGRESS ON MARCH 1, 2022—PM 21

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States which was ordered to lie on the table:

To the Congress of the United States:

Madam Speaker. Madam Vice President. Our First Lady and Second Gentleman. Members of Congress and the Cabinet. Justices of the Supreme Court. My fellow Americans.

Last year—COVID–19 kept us apart. This year—we are finally together again. Tonight we meet as—Democrats—Republicans—and Independents. But most importantly—as Americans. With a duty to one another—to the American people, to the Constitution.

And with an unwavering resolve—that freedom will always triumph over tyranny.

Six days ago—Russia's Vladimir Putin sought to shake the foundations of the free world—thinking he could make it bend to his menacing ways. But he badly miscalculated. He thought he could roll into Ukraine—and the world would roll over.

Instead—he met a wall of strength he never imagined. He met the Ukrainian people. From President Zelenskyy to every Ukrainian—their fearlessness—their courage—their determination—inspires the world. Groups of citizens blocking tanks with their bodies. Everyone from students to retirees—teachers turned soldiers—defending their homeland.

In this struggle—as President Zelenskyy said in his speech to the European Parliament—''light will win over darkness.''

The Ukrainian Ambassador to the United States is here tonight. Let each of us here tonight—in this Chamber—send an unmistakable signal to Ukraine and to the world.

Please rise if you are able—and show that—YES—WE the United States of America—stand with the Ukrainian people.

Throughout our history—we've learned this lesson—when dictators do not pay a price for their aggression—they cause more chaos. They keep moving. And the costs and the threats—to America and the world—keep rising.

That's why the NATO Alliance was created—to secure peace and stability in Europe after World War II. The United States is a member—along with 29 other nations. It matters. American diplomacy matters. American resolve matters.

Putin's latest attack on Ukraine was premeditated and unprovoked. He rejected repeated efforts at diplomacy. He thought the West—and NATO—wouldn't respond. And he thought he could divide us at home. Putin was WRONG. We were ready. Here is what we did.

We prepared—extensively and carefully. We spent months building a coalition of other freedom-loving nations from—Europe and the Americas—to Asia and Africa—to confront Putin.

I spent countless hours—unifying our European allies. We shared with the world—in advance—what we knew Putin was planning—and precisely how he would try to falsely justify his aggression. We countered Russia's lies with truth.

And now that he has acted—the free world is holding him accountable. Along with—27 members of the European Union—including France, Germany, Italy—as well as countries like—the United Kingdom—Canada—Japan—Korea—Australia—New Zealand, and many others—EVEN Switzerland—we are inflicting pain on Russia and supporting the people of Ukraine.

Putin is now isolated from the world more than ever.

Together with our allies—we are RIGHT NOW—enforcing powerful economic sanctions. We are—cutting off Russia's largest banks from the international financial system. Preventing Russia's central bank from defending the Russian Ruble—making Putin's $630 billion ''war fund''—worthless. We are choking off Russia's access to technology that will sap its economic strength and weaken its military for years to come.

Tonight—I say to the Russian oligarchs and corrupt leaders—who have bilked billions of dollars off this violent regime—NO MORE.

The U.S. Department of Justice is assembling a dedicated task force to go after the crimes of Russian oligarchs.

We are joining with our European allies to—find and seize—your yachts—your luxury apartments—your private jets. We are coming for your ill-begotten gains.

And tonight—I am announcing that we will join our allies in closing off American air space to ALL Russian flights—further isolating Russia—and adding an additional squeeze—on their economy.

The Ruble has lost 30 percent of its value. The Russian stock market has lost 40 percent of its value and trading remains suspended.

Russia's economy is reeling—and Putin alone is to blame.

Together with our allies—we are providing support to the Ukrainians in their fight for freedom. Military assistance. Economic assistance. Humanitarian assistance. We are giving more than $1 billion in direct assistance to Ukraine.

And we will continue to aid the Ukrainian people—as they defend their country and to help ease their suffering.

Let me be clear—our forces ARE NOT engaged and WILL NOT engage—in conflict with Russian forces in Ukraine.

Our forces are NOT going to Europe to fight in Ukraine—but to DEFEND our NATO Allies—in the event that Putin decides to keep moving west.

For that purpose—we've mobilized American—ground forces—air squadrons—and ship deployments to protect NATO countries—including—Poland—Romania—Latvia—Lithuania—and Estonia.

As I have made crystal clear—the United States and our Allies will defend every inch of territory of NATO countries—with the full force of our collective power.

And we remain clear-eyed. The Ukrainians are fighting back—with pure courage. But the next few—days—weeks—months—will be hard on them.

Putin has unleashed violence and chaos. But while he may make gains on

the battlefield—he will pay a continuing high price over the long run.

And a proud Ukrainian people—who have known 30 years of independence—have repeatedly shown—that they will not tolerate anyone who tries to take their country backwards.

To all Americans—I will be honest with you—as I've always promised.

A Russian dictator invading a foreign country has costs around the world.

And I'm taking robust action to make sure the pain of our sanctions is targeted at Russia's economy.

And I will use every tool at our disposal to protect American businesses and consumers.

Tonight—I can announce that—the United States has worked with 30 other countries—to release 60 million barrels of oil—from reserves around the world.

America will lead that effort—releasing 30 million barrels from our own Strategic Petroleum Reserve.

And we stand ready—to do more if necessary—Unified with our allies.

These steps will help blunt gas prices here at home.

And I know the news about what's happening can seem alarming.

But I want you to know that—we're going to be okay.

When the history of this era is written—Putin's war on Ukraine will have left Russia weaker and the rest of the world stronger.

While it shouldn't have taken something so terrible for people around the world to see what's at stake—now everyone sees it clearly.

We see the unity among leaders of nations—and a more unified Europe—a more unified West.

And we see unity among the people—who are gathering in cities in large crowds around the world—even in Russia—to demonstrate their support for Ukraine.

In the battle between democracy and autocracy—democracies are rising to the moment—and the world is clearly choosing the side—of peace and security.

This is a real test. It's going to take time.

So—let us continue to draw inspiration from the iron will of the Ukrainian people.

To our fellow Ukrainian Americans—who forge a deep bond that connects our two nations—we stand with you.

Putin may circle Kyiv with tanks—but he will never gain the hearts and souls of the Ukrainian people. He will never extinguish their love of freedom. He will never weaken the resolve of the free world.

We meet tonight—in an America that has lived through two of the hardest years this Nation has ever faced.

The pandemic has been punishing.

And so many families are living paycheck to paycheck.

Struggling to keep up with the rising cost of—food—gas—housing—and so much more. I understand.

I remember when my Dad had to leave our home in Scranton, Pennsylvania to find work.

I grew up in a family—where if the price of food went up—you felt it. That's why one of the first things I did as President was fight to pass the American Rescue Plan. Because people were hurting—we needed to act—and we did. Few pieces of legislation have done more—in a critical moment in our history—to lift us out of crisis. It fueled our efforts to—vaccinate the Nation and combat COVID–19. It delivered immediate economic relief—for tens of millions of Americans. Helped put food on their tables—keep a roof over their heads—and cut the cost of health insurance.

And as my Dad used to say—it gave people a little breathing room.

And unlike the $2 trillion tax cut passed in the previous administration that benefitted the top 1 percent of Americans—the American Rescue Plan helped working people—and left no one behind. And it worked. It created jobs. Lots of jobs.

In fact—our economy created over 6.5 million new jobs just last year. More jobs created in 1 year than ever before.

Our economy grew at a rate of 5.7 percent last year—the strongest growth in nearly 40 years.

The first step in bringing fundamental change to an economy that hasn't worked for the working people of this Nation for too long.

For the past 40 years—we were told that if we gave tax breaks to those at the very top—the benefits would trickle down to everyone else.

But that trickle-down theory led to—weaker economic growth—lower wages—bigger deficits and the widest gap between those at the top and everyone else—in nearly a century.

Vice President HARRIS and I ran for office—with a new economic vision for America. Invest in America. Educate Americans. Grow the workforce. Build the economy from the bottom up—and the middle out—not from the top down. Because we know that when the middle class grows—the poor have a ladder up—and the wealthy do very well.

America used to have the best—roads—bridges—and airports on Earth. Now our infrastructure is ranked 13th in the world. We won't be able to compete for the jobs of the 21st Century—if we don't fix that.

That's why it was so important to pass the Bipartisan Infrastructure Law—the most sweeping investment to rebuild America in history. This was a bipartisan effort—and I want to thank the members of both parties who worked to make it happen.

We're done talking about infrastructure weeks. We're going to have an infrastructure decade. It is going to transform America. And put us on a path to win—the economic competition of the 21st Century that we face with the rest of the world—particularly with China.

As I've told Xi Jinping—it is never a good bet to bet against the American people. We'll create good jobs for millions of Americans—modernizing roads, airports, ports, and waterways—all across America.

And we'll do it all to withstand the devastating effects of the climate crisis—and promote environmental justice. We'll build—a national network of 500,000 electric vehicle charging stations. Begin to replace—poisonous lead pipes—so every child—and every American—has clean water to drink at home and school. Provide affordable high-speed internet for every American—urban, suburban, rural, and tribal communities. 4,000 projects have already been announced.

And tonight—I'm announcing that this year—we will start fixing over 65,000 miles of highway and 1,500 bridges in disrepair.

When we use taxpayer dollars to rebuild America—we are going to Buy American. Buy American products—to support American jobs. The Federal Government spends about $600 billion a year to keep the country safe and secure. There's been a law on the books for almost a century—to make sure taxpayers' dollars support American jobs and businesses.

Every administration says they'll do it. But we're actually doing it. We will buy American to make sure everything from the deck of an aircraft carrier—to the steel on highway guardrails—are made in America.

But to compete for the best jobs of the future—we also need to level the playing field with China and other competitors.

That's why—it is so important to pass the Bipartisan Innovation Act sitting in Congress—that will make record investments in emerging technologies—and American manufacturing.

Let me give you one example of why—it's so important to pass it. If you travel 20 miles east of Columbus, Ohio—you'll find 1,000 empty acres of land. It won't look like much. But if you stop—and looked closely—you'll see a ''field of dreams''. The ground on which America's future will be built.

This is where Intel—the American company that helped build Silicon Valley—is going to build its $20 billion semiconductor ''mega site''. Up to eight state-of-the-art factories in one place. 10,000 new good-paying jobs. Some of the most sophisticated manufacturing in the world—to make computer chips the size of a fingertip—that power the world and our everyday lives. Smartphones. The Internet. Technology we have yet to invent.

But—that's just the beginning.

Intel's CEO—Pat Gelsinger—who is here tonight—told me they are ready to increase their investment from $20 billion to $100 billion. That would be one of the biggest investments in manufacturing in American history.

And all they're waiting for—is for you to pass this bill.

So—let's not wait any longer. Send it to my desk. I'll sign it. And we will really take off.

And Intel is not alone. There's something happening in America. Just look

around—and you'll see an amazing story. The rebirth of the pride that comes from stamping products ''Made In America''. The revitalization of American manufacturing—Companies are choosing to build new factories here—when just a few years ago—they would have built them overseas.

That's what is happening—Ford is investing $11 billion to build electric vehicles—creating 11,000 jobs across the country. GM is making the largest investment in its history—$7 billion to build electric vehicles—creating 4,000 jobs in Michigan.

All told—we created 369,000 new manufacturing jobs in America—just last year. Powered by people I've met—like JoJo Burgess—from generations of union steelworkers in Pittsburgh—who's here with us tonight.

As Ohio Senator SHERROD BROWN says—''It's time to bury the label ''Rust Belt.'' It's time.

But with all the bright spots in our economy—record job growth and higher wages—too many families are struggling to keep up with the bills. Inflation is robbing them of the gains they might otherwise feel. I get it.

That's why my top priority is getting prices under control. Look—our economy roared back faster than most predicted—but the pandemic meant that businesses had a hard time hiring enough workers to keep up production in their factories.

The pandemic also disrupted global supply chains. When factories close—it takes longer to make goods and get them from the warehouse to the store—and prices go up.

Look at cars. Last year—there weren't enough semiconductors to make all the cars that people wanted to buy. And guess what—prices of automobiles went up.

So—we have a choice. One way to fight inflation is to drive down wages and make Americans poorer.

I have a better plan to fight inflation. Lower your COSTS—not your wages. Make more cars and semiconductors in America. More infrastructure and innovation—in America. More goods moving faster and cheaper—in America. More jobs where you can earn a good living—in America.

And instead of relying on foreign supply chains—let's make it in America. Economists call it—''increasing the productive capacity of our economy.'' I call it building a better America.

My plan to fight inflation—will lower your costs and lower the deficit. 17 Nobel laureates in economics say my plan will ease long-term inflationary pressures. Top business leaders and most Americans—support my plan. And here's the plan.

First—cut the cost of prescription drugs. Just look at insulin. One in ten Americans has diabetes. In Virginia—I met a 13-year-old boy named Joshua Davis. He and his Dad both have Type 1 diabetes—which means they need insulin every day. Insulin costs about $10 a vial to make. But drug companies charge families like Joshua and his Dad up to 30 times more. I spoke with Joshua's mom. Imagine what it's like to—look at your child who needs insulin and have no idea how you're going to pay for it. What it does to your dignity—your ability to look your child in the eye to be the parent you expect to be.

Joshua is here with us tonight. Yesterday was his birthday. Happy birthday, buddy. For Joshua—and for the 200,000 other young people with Type 1 diabetes—let's cap the cost of insulin at $35 a month so everyone can afford it.

Drug companies will still do very well. And while we're at it—let Medicare negotiate lower prices for prescription drugs—like the VA already does.

Look—the American Rescue Plan—is helping millions of families on Affordable Care Act plans—save $2,400 a year on their health care premiums. Let's close the coverage gap and make those savings PERMANENT.

Second—cut energy costs for families—an average of $500 a year—by combatting climate change.

Let's provide investments and tax credits to weatherize your homes and businesses to be energy efficient and you get a tax credit, double America's clean energy production in solar, wind, and so much more, and lower the price of electric vehicles—saving you another $80 a month because you'll never have to pay at the gas pump again.

Third—cut the cost of child care. Many families pay up to $14,000 a year for child care per child. Middle-class and working families shouldn't have to pay more than 7 percent of their income for care of young children.

My plan will cut the cost in half for most families—and help parents—including millions of women—who left the workforce during the pandemic because they couldn't afford child care—to be able to get back to work.

My plan doesn't stop there. It also includes home and long-term care. More affordable housing. And Pre-K for every 3- and 4-year-old. All of these will lower costs.

And under my plan—nobody earning less than $400,000 a year—will pay an additional penny in new taxes. Nobody.

The one thing all Americans agree on is that the tax system is NOT fair. We have to fix it. I'm not looking to punish anyone. But let's make sure corporations and the wealthiest Americans—start paying their fair share.

Just last year—55 Fortune 500 corporations earned $40 billion in profits and paid zero dollars in Federal income tax.

That's simply not fair. That's why I've proposed a 15 percent minimum tax rate for corporations.

We got more than 130 countries to agree on a global minimum tax rate—so companies can't get out of paying their taxes at home by shipping jobs and factories overseas.

That's why I've proposed—closing loopholes so the very wealthy—don't pay a lower tax rate than a teacher or a firefighter.

So—that's my plan. It will grow the economy—and lower costs for families.

So—what are we waiting for? Let's get this done.

And while you're at it—confirm my nominees to the Federal Reserve—which plays a critical role in fighting inflation.

My plan will not only lower costs to give families a fair shot—it will lower the deficit.

The previous administration not only ballooned the deficit with tax cuts for the very wealthy and corporations—it undermined the watchdogs whose job was to keep pandemic relief funds from being wasted.

But in my Administration—the watchdogs have been—welcomed back. We're going after the criminals—who stole billions in relief money meant for small businesses and millions of Americans.

And tonight—I'm announcing that the Justice Department will name a chief prosecutor for pandemic fraud.

By the end of this year—the deficit will be down to less than half what it was before I took office. The only President ever to cut the deficit by more than one trillion dollars in a single year.

Lowering your costs—also means demanding more competition. I'm a capitalist—but capitalism without competition isn't capitalism. It's exploitation—and it drives up prices. When corporations don't have to compete—their profits go up—your prices go up—and small businesses—and family farmers and ranchers—go under. We see it happening with ocean carriers moving goods in and out of America.

During the pandemic, these foreign-owned companies raised prices by as much as 1,000 percent—and made record profits.

Tonight—I'm announcing a crackdown on these companies overcharging American businesses and consumers.

And as Wall Street firms take over more nursing homes—quality in those homes has gone down—and costs have gone up. That ends on my watch.

Medicare is going to set higher standards for nursing homes—and make sure your loved ones get the care they deserve and expect.

We'll also cut costs and keep the economy going strong—by giving workers a fair shot—provide more training and apprenticeships—hire them based on their skills not degrees.

Let's pass the Paycheck Fairness Act and paid leave. Raise the minimum wage to $15 an hour—and extend the Child Tax Credit—so no one has to raise a family in poverty.

Let's increase Pell Grants—and increase our historic support of HBCUs—and invest in what Jill—our First Lady who teaches full-time—calls America's best-kept secret—community colleges.

And let's pass the PRO Act—when a majority of workers want to form a union—they shouldn't be stopped.

When we invest in our workers—when we build the economy from the bottom up and the middle out—together—we can do something we haven't done in a long time. Build a better America.

For more than 2 years—COVID–19 has impacted every decision in our lives—and the life of the Nation.

And I know you're—tired—frustrated—and exhausted.

But I also know this. Because of the progress we've made—because of your resilience—and the tools we have—tonight—I can say—we are moving forward safely back to more normal routines.

We've reached a new moment in the fight against COVID–19—with severe cases down to a level not seen since last July.

Just a few days ago—the Centers for Disease Control and Prevention—the CDC—issued new mask guidelines. Under these new guidelines—most Americans in most of the country—can now be mask free.

And based on the projections—more of the country will reach that point across the next couple of weeks. Thanks to the progress we have made this past year—COVID–19 no longer controls our lives. I know some are talking about ''living with COVID–19''. Tonight—I say that we will never just accept living with COVID–19. We will continue to combat the virus—as we do other diseases.

And because this is a virus that mutates and spreads—we will stay on guard.

Here are four common sense steps as we move forward safely.

First—stay protected with vaccines and treatments. We know how incredibly effective vaccines are. If you're vaccinated and boosted you have the highest degree of protection. We will never give up on vaccinating more Americans.

Now—I know parents with kids under 5 are eager to see a vaccine authorized for their children. The scientists are working hard to get that done—and we'll be ready with plenty of vaccines when they do.

We're also ready with anti-viral treatments. If you get COVID–19—the Pfizer pill reduces your chances of ending up in the hospital by 90 percent. We've ordered more of these pills than anyone in the world.

And Pfizer is working overtime to get us 1 million pills this month—and more than double that next month.

And—we're launching the ''Test to Treat'' initiative so people can get tested at a pharmacy—and if they're positive—receive antiviral pills on the spot at no cost.

If you're immunocompromised—or have some other vulnerability—we have treatments and free high-quality masks. We're leaving no one behind—or ignoring anyone's needs as we move forward. And on testing—we have made hundreds of millions of tests available for you to order for free.

Even if you already ordered free tests—tonight—I am announcing that you can order more from COVIDTESTS.gov starting next week.

Second—we must prepare for new variants. Over the past year—we've gotten much better at detecting new variants. If necessary—we'll be able to deploy new vaccines within 100 days instead of many more months or years. And—if Congress provides the funds we need—we'll have new stockpiles of—tests, masks, and pills ready if needed.

I cannot promise a new variant won't come. But I can promise you we'll do everything within our power to be ready if it does.

Third—we can end the shutdown of schools and businesses. We have the tools we need. It's time for Americans to get back to work—and fill our great downtowns again. People working from home—can feel safe to begin to return to the office.

We're doing that here in the Federal Government. The vast majority of Federal workers will once again work in person.

Our schools are open—let's keep it that way. Our kids need to be in school.

And with 75 percent of adult Americans fully vaccinated—and hospitalizations down by 77 percent—most Americans—can remove their masks—return to work—stay in the classroom—and move forward safely.

We achieved this because we provided—free vaccines—treatments—tests—and masks.

Of course—continuing this costs money. I will soon send Congress a request. The vast majority of Americans have used these tools and may want to again—so I expect Congress to pass it quickly.

Fourth—we will continue vaccinating the world. We've sent 475 million vaccine doses to 112 countries—more than any other nation. And we won't stop.

We have lost so much to COVID–19. Time with one another. And worst of all—so much loss of life. Let's use this moment to re-set. Let's stop looking at COVID–19—as a partisan dividing line—and see it for what it is—a God-awful disease. Let's stop seeing each other as enemies—and start seeing each other for who we really are: fellow Americans.

We can't change how divided we've been. But we can change how we move forward—on COVID–19—and other issues we must face together.

I recently visited the New York City Police Department days after the funerals of Officer Wilbert Mora—and his partner—Officer Jason Rivera. They were responding to a 9–1–1 call—when a man shot and killed them with a stolen gun. Officer Mora was 27 years old. Officer Rivera was 22. Both Dominican Americans who'd grown up on the same streets they later chose to patrol as police officers. I spoke with their families—and told them—that we are forever in debt for their sacrifice—and we will carry on their mission to restore the trust and safety every community deserves.

I've worked on these issues a long time. I know what works investing in crime prevention and community police officers—who'll walk the beat—who'll know the neighborhood and who can restore trust and safety. So let's not abandon our streets. Or choose between safety and equal justice. Let's come together to protect our communities—restore trust—and hold law enforcement accountable.

That's why the Justice Department required body cameras—banned chokeholds—and restricted no-knock warrants for its officers. That's why the American Rescue Plan provided $350 billion that cities, States, and counties—can use to hire more police—and invest in proven strategies like community violence interruption—trusted messengers breaking the cycle of violence and trauma and giving young people hope.

We should all agree—the answer is not to defund the police. The answer is to FUND the police—with the resources and training they need to protect our communities.

I ask Democrats and Republicans alike: Pass my budget and keep our neighborhoods safe.

And I will keep doing everything in my power to crack down on gun trafficking and ghost guns you can buy online and make at home. They have no serial numbers—and can't be traced.

And I ask Congress to pass proven measures to reduce gun violence. Pass universal background checks. Why should anyone on a terrorist list be able to purchase a weapon? Ban assault weapons and high-capacity magazines. Repeal the liability shield that makes gun manufacturers the only industry in America that can't be sued. These laws don't infringe on the Second Amendment. They save lives.

The most fundamental right in America is the right to vote—and have it counted. And it's under assault. In State after State—new laws have been passed—not only to suppress the vote—but to subvert entire elections. We cannot let this happen.

Tonight—I call on the Senate to: Pass the Freedom to Vote Act; Pass the John Lewis Voting Rights Act; and while you're at it—pass the Disclose Act—so Americans can know who is funding our elections.

Tonight—I'd like to honor someone who has dedicated his life to serve this country—Justice Stephen Breyer—an Army veteran—Constitutional scholar—and retiring Justice of the United States Supreme Court.

Justice Breyer—thank you for your service.

One of the most serious constitutional responsibilities a President has—is nominating someone to serve on the United States Supreme Court. And I did that 4 days ago—when I nominated Circuit Court of Appeals Judge Ketanji Brown Jackson.

One of our Nation's top legal minds who will continue Justice Breyer's legacy of excellence. A former top litigator in private practice. A former Federal public defender. And from a family of—public school educators and police officers—a consensus builder.

Since she's been nominated—she's received a broad range of support—from the Fraternal Order of Police to former judges appointed by Democrats and Republicans.

And if we are to advance liberty and justice—we need to secure the border and fix the immigration system. We can do both.

At our border—we've installed new technology—like cutting-edge scanners—to better detect drug smuggling. We've set up joint patrols with Mexico and Guatemala to catch more human traffickers. We're putting in place dedicated immigration judges so families fleeing persecution and violence can have their cases heard faster. We're securing commitments and supporting partners in South and Central America to host more refugees and secure their own borders.

We can do all this while keeping lit the torch of liberty that has led generations of immigrants to this land—my forefathers and so many of yours. Provide a pathway to citizenship—for Dreamers—those on temporary status—farm workers—and essential workers.

Revise our laws—so businesses have the workers they need and families don't wait decades to reunite. It's not only the right thing to do—it's the economically smart thing to do.

That's why immigration reform is supported by—everyone from labor unions to religious leaders to the U.S. Chamber of Commerce. Let's get it done once and for all.

Advancing liberty and justice also requires protecting the rights of women. The constitutional right affirmed in Roe v. Wade—standing precedent for half a century—is under attack—as never before. If we want to go forward—not backward—we must protect access to health care. Preserve a woman's right to choose. And let's continue to advance maternal health care in America.

And for our LGBTQ+ Americans—let's finally get the bipartisan Equality Act to my desk. The onslaught of State laws targeting transgender Americans and their families is WRONG. As I said last year—especially to our younger transgender Americans—I will always have your back as your President—so you can be yourself—and reach your God-given potential.

While it often appears that we never agree—that isn't true.

I signed 80 bipartisan bills into law last year. From preventing government shutdowns. To protecting Asian-Americans from—still-too-common hate crimes. To reforming military justice. And soon—we'll strengthen the Violence Against Women Act that I first wrote three decades ago.

It is important for us to show the Nation that we can come together and do big things.

So—tonight I'm offering a Unity Agenda for the Nation. Four big things we can do together.

First—beat the opioid epidemic. There is so much we can do. Increase funding for—prevention—treatment—harm reduction—and recovery. Get rid of outdated rules that stop doctors from prescribing treatments.

And stop the flow of illicit drugs by working with State and local law enforcement to go after traffickers.

If you're suffering from addiction—know you are not alone. I believe in recovery—and I celebrate the 23 million Americans in recovery.

Second—let's take on mental health. Especially among our children whose lives and education have been turned upside down. The American Rescue Plan gave schools money to hire teachers and help students make up for lost learning. I urge every parent to make sure your school does just that. And we can all play a part. Sign up to be a tutor or a mentor.

Children were also struggling before the pandemic. Bullying—violence—trauma—and the harms of social media. As Frances Haugen—who is here with us tonight—has shown we must hold social media platforms accountable for the national experiment they're conducting on our children—for profit.

It's time to—strengthen privacy protections—ban targeted advertising to children—demand tech companies stop collecting personal data on our children.

And let's get all Americans the mental health services they need. More people they can turn to for help and full parity between physical and mental health care.

Third—support our veterans. Veterans are the best of us. I've always believed that—we have a sacred obligation to equip all those we send to war—and care for them and their families when they come home.

My Administration is providing assistance with job training and housing—and now helping lower-income veterans get VA care debt-free.

Our troops in Iraq and Afghanistan faced many dangers. One was being stationed at bases—and breathing in—toxic smoke from ''burn pits'' that incinerated—wastes of war—medical and hazard material, jet fuel, and more.

When they came home many of the world's fittest and best trained warriors were never the same.

Headaches. Numbness. Dizziness. A cancer that would put them in a flag-draped coffin. I know. One of those soldiers was my Major Beau Biden. We don't know for sure if a burn pit was the cause of his brain cancer or the diseases of so many of our troops. But I'm committed to finding out everything we can. Committed to military families like Danielle Robinson from Ohio, the widow of Sergeant First Class Heath Robinson. He was born a soldier. Army National Guard. Combat medic in Kosovo and Iraq. Stationed near Baghdad just yards from burn pits the size of football fields.

Heath's widow Danielle is here with us tonight. They loved going to Ohio State football games. He loved building Legos with their daughter. But cancer from prolonged exposure to burn pits ravaged Heath's lungs and body. Danielle says Heath was a fighter to the very end. He didn't know how to stop fighting—and neither did she. Through her pain—she found purpose—to demand we do better.

Tonight—Danielle—we are.

The VA is pioneering new ways of linking toxic exposures to diseases—already helping more veterans get benefits.

And tonight—I'm announcing we're expanding eligibility to veterans suffering from nine respiratory cancers.

I'm also calling on Congress—Pass a law to make sure veterans devastated by toxic exposures in Iraq and Afghanistan finally get the benefits and comprehensive health care they deserve.

And fourth—let's end cancer as we know it.

This is personal to me and Jill—to KAMALA and to so many of you. Cancer is the #2 cause of death in America—second only to heart disease.

Last month—I announced our plan to supercharge the Cancer Moonshot that President Obama asked me to lead 6 years ago.

Our goal is to—cut the cancer death rate by at least 50 percent over the next 25 years.

Turn more cancers from death sentences into treatable diseases. More support for patients and families.

To get there—I call on Congress to fund ARPA–H—the Advanced Research Projects Agency for Health.

It's based on DARPA—the Defense Department project that led to the Internet, GPS, and so much more.

ARPA–H will have a singular purpose—to drive breakthroughs in cancer—Alzheimer's—diabetes—and more.

A unity agenda for the Nation. We can do this.

My fellow Americans—tonight—we have gathered in a sacred space—The citadel of our democracy. In this Capitol—generation after generation—Americans have debated great questions amid great strife—and have done great things.

We have fought for freedom. Expanded liberty. Defeated totalitarianism and terror. And built the—Strongest. Freest. And most prosperous Nation the world has ever known.

Now is the hour. Our moment of responsibility. Our test of resolve and conscience—Of history itself.

It is in this moment that our character is formed. Our purpose is found. Our future is forged. Well—I know this Nation—we will meet the test.

To protect freedom and liberty. To expand fairness and opportunity. We will save democracy.

As hard as these times have been—I am more optimistic about America today than I have been my whole life.

Because I see the future that is within our grasp.

Because I know there is simply nothing beyond our capacity.

We are the only nation on Earth that has always turned every crisis we have faced into an opportunity.

The only nation that can be defined by a single word: Possibilities.

So on this night—in our 246th year as a Nation—I have come to report on the State of the Union.

And my report is this: the State of the Union is strong—because you—the American people—are strong.

We are stronger today—than we were a year ago.

And we will be stronger a year from now than we are today.

Now is our moment—to meet and—overcome the challenges—of our time.

And we will.

As One People.

One America.

The United States of America.

May God bless you all. May God protect our troops.

JOSEPH R. BIDEN, Jr.,
THE WHITE HOUSE, *March 1, 2022*.

APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the Majority Leader, pursuant to the provisions of Public Law 106–398, as amended by Public Law 108–7, and in consultation with the Chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, the appointment of the following individuals to serve as members of the United States-China Economic and Security Review Commission: the Honorable Carte P. Goodwin, of West Virginia, for a term beginning January 1, 2022, and expiring December 31, 2023 (reappointment); and James Mann, of New York, for a term beginning January 1, 2022, expiring December 31, 2023.

MEASURES READ THE FIRST TIME EN BLOC—S. 3717, S. 3723, AND S. 3724

Mr. SCHUMER. Mr. President, I understand that there are three bills at the desk, and I ask for their first readings en bloc.

The PRESIDING OFFICER. The clerk will read the bills by title for the first time en bloc.

The senior assistant legislative clerk read as follows:

A bill (S. 3717) to withdraw normal trade relations treatment from, and apply certain provisions of title IV of the Trade Act of 1974 to, products of the Russian Federation, and for other purposes.

A bill (S. 3723) to impose sanctions with respect to the Russian Federation in response to the invasion of Ukraine, to confiscate assets of the Russian Federation and remit those assets to the legitimate Government of Ukraine, and for other purposes.

A bill (S. 3724) to provide emergency supplemental appropriations in response to the crisis in Ukraine, and for other purposes.

Mr. SCHUMER. I now ask for a second reading, and I object to my own request, all en bloc.

The PRESIDING OFFICER. Objection is heard.

The bills will now receive their second readings on the next legislative day.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations en bloc: Calendar Nos. 639, 409, 411, 693, and 694; that the Senate vote on the nominations en bloc without intervening action or debate; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate resume legislative session.

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

The question is, Will the Senate advise and consent to the nominations of Donald Armin Blome, of Illinois, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Pakistan; Raymond A. Limon, of Nevada, to be a Member of the Merit Systems Protection Board for the term of seven years expiring March 1, 2025; Tristan Lynn Leavitt, of Idaho, to be a Member of the Merit Systems Protection Board for the term of seven years expiring March 1, 2023; John F. Plumb, of New York, to be an Assistant Secretary of Defense (New Position); and Melissa Griffin Dalton, of Virginia, to be an Assistant Secretary of Defense, all en bloc?

The nominations were confirmed en bloc.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

STRENGTHENING AMERICAN CYBERSECURITY ACT OF 2022

Mr. SCHUMER. Mr. President, now, on something that is very important to this country, Senator PETERS, in a minute, will move to pass the Strengthening American Cybersecurity Act.

As we all know, protecting America—our government, our businesses, our utilities, and so many of our entities—from cyber attack has been very, very important over the last decade. It becomes even more important now. As the war in Ukraine goes on and as Putin mounts his illegal, immoral, and unprovoked attack, he is escalating cyber attacks on democracies around the world. So, as the need to protect this country from cyber attack is always very, very, very important, it has assumed even greater importance now with Putin's fighting in Ukraine and threatening cyber attacks throughout the world.

Today, the Senate is taking an urgently needed step to protect the American people, American critical infrastructure, and American Government institutions from the dangerous threat of cyber attacks. The most important part of this provision will require our companies—our individual businesses—to report cyber attacks when they occur.

There has been a reluctance on the part of many in the business community to want to do this because it may expose them to other kinds of harm, and maybe the public will not want to be involved in these businesses, but the importance of the reporting is vital. When our authorities in the government know of the attacks, they can prepare against future attacks. They will know who is attacking, where they are attacking, and how they are attacking. That will allow them to strengthen our defenses against future cyber attacks. So this knowledge of cyber attacks, caused by foreign entities or domestic entities, is vital as America seeks to protect itself.

This legislation has been around for a while. For too long, certain business interests opposed it, but now they have come to see the light, and, in fact, we have a bipartisan agreement—unanimous in this Chamber—that this bill move forward. That is very important for America's security. It is more important than it ever has been. Cyber warfare is truly one of the dark arts—specialized by Putin and his authoritarian regime—and this bill will help to protect us from Putin's attempted cyber attacks against our country.

Last year, I asked Chairman PETERS and other relevant committee chairs to draft legislation to counter the increased threat, and Senator PETERS has done an outstanding job. I want to commend him and Senator PORTMAN and so many others—Senator WARNER among them—for being heavily involved in this issue.

Tonight, we will pass legislation by unanimous consent. When this legislation passes and is signed into law, America will be a safer place from one of the greatest scourges we worry about—cyber attack. I am glad we are doing this, and I am glad both sides have agreed.

I yield to Senator PETERS, who, as I said, as chair of the HSGAC Committee, has done a terrific job in shepherding this legislation through the Senate.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. PETERS. Mr. President, I ask unanimous consent that the Senate

proceed to the immediate consideration of Calendar No. 265, S. 3600.

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

The senior assistant legislative clerk read as follows:

A bill (S. 3600) to improve the cybersecurity of the Federal Government, and for other purposes.

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

Mr. PETERS. Mr. President, I ask unanimous consent that the Wicker and Peters amendments, which are at the desk, be considered and agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

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

The amendment (No. 4954) was agreed to, as follows:

(Purpose: To improve the bill)

On page 18, strike line 10 and insert the following:

''agency.

''(o) REVIEW OF OFFICE OF MANAGEMENT AND BUDGET GUIDANCE AND POLICY.—

''(1) REVIEW.—

''(A) IN GENERAL.—Not less frequently than once every 3 years, the Director, in consultation with the Chief Information Officers Council, the Director of the Cybersecurity and Infrastructure Security Agency, the National Cyber Director, the Comptroller General of the United States, and the Council of the Inspectors General on Integrity and Efficiency, shall—

''(i) review the efficacy of the guidance and policy developed by the Director under subsection (a)(1) in reducing cybersecurity risks, including an assessment of the requirements for agencies to report information to the Director; and

''(ii) determine whether any changes to the guidance or policy developed under subsection (a)(1) is appropriate.

''(B) CONSIDERATIONS.—In conducting the review required under subparagraph (A), the Director shall consider—

''(i) the Federal risk assessments performed under subsection (i);

''(ii) the cumulative reporting and compliance burden to agencies; and

''(iii) the clarity of the requirements and deadlines contained in guidance and policy documents.

''(2) UPDATED GUIDANCE.—Not later than 90 days after the date on which a review is completed under paragraph (1), the Director shall issue updated guidance or policy to agencies determined appropriate by the Director, based on the results of the review.

''(3) PUBLIC REPORT.—Not later than 30 days after the date on which the Director completes a review under paragraph (1), the Director shall make publicly available a report that includes—

''(A) an overview of the guidance and policy developed under subsection (a)(1) that is in effect;

''(B) the cybersecurity risk mitigation, or other cybersecurity benefit, offered by each guidance or policy described in subparagraph (A);

''(C) a summary of the guidance or policy developed under subsection (a)(1) to which changes were determined appropriate during the review; and

''(D) the changes that are anticipated to be included in the updated guidance or policy issued under paragraph (2).

''(4) CONGRESSIONAL BRIEFING.—Not later than 60 days after the date on which a review is completed under paragraph (1), the Director shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives a briefing on the review.

''(p) AUTOMATED STANDARD IMPLEMENTATION VERIFICATION.—When the Director of the National Institute of Standards and Technology issues a proposed standard pursuant to paragraphs (2) or (3) of section 20(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(a)), the Director of the National Institute of Standards and Technology shall consider developing and, if appropriate and practical, develop, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, specifications to enable the automated verification of the implementation of the controls within the standard.'';

On page 26, line 15, strike ''considering—'' and all that follows through ''and'' on line 23 and insert ''considering the agency risk assessment performed under subsection (a)(1)(A); and''.

On page 74, strike line 10 and all that follows through page 80, line 19.

On page 99, line 17, strike ''the use of—'' and all that follows through ''additional'' on line 21 and insert ''the use of additional''.

The amendment (No. 4953) was agreed to, as follows:

(Purpose: To amend the Federal Cybersecurity Enhancement Act of 2015 to require Federal agencies to obtain exemptions from certain cybersecurity requirements in order to avoid compliance with those requirements)

At the end of title I, add the following:

SEC. 123. FEDERAL CYBERSECURITY REQUIREMENTS.

(a) EXEMPTION FROM FEDERAL REQUIREMENTS.—Section 225(b)(2) of the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1523(b)(2)) is amended to read as follows:

''(2) EXCEPTION.—

''(A) IN GENERAL.—A particular requirement under paragraph (1) shall not apply to an agency information system of an agency if—

''(i) with respect to the agency information system, the head of the agency submits to the Director an application for an exemption from the particular requirement, in which the head of the agency personally certifies to the Director with particularity that—

''(I) operational requirements articulated in the certification and related to the agency information system would make it excessively burdensome to implement the particular requirement;

''(II) the particular requirement is not necessary to secure the agency information system or agency information stored on or transiting the agency information system; and

''(III) the agency has taken all necessary steps to secure the agency information system and agency information stored on or transiting the agency information system;

''(ii) the head of the agency or the designee of the head of the agency has submitted the certification described in clause (i) to the appropriate congressional committees and any other congressional committee with jurisdiction over the agency; and

''(iii) the Director grants the exemption from the particular requirement.

''(B) DURATION OF EXEMPTION.—

''(i) IN GENERAL.—An exemption granted under subparagraph (A) shall expire on the date that is 1 year after the date on which the Director granted the exemption.

''(ii) RENEWAL.—Upon the expiration of an exemption granted to an agency under subparagraph (A), the head of the agency may apply for an additional exemption.''.

(b) REPORT ON EXEMPTIONS.—Section 3554(c)(1) of title 44, United States Code, as amended by section 103(c) of this title, is amended—

(1) in subparagraph (C), by striking ''and'' at the end;

(2) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(E) with respect to any exemption the Director of the Office of Management and Budget has granted the agency under section 225(b)(2) of the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1523(b)(2)) that is effective on the date of submission of the report—

''(i) an identification of each particular requirement from which any agency information system (as defined in section 2210 of the Homeland Security Act of 2002 (6 U.S.C. 660)) is exempted; and

''(ii) for each requirement identified under clause (i)—

''(I) an identification of the agency information system described in clause (i) exempted from the requirement; and

''(II) an estimate of the date on which the agency will to be able to comply with the requirement.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 1 year after the date of enactment of this Act.

The bill (S. 3600), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 3600

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Strengthening American Cybersecurity Act of 2022''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—FEDERAL INFORMATION SECURITY MODERNIZATION ACT OF 2022

SEC. 101. SHORT TITLE.

This title may be cited as the ''Federal Information Security Modernization Act of 2022''.

SEC. 102. DEFINITIONS.

In this title, unless otherwise specified:

(1) ADDITIONAL CYBERSECURITY PROCEDURE.—The term ''additional cybersecurity procedure'' has the meaning given the term in section 3552(b) of title 44, United States Code, as amended by this title.

(2) AGENCY.—The term ''agency'' has the meaning given the term in section 3502 of title 44, United States Code.

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

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

(B) the Committee on Oversight and Reform of the House of Representatives; and

(C) the Committee on Homeland Security of the House of Representatives.

(4) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

(5) INCIDENT.—The term ''incident'' has the meaning given the term in section 3552(b) of title 44, United States Code.

(6) NATIONAL SECURITY SYSTEM.—The term ''national security system'' has the meaning given the term in section 3552(b) of title 44, United States Code.

(7) PENETRATION TEST.—The term ''penetration test'' has the meaning given the term in section 3552(b) of title 44, United States Code, as amended by this title.

(8) THREAT HUNTING.—The term ''threat hunting'' means proactively and iteratively searching systems for threats that evade detection by automated threat detection systems.

SEC. 103. TITLE 44 AMENDMENTS.

(a) SUBCHAPTER I AMENDMENTS.—Subchapter I of chapter 35 of title 44, United States Code, is amended—

(1) in section 3504—

(A) in subsection (a)(1)(B)—

(i) by striking clause (v) and inserting the following:

''(v) confidentiality, privacy, disclosure, and sharing of information;'';

(ii) by redesignating clause (vi) as clause (vii); and

(iii) by inserting after clause (v) the following:

''(vi) in consultation with the National Cyber Director, security of information; and''; and

(B) in subsection (g), by striking paragraph (1) and inserting the following:

''(1) develop and oversee the implementation of policies, principles, standards, and guidelines on privacy, confidentiality, disclosure, and sharing, and in consultation with the National Cyber Director, oversee the implementation of policies, principles, standards, and guidelines on security, of information collected or maintained by or for agencies; and'';

(2) in section 3505—

(A) by striking the first subsection designated as subsection (c);

(B) in paragraph (2) of the second subsection designated as subsection (c), by inserting ''an identification of internet accessible information systems and'' after ''an inventory under this subsection shall include'';

(C) in paragraph (3) of the second subsection designated as subsection (c)—

(i) in subparagraph (B)—

(I) by inserting ''the Director of the Cybersecurity and Infrastructure Security Agency, the National Cyber Director, and'' before ''the Comptroller General''; and

(II) by striking ''and'' at the end;

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

(iii) by adding at the end the following:

''(D) maintained on a continual basis through the use of automation, machine-readable data, and scanning, wherever practicable.'';

(3) in section 3506—

(A) in subsection (a)(3), by inserting ''In carrying out these duties, the Chief Information Officer shall coordinate, as appropriate, with the Chief Data Officer in accordance with the designated functions under section 3520(c).'' after ''reduction of information collection burdens on the public.'';

(B) in subsection (b)(1)(C), by inserting '', availability'' after ''integrity''; and

(C) in subsection (h)(3), by inserting ''security,'' after ''efficiency,''; and

(4) in section 3513—

(A) by redesignating subsection (c) as subsection (d); and

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

''(c) Each agency providing a written plan under subsection (b) shall provide any portion of the written plan addressing information security to the Secretary of the Department of Homeland Security and the National Cyber Director.''.

(b) SUBCHAPTER II DEFINITIONS.—

(1) IN GENERAL.—Section 3552(b) of title 44, United States Code, is amended—

(A) by redesignating paragraphs (1), (2), (3), (4), (5), (6), and (7) as paragraphs (2), (4), (5), (6), (7), (9), and (11), respectively;

(B) by inserting before paragraph (2), as so redesignated, the following:

''(1) The term 'additional cybersecurity procedure' means a process, procedure, or other activity that is established in excess of the information security standards promulgated under section 11331(b) of title 40 to increase the security and reduce the cybersecurity risk of agency systems.'';

(C) by inserting after paragraph (2), as so redesignated, the following:

''(3) The term 'high value asset' means information or an information system that the head of an agency, using policies, principles, standards, or guidelines issued by the Director under section 3553(a), determines to be so critical to the agency that the loss or corruption of the information or the loss of access to the information system would have a serious impact on the ability of the agency to perform the mission of the agency or conduct business.'';

(D) by inserting after paragraph (7), as so redesignated, the following:

''(8) The term 'major incident' has the meaning given the term in guidance issued by the Director under section 3598(a).'';

(E) by inserting after paragraph (9), as so redesignated, the following:

''(10) The term 'penetration test'—

''(A) means an authorized assessment that emulates attempts to gain unauthorized access to, or disrupt the operations of, an information system or component of an information system; and

''(B) includes any additional meaning given the term in policies, principles, standards, or guidelines issued by the Director under section 3553(a).''; and

(F) by inserting after paragraph (11), as so redesignated, the following:

''(12) The term 'shared service' means a centralized business or mission capability that is provided to multiple organizations within an agency or to multiple agencies.''.

(2) CONFORMING AMENDMENTS.—

(A) HOMELAND SECURITY ACT OF 2002.—Section 1001(c)(1)(A) of the Homeland Security Act of 2002 (6 U.S.C. 511(1)(A)) is amended by striking ''section 3552(b)(5)'' and inserting ''section 3552(b)''.

(B) TITLE 10.—

(i) SECTION 2222.—Section 2222(i)(8) of title 10, United States Code, is amended by striking ''section 3552(b)(6)(A)'' and inserting ''section 3552(b)(9)(A)''.

(ii) SECTION 2223.—Section 2223(c)(3) of title 10, United States Code, is amended by striking ''section 3552(b)(6)'' and inserting ''section 3552(b)''.

(iii) SECTION 2315.—Section 2315 of title 10, United States Code, is amended by striking ''section 3552(b)(6)'' and inserting ''section 3552(b)''.

(iv) SECTION 2339A.—Section 2339a(e)(5) of title 10, United States Code, is amended by striking ''section 3552(b)(6)'' and inserting ''section 3552(b)''.

(C) HIGH-PERFORMANCE COMPUTING ACT OF 1991.—Section 207(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5527(a)) is amended by striking ''section 3552(b)(6)(A)(i)'' and inserting ''section 3552(b)(9)(A)(i)''.

(D) INTERNET OF THINGS CYBERSECURITY IMPROVEMENT ACT OF 2020.—Section 3(5) of the Internet of Things Cybersecurity Improvement Act of 2020 (15 U.S.C. 278g–3a) is amended by striking ''section 3552(b)(6)'' and inserting ''section 3552(b)''.

(E) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013.—Section 933(e)(1)(B) of the National Defense Authorization Act for Fiscal Year 2013 (10 U.S.C. 2224 note) is amended by striking ''section 3542(b)(2)'' and inserting ''section 3552(b)''.

(F) IKE SKELTON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011.—The Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383) is amended—

(i) in section 806(e)(5) (10 U.S.C. 2304 note), by striking ''section 3542(b)'' and inserting ''section 3552(b)'';

(ii) in section 931(b)(3) (10 U.S.C. 2223 note), by striking ''section 3542(b)(2)'' and inserting ''section 3552(b)''; and

(iii) in section 932(b)(2) (10 U.S.C. 2224 note), by striking ''section 3542(b)(2)'' and inserting ''section 3552(b)''.

(G) E-GOVERNMENT ACT OF 2002.—Section 301(c)(1)(A) of the E-Government Act of 2002 (44 U.S.C. 3501 note) is amended by striking ''section 3542(b)(2)'' and inserting ''section 3552(b)''.

(H) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT.—Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) is amended—

(i) in subsection (a)(2), by striking ''section 3552(b)(5)'' and inserting ''section 3552(b)''; and

(ii) in subsection (f)—

(I) in paragraph (3), by striking ''section 3532(1)'' and inserting ''section 3552(b)''; and

(II) in paragraph (5), by striking ''section 3532(b)(2)'' and inserting ''section 3552(b)''.

(c) SUBCHAPTER II AMENDMENTS.—Subchapter II of chapter 35 of title 44, United States Code, is amended—

(1) in section 3551—

(A) in paragraph (4), by striking ''diagnose and improve'' and inserting ''integrate, deliver, diagnose, and improve'';

(B) in paragraph (5), by striking ''and'' at the end;

(C) in paragraph (6), by striking the period at the end and inserting a semi colon; and

(D) by adding at the end the following:

''(7) recognize that each agency has specific mission requirements and, at times, unique cybersecurity requirements to meet the mission of the agency;

''(8) recognize that each agency does not have the same resources to secure agency systems, and an agency should not be expected to have the capability to secure the systems of the agency from advanced adversaries alone; and

''(9) recognize that a holistic Federal cybersecurity model is necessary to account for differences between the missions and capabilities of agencies.'';

(2) in section 3553—

(A) in subsection (a)—

(i) in paragraph (1), by inserting '', in consultation with the Secretary and the National Cyber Director,'' before ''overseeing'';

(ii) in paragraph (5), by striking ''and'' at the end; and

(iii) by adding at the end the following:

''(8) promoting, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, the National Cyber Director, and the Director of the National Institute of Standards and Technology—

''(A) the use of automation to improve Federal cybersecurity and visibility with respect to the implementation of Federal cybersecurity; and

''(B) the use of presumption of compromise and least privilege principles to improve resiliency and timely response actions to incidents on Federal systems.'';

(B) in subsection (b)—

(i) in the matter preceding paragraph (1), by inserting ''and the National Cyber Director'' after ''Director''; and

(ii) in paragraph (2)(A), by inserting ''and reporting requirements under subchapter IV of this chapter'' after ''section 3556''; and

(C) in subsection (c)—

(i) in the matter preceding paragraph (1)—

(I) by striking ''each year'' and inserting ''each year during which agencies are required to submit reports under section 3554(c)''; and

(II) by striking ''preceding year'' and inserting ''preceding 2 years'';

(ii) by striking paragraph (1);

(iii) by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively;

(iv) in paragraph (3), as so redesignated, by striking ''and'' at the end;

(v) by inserting after paragraph (3), as so redesignated the following:

''(4) a summary of each assessment of Federal risk posture performed under subsection (i);''; and

(vi) in paragraph (5), by striking the period at the end and inserting ''; and'';

(D) by redesignating subsections (i), (j), (k), and (l) as subsections (j), (k), (l), and (m) respectively;

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

''(i) FEDERAL RISK ASSESSMENTS.—On an ongoing and continuous basis, the Director of the Cybersecurity and Infrastructure Security Agency shall perform assessments of Federal risk posture using any available information on the cybersecurity posture of agencies, and brief the Director and National Cyber Director on the findings of those assessments including—

''(1) the status of agency cybersecurity remedial actions described in section 3554(b)(7);

''(2) any vulnerability information relating to the systems of an agency that is known by the agency;

''(3) analysis of incident information under section 3597;

''(4) evaluation of penetration testing performed under section 3559A;

''(5) evaluation of vulnerability disclosure program information under section 3559B;

''(6) evaluation of agency threat hunting results;

''(7) evaluation of Federal and non-Federal cyber threat intelligence;

''(8) data on agency compliance with standards issued under section 11331 of title 40;

''(9) agency system risk assessments performed under section 3554(a)(1)(A); and

''(10) any other information the Director of the Cybersecurity and Infrastructure Security Agency determines relevant.'';

(F) in subsection (j), as so redesignated—

(i) by striking ''regarding the specific'' and inserting ''that includes a summary of—

''(1) the specific'';

(ii) in paragraph (1), as so designated, by striking the period at the end and inserting ''; and'' and

(iii) by adding at the end the following:

''(2) the trends identified in the Federal risk assessment performed under subsection (i).''; and

(G) by adding at the end the following:

''(n) BINDING OPERATIONAL DIRECTIVES.—If the Director of the Cybersecurity and Infrastructure Security Agency issues a binding operational directive or an emergency directive under this section, not later than 4 days after the date on which the binding operational directive requires an agency to take an action, the Director of the Cybersecurity and Infrastructure Security Agency shall provide to the Director, National Cyber Director, the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives the status of the implementation of the binding operational directive at the agency.

''(o) REVIEW OF OFFICE OF MANAGEMENT AND BUDGET GUIDANCE AND POLICY.—

''(1) REVIEW.—

''(A) IN GENERAL.—Not less frequently than once every 3 years, the Director, in consultation with the Chief Information Officers Council, the Director of the Cybersecurity and Infrastructure Security Agency, the National Cyber Director, the Comptroller General of the United States, and the Council of the Inspectors General on Integrity and Efficiency, shall—

''(i) review the efficacy of the guidance and policy developed by the Director under subsection (a)(1) in reducing cybersecurity risks, including an assessment of the requirements for agencies to report information to the Director; and

''(ii) determine whether any changes to the guidance or policy developed under subsection (a)(1) is appropriate.

''(B) CONSIDERATIONS.—In conducting the review required under subparagraph (A), the Director shall consider—

''(i) the Federal risk assessments performed under subsection (i);

''(ii) the cumulative reporting and compliance burden to agencies; and

''(iii) the clarity of the requirements and deadlines contained in guidance and policy documents.

''(2) UPDATED GUIDANCE.—Not later than 90 days after the date on which a review is completed under paragraph (1), the Director shall issue updated guidance or policy to agencies determined appropriate by the Director, based on the results of the review.

''(3) PUBLIC REPORT.—Not later than 30 days after the date on which the Director completes a review under paragraph (1), the Director shall make publicly available a report that includes—

''(A) an overview of the guidance and policy developed under subsection (a)(1) that is in effect;

''(B) the cybersecurity risk mitigation, or other cybersecurity benefit, offered by each guidance or policy described in subparagraph (A);

''(C) a summary of the guidance or policy developed under subsection (a)(1) to which changes were determined appropriate during the review; and

''(D) the changes that are anticipated to be included in the updated guidance or policy issued under paragraph (2).

''(4) CONGRESSIONAL BRIEFING.—Not later than 60 days after the date on which a review is completed under paragraph (1), the Director shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives a briefing on the review.

''(p) AUTOMATED STANDARD IMPLEMENTATION VERIFICATION.—When the Director of the National Institute of Standards and Technology issues a proposed standard pursuant to paragraphs (2) or (3) of section 20(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(a)), the Director of the National Institute of Standards and Technology shall consider developing and, if appropriate and practical, develop, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, specifications to enable the automated verification of the implementation of the controls within the standard.'';

(3) in section 3554—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) by redesignating subparagraphs (A), (B), and (C) as subparagraphs (B), (C), and (D), respectively;

(II) by inserting before subparagraph (B), as so redesignated, the following:

''(A) on an ongoing and continuous basis, performing agency system risk assessments that—

''(i) identify and document the high value assets of the agency using guidance from the Director;

''(ii) evaluate the data assets inventoried under section 3511 for sensitivity to compromises in confidentiality, integrity, and availability;

''(iii) identify agency systems that have access to or hold the data assets inventoried under section 3511;

''(iv) evaluate the threats facing agency systems and data, including high value assets, based on Federal and non-Federal cyber threat intelligence products, where available;

''(v) evaluate the vulnerability of agency systems and data, including high value assets, including by analyzing—

''(I) the results of penetration testing performed by the Department of Homeland Security under section 3553(b)(9);

''(II) the results of penetration testing performed under section 3559A;

''(III) information provided to the agency through the vulnerability disclosure program of the agency under section 3559B;

''(IV) incidents; and

''(V) any other vulnerability information relating to agency systems that is known to the agency;

''(vi) assess the impacts of potential agency incidents to agency systems, data, and operations based on the evaluations described

in clauses (ii) and (iv) and the agency systems identified under clause (iii); and

''(vii) assess the consequences of potential incidents occurring on agency systems that would impact systems at other agencies, including due to interconnectivity between different agency systems or operational reliance on the operations of the system or data in the system;'';

(III) in subparagraph (B), as so redesignated, in the matter preceding clause (i), by striking ''providing information'' and inserting ''using information from the assessment conducted under subparagraph (A), providing information'';

(IV) in subparagraph (C), as so redesignated—

(aa) in clause (ii) by inserting ''binding'' before ''operational''; and

(bb) in clause (vi), by striking ''and'' at the end; and

(V) by adding at the end the following:

''(E) providing an update on the ongoing and continuous assessment performed under subparagraph (A)—

''(i) upon request, to the inspector general of the agency or the Comptroller General of the United States; and

''(ii) on a periodic basis, as determined by guidance issued by the Director but not less frequently than annually, to—

''(I) the Director;

''(II) the Director of the Cybersecurity and Infrastructure Security Agency; and

''(III) the National Cyber Director;

''(F) in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and not less frequently than once every 3 years, performing an evaluation of whether additional cybersecurity procedures are appropriate for securing a system of, or under the supervision of, the agency, which shall—

''(i) be completed considering the agency system risk assessment performed under subparagraph (A); and

''(ii) include a specific evaluation for high value assets;

''(G) not later than 30 days after completing the evaluation performed under subparagraph (F), providing the evaluation and an implementation plan, if applicable, for using additional cybersecurity procedures determined to be appropriate to—

''(i) the Director of the Cybersecurity and Infrastructure Security Agency;

''(ii) the Director; and

''(iii) the National Cyber Director; and

''(H) if the head of the agency determines there is need for additional cybersecurity procedures, ensuring that those additional cybersecurity procedures are reflected in the budget request of the agency;'';

(ii) in paragraph (2)—

(I) in subparagraph (A), by inserting ''in accordance with the agency system risk assessment performed under paragraph (1)(A)'' after ''information systems'';

(II) in subparagraph (B)—

(aa) by striking ''in accordance with standards'' and inserting ''in accordance with—

''(i) standards''; and

(bb) by adding at the end the following:

''(ii) the evaluation performed under paragraph (1)(F); and

''(iii) the implementation plan described in paragraph (1)(G);''; and

(III) in subparagraph (D), by inserting '', through the use of penetration testing, the vulnerability disclosure program established under section 3559B, and other means,'' after ''periodically'';

(iii) in paragraph (3)—

(I) in subparagraph (A)—

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

(bb) in clause (iv), by adding ''and'' at the end; and

(cc) by adding at the end the following:

''(v) ensure that—

''(I) senior agency information security officers of component agencies carry out responsibilities under this subchapter, as directed by the senior agency information security officer of the agency or an equivalent official; and

''(II) senior agency information security officers of component agencies report to—

''(aa) the senior information security officer of the agency or an equivalent official; and

''(bb) the Chief Information Officer of the component agency or an equivalent official;''; and

(iv) in paragraph (5), by inserting ''and the Director of the Cybersecurity and Infrastructure Security Agency'' before ''on the effectiveness'';

(B) in subsection (b)—

(i) by striking paragraph (1) and inserting the following:

''(1) pursuant to subsection (a)(1)(A), performing ongoing and continuous agency system risk assessments, which may include using guidelines and automated tools consistent with standards and guidelines promulgated under section 11331 of title 40, as applicable;'';

(ii) in paragraph (2)—

(I) by striking subparagraph (B) and inserting the following:

''(B) comply with the risk-based cyber budget model developed pursuant to section 3553(a)(7);''; and

(II) in subparagraph (D)—

(aa) by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively;

(bb) by inserting after clause (ii) the following:

''(iii) binding operational directives and emergency directives promulgated by the Director of the Cybersecurity and Infrastructure Security Agency under section 3553;''; and

(cc) in clause (iv), as so redesignated, by striking ''as determined by the agency; and'' and inserting ''as determined by the agency, considering the agency risk assessment performed under subsection (a)(1)(A); and

(iii) in paragraph (5)(A), by inserting '', including penetration testing, as appropriate,'' after ''shall include testing'';

(iv) in paragraph (6), by striking ''planning, implementing, evaluating, and documenting'' and inserting ''planning and implementing and, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, evaluating and documenting'';

(v) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively;

(vi) by inserting after paragraph (6) the following:

''(7) a process for providing the status of every remedial action and unremediated identified system vulnerability to the Director and the Director of the Cybersecurity and Infrastructure Security Agency, using automation and machine-readable data to the greatest extent practicable;''; and

(vii) in paragraph (8)(C), as so redesignated—

(I) by striking clause (ii) and inserting the following:

''(ii) notifying and consulting with the Federal information security incident center established under section 3556 pursuant to the requirements of section 3594;'';

(II) by redesignating clause (iii) as clause (iv);

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

''(iii) performing the notifications and other activities required under subchapter IV of this chapter; and''; and

(IV) in clause (iv), as so redesignated—

(aa) in subclause (I), by striking ''and relevant offices of inspectors general'';

(bb) in subclause (II), by adding ''and'' at the end;

(cc) by striking subclause (III); and

(dd) by redesignating subclause (IV) as subclause (III);

(C) in subsection (c)—

(i) by redesignating paragraph (2) as paragraph (5);

(ii) by striking paragraph (1) and inserting the following:

''(1) BIANNUAL REPORT.—Not later than 2 years after the date of enactment of the Federal Information Security Modernization Act of 2022 and not less frequently than once every 2 years thereafter, using the continuous and ongoing agency system risk assessment under subsection (a)(1)(A), the head of each agency shall submit to the Director, the Director of the Cybersecurity and Infrastructure Security Agency, the majority and minority leaders of the Senate, the Speaker and minority leader of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Reform of the House of Representatives, the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Science, Space, and Technology of the House of Representatives, the appropriate authorization and appropriations committees of Congress, the National Cyber Director, and the Comptroller General of the United States a report that—

''(A) summarizes the agency system risk assessment performed under subsection (a)(1)(A);

''(B) evaluates the adequacy and effectiveness of information security policies, procedures, and practices of the agency to address the risks identified in the agency system risk assessment performed under subsection (a)(1)(A), including an analysis of the agency's cybersecurity and incident response capabilities using the metrics established under section 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c));

''(C) summarizes the evaluation and implementation plans described in subparagraphs (F) and (G) of subsection (a)(1) and whether those evaluation and implementation plans call for the use of additional cybersecurity procedures determined to be appropriate by the agency; and

''(D) summarizes the status of remedial actions identified by inspector general of the agency, the Comptroller General of the United States, and any other source determined appropriate by the head of the agency.

''(2) UNCLASSIFIED REPORTS.—Each report submitted under paragraph (1)—

''(A) shall be, to the greatest extent practicable, in an unclassified and otherwise uncontrolled form; and

''(B) may include a classified annex.

''(3) ACCESS TO INFORMATION.—The head of an agency shall ensure that, to the greatest extent practicable, information is included in the unclassified form of the report submitted by the agency under paragraph (2)(A).

''(4) BRIEFINGS.—During each year during which a report is not required to be submitted under paragraph (1), the Director shall provide to the congressional committees described in paragraph (1) a briefing summarizing current agency and Federal risk postures.''; and

(iii) in paragraph (5), as so redesignated, by striking the period at the end and inserting '', including the reporting procedures established under section 11315(d) of title 40 and subsection (a)(3)(A)(v) of this section''; and

(D) in subsection (d)(1), in the matter preceding subparagraph (A), by inserting ''and

the National Cyber Director'' after ''the Director''; and

(E) by adding at the end the following:

''(f) REPORTING STRUCTURE EXEMPTION.—

''(1) IN GENERAL.—On an annual basis, the Director may exempt an agency from the reporting structure requirement under subsection (a)(3)(A)(v)(II).

''(2) REPORT.—On an annual basis, the Director shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives that includes a list of each exemption granted under paragraph (1) and the associated rationale for each exemption.

''(3) COMPONENT OF OTHER REPORT.—The report required under paragraph (2) may be incorporated into any other annual report required under this chapter.'';

(4) in section 3555—

(A) in the section heading, by striking ''**ANNUAL INDEPENDENT**'' and inserting ''**INDEPENDENT**'';

(B) in subsection (a)—

(i) in paragraph (1), by inserting ''during which a report is required to be submitted under section 3553(c),'' after ''Each year'';

(ii) in paragraph (2)(A), by inserting '', including by penetration testing and analyzing the vulnerability disclosure program of the agency'' after ''information systems''; and

(iii) by adding at the end the following:

''(3) An evaluation under this section may include recommendations for improving the cybersecurity posture of the agency.'';

(C) in subsection (b)(1), by striking ''annual'';

(D) in subsection (e)(1), by inserting ''during which a report is required to be submitted under section 3553(c)'' after ''Each year'';

(E) by striking subsection (f) and inserting the following:

''(f) PROTECTION OF INFORMATION.—(1) Agencies, evaluators, and other recipients of information that, if disclosed, may cause grave harm to the efforts of Federal information security officers, shall take appropriate steps to ensure the protection of that information, including safeguarding the information from public disclosure.

''(2) The protections required under paragraph (1) shall be commensurate with the risk and comply with all applicable laws and regulations.

''(3) With respect to information that is not related to national security systems, agencies and evaluators shall make a summary of the information unclassified and publicly available, including information that does not identify—

''(A) specific information system incidents; or

''(B) specific information system vulnerabilities.'';

(F) in subsection (g)(2)—

(i) by striking ''this subsection shall'' and inserting ''this subsection—

''(A) shall'';

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

(iii) by adding at the end the following:

''(B) identify any entity that performs an independent evaluation under subsection (b).''; and

(G) by striking subsection (j) and inserting the following:

''(j) GUIDANCE.—

''(1) IN GENERAL.—The Director, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, the Chief Information Officers Council, the Council of the Inspectors General on Integrity and Efficiency, and other interested parties as appropriate, shall ensure the development of risk-based guidance for evaluating the effectiveness of an information security program and practices

''(2) PRIORITIES.—The risk-based guidance developed under paragraph (1) shall include—

''(A) the identification of the most common successful threat patterns experienced by each agency;

''(B) the identification of security controls that address the threat patterns described in subparagraph (A);

''(C) any other security risks unique to the networks of each agency; and

''(D) any other element the Director, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and the Council of the Inspectors General on Integrity and Efficiency, determines appropriate.''; and

(5) in section 3556(a)—

(A) in the matter preceding paragraph (1), by inserting ''within the Cybersecurity and Infrastructure Security Agency'' after ''incident center''; and

(B) in paragraph (4), by striking ''3554(b)'' and inserting ''3554(a)(1)(A)''.

(d) CONFORMING AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections for chapter 35 of title 44, United States Code, is amended by striking the item relating to section 3555 and inserting the following:

''3555. Independent evaluation''.

(2) OMB REPORTS.—Section 226(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1524(c)) is amended—

(A) in paragraph (1)(B), in the matter preceding clause (i), by striking ''annually thereafter'' and inserting ''thereafter during the years during which a report is required to be submitted under section 3553(c) of title 44, United States Code''; and

(B) in paragraph (2)(B), in the matter preceding clause (i)—

(i) by striking ''annually thereafter'' and inserting ''thereafter during the years during which a report is required to be submitted under section 3553(c) of title 44, United States Code''; and

(ii) by striking ''the report required under section 3553(c) of title 44, United States Code'' and inserting ''that report''.

(3) NIST RESPONSIBILITIES.—Section 20(d)(3)(B) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(d)(3)(B)) is amended by striking ''annual''.

(e) FEDERAL SYSTEM INCIDENT RESPONSE.—

(1) IN GENERAL.—Chapter 35 of title 44, United States Code, is amended by adding at the end the following:

''SUBCHAPTER IV—FEDERAL SYSTEM INCIDENT RESPONSE

''§ 3591. Definitions

''(a) IN GENERAL.—Except as provided in subsection (b), the definitions under sections 3502 and 3552 shall apply to this subchapter.

''(b) ADDITIONAL DEFINITIONS.—As used in this subchapter:

''(1) APPROPRIATE REPORTING ENTITIES.—The term 'appropriate reporting entities' means—

''(A) the majority and minority leaders of the Senate;

''(B) the Speaker and minority leader of the House of Representatives;

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

''(D) the Committee on Oversight and Reform of the House of Representatives;

''(E) the Committee on Homeland Security of the House of Representatives;

''(F) the appropriate authorization and appropriations committees of Congress;

''(G) the Director;

''(H) the Director of the Cybersecurity and Infrastructure Security Agency;

''(I) the National Cyber Director;

''(J) the Comptroller General of the United States; and

''(K) the inspector general of any impacted agency.

''(2) AWARDEE.—The term 'awardee'—

''(A) means a person, business, or other entity that receives a grant from, or is a party to a cooperative agreement or an other transaction agreement with, an agency; and

''(B) includes any subgrantee of a person, business, or other entity described in subparagraph (A).

''(3) BREACH.—The term 'breach'—

''(A) means the loss, control, compromise, unauthorized disclosure, or unauthorized acquisition of personally identifiable information or any similar occurrence; and

''(B) includes any additional meaning given the term in policies, principles, standards, or guidelines issued by the Director under section 3553(a).

''(4) CONTRACTOR.—The term 'contractor' means a prime contractor of an agency or a subcontractor of a prime contractor of an agency.

''(5) FEDERAL INFORMATION.—The term 'Federal information' means information created, collected, processed, maintained, disseminated, disclosed, or disposed of by or for the Federal Government in any medium or form.

''(6) FEDERAL INFORMATION SYSTEM.—The term 'Federal information system' means an information system used or operated by an agency, a contractor, an awardee, or another organization on behalf of an agency.

''(7) INTELLIGENCE COMMUNITY.—The term 'intelligence community' has the meaning given the term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

''(8) NATIONWIDE CONSUMER REPORTING AGENCY.—The term 'nationwide consumer reporting agency' means a consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)).

''(9) VULNERABILITY DISCLOSURE.—The term 'vulnerability disclosure' means a vulnerability identified under section 3559B.

''§ 3592. Notification of breach

''(a) NOTIFICATION.—As expeditiously as practicable and without unreasonable delay, and in any case not later than 45 days after an agency has a reasonable basis to conclude that a breach has occurred, the head of the agency, in consultation with a senior privacy officer of the agency, shall—

''(1) determine whether notice to any individual potentially affected by the breach is appropriate based on an assessment of the risk of harm to the individual that considers—

''(A) the nature and sensitivity of the personally identifiable information affected by the breach;

''(B) the likelihood of access to and use of the personally identifiable information affected by the breach;

''(C) the type of breach; and

''(D) any other factors determined by the Director; and

''(2) as appropriate, provide written notice in accordance with subsection (b) to each individual potentially affected by the breach—

''(A) to the last known mailing address of the individual; or

''(B) through an appropriate alternative method of notification that the head of the agency or a designated senior-level individual of the agency selects based on factors determined by the Director.

''(b) CONTENTS OF NOTICE.—Each notice of a breach provided to an individual under subsection (a)(2) shall include—

''(1) a brief description of the breach;

''(2) if possible, a description of the types of personally identifiable information affected by the breach;

''(3) contact information of the agency that may be used to ask questions of the agency, which—

''(A) shall include an e-mail address or another digital contact mechanism; and

''(B) may include a telephone number, mailing address, or a website;

''(4) information on any remedy being offered by the agency;

''(5) any applicable educational materials relating to what individuals can do in response to a breach that potentially affects their personally identifiable information, including relevant contact information for Federal law enforcement agencies and each nationwide consumer reporting agency; and

''(6) any other appropriate information, as determined by the head of the agency or established in guidance by the Director.

''(c) DELAY OF NOTIFICATION.—

''(1) IN GENERAL.—The Attorney General, the Director of National Intelligence, or the Secretary of Homeland Security may delay a notification required under subsection (a) or (d) if the notification would—

''(A) impede a criminal investigation or a national security activity;

''(B) reveal sensitive sources and methods;

''(C) cause damage to national security; or

''(D) hamper security remediation actions.

''(2) DOCUMENTATION.—

''(A) IN GENERAL.—Any delay under paragraph (1) shall be reported in writing to the Director, the Attorney General, the Director of National Intelligence, the Secretary of Homeland Security, the National Cyber Director, the Director of the Cybersecurity and Infrastructure Security Agency, and the head of the agency and the inspector general of the agency that experienced the breach.

''(B) CONTENTS.—A report required under subparagraph (A) shall include a written statement from the entity that delayed the notification explaining the need for the delay.

''(C) FORM.—The report required under subparagraph (A) shall be unclassified but may include a classified annex.

''(3) RENEWAL.—A delay under paragraph (1) shall be for a period of 60 days and may be renewed.

''(d) UPDATE NOTIFICATION.—If an agency determines there is a significant change in the reasonable basis to conclude that a breach occurred, a significant change to the determination made under subsection (a)(1), or that it is necessary to update the details of the information provided to potentially affected individuals as described in subsection (b), the agency shall as expeditiously as practicable and without unreasonable delay, and in any case not later than 30 days after such a determination, notify each individual who received a notification pursuant to subsection (a) of those changes.

''(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit—

''(1) the Director from issuing guidance relating to notifications or the head of an agency from notifying individuals potentially affected by breaches that are not determined to be major incidents; or

''(2) the Director from issuing guidance relating to notifications of major incidents or the head of an agency from providing more information than described in subsection (b) when notifying individuals potentially affected by breaches.

''§ 3593. Congressional and Executive Branch reports

''(a) INITIAL REPORT.—

''(1) IN GENERAL.—Not later than 72 hours after an agency has a reasonable basis to conclude that a major incident occurred, the head of the agency impacted by the major incident shall submit to the appropriate reporting entities a written report and, to the extent practicable, provide a briefing to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Reform of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and the appropriate authorization and appropriations committees of Congress, taking into account—

''(A) the information known at the time of the report;

''(B) the sensitivity of the details associated with the major incident; and

''(C) the classification level of the information contained in the report.

''(2) CONTENTS.—A report required under paragraph (1) shall include, in a manner that excludes or otherwise reasonably protects personally identifiable information and to the extent permitted by applicable law, including privacy and statistical laws—

''(A) a summary of the information available about the major incident, including how the major incident occurred, information indicating that the major incident may be a breach, and information relating to the major incident as a breach, based on information available to agency officials as of the date on which the agency submits the report;

''(B) if applicable, a description and any associated documentation of any circumstances necessitating a delay in a notification to individuals potentially affected by the major incident under section 3592(c);

''(C) if applicable, an assessment of the impacts to the agency, the Federal Government, or the security of the United States, based on information available to agency officials on the date on which the agency submits the report; and

''(D) if applicable, whether any ransom has been demanded or paid, or plans to be paid, by any entity operating a Federal information system or with access to a Federal information system, unless disclosure of such information may disrupt an active Federal law enforcement or national security operation.

''(b) SUPPLEMENTAL REPORT.—Within a reasonable amount of time, but not later than 30 days after the date on which an agency submits a written report under subsection (a), the head of the agency shall provide to the appropriate reporting entities written updates, which may include classified annexes, on the major incident and, to the extent practicable, provide a briefing, which may include a classified component, to the congressional committees described in subsection (a)(1), including summaries of—

''(1) vulnerabilities, means by which the major incident occurred, and impacts to the agency relating to the major incident;

''(2) any risk assessment and subsequent risk-based security implementation of the affected information system before the date on which the major incident occurred;

''(3) the status of compliance of the affected information system with applicable security requirements that are directly related to the cause of the incident, at the time of the major incident;

''(4) an estimate of the number of individuals potentially affected by the major incident based on information available to agency officials as of the date on which the agency provides the update;

''(5) an assessment of the risk of harm to individuals potentially affected by the major incident based on information available to agency officials as of the date on which the agency provides the update;

''(6) an update to the assessment of the risk to agency operations, or to impacts on other agency or non-Federal entity operations, affected by the major incident based on information available to agency officials as of the date on which the agency provides the update;

''(7) the detection, response, and remediation actions of the agency, including any support provided by the Cybersecurity and Infrastructure Security Agency under section 3594(d) and status updates on the notification process described in section 3592(a), including any delay described in section 3592(c), if applicable; and

''(8) if applicable, a description of any circumstances or data leading the head of the agency to determine, pursuant to section 3592(a)(1), not to notify individuals potentially impacted by a breach.

''(c) UPDATE REPORT.—If the agency determines that there is any significant change in the understanding of the agency of the scope, scale, or consequence of a major incident for which an agency submitted a written report under subsection (a), the agency shall provide an updated report to the appropriate reporting entities that includes information relating to the change in understanding.

''(d) BIANNUAL REPORT.—Each agency shall submit as part of the biannual report required under section 3554(c)(1) of this title a description of each major incident that occurred during the 2-year period preceding the date on which the biannual report is submitted.

''(e) DELAY AND LACK OF NOTIFICATION REPORT.—

''(1) IN GENERAL.—The Director shall submit to the appropriate reporting entities an annual report on all notification delays granted pursuant to section 3592(c).

''(2) LACK OF BREACH NOTIFICATION.—The Director shall submit to the appropriate reporting entities an annual report on each breach with respect to which the head of an agency determined, pursuant to section 3592(a)(1), not to notify individuals potentially impacted by the breach.

''(3) COMPONENT OF OTHER REPORT.—The Director may submit the report required under paragraph (1) as a component of the annual report submitted under section 3597(b).

''(f) REPORT DELIVERY.—Any written report required to be submitted under this section may be submitted in a paper or electronic format.

''(g) THREAT BRIEFING.—

''(1) IN GENERAL.—Not later than 7 days after the date on which an agency has a reasonable basis to conclude that a major incident occurred, the head of the agency, jointly with the Director, the National Cyber Director and any other Federal entity determined appropriate by the National Cyber Director, shall provide a briefing to the congressional committees described in subsection (a)(1) on the threat causing the major incident.

''(2) COMPONENTS.—The briefing required under paragraph (1)—

''(A) shall, to the greatest extent practicable, include an unclassified component; and

''(B) may include a classified component.

''(h) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit—

''(1) the ability of an agency to provide additional reports or briefings to Congress; or

''(2) Congress from requesting additional information from agencies through reports, briefings, or other means.

''§ 3594. Government information sharing and incident response

''(a) IN GENERAL.—

''(1) INCIDENT REPORTING.—Subject to the limitations described in subsection (b), the head of each agency shall provide any information relating to any incident affecting the agency, whether the information is obtained by the Federal Government directly or indirectly, to the Cybersecurity and Infrastructure Security Agency.

''(2) CONTENTS.—A provision of information relating to an incident made by the head of an agency under paragraph (1) shall—

''(A) include detailed information about the safeguards that were in place when the incident occurred;

''(B) whether the agency implemented the safeguards described in subparagraph (A) correctly;

''(C) in order to protect against a similar incident, identify—

''(i) how the safeguards described in subparagraph (A) should be implemented differently; and

''(ii) additional necessary safeguards; and

''(D) include information to aid in incident response, such as—

''(i) a description of the affected systems or networks;

''(ii) the estimated dates of when the incident occurred; and

''(iii) information that could reasonably help identify the party that conducted the incident or the cause of the incident, subject to appropriate privacy protections.

''(3) INFORMATION SHARING.—The Director of the Cybersecurity and Infrastructure Security Agency shall—

''(A) make incident information provided under paragraph (1) available to the Director and the National Cyber Director;

''(B) to the greatest extent practicable, share information relating to an incident with the head of any agency that may be—

''(i) impacted by the incident;

''(ii) similarly susceptible to the incident; or

''(iii) similarly targeted by the incident; and

''(C) coordinate any necessary information sharing efforts relating to a major incident with the private sector.

''(4) NATIONAL SECURITY SYSTEMS.—Each agency operating or exercising control of a national security system shall share information about incidents that occur on national security systems with the Director of the Cybersecurity and Infrastructure Security Agency to the extent consistent with standards and guidelines for national security systems issued in accordance with law and as directed by the President.

''(b) COMPLIANCE.—In providing information and selecting a method to provide information under subsection (a), the head of each agency shall take into account the level of classification of the information and any information sharing limitations and protections, such as limitations and protections relating to law enforcement, national security, privacy, statistical confidentiality, or other factors determined by the Director in order to implement subsection (a)(1) in a manner that enables automated and consistent reporting to the greatest extent practicable.

''(c) INCIDENT RESPONSE.—Each agency that has a reasonable basis to conclude that a major incident occurred involving Federal information in electronic medium or form that does not exclusively involve a national security system, regardless of delays from notification granted for a major incident that is also a breach, shall coordinate with the Cybersecurity and Infrastructure Security Agency to facilitate asset response activities and provide recommendations for mitigating future incidents.

''§ 3595. Responsibilities of contractors and awardees

''(a) REPORTING.—

''(1) IN GENERAL.—Unless otherwise specified in a contract, grant, cooperative agreement, or an other transaction agreement, any contractor or awardee of an agency shall report to the agency within the same amount of time such agency is required to report an incident to the Cybersecurity and Infrastructure Security Agency, if the contractor or awardee has a reasonable basis to suspect or conclude that—

''(A) an incident or breach has occurred with respect to Federal information collected, used, or maintained by the contractor or awardee in connection with the contract, grant, cooperative agreement, or other transaction agreement of the contractor or awardee;

''(B) an incident or breach has occurred with respect to a Federal information system used or operated by the contractor or awardee in connection with the contract, grant, cooperative agreement, or other transaction agreement of the contractor or awardee; or

''(C) the contractor or awardee has received information from the agency that the contractor or awardee is not authorized to receive in connection with the contract, grant, cooperative agreement, or other transaction agreement of the contractor or awardee.

''(2) PROCEDURES.—

''(A) MAJOR INCIDENT.—Following a report of a breach or major incident by a contractor or awardee under paragraph (1), the agency, in consultation with the contractor or awardee, shall carry out the requirements under sections 3592, 3593, and 3594 with respect to the major incident.

''(B) INCIDENT.—Following a report of an incident by a contractor or awardee under paragraph (1), an agency, in consultation with the contractor or awardee, shall carry out the requirements under section 3594 with respect to the incident.

''(b) EFFECTIVE DATE.—This section shall apply—

''(1) on and after the date that is 1 year after the date of enactment of the Federal Information Security Modernization Act of 2022; and

''(2) with respect to any contract entered into on or after the date described in paragraph (1).

''§ 3596. Training

''(a) COVERED INDIVIDUAL DEFINED.—In this section, the term 'covered individual' means an individual who obtains access to Federal information or Federal information systems because of the status of the individual as an employee, contractor, awardee, volunteer, or intern of an agency.

''(b) REQUIREMENT.—The head of each agency shall develop training for covered individuals on how to identify and respond to an incident, including—

''(1) the internal process of the agency for reporting an incident; and

''(2) the obligation of a covered individual to report to the agency a confirmed major incident and any suspected incident involving information in any medium or form, including paper, oral, and electronic.

''(c) INCLUSION IN ANNUAL TRAINING.—The training developed under subsection (b) may be included as part of an annual privacy or security awareness training of an agency.

''§ 3597. Analysis and report on Federal incidents

''(a) ANALYSIS OF FEDERAL INCIDENTS.—

''(1) QUANTITATIVE AND QUALITATIVE ANALYSES.—The Director of the Cybersecurity and Infrastructure Security Agency shall develop, in consultation with the Director and the National Cyber Director, and perform continuous monitoring and quantitative and qualitative analyses of incidents at agencies, including major incidents, including—

''(A) the causes of incidents, including—

''(i) attacker tactics, techniques, and procedures; and

''(ii) system vulnerabilities, including zero days, unpatched systems, and information system misconfigurations;

''(B) the scope and scale of incidents at agencies;

''(C) common root causes of incidents across multiple Federal agencies;

''(D) agency incident response, recovery, and remediation actions and the effectiveness of those actions, as applicable;

''(E) lessons learned and recommendations in responding to, recovering from, remediating, and mitigating future incidents; and

''(F) trends across multiple Federal agencies to address intrusion detection and incident response capabilities using the metrics established under section 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c)).

''(2) AUTOMATED ANALYSIS.—The analyses developed under paragraph (1) shall, to the greatest extent practicable, use machine readable data, automation, and machine learning processes.

''(3) SHARING OF DATA AND ANALYSIS.—

''(A) IN GENERAL.—The Director shall share on an ongoing basis the analyses required under this subsection with agencies and the National Cyber Director to—

''(i) improve the understanding of cybersecurity risk of agencies; and

''(ii) support the cybersecurity improvement efforts of agencies.

''(B) FORMAT.—In carrying out subparagraph (A), the Director shall share the analyses—

''(i) in human-readable written products; and

''(ii) to the greatest extent practicable, in machine-readable formats in order to enable automated intake and use by agencies.

''(b) ANNUAL REPORT ON FEDERAL INCIDENTS.—Not later than 2 years after the date of enactment of this section, and not less frequently than annually thereafter, the Director of the Cybersecurity and Infrastructure Security Agency, in consultation with the Director, the National Cyber Director and the heads of other Federal agencies, as appropriate, shall submit to the appropriate reporting entities a report that includes—

''(1) a summary of causes of incidents from across the Federal Government that categorizes those incidents as incidents or major incidents;

''(2) the quantitative and qualitative analyses of incidents developed under subsection (a)(1) on an agency-by-agency basis and comprehensively across the Federal Government, including—

''(A) a specific analysis of breaches; and

''(B) an analysis of the Federal Government's performance against the metrics established under section 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c)); and

''(3) an annex for each agency that includes—

''(A) a description of each major incident;

''(B) the total number of incidents of the agency; and

''(C) an analysis of the agency's performance against the metrics established under section 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c)).

''(c) PUBLICATION.—

''(1) IN GENERAL.—A version of each report submitted under subsection (b) shall be made publicly available on the website of the Cybersecurity and Infrastructure Security Agency during the year in which the report is submitted.

''(2) EXEMPTION.—The Director of the Cybersecurity and Infrastructure Security Agency may exempt all or a portion of a report described in paragraph (1) from public publication if the Director of the Cybersecurity and Infrastructure Security Agency determines the exemption is in the interest of national security.

''(3) LIMITATION ON EXEMPTION.—An exemption granted under paragraph (2) shall not apply to any version of a report submitted to

the appropriate reporting entities under subsection (b).

''(d) INFORMATION PROVIDED BY AGENCIES.—

''(1) IN GENERAL.—The analysis required under subsection (a) and each report submitted under subsection (b) shall use information provided by agencies under section 3594(a).

''(2) NONCOMPLIANCE REPORTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), during any year during which the head of an agency does not provide data for an incident to the Cybersecurity and Infrastructure Security Agency in accordance with section 3594(a), the head of the agency, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency and the Director, shall submit to the appropriate reporting entities a report that includes the information described in subsection (b) with respect to the agency.

''(B) EXCEPTION FOR NATIONAL SECURITY SYSTEMS.—The head of an agency that owns or exercises control of a national security system shall not include data for an incident that occurs on a national security system in any report submitted under subparagraph (A).

''(3) NATIONAL SECURITY SYSTEM REPORTS.—

''(A) IN GENERAL.—Annually, the head of an agency that operates or exercises control of a national security system shall submit a report that includes the information described in subsection (b) with respect to the national security system to the extent that the submission is consistent with standards and guidelines for national security systems issued in accordance with law and as directed by the President to—

''(i) the majority and minority leaders of the Senate,

''(ii) the Speaker and minority leader of the House of Representatives;

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

''(iv) the Select Committee on Intelligence of the Senate;

''(v) the Committee on Armed Services of the Senate;

''(vi) the Committee on Appropriations of the Senate;

''(vii) the Committee on Oversight and Reform of the House of Representatives;

''(viii) the Committee on Homeland Security of the House of Representatives;

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

''(x) the Committee on Armed Services of the House of Representatives; and

''(xi) the Committee on Appropriations of the House of Representatives.

''(B) CLASSIFIED FORM.—A report required under subparagraph (A) may be submitted in a classified form.

''(e) REQUIREMENT FOR COMPILING INFORMATION.—In publishing the public report required under subsection (c), the Director of the Cybersecurity and Infrastructure Security Agency shall sufficiently compile information such that no specific incident of an agency can be identified, except with the concurrence of the Director of the Office of Management and Budget and in consultation with the impacted agency.

''§ 3598. Major incident definition

''(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Federal Information Security Modernization Act of 2022, the Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency and the National Cyber Director, shall develop and promulgate guidance on the definition of the term 'major incident' for the purposes of subchapter II and this subchapter.

''(b) REQUIREMENTS.—With respect to the guidance issued under subsection (a), the definition of the term 'major incident' shall—

''(1) include, with respect to any information collected or maintained by or on behalf of an agency or an information system used or operated by an agency or by a contractor of an agency or another organization on behalf of an agency—

''(A) any incident the head of the agency determines is likely to have an impact on—

''(i) the national security, homeland security, or economic security of the United States; or

''(ii) the civil liberties or public health and safety of the people of the United States;

''(B) any incident the head of the agency determines likely to result in an inability for the agency, a component of the agency, or the Federal Government, to provide 1 or more critical services;

''(C) any incident that the head of an agency, in consultation with a senior privacy officer of the agency, determines is likely to have a significant privacy impact on 1 or more individual;

''(D) any incident that the head of the agency, in consultation with a senior privacy official of the agency, determines is likely to have a substantial privacy impact on a significant number of individuals;

''(E) any incident the head of the agency determines substantially disrupts the operations of a high value asset owned or operated by the agency;

''(F) any incident involving the exposure of sensitive agency information to a foreign entity, such as the communications of the head of the agency, the head of a component of the agency, or the direct reports of the head of the agency or the head of a component of the agency; and

''(G) any other type of incident determined appropriate by the Director;

''(2) stipulate that the National Cyber Director, in consultation with the Director, shall declare a major incident at each agency impacted by an incident if it is determined that an incident—

''(A) occurs at not less than 2 agencies; and

''(B) is enabled by—

''(i) a common technical root cause, such as a supply chain compromise, a common software or hardware vulnerability; or

''(ii) the related activities of a common threat actor; and

''(3) stipulate that, in determining whether an incident constitutes a major incident because that incident is any incident described in paragraph (1), the head of the agency shall consult with the National Cyber Director and may consult with the Director of the Cybersecurity and Infrastructure Security Agency.

''(c) SIGNIFICANT NUMBER OF INDIVIDUALS.—In determining what constitutes a significant number of individuals under subsection (b)(1)(D), the Director—

''(1) may determine a threshold for a minimum number of individuals that constitutes a significant amount; and

''(2) may not determine a threshold described in paragraph (1) that exceeds 5,000 individuals.

''(d) EVALUATION AND UPDATES.—Not later than 2 years after the date of enactment of the Federal Information Security Modernization Act of 2022, and not less frequently than every 2 years thereafter, the Director shall provide a briefing to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives, which shall include—

''(1) an evaluation of any necessary updates to the guidance issued under subsection (a);

''(2) an evaluation of any necessary updates to the definition of the term 'major incident' included in the guidance issued under subsection (a); and

''(3) an explanation of, and the analysis that led to, the definition described in paragraph (2).''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by adding at the end the following:

''SUBCHAPTER IV—FEDERAL SYSTEM INCIDENT RESPONSE

''3591. Definitions
''3592. Notification of breach
''3593. Congressional and Executive Branch reports
''3594. Government information sharing and incident response
''3595. Responsibilities of contractors and awardees
''3596. Training
''3597. Analysis and report on Federal incidents
''3598. Major incident definition''.

SEC. 104. AMENDMENTS TO SUBTITLE III OF TITLE 40.

(a) MODERNIZING GOVERNMENT TECHNOLOGY.—Subtitle G of title X of Division A of the National Defense Authorization Act for Fiscal Year 2018 (40 U.S.C. 11301 note) is amended in section 1078—

(1) by striking subsection (a) and inserting the following:

''(a) DEFINITIONS.—In this section:

''(1) AGENCY.—The term 'agency' has the meaning given the term in section 551 of title 5, United States Code.

''(2) HIGH VALUE ASSET.—The term 'high value asset' has the meaning given the term in section 3552 of title 44, United States Code.'';

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

''(8) PROPOSAL EVALUATION.—The Director shall—

''(A) give consideration for the use of amounts in the Fund to improve the security of high value assets; and

''(B) require that any proposal for the use of amounts in the Fund includes a cybersecurity plan, including a supply chain risk management plan, to be reviewed by the member of the Technology Modernization Board described in subsection (c)(5)(C).''; and

(3) in subsection (c)—

(A) in paragraph (2)(A)(i), by inserting '', including a consideration of the impact on high value assets'' after ''operational risks'';

(B) in paragraph (5)—

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

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

(iii) by adding at the end the following:

''(C) a senior official from the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security, appointed by the Director.''; and

(C) in paragraph (6)(A), by striking ''shall be—'' and all that follows through ''4 employees'' and inserting ''shall be 4 employees''.

(b) SUBCHAPTER I.—Subchapter I of chapter 113 of subtitle III of title 40, United States Code, is amended—

(1) in section 11302—

(A) in subsection (b), by striking ''use, security, and disposal of'' and inserting ''use, and disposal of, and, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and the National Cyber Director, promote and improve the security of,'';

(B) in subsection (c)—

(i) in paragraph (3)—

(I) in subparagraph (A)—

(aa) by striking ''including data'' and inserting ''which shall—

''(i) include data''; and

(bb) by adding at the end the following:

''(ii) specifically denote cybersecurity funding under the risk-based cyber budget model developed pursuant to section 3553(a)(7) of title 44.''; and

(II) in subparagraph (B), by adding at the end the following:

''(iii) The Director shall provide to the National Cyber Director any cybersecurity funding information described in subparagraph (A)(ii) that is provided to the Director under clause (ii) of this subparagraph.'';

(C) in subsection (f)—

(i) by striking ''heads of executive agencies to develop'' and inserting ''heads of executive agencies to—

''(1) develop'';

(ii) in paragraph (1), as so designated, by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(2) consult with the Director of the Cybersecurity and Infrastructure Security Agency for the development and use of supply chain security best practices.''; and

(D) in subsection (h), by inserting '', including cybersecurity performances,'' after ''the performances''; and

(2) in section 11303(b)—

(A) in paragraph (2)(B)—

(i) in clause (i), by striking ''or'' at the end;

(ii) in clause (ii), by adding ''or'' at the end; and

(iii) by adding at the end the following:

''(iii) whether the function should be performed by a shared service offered by another executive agency;''; and

(B) in paragraph (5)(B)(i), by inserting '', while taking into account the risk-based cyber budget model developed pursuant to section 3553(a)(7) of title 44'' after ''title 31''.

(c) SUBCHAPTER II.—Subchapter II of chapter 113 of subtitle III of title 40, United States Code, is amended—

(1) in section 11312(a), by inserting '', including security risks'' after ''managing the risks'';

(2) in section 11313(1), by striking ''efficiency and effectiveness'' and inserting ''efficiency, security, and effectiveness'';

(3) in section 11315, by adding at the end the following:

''(d) COMPONENT AGENCY CHIEF INFORMATION OFFICERS.—The Chief Information Officer or an equivalent official of a component agency shall report to—

''(1) the Chief Information Officer designated under section 3506(a)(2) of title 44 or an equivalent official of the agency of which the component agency is a component; and

''(2) the head of the component agency.

''(e) REPORTING STRUCTURE EXEMPTION.—

''(1) IN GENERAL.—On annual basis, the Director may exempt any agency from the reporting structure requirements under subsection (d).

''(2) REPORT.—On an annual basis, the Director shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives a report that includes a list of each exemption granted under paragraph (1) and the associated rationale for each exemption.

''(3) COMPONENT OF OTHER REPORT.—The report required under paragraph (2) may be incorporated into any other annual report required under chapter 35 of title 44, United States Code.'';

(4) in section 11317, by inserting ''security,'' before ''or schedule''; and

(5) in section 11319(b)(1), in the paragraph heading, by striking ''CIOS'' and inserting ''CHIEF INFORMATION OFFICERS''.

SEC. 105. ACTIONS TO ENHANCE FEDERAL INCIDENT TRANSPARENCY.

(a) RESPONSIBILITIES OF THE CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall—

(A) develop a plan for the development of the analysis required under section 3597(a) of title 44, United States Code, as added by this title, and the report required under subsection (b) of that section that includes—

(i) a description of any challenges the Director of the Cybersecurity and Infrastructure Security Agency anticipates encountering; and

(ii) the use of automation and machine-readable formats for collecting, compiling, monitoring, and analyzing data; and

(B) provide to the appropriate congressional committees a briefing on the plan developed under subparagraph (A).

(2) BRIEFING.—Not later than 1 year after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall provide to the appropriate congressional committees a briefing on—

(A) the execution of the plan required under paragraph (1)(A); and

(B) the development of the report required under section 3597(b) of title 44, United States Code, as added by this title.

(b) RESPONSIBILITIES OF THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.—

(1) FISMA.—Section 2 of the Federal Information Security Modernization Act of 2014 (44 U.S.C. 3554 note) is amended—

(A) by striking subsection (b); and

(B) by redesignating subsections (c) through (f) as subsections (b) through (e), respectively.

(2) INCIDENT DATA SHARING.—

(A) IN GENERAL.—The Director shall develop guidance, to be updated not less frequently than once every 2 years, on the content, timeliness, and format of the information provided by agencies under section 3594(a) of title 44, United States Code, as added by this title.

(B) REQUIREMENTS.—The guidance developed under subparagraph (A) shall—

(i) prioritize the availability of data necessary to understand and analyze—

(I) the causes of incidents;

(II) the scope and scale of incidents within the environments and systems of an agency;

(III) a root cause analysis of incidents that—

(aa) are common across the Federal Government; or

(bb) have a Government-wide impact;

(IV) agency response, recovery, and remediation actions and the effectiveness of those actions; and

(V) the impact of incidents;

(ii) enable the efficient development of—

(I) lessons learned and recommendations in responding to, recovering from, remediating, and mitigating future incidents; and

(II) the report on Federal incidents required under section 3597(b) of title 44, United States Code, as added by this title;

(iii) include requirements for the timeliness of data production; and

(iv) include requirements for using automation and machine-readable data for data sharing and availability.

(3) GUIDANCE ON RESPONDING TO INFORMATION REQUESTS.—Not later than 1 year after the date of enactment of this Act, the Director shall develop guidance for agencies to implement the requirement under section 3594(c) of title 44, United States Code, as added by this title, to provide information to other agencies experiencing incidents.

(4) STANDARD GUIDANCE AND TEMPLATES.—Not later than 1 year after the date of enactment of this Act, the Director, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, shall develop guidance and templates, to be reviewed and, if necessary, updated not less frequently than once every 2 years, for use by Federal agencies in the activities required under sections 3592, 3593, and 3596 of title 44, United States Code, as added by this title.

(5) CONTRACTOR AND AWARDEE GUIDANCE.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director, in coordination with the Secretary of Homeland Security, the Secretary of Defense, the Administrator of General Services, and the heads of other agencies determined appropriate by the Director, shall issue guidance to Federal agencies on how to deconflict, to the greatest extent practicable, existing regulations, policies, and procedures relating to the responsibilities of contractors and awardees established under section 3595 of title 44, United States Code, as added by this title.

(B) EXISTING PROCESSES.—To the greatest extent practicable, the guidance issued under subparagraph (A) shall allow contractors and awardees to use existing processes for notifying Federal agencies of incidents involving information of the Federal Government.

(6) UPDATED BRIEFINGS.—Not less frequently than once every 2 years, the Director shall provide to the appropriate congressional committees an update on the guidance and templates developed under paragraphs (2) through (4).

(c) UPDATE TO THE PRIVACY ACT OF 1974.—Section 552a(b) of title 5, United States Code (commonly known as the ''Privacy Act of 1974'') is amended—

(1) in paragraph (11), by striking ''or'' at the end;

(2) in paragraph (12), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(13) to another agency in furtherance of a response to an incident (as defined in section 3552 of title 44) and pursuant to the information sharing requirements in section 3594 of title 44 if the head of the requesting agency has made a written request to the agency that maintains the record specifying the particular portion desired and the activity for which the record is sought.''.

SEC. 106. ADDITIONAL GUIDANCE TO AGENCIES ON FISMA UPDATES.

Not later than 1 year after the date of enactment of this Act, the Director, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, shall issue guidance for agencies on—

(1) performing the ongoing and continuous agency system risk assessment required under section 3554(a)(1)(A) of title 44, United States Code, as amended by this title;

(2) implementing additional cybersecurity procedures, which shall include resources for shared services;

(3) establishing a process for providing the status of each remedial action under section 3554(b)(7) of title 44, United States Code, as amended by this title, to the Director and the Cybersecurity and Infrastructure Security Agency using automation and machine-readable data, as practicable, which shall include—

(A) specific guidance for the use of automation and machine-readable data; and

(B) templates for providing the status of the remedial action; and

(4) a requirement to coordinate with inspectors general of agencies to ensure consistent understanding and application of agency policies for the purpose of evaluations by inspectors general.

SEC. 107. AGENCY REQUIREMENTS TO NOTIFY PRIVATE SECTOR ENTITIES IMPACTED BY INCIDENTS.

(a) DEFINITIONS.—In this section:

(1) REPORTING ENTITY.—The term ''reporting entity'' means private organization or governmental unit that is required by statute or regulation to submit sensitive information to an agency.

(2) SENSITIVE INFORMATION.—The term ''sensitive information'' has the meaning given the term by the Director in guidance issued under subsection (b).

(b) GUIDANCE ON NOTIFICATION OF REPORTING ENTITIES.—Not later than 180 days after the date of enactment of this Act, the Director shall issue guidance requiring the head of each agency to notify a reporting entity of an incident that is likely to substantially affect—

(1) the confidentiality or integrity of sensitive information submitted by the reporting entity to the agency pursuant to a statutory or regulatory requirement; or

(2) the agency information system or systems used in the transmission or storage of the sensitive information described in paragraph (1).

SEC. 108. MOBILE SECURITY STANDARDS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director shall—

(1) evaluate mobile application security guidance promulgated by the Director; and

(2) issue guidance to secure mobile devices, including for mobile applications, for every agency.

(b) CONTENTS.—The guidance issued under subsection (a)(2) shall include—

(1) a requirement, pursuant to section 3506(b)(4) of title 44, United States Code, for every agency to maintain a continuous inventory of every—

(A) mobile device operated by or on behalf of the agency; and

(B) vulnerability identified by the agency associated with a mobile device; and

(2) a requirement for every agency to perform continuous evaluation of the vulnerabilities described in paragraph (1)(B) and other risks associated with the use of applications on mobile devices.

(c) INFORMATION SHARING.—The Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, shall issue guidance to agencies for sharing the inventory of the agency required under subsection (b)(1) with the Director of the Cybersecurity and Infrastructure Security Agency, using automation and machine-readable data to the greatest extent practicable.

(d) BRIEFING.—Not later than 60 days after the date on which the Director issues guidance under subsection (a)(2), the Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, shall provide to the appropriate congressional committees a briefing on the guidance.

SEC. 109. DATA AND LOGGING RETENTION FOR INCIDENT RESPONSE.

(a) RECOMMENDATIONS.—Not later than 2 years after the date of enactment of this Act, and not less frequently than every 2 years thereafter, the Director of the Cybersecurity and Infrastructure Security Agency, in consultation with the Attorney General, shall submit to the Director recommendations on requirements for logging events on agency systems and retaining other relevant data within the systems and networks of an agency.

(b) CONTENTS.—The recommendations provided under subsection (a) shall include—

(1) the types of logs to be maintained;

(2) the duration that logs and other relevant data should be retained;

(3) the time periods for agency implementation of recommended logging and security requirements;

(4) how to ensure the confidentiality, integrity, and availability of logs;

(5) requirements to ensure that, upon request, in a manner that excludes or otherwise reasonably protects personally identifiable information, and to the extent permitted by applicable law (including privacy and statistical laws), agencies provide logs to—

(A) the Director of the Cybersecurity and Infrastructure Security Agency for a cybersecurity purpose; and

(B) the Director of the Federal Bureau of Investigation, or the appropriate Federal law enforcement agency, to investigate potential criminal activity; and

(6) requirements to ensure that, subject to compliance with statistical laws and other relevant data protection requirements, the highest level security operations center of each agency has visibility into all agency logs.

(c) GUIDANCE.—Not later than 90 days after receiving the recommendations submitted under subsection (a), the Director, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and the Attorney General, shall, as determined to be appropriate by the Director, update guidance to agencies regarding requirements for logging, log retention, log management, sharing of log data with other appropriate agencies, or any other logging activity determined to be appropriate by the Director.

(d) SUNSET.—This section shall cease to have force or effect on the date that is 10 years after the date of the enactment of this Act.

SEC. 110. CISA AGENCY ADVISORS.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall assign not less than 1 cybersecurity professional employed by the Cybersecurity and Infrastructure Security Agency to be the Cybersecurity and Infrastructure Security Agency advisor to the senior agency information security officer of each agency.

(b) QUALIFICATIONS.—Each advisor assigned under subsection (a) shall have knowledge of—

(1) cybersecurity threats facing agencies, including any specific threats to the assigned agency;

(2) performing risk assessments of agency systems; and

(3) other Federal cybersecurity initiatives.

(c) DUTIES.—The duties of each advisor assigned under subsection (a) shall include—

(1) providing ongoing assistance and advice, as requested, to the agency Chief Information Officer;

(2) serving as an incident response point of contact between the assigned agency and the Cybersecurity and Infrastructure Security Agency; and

(3) familiarizing themselves with agency systems, processes, and procedures to better facilitate support to the agency in responding to incidents.

(d) LIMITATION.—An advisor assigned under subsection (a) shall not be a contractor.

(e) MULTIPLE ASSIGNMENTS.—One individual advisor may be assigned to multiple agency Chief Information Officers under subsection (a).

SEC. 111. FEDERAL PENETRATION TESTING POLICY.

(a) IN GENERAL.—Subchapter II of chapter 35 of title 44, United States Code, is amended by adding at the end the following:

''§ 3559A. Federal penetration testing

''(a) DEFINITIONS.—In this section:

''(1) AGENCY OPERATIONAL PLAN.—The term 'agency operational plan' means a plan of an agency for the use of penetration testing.

''(2) RULES OF ENGAGEMENT.—The term 'rules of engagement' means a set of rules established by an agency for the use of penetration testing.

''(b) GUIDANCE.—

''(1) IN GENERAL.—The Director, in consultation with the Secretary, acting through the Director of the Cybersecurity and Infrastructure Security Agency, shall issue guidance to agencies that—

''(A) requires agencies to use, when and where appropriate, penetration testing on agency systems by both Federal and non-Federal entities; and

''(B) requires agencies to develop an agency operational plan and rules of engagement that meet the requirements under subsection (c).

''(2) PENETRATION TESTING GUIDANCE.—The guidance issued under this section shall—

''(A) permit an agency to use, for the purpose of performing penetration testing—

''(i) a shared service of the agency or another agency; or

''(ii) an external entity, such as a vendor; and

''(B) require agencies to provide the rules of engagement and results of penetration testing to the Director and the Director of the Cybersecurity and Infrastructure Security Agency, without regard to the status of the entity that performs the penetration testing.

''(c) AGENCY PLANS AND RULES OF ENGAGEMENT.—The agency operational plan and rules of engagement of an agency shall—

''(1) require the agency to—

''(A) perform penetration testing, including on the high value assets of the agency; or

''(B) coordinate with the Director of the Cybersecurity and Infrastructure Security Agency to ensure that penetration testing is being performed;

''(2) establish guidelines for avoiding, as a result of penetration testing—

''(A) adverse impacts to the operations of the agency;

''(B) adverse impacts to operational environments and systems of the agency; and

''(C) inappropriate access to data;

''(3) require the results of penetration testing to include feedback to improve the cybersecurity of the agency; and

''(4) include mechanisms for providing consistently formatted, and, if applicable, automated and machine-readable, data to the Director and the Director of the Cybersecurity and Infrastructure Security Agency.

''(d) RESPONSIBILITIES OF CISA.—The Director of the Cybersecurity and Infrastructure Security Agency shall—

''(1) establish a process to assess the performance of penetration testing by both Federal and non-Federal entities that establishes minimum quality controls for penetration testing;

''(2) develop operational guidance for instituting penetration testing programs at agencies;

''(3) develop and maintain a centralized capability to offer penetration testing as a service to Federal and non-Federal entities; and

''(4) provide guidance to agencies on the best use of penetration testing resources.

''(e) RESPONSIBILITIES OF OMB.—The Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, shall—

''(1) not less frequently than annually, inventory all Federal penetration testing assets; and

''(2) develop and maintain a standardized process for the use of penetration testing.

''(f) PRIORITIZATION OF PENETRATION TESTING RESOURCES.—

''(1) IN GENERAL.—The Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, shall develop a framework for prioritizing Federal penetration testing resources among agencies.

''(2) CONSIDERATIONS.—In developing the framework under this subsection, the Director shall consider—

''(A) agency system risk assessments performed under section 3554(a)(1)(A);

''(B) the Federal risk assessment performed under section 3553(i);

''(C) the analysis of Federal incident data performed under section 3597; and

''(D) any other information determined appropriate by the Director or the Director of the Cybersecurity and Infrastructure Security Agency.

''(g) EXCEPTION FOR NATIONAL SECURITY SYSTEMS.—The guidance issued under subsection (b) shall not apply to national security systems.

''(h) DELEGATION OF AUTHORITY FOR CERTAIN SYSTEMS.—The authorities of the Director described in subsection (b) shall be delegated—

''(1) to the Secretary of Defense in the case of systems described in section 3553(e)(2); and

''(2) to the Director of National Intelligence in the case of systems described in 3553(e)(3).''.

(b) DEADLINE FOR GUIDANCE.—Not later than 180 days after the date of enactment of this Act, the Director shall issue the guidance required under section 3559A(b) of title 44, United States Code, as added by subsection (a).

(c) CLERICAL AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by adding after the item relating to section 3559 the following:

''3559A. Federal penetration testing.''.

(d) SUNSET.—

(1) IN GENERAL.—Effective on the date that is 10 years after the date of enactment of this Act, subchapter II of chapter 35 of title 44, United States Code, is amended by striking section 3559A.

(2) CLERICAL AMENDMENT.—Effective on the date that is 10 years after the date of enactment of this Act, the table of sections for chapter 35 of title 44, United States Code, is amended by striking the item relating to section 3559A.

SEC. 112. ONGOING THREAT HUNTING PROGRAM.

(a) THREAT HUNTING PROGRAM.—

(1) IN GENERAL.—Not later than 540 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall establish a program to provide ongoing, hypothesis-driven threat-hunting services on the network of each agency.

(2) PLAN.—Not later than 180 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall develop a plan to establish the program required under paragraph (1) that describes how the Director of the Cybersecurity and Infrastructure Security Agency plans to—

(A) determine the method for collecting, storing, accessing, analyzing, and safeguarding appropriate agency data;

(B) provide on-premises support to agencies;

(C) staff threat hunting services;

(D) allocate available human and financial resources to implement the plan; and

(E) provide input to the heads of agencies on the use of additional cybersecurity procedures under section 3554 of title 44, United States Code.

(b) REPORTS.—The Director of the Cybersecurity and Infrastructure Security Agency shall submit to the appropriate congressional committees—

(1) not later than 30 days after the date on which the Director of the Cybersecurity and Infrastructure Security Agency completes the plan required under subsection (a)(2), a report on the plan to provide threat hunting services to agencies;

(2) not less than 30 days before the date on which the Director of the Cybersecurity and Infrastructure Security Agency begins providing threat hunting services under the program under subsection (a)(1), a report providing any updates to the plan developed under subsection (a)(2); and

(3) not later than 1 year after the date on which the Director of the Cybersecurity and Infrastructure Security Agency begins providing threat hunting services to agencies other than the Cybersecurity and Infrastructure Security Agency, a report describing lessons learned from providing those services.

SEC. 113. CODIFYING VULNERABILITY DISCLOSURE PROGRAMS.

(a) IN GENERAL.—Chapter 35 of title 44, United States Code, is amended by inserting after section 3559A, as added by section 111 of this title, the following:

''§ 3559B. Federal vulnerability disclosure programs

''(a) PURPOSE; SENSE OF CONGRESS.—

''(1) PURPOSE.—The purpose of Federal vulnerability disclosure programs is to create a mechanism to use the expertise of the public to provide a service to Federal agencies by identifying information system vulnerabilities.

''(2) SENSE OF CONGRESS.—It is the sense of Congress that, in implementing the requirements of this section, the Federal Government should take appropriate steps to reduce real and perceived burdens in communications between agencies and security researchers.

''(b) DEFINITIONS.—In this section:

''(1) REPORT.—The term 'report' means a vulnerability disclosure made to an agency by a reporter.

''(2) REPORTER.—The term 'reporter' means an individual that submits a vulnerability report pursuant to the vulnerability disclosure process of an agency.

''(c) RESPONSIBILITIES OF OMB.—

''(1) LIMITATION ON LEGAL ACTION.—The Director, in consultation with the Attorney General, shall issue guidance to agencies to not recommend or pursue legal action against a reporter or an individual that conducts a security research activity that the head of the agency determines—

''(A) represents a good faith effort to follow the vulnerability disclosure policy of the agency developed under subsection (e)(2); and

''(B) is authorized under the vulnerability disclosure policy of the agency developed under subsection (e)(2).

''(2) SHARING INFORMATION WITH CISA.—The Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency and in consultation with the National Cyber Director, shall issue guidance to agencies on sharing relevant information in a consistent, automated, and machine readable manner with the Director of the Cybersecurity and Infrastructure Security Agency, including—

''(A) any valid or credible reports of newly discovered or not publicly known vulnerabilities (including misconfigurations) on Federal information systems that use commercial software or services;

''(B) information relating to vulnerability disclosure, coordination, or remediation activities of an agency, particularly as those activities relate to outside organizations—

''(i) with which the head of the agency believes the Director of the Cybersecurity and Infrastructure Security Agency can assist; or

''(ii) about which the head of the agency believes the Director of the Cybersecurity and Infrastructure Security Agency should know; and

''(C) any other information with respect to which the head of the agency determines helpful or necessary to involve the Director of the Cybersecurity and Infrastructure Security Agency.

''(3) AGENCY VULNERABILITY DISCLOSURE POLICIES.—The Director shall issue guidance to agencies on the required minimum scope of agency systems covered by the vulnerability disclosure policy of an agency required under subsection (e)(2).

''(d) RESPONSIBILITIES OF CISA.—The Director of the Cybersecurity and Infrastructure Security Agency shall—

''(1) provide support to agencies with respect to the implementation of the requirements of this section;

''(2) develop tools, processes, and other mechanisms determined appropriate to offer agencies capabilities to implement the requirements of this section; and

''(3) upon a request by an agency, assist the agency in the disclosure to vendors of newly identified vulnerabilities in vendor products and services.

''(e) RESPONSIBILITIES OF AGENCIES.—

''(1) PUBLIC INFORMATION.—The head of each agency shall make publicly available, with respect to each internet domain under the control of the agency that is not a national security system—

''(A) an appropriate security contact; and

''(B) the component of the agency that is responsible for the internet accessible services offered at the domain.

''(2) VULNERABILITY DISCLOSURE POLICY.—The head of each agency shall develop and make publicly available a vulnerability disclosure policy for the agency, which shall—

''(A) describe—

''(i) the scope of the systems of the agency included in the vulnerability disclosure policy;

''(ii) the type of information system testing that is authorized by the agency;

''(iii) the type of information system testing that is not authorized by the agency; and

''(iv) the disclosure policy of the agency for sensitive information;

''(B) with respect to a report to an agency, describe—

''(i) how the reporter should submit the report; and

''(ii) if the report is not anonymous, when the reporter should anticipate an acknowledgment of receipt of the report by the agency;

''(C) include any other relevant information; and

''(D) be mature in scope and cover every internet accessible Federal information system used or operated by that agency or on behalf of that agency.

''(3) IDENTIFIED VULNERABILITIES.—The head of each agency shall incorporate any vulnerabilities reported under paragraph (2) into the vulnerability management process of the agency in order to track and remediate the vulnerability.

''(f) CONGRESSIONAL REPORTING.—Not later than 90 days after the date of enactment of the Federal Information Security Modernization Act of 2022, and annually thereafter for a 3-year period, the Director of the Cybersecurity and Infrastructure Security Agency, in consultation with the Director, shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives a briefing on the status of the use of vulnerability disclosure policies under this section at agencies,

including, with respect to the guidance issued under subsection (c)(3), an identification of the agencies that are compliant and not compliant.

''(g) EXEMPTIONS.—The authorities and functions of the Director and Director of the Cybersecurity and Infrastructure Security Agency under this section shall not apply to national security systems.

''(h) DELEGATION OF AUTHORITY FOR CERTAIN SYSTEMS.—The authorities of the Director and the Director of the Cybersecurity and Infrastructure Security Agency described in this section shall be delegated—

''(1) to the Secretary of Defense in the case of systems described in section 3553(e)(2); and

''(2) to the Director of National Intelligence in the case of systems described in section 3553(e)(3).''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by adding after the item relating to section 3559A, as added by section 111, the following:

''3559B. Federal vulnerability disclosure programs.''.

(c) SUNSET.—

(1) IN GENERAL.—Effective on the date that is 10 years after the date of enactment of this Act, subchapter II of chapter 35 of title 44, United States Code, is amended by striking section 3559B.

(2) CLERICAL AMENDMENT.—Effective on the date that is 10 years after the date of enactment of this Act, the table of sections for chapter 35 of title 44, United States Code, is amended by striking the item relating to section 3559B.

SEC. 114. IMPLEMENTING ZERO TRUST ARCHITECTURE.

(a) GUIDANCE.—Not later than 18 months after the date of enactment of this Act, the Director shall provide an update to the appropriate congressional committees on progress in increasing the internal defenses of agency systems, including—

(1) shifting away from ''trusted networks'' to implement security controls based on a presumption of compromise;

(2) implementing principles of least privilege in administering information security programs;

(3) limiting the ability of entities that cause incidents to move laterally through or between agency systems;

(4) identifying incidents quickly;

(5) isolating and removing unauthorized entities from agency systems as quickly as practicable, accounting for intelligence or law enforcement purposes;

(6) otherwise increasing the resource costs for entities that cause incidents to be successful; and

(7) a summary of the agency progress reports required under subsection (b).

(b) AGENCY PROGRESS REPORTS.—Not later than 270 days after the date of enactment of this Act, the head of each agency shall submit to the Director a progress report on implementing an information security program based on the presumption of compromise and least privilege principles, which shall include—

(1) a description of any steps the agency has completed, including progress toward achieving requirements issued by the Director, including the adoption of any models or reference architecture;

(2) an identification of activities that have not yet been completed and that would have the most immediate security impact; and

(3) a schedule to implement any planned activities.

SEC. 115. AUTOMATION REPORTS.

(a) OMB REPORT.—Not later than 180 days after the date of enactment of this Act, the Director shall provide to the appropriate congressional committees an update on the use of automation under paragraphs (1), (5)(C), and (8)(B) of section 3554(b) of title 44, United States Code.

(b) GAO REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall perform a study on the use of automation and machine readable data across the Federal Government for cybersecurity purposes, including the automated updating of cybersecurity tools, sensors, or processes by agencies.

SEC. 116. EXTENSION OF FEDERAL ACQUISITION SECURITY COUNCIL AND SOFTWARE INVENTORY.

(a) EXTENSION.—Section 1328 of title 41, United States Code, is amended by striking ''the date that'' and all that follows and inserting ''December 31, 2026.''.

(b) REQUIREMENT.—Subsection 1326(b) of title 41, United States Code, is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) by redesignating paragraph (6) as paragraph (7); and

(3) by inserting after paragraph (5) the following:

''(6) maintaining an up-to-date and accurate inventory of software in use by the agency and, if available and applicable, the components of such software, that can be communicated at the request of the Federal Acquisition Security Council, the National Cyber Director, or the Secretary of Homeland Security, acting through the Director of Cybersecurity and Infrastructure Security Agency; and''.

SEC. 117. COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY DASHBOARD.

(a) DASHBOARD REQUIRED.—Section 11(e)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

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

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

''(B) that shall include a dashboard of open information security recommendations identified in the independent evaluations required by section 3555(a) of title 44, United States Code; and''.

SEC. 118. QUANTITATIVE CYBERSECURITY METRICS.

(a) DEFINITION OF COVERED METRICS.—In this section, the term ''covered metrics'' means the metrics established, reviewed, and updated under section 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c)).

(b) UPDATING AND ESTABLISHING METRICS.—Not later than 1 year after the date of enactment of this Act, and as appropriate thereafter, the Director of the Cybersecurity and Infrastructure Security Agency, in coordination with the Director, shall—

(1) evaluate any covered metrics established as of the date of enactment of this Act; and

(2) as appropriate and pursuant to section 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c)) update or establish new covered metrics.

(c) IMPLEMENTATION.—

(1) IN GENERAL.—Not later than 540 days after the date of enactment of this Act, the Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, shall promulgate guidance that requires each agency to use covered metrics to track trends in the cybersecurity and incident response capabilities of the agency.

(2) PERFORMANCE DEMONSTRATION.—The guidance issued under paragraph (1) and any subsequent guidance shall require agencies to share with the Director of the Cybersecurity and Infrastructure Security Agency data demonstrating the performance of the agency using the covered metrics included in the guidance.

(3) PENETRATION TESTS.—On not less than 2 occasions during the 2-year period following the date on which guidance is promulgated under paragraph (1), the Director shall ensure that not less than 3 agencies are subjected to substantially similar penetration tests, as determined by the Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, in order to validate the utility of the covered metrics.

(4) ANALYSIS CAPACITY.—The Director of the Cybersecurity and Infrastructure Security Agency shall develop a capability that allows for the analysis of the covered metrics, including cross-agency performance of agency cybersecurity and incident response capability trends.

(5) TIME-BASED METRIC.—With respect the first update or establishment of covered metrics required under subsection (b)(2), the Director of the Cybersecurity and Infrastructure Security Agency shall establish covered metrics that include not less than 1 metric addressing the time it takes for agencies to identify and respond to incidents.

(d) CONGRESSIONAL REPORTS.—Not later than 1 year after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency, in coordination with the Director, shall submit to the appropriate congressional committees a report on the utility and use of the covered metrics.

SEC. 119. ESTABLISHMENT OF RISK-BASED BUDGET MODEL.

(a) DEFINITIONS.—In this section:

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

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

(B) the Committee on Oversight and Reform, the Committee on Homeland Security, and the Committee on Appropriations of the House of Representatives.

(2) COVERED AGENCY.—The term ''covered agency'' has the meaning given the term ''executive agency'' in section 133 of title 41, United States Code.

(3) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

(4) INFORMATION TECHNOLOGY.—The term ''information technology''—

(A) has the meaning given the term in section 11101 of title 40, United States Code; and

(B) includes the hardware and software systems of a Federal agency that monitor and control physical equipment and processes of the Federal agency.

(5) RISK-BASED BUDGET.—The term ''risk-based budget'' means a budget—

(A) developed by identifying and prioritizing cybersecurity risks and vulnerabilities, including impact on agency operations in the case of a cyber attack, through analysis of cyber threat intelligence, incident data, and tactics, techniques, procedures, and capabilities of cyber threats; and

(B) that allocates resources based on the risks identified and prioritized under subparagraph (A).

(b) ESTABLISHMENT OF RISK-BASED BUDGET MODEL.—

(1) IN GENERAL.—

(A) MODEL.—Not later than 1 year after the first publication of the budget submitted by the President under section 1105 of title 31,

United States Code, following the date of enactment of this Act, the Director, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and the National Cyber Director and in coordination with the Director of the National Institute of Standards and Technology, shall develop a standard model for informing a risk-based budget for cybersecurity spending.

(B) RESPONSIBILITY OF DIRECTOR.—Section 3553(a) of title 44, United States Code, as amended by section 103 of this title, is further amended by inserting after paragraph (6) the following:

''(7) developing a standard risk-based budget model to inform Federal agency cybersecurity budget development; and''.

(C) CONTENTS OF MODEL.—The model required to be developed under subparagraph (A) shall utilize appropriate information to evaluate risk, including, as determined appropriate by the Director—

(i) Federal and non-Federal cyber threat intelligence products, where available, to identify threats, vulnerabilities, and risks;

(ii) analysis of the impact of agency operations of compromise of systems, including the interconnectivity to other agency systems and the operations of other agencies; and

(iii) to the greatest extent practicable, analysis of where resources should be allocated to have the greatest impact on mitigating current and future threats and current and future cybersecurity capabilities.

(D) USE OF MODEL.—The model required to be developed under subparagraph (A) shall be used to—

(i) inform acquisition and sustainment of—

(I) information technology and cybersecurity tools;

(II) information technology and cybersecurity architectures;

(III) information technology and cybersecurity personnel; and

(IV) cybersecurity and information technology concepts of operations; and

(ii) evaluate and inform Government-wide cybersecurity programs.

(E) MODEL VARIATION.—The Director may develop multiple models under subparagraph (A) based on different agency characteristics, such as size or cybersecurity maturity.

(F) REQUIRED UPDATES.—Not less frequently than once every 3 years, the Director shall review, and update as necessary, the model required to be developed under subparagraph (A).

(G) PUBLICATION.—Not earlier than 5 years after the date on which the model developed under subparagraph (A) is completed, the Director shall, taking into account any classified or sensitive information, publish the model, and any updates necessary under subparagraph (F), on the public website of the Office of Management and Budget.

(H) REPORTS.—Not later than 2 years after the first publication of the budget submitted by the President under section 1105 of title 31, United States Code, following the date of enactment of this Act, and annually thereafter for each of the 2 following fiscal years or until the date on which the model required to be developed under subparagraph (A) is completed, whichever is sooner, the Director shall submit to the appropriate congressional committees a report on the development of the model.

(2) PHASED IMPLEMENTATION OF RISK-BASED BUDGET MODEL.—

(A) INITIAL PHASE.—

(i) IN GENERAL.—Not later than 2 years after the date on which the model developed under paragraph (1) is completed, the Director shall require not less than 5 covered agencies to use the model to inform the development of the annual cybersecurity and information technology budget requests of those covered agencies.

(ii) BRIEFING.—Not later than 1 year after the date on which the covered agencies selected under clause (i) begin using the model developed under paragraph (1), the Director shall provide to the appropriate congressional committees a briefing on implementation of risk-based budgeting for cybersecurity spending, an assessment of agency implementation, and an evaluation of whether the risk-based budget helps to mitigate cybersecurity vulnerabilities.

(B) FULL DEPLOYMENT.—Not later than 5 years after the date on which the model developed under paragraph (1) is completed, the head of each covered agency shall use the model, or any updated model pursuant to paragraph (1)(F), to the greatest extent practicable, to inform the development of the annual cybersecurity and information technology budget requests of the covered agency.

(C) AGENCY PERFORMANCE PLANS.—

(i) AMENDMENT.—Section 3554(d)(2) of title 44, United States Code, is amended by inserting ''and the risk-based budget model required under section 3553(a)(7)'' after ''paragraph (1)''.

(ii) EFFECTIVE DATE.—The amendment made by clause (i) shall take effect on the date that is 5 years after the date on which the model developed under paragraph (1) is completed.

(3) VERIFICATION.—

(A) IN GENERAL.—Section 1105(a)(35)(A)(i) of title 31, United States Code, is amended—

(i) in the matter preceding subclause (I), by striking ''by agency, and by initiative area (as determined by the administration)'' and inserting ''and by agency'';

(ii) in subclause (III), by striking ''and'' at the end; and

(iii) by adding at the end the following:

''(V) a validation that the budgets submitted were informed by using a risk-based methodology; and

''(VI) a report on the progress of each agency on closing recommendations identified under the independent evaluation required by section 3555(a)(1) of title 44.''.

(B) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall take effect on the date that is 5 years after the date on which the model developed under paragraph (1) is completed.

(4) REPORTS.—

(A) INDEPENDENT EVALUATION.—Section 3555(a)(2) of title 44, United States Code, is amended—

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

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

(iii) by adding at the end the following:

''(D) an assessment of how the agency was informed by the risk-based budget model required under section 3553(a)(7) and an evaluation of whether the model mitigates agency cyber vulnerabilities.''.

(B) ASSESSMENT.—

(i) AMENDMENT.—Section 3553(c) of title 44, United States Code, as amended by section 103 of this title, is further amended by inserting after paragraph (5) the following:

''(6) an assessment of—

''(A) Federal agency utilization of the model required under subsection (a)(7); and

''(B) whether the model mitigates the cyber vulnerabilities of the Federal Government.''.

(ii) EFFECTIVE DATE.—The amendment made by clause (i) shall take effect on the date that is 5 years after the date on which the model developed under paragraph (1) is completed.

(5) GAO REPORT.—Not later than 3 years after the date on which the first budget of the President is submitted to Congress containing the validation required under section 1105(a)(35)(A)(i)(V) of title 31, United States Code, as amended by paragraph (3), the Comptroller General of the United States shall submit to the appropriate congressional committees a report that includes—

(A) an evaluation of the success of covered agencies in utilizing the risk-based budget model;

(B) an evaluation of the success of covered agencies in implementing risk-based budgets;

(C) an evaluation of whether the risk-based budgets developed by covered agencies are effective at informing Federal Government-wide cybersecurity programs; and

(D) any other information relating to risk-based budgets the Comptroller General determines appropriate.

SEC. 120. ACTIVE CYBER DEFENSIVE STUDY.

(a) DEFINITION.—In this section, the term ''active defense technique''—

(1) means an action taken on the systems of an entity to increase the security of information on the network of an agency by misleading an adversary; and

(2) includes a honeypot, deception, or purposefully feeding false or misleading data to an adversary when the adversary is on the systems of the entity.

(b) STUDY.—Not later than 180 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency, in coordination with the Director and the National Cyber Director, shall perform a study on the use of active defense techniques to enhance the security of agencies, which shall include—

(1) a review of legal restrictions on the use of different active cyber defense techniques in Federal environments, in consultation with the Department of Justice;

(2) an evaluation of—

(A) the efficacy of a selection of active defense techniques determined by the Director of the Cybersecurity and Infrastructure Security Agency; and

(B) factors that impact the efficacy of the active defense techniques evaluated under subparagraph (A);

(3) recommendations on safeguards and procedures that shall be established to require that active defense techniques are adequately coordinated to ensure that active defense techniques do not impede agency operations and mission delivery, threat response efforts, criminal investigations, and national security activities, including intelligence collection; and

(4) the development of a framework for the use of different active defense techniques by agencies.

SEC. 121. SECURITY OPERATIONS CENTER AS A SERVICE PILOT.

(a) PURPOSE.—The purpose of this section is for the Cybersecurity and Infrastructure Security Agency to run a security operation center on behalf of another agency, alleviating the need to duplicate this function at every agency, and empowering a greater centralized cybersecurity capability.

(b) PLAN.—Not later than 1 year after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall develop a plan to establish a centralized Federal security operations center shared service offering within the Cybersecurity and Infrastructure Security Agency.

(c) CONTENTS.—The plan required under subsection (b) shall include considerations for—

(1) collecting, organizing, and analyzing agency information system data in real time;

(2) staffing and resources; and

(3) appropriate interagency agreements, concepts of operations, and governance plans.

(d) PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date on which the plan required under subsection (b) is developed, the Director of the Cybersecurity and Infrastructure Security Agency, in consultation with the Director, shall enter into a 1-year agreement with not less than 2 agencies to offer a security operations center as a shared service.

(2) ADDITIONAL AGREEMENTS.—After the date on which the briefing required under subsection (e)(1) is provided, the Director of the Cybersecurity and Infrastructure Security Agency, in consultation with the Director, may enter into additional 1-year agreements described in paragraph (1) with agencies.

(e) BRIEFING AND REPORT.—

(1) BRIEFING.—Not later than 270 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and the Committee on Oversight and Reform of the House of Representatives a briefing on the parameters of any 1-year agreements entered into under subsection (d)(1).

(2) REPORT.—Not later than 90 days after the date on which the first 1-year agreement entered into under subsection (d) expires, the Director of the Cybersecurity and Infrastructure Security Agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and the Committee on Oversight and Reform of the House of Representatives a report on—

(A) the agreement; and

(B) any additional agreements entered into with agencies under subsection (d).

SEC. 122. EXTENSION OF CHIEF DATA OFFICER COUNCIL.

Section 3520A(e)(2) of title 44, United States Code, is amended by striking ''upon the expiration of the 2-year period that begins on the date the Comptroller General submits the report under paragraph (1) to Congress'' and inserting ''January 31, 2030''.

SEC. 123. FEDERAL CYBERSECURITY REQUIREMENTS.

(a) EXEMPTION FROM FEDERAL REQUIREMENTS.—Section 225(b)(2) of the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1523(b)(2)) is amended to read as follows:

''(2) EXCEPTION.—

''(A) IN GENERAL.—A particular requirement under paragraph (1) shall not apply to an agency information system of an agency if—

''(i) with respect to the agency information system, the head of the agency submits to the Director an application for an exemption from the particular requirement, in which the head of the agency personally certifies to the Director with particularity that—

''(I) operational requirements articulated in the certification and related to the agency information system would make it excessively burdensome to implement the particular requirement;

''(II) the particular requirement is not necessary to secure the agency information system or agency information stored on or transiting the agency information system; and

''(III) the agency has taken all necessary steps to secure the agency information system and agency information stored on or transiting the agency information system;

''(ii) the head of the agency or the designee of the head of the agency has submitted the certification described in clause (i) to the appropriate congressional committees and any other congressional committee with jurisdiction over the agency; and

''(iii) the Director grants the exemption from the particular requirement.

''(B) DURATION OF EXEMPTION.—

''(i) IN GENERAL.—An exemption granted under subparagraph (A) shall expire on the date that is 1 year after the date on which the Director granted the exemption.

''(ii) RENEWAL.—Upon the expiration of an exemption granted to an agency under subparagraph (A), the head of the agency may apply for an additional exemption.''.

(b) REPORT ON EXEMPTIONS.—Section 3554(c)(1) of title 44, United States Code, as amended by section 103(c) of this title, is amended—

(1) in subparagraph (C), by striking ''and'' at the end;

(2) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(E) with respect to any exemption the Director of the Office of Management and Budget has granted the agency under section 225(b)(2) of the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1523(b)(2)) that is effective on the date of submission of the report—

''(i) an identification of each particular requirement from which any agency information system (as defined in section 2210 of the Homeland Security Act of 2002 (6 U.S.C. 660)) is exempted; and

''(ii) for each requirement identified under clause (i)—

''(I) an identification of the agency information system described in clause (i) exempted from the requirement; and

''(II) an estimate of the date on which the agency will to be able to comply with the requirement.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 1 year after the date of enactment of this Act.

TITLE II—CYBER INCIDENT REPORTING FOR CRITICAL INFRASTRUCTURE ACT OF 2022

SEC. 201. SHORT TITLE.

This title may be cited as the ''Cyber Incident Reporting for Critical Infrastructure Act of 2022''.

SEC. 202. DEFINITIONS.

In this title:

(1) COVERED CYBER INCIDENT; COVERED ENTITY; CYBER INCIDENT; INFORMATION SYSTEM; RANSOM PAYMENT; RANSOMWARE ATTACK; SECURITY VULNERABILITY.—The terms ''covered cyber incident'', ''covered entity'', ''cyber incident'', ''information system'', ''ransom payment'', ''ransomware attack'', and ''security vulnerability'' have the meanings given those terms in section 2240 of the Homeland Security Act of 2002, as added by section 203 of this title.

(2) DIRECTOR.—The term ''Director'' means the Director of the Cybersecurity and Infrastructure Security Agency.

SEC. 203. CYBER INCIDENT REPORTING.

(a) CYBER INCIDENT REPORTING.—Title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended—

(1) in section 2209(c) (6 U.S.C. 659(c))—

(A) in paragraph (11), by striking ''; and'' and inserting a semicolon;

(B) in paragraph (12), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(13) receiving, aggregating, and analyzing reports related to covered cyber incidents (as defined in section 2240) submitted by covered entities (as defined in section 2240) and reports related to ransom payments (as defined in section 2240) submitted by covered entities (as defined in section 2240) in furtherance of the activities specified in sections 2202(e), 2203, and 2241, this subsection, and any other authorized activity of the Director, to enhance the situational awareness of cybersecurity threats across critical infrastructure sectors.''; and

(2) by adding at the end the following:

''Subtitle D—Cyber Incident Reporting

''SEC. 2240. DEFINITIONS.

''In this subtitle:

''(1) CENTER.—The term 'Center' means the center established under section 2209.

''(2) CLOUD SERVICE PROVIDER.—The term 'cloud service provider' means an entity offering products or services related to cloud computing, as defined by the National Institute of Standards and Technology in NIST Special Publication 800–145 and any amendatory or superseding document relating thereto.

''(3) COUNCIL.—The term 'Council' means the Cyber Incident Reporting Council described in section 2246.

''(4) COVERED CYBER INCIDENT.—The term 'covered cyber incident' means a substantial cyber incident experienced by a covered entity that satisfies the definition and criteria established by the Director in the final rule issued pursuant to section 2242(b).

''(5) COVERED ENTITY.—The term 'covered entity' means an entity in a critical infrastructure sector, as defined in Presidential Policy Directive 21, that satisfies the definition established by the Director in the final rule issued pursuant to section 2242(b).

''(6) CYBER INCIDENT.—The term 'cyber incident'—

''(A) has the meaning given the term 'incident' in section 2209; and

''(B) does not include an occurrence that imminently, but not actually, jeopardizes—

''(i) information on information systems; or

''(ii) information systems.

''(7) CYBER THREAT.—The term 'cyber threat' has the meaning given the term 'cybersecurity threat' in section 2201.

''(8) CYBER THREAT INDICATOR; CYBERSECURITY PURPOSE; DEFENSIVE MEASURE; FEDERAL ENTITY; SECURITY VULNERABILITY.—The terms 'cyber threat indicator', 'cybersecurity purpose', 'defensive measure', 'Federal entity', and 'security vulnerability' have the meanings given those terms in section 102 of the Cybersecurity Act of 2015 (6 U.S.C. 1501).

''(9) INCIDENT; SHARING.—The terms 'incident' and 'sharing' have the meanings given those terms in section 2209.

''(10) INFORMATION SHARING AND ANALYSIS ORGANIZATION.—The term 'Information Sharing and Analysis Organization' has the meaning given the term in section 2222.

''(11) INFORMATION SYSTEM.—The term 'information system'—

''(A) has the meaning given the term in section 3502 of title 44, United States Code; and

''(B) includes industrial control systems, such as supervisory control and data acquisition systems, distributed control systems, and programmable logic controllers.

''(12) MANAGED SERVICE PROVIDER.—The term 'managed service provider' means an entity that delivers services, such as network, application, infrastructure, or security services, via ongoing and regular support and active administration on the premises of a customer, in the data center of the entity (such as hosting), or in a third party data center.

''(13) RANSOM PAYMENT.—The term 'ransom payment' means the transmission of any money or other property or asset, including virtual currency, or any portion thereof,

which has at any time been delivered as ransom in connection with a ransomware attack.

''(14) RANSOMWARE ATTACK.—The term 'ransomware attack'—

''(A) means an incident that includes the use or threat of use of unauthorized or malicious code on an information system, or the use or threat of use of another digital mechanism such as a denial of service attack, to interrupt or disrupt the operations of an information system or compromise the confidentiality, availability, or integrity of electronic data stored on, processed by, or transiting an information system to extort a demand for a ransom payment; and

''(B) does not include any such event where the demand for payment is—

''(i) not genuine; or

''(ii) made in good faith by an entity in response to a specific request by the owner or operator of the information system.

''(15) SECTOR RISK MANAGEMENT AGENCY.—The term 'Sector Risk Management Agency' has the meaning given the term in section 2201.

''(16) SIGNIFICANT CYBER INCIDENT.—The term 'significant cyber incident' means a cyber incident, or a group of related cyber incidents, that the Secretary determines is likely to result in demonstrable harm to the national security interests, foreign relations, or economy of the United States or to the public confidence, civil liberties, or public health and safety of the people of the United States.

''(17) SUPPLY CHAIN COMPROMISE.—The term 'supply chain compromise' means an incident within the supply chain of an information system that an adversary can leverage or does leverage to jeopardize the confidentiality, integrity, or availability of the information system or the information the system processes, stores, or transmits, and can occur at any point during the life cycle.

''(18) VIRTUAL CURRENCY.—The term 'virtual currency' means the digital representation of value that functions as a medium of exchange, a unit of account, or a store of value.

''(19) VIRTUAL CURRENCY ADDRESS.—The term 'virtual currency address' means a unique public cryptographic key identifying the location to which a virtual currency payment can be made.

''SEC. 2241. CYBER INCIDENT REVIEW.

''(a) ACTIVITIES.—The Center shall—

''(1) receive, aggregate, analyze, and secure, using processes consistent with the processes developed pursuant to the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501 et seq.) reports from covered entities related to a covered cyber incident to assess the effectiveness of security controls, identify tactics, techniques, and procedures adversaries use to overcome those controls and other cybersecurity purposes, including to assess potential impact of cyber incidents on public health and safety and to enhance situational awareness of cyber threats across critical infrastructure sectors;

''(2) coordinate and share information with appropriate Federal departments and agencies to identify and track ransom payments, including those utilizing virtual currencies;

''(3) leverage information gathered about cyber incidents to—

''(A) enhance the quality and effectiveness of information sharing and coordination efforts with appropriate entities, including agencies, sector coordinating councils, Information Sharing and Analysis Organizations, State, local, Tribal, and territorial governments, technology providers, critical infrastructure owners and operators, cybersecurity and cyber incident response firms, and security researchers; and

''(B) provide appropriate entities, including sector coordinating councils, Information Sharing and Analysis Organizations, State, local, Tribal, and territorial governments, technology providers, cybersecurity and cyber incident response firms, and security researchers, with timely, actionable, and anonymized reports of cyber incident campaigns and trends, including, to the maximum extent practicable, related contextual information, cyber threat indicators, and defensive measures, pursuant to section 2245;

''(4) establish mechanisms to receive feedback from stakeholders on how the Agency can most effectively receive covered cyber incident reports, ransom payment reports, and other voluntarily provided information, and how the Agency can most effectively support private sector cybersecurity;

''(5) facilitate the timely sharing, on a voluntary basis, between relevant critical infrastructure owners and operators of information relating to covered cyber incidents and ransom payments, particularly with respect to ongoing cyber threats or security vulnerabilities and identify and disseminate ways to prevent or mitigate similar cyber incidents in the future;

''(6) for a covered cyber incident, including a ransomware attack, that also satisfies the definition of a significant cyber incident, or is part of a group of related cyber incidents that together satisfy such definition, conduct a review of the details surrounding the covered cyber incident or group of those incidents and identify and disseminate ways to prevent or mitigate similar incidents in the future;

''(7) with respect to covered cyber incident reports under section 2242(a) and 2243 involving an ongoing cyber threat or security vulnerability, immediately review those reports for cyber threat indicators that can be anonymized and disseminated, with defensive measures, to appropriate stakeholders, in coordination with other divisions within the Agency, as appropriate;

''(8) publish quarterly unclassified, public reports that describe aggregated, anonymized observations, findings, and recommendations based on covered cyber incident reports, which may be based on the unclassified information contained in the briefings required under subsection (c);

''(9) proactively identify opportunities, consistent with the protections in section 2245, to leverage and utilize data on cyber incidents in a manner that enables and strengthens cybersecurity research carried out by academic institutions and other private sector organizations, to the greatest extent practicable; and

''(10) in accordance with section 2245 and subsection (b) of this section, as soon as possible but not later than 24 hours after receiving a covered cyber incident report, ransom payment report, voluntarily submitted information pursuant to section 2243, or information received pursuant to a request for information or subpoena under section 2244, make available the information to appropriate Sector Risk Management Agencies and other appropriate Federal agencies.

''(b) INTERAGENCY SHARING.—The President or a designee of the President—

''(1) may establish a specific time requirement for sharing information under subsection (a)(11); and

''(2) shall determine the appropriate Federal agencies under subsection (a)(11).

''(c) PERIODIC BRIEFING.—Not later than 60 days after the effective date of the final rule required under section 2242(b), and on the first day of each month thereafter, the Director, in consultation with the National Cyber Director, the Attorney General, and the Director of National Intelligence, shall provide to the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, the minority leader of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives a briefing that characterizes the national cyber threat landscape, including the threat facing Federal agencies and covered entities, and applicable intelligence and law enforcement information, covered cyber incidents, and ransomware attacks, as of the date of the briefing, which shall—

''(1) include the total number of reports submitted under sections 2242 and 2243 during the preceding month, including a breakdown of required and voluntary reports;

''(2) include any identified trends in covered cyber incidents and ransomware attacks over the course of the preceding month and as compared to previous reports, including any trends related to the information collected in the reports submitted under sections 2242 and 2243, including—

''(A) the infrastructure, tactics, and techniques malicious cyber actors commonly use; and

''(B) intelligence gaps that have impeded, or currently are impeding, the ability to counter covered cyber incidents and ransomware threats;

''(3) include a summary of the known uses of the information in reports submitted under sections 2242 and 2243; and

''(4) include an unclassified portion, but may include a classified component.

''SEC. 2242. REQUIRED REPORTING OF CERTAIN CYBER INCIDENTS.

''(a) IN GENERAL.—

''(1) COVERED CYBER INCIDENT REPORTS.—

''(A) IN GENERAL.—A covered entity that experiences a covered cyber incident shall report the covered cyber incident to the Agency not later than 72 hours after the covered entity reasonably believes that the covered cyber incident has occurred.

''(B) LIMITATION.—The Director may not require reporting under subparagraph (A) any earlier than 72 hours after the covered entity reasonably believes that a covered cyber incident has occurred.

''(2) RANSOM PAYMENT REPORTS.—

''(A) IN GENERAL.—A covered entity that makes a ransom payment as the result of a ransomware attack against the covered entity shall report the payment to the Agency not later than 24 hours after the ransom payment has been made.

''(B) APPLICATION.—The requirements under subparagraph (A) shall apply even if the ransomware attack is not a covered cyber incident subject to the reporting requirements under paragraph (1).

''(3) SUPPLEMENTAL REPORTS.—A covered entity shall promptly submit to the Agency an update or supplement to a previously submitted covered cyber incident report if substantial new or different information becomes available or if the covered entity makes a ransom payment after submitting a covered cyber incident report required under paragraph (1), until such date that such covered entity notifies the Agency that the covered cyber incident at issue has concluded and has been fully mitigated and resolved.

''(4) PRESERVATION OF INFORMATION.—Any covered entity subject to requirements of paragraph (1), (2), or (3) shall preserve data relevant to the covered cyber incident or ransom payment in accordance with procedures established in the final rule issued pursuant to subsection (b).

''(5) EXCEPTIONS.—

''(A) REPORTING OF COVERED CYBER INCIDENT WITH RANSOM PAYMENT.—If a covered entity is the victim of a covered cyber incident and makes a ransom payment prior to

the 72 hour requirement under paragraph (1), such that the reporting requirements under paragraphs (1) and (2) both apply, the covered entity may submit a single report to satisfy the requirements of both paragraphs in accordance with procedures established in the final rule issued pursuant to subsection (b).

''(B) SUBSTANTIALLY SIMILAR REPORTED INFORMATION.—

''(i) IN GENERAL.—Subject to the limitation described in clause (ii), where the Agency has an agreement in place that satisfies the requirements of section 4(a) of the Cyber Incident Reporting for Critical Infrastructure Act of 2022, the requirements under paragraphs (1), (2), and (3) shall not apply to a covered entity required by law, regulation, or contract to report substantially similar information to another Federal agency within a substantially similar timeframe.

''(ii) LIMITATION.—The exemption in clause (i) shall take effect with respect to a covered entity once an agency agreement and sharing mechanism is in place between the Agency and the respective Federal agency, pursuant to section 4(a) of the Cyber Incident Reporting for Critical Infrastructure Act of 2022.

''(iii) RULES OF CONSTRUCTION.—Nothing in this paragraph shall be construed to—

''(I) exempt a covered entity from the reporting requirements under paragraph (3) unless the supplemental report also meets the requirements of clauses (i) and (ii) of this paragraph;

''(II) prevent the Agency from contacting an entity submitting information to another Federal agency that is provided to the Agency pursuant to section 4 of the Cyber Incident Reporting for Critical Infrastructure Act of 2022; or

''(III) prevent an entity from communicating with the Agency.

''(C) DOMAIN NAME SYSTEM.—The requirements under paragraphs (1), (2) and (3) shall not apply to a covered entity or the functions of a covered entity that the Director determines constitute critical infrastructure owned, operated, or governed by multi-stakeholder organizations that develop, implement, and enforce policies concerning the Domain Name System, such as the Internet Corporation for Assigned Names and Numbers or the Internet Assigned Numbers Authority.

''(6) MANNER, TIMING, AND FORM OF REPORTS.—Reports made under paragraphs (1), (2), and (3) shall be made in the manner and form, and within the time period in the case of reports made under paragraph (3), prescribed in the final rule issued pursuant to subsection (b).

''(7) EFFECTIVE DATE.—Paragraphs (1) through (4) shall take effect on the dates prescribed in the final rule issued pursuant to subsection (b).

''(b) RULEMAKING.—

''(1) NOTICE OF PROPOSED RULEMAKING.—Not later than 24 months after the date of enactment of this section, the Director, in consultation with Sector Risk Management Agencies, the Department of Justice, and other Federal agencies, shall publish in the Federal Register a notice of proposed rulemaking to implement subsection (a).

''(2) FINAL RULE.—Not later than 18 months after publication of the notice of proposed rulemaking under paragraph (1), the Director shall issue a final rule to implement subsection (a).

''(3) SUBSEQUENT RULEMAKINGS.—

''(A) IN GENERAL.—The Director is authorized to issue regulations to amend or revise the final rule issued pursuant to paragraph (2).

''(B) PROCEDURES.—Any subsequent rules issued under subparagraph (A) shall comply with the requirements under chapter 5 of title 5, United States Code, including the issuance of a notice of proposed rulemaking under section 553 of such title.

''(c) ELEMENTS.—The final rule issued pursuant to subsection (b) shall be composed of the following elements:

''(1) A clear description of the types of entities that constitute covered entities, based on—

''(A) the consequences that disruption to or compromise of such an entity could cause to national security, economic security, or public health and safety;

''(B) the likelihood that such an entity may be targeted by a malicious cyber actor, including a foreign country; and

''(C) the extent to which damage, disruption, or unauthorized access to such an entity, including the accessing of sensitive cybersecurity vulnerability information or penetration testing tools or techniques, will likely enable the disruption of the reliable operation of critical infrastructure.

''(2) A clear description of the types of substantial cyber incidents that constitute covered cyber incidents, which shall—

''(A) at a minimum, require the occurrence of—

''(i) a cyber incident that leads to substantial loss of confidentiality, integrity, or availability of such information system or network, or a serious impact on the safety and resiliency of operational systems and processes;

''(ii) a disruption of business or industrial operations, including due to a denial of service attack, ransomware attack, or exploitation of a zero day vulnerability, against

''(I) an information system or network; or

''(II) an operational technology system or process; or

''(iii) unauthorized access or disruption of business or industrial operations due to loss of service facilitated through, or caused by, a compromise of a cloud service provider, managed service provider, or other third-party data hosting provider or by a supply chain compromise;

''(B) consider—

''(i) the sophistication or novelty of the tactics used to perpetrate such a cyber incident, as well as the type, volume, and sensitivity of the data at issue;

''(ii) the number of individuals directly or indirectly affected or potentially affected by such a cyber incident; and

''(iii) potential impacts on industrial control systems, such as supervisory control and data acquisition systems, distributed control systems, and programmable logic controllers; and

''(C) exclude—

''(i) any event where the cyber incident is perpetrated in good faith by an entity in response to a specific request by the owner or operator of the information system; and

''(ii) the threat of disruption as extortion, as described in section 2240(14)(A).

''(3) A requirement that, if a covered cyber incident or a ransom payment occurs following an exempted threat described in paragraph (2)(C)(ii), the covered entity shall comply with the requirements in this subtitle in reporting the covered cyber incident or ransom payment.

''(4) A clear description of the specific required contents of a report pursuant to subsection (a)(1), which shall include the following information, to the extent applicable and available, with respect to a covered cyber incident:

''(A) A description of the covered cyber incident, including—

''(i) identification and a description of the function of the affected information systems, networks, or devices that were, or are reasonably believed to have been, affected by such cyber incident;

''(ii) a description of the unauthorized access with substantial loss of confidentiality, integrity, or availability of the affected information system or network or disruption of business or industrial operations;

''(iii) the estimated date range of such incident; and

''(iv) the impact to the operations of the covered entity.

''(B) Where applicable, a description of the vulnerabilities exploited and the security defenses that were in place, as well as the tactics, techniques, and procedures used to perpetrate the covered cyber incident.

''(C) Where applicable, any identifying or contact information related to each actor reasonably believed to be responsible for such cyber incident.

''(D) Where applicable, identification of the category or categories of information that were, or are reasonably believed to have been, accessed or acquired by an unauthorized person.

''(E) The name and other information that clearly identifies the covered entity impacted by the covered cyber incident, including, as applicable, the State of incorporation or formation of the covered entity, trade names, legal names, or other identifiers.

''(F) Contact information, such as telephone number or electronic mail address, that the Agency may use to contact the covered entity or an authorized agent of such covered entity, or, where applicable, the service provider of such covered entity acting with the express permission of, and at the direction of, the covered entity to assist with compliance with the requirements of this subtitle.

''(5) A clear description of the specific required contents of a report pursuant to subsection (a)(2), which shall be the following information, to the extent applicable and available, with respect to a ransom payment:

''(A) A description of the ransomware attack, including the estimated date range of the attack.

''(B) Where applicable, a description of the vulnerabilities, tactics, techniques, and procedures used to perpetrate the ransomware attack.

''(C) Where applicable, any identifying or contact information related to the actor or actors reasonably believed to be responsible for the ransomware attack.

''(D) The name and other information that clearly identifies the covered entity that made the ransom payment or on whose behalf the payment was made.

''(E) Contact information, such as telephone number or electronic mail address, that the Agency may use to contact the covered entity that made the ransom payment or an authorized agent of such covered entity, or, where applicable, the service provider of such covered entity acting with the express permission of, and at the direction of, that covered entity to assist with compliance with the requirements of this subtitle.

''(F) The date of the ransom payment.

''(G) The ransom payment demand, including the type of virtual currency or other commodity requested, if applicable.

''(H) The ransom payment instructions, including information regarding where to send the payment, such as the virtual currency address or physical address the funds were requested to be sent to, if applicable.

''(I) The amount of the ransom payment.

''(6) A clear description of the types of data required to be preserved pursuant to subsection (a)(4), the period of time for which the data is required to be preserved, and allowable uses, processes, and procedures.

''(7) Deadlines and criteria for submitting supplemental reports to the Agency required under subsection (a)(3), which shall—

''(A) be established by the Director in consultation with the Council;

''(B) consider any existing regulatory reporting requirements similar in scope, purpose, and timing to the reporting requirements to which such a covered entity may also be subject, and make efforts to harmonize the timing and contents of any such reports to the maximum extent practicable;

''(C) balance the need for situational awareness with the ability of the covered entity to conduct cyber incident response and investigations; and

''(D) provide a clear description of what constitutes substantial new or different information.

''(8) Procedures for—

''(A) entities, including third parties pursuant to subsection (d)(1), to submit reports required by paragraphs (1), (2), and (3) of subsection (a), including the manner and form thereof, which shall include, at a minimum, a concise, user-friendly web-based form;

''(B) the Agency to carry out—

''(i) the enforcement provisions of section 2244, including with respect to the issuance, service, withdrawal, referral process, and enforcement of subpoenas, appeals and due process procedures;

''(ii) other available enforcement mechanisms including acquisition, suspension and debarment procedures; and

''(iii) other aspects of noncompliance;

''(C) implementing the exceptions provided in subsection (a)(5); and

''(D) protecting privacy and civil liberties consistent with processes adopted pursuant to section 105(b) of the Cybersecurity Act of 2015 (6 U.S.C. 1504(b)) and anonymizing and safeguarding, or no longer retaining, information received and disclosed through covered cyber incident reports and ransom payment reports that is known to be personal information of a specific individual or information that identifies a specific individual that is not directly related to a cybersecurity threat.

''(9) Other procedural measures directly necessary to implement subsection (a).

''(d) THIRD PARTY REPORT SUBMISSION AND RANSOM PAYMENT.—

''(1) REPORT SUBMISSION.—A covered entity that is required to submit a covered cyber incident report or a ransom payment report may use a third party, such as an incident response company, insurance provider, service provider, Information Sharing and Analysis Organization, or law firm, to submit the required report under subsection (a).

''(2) RANSOM PAYMENT.—If a covered entity impacted by a ransomware attack uses a third party to make a ransom payment, the third party shall not be required to submit a ransom payment report for itself under subsection (a)(2).

''(3) DUTY TO REPORT.—Third-party reporting under this subparagraph does not relieve a covered entity from the duty to comply with the requirements for covered cyber incident report or ransom payment report submission.

''(4) RESPONSIBILITY TO ADVISE.—Any third party used by a covered entity that knowingly makes a ransom payment on behalf of a covered entity impacted by a ransomware attack shall advise the impacted covered entity of the responsibilities of the impacted covered entity regarding reporting ransom payments under this section.

''(e) OUTREACH TO COVERED ENTITIES.—

''(1) IN GENERAL.—The Agency shall conduct an outreach and education campaign to inform likely covered entities, entities that offer or advertise as a service to customers to make or facilitate ransom payments on behalf of covered entities impacted by ransomware attacks and other appropriate entities of the requirements of paragraphs (1), (2), and (3) of subsection (a).

''(2) ELEMENTS.—The outreach and education campaign under paragraph (1) shall include the following:

''(A) An overview of the final rule issued pursuant to subsection (b).

''(B) An overview of mechanisms to submit to the Agency covered cyber incident reports, ransom payment reports, and information relating to the disclosure, retention, and use of covered cyber incident reports and ransom payment reports under this section.

''(C) An overview of the protections afforded to covered entities for complying with the requirements under paragraphs (1), (2), and (3) of subsection (a).

''(D) An overview of the steps taken under section 2244 when a covered entity is not in compliance with the reporting requirements under subsection (a).

''(E) Specific outreach to cybersecurity vendors, cyber incident response providers, cybersecurity insurance entities, and other entities that may support covered entities.

''(F) An overview of the privacy and civil liberties requirements in this subtitle.

''(3) COORDINATION.—In conducting the outreach and education campaign required under paragraph (1), the Agency may coordinate with—

''(A) the Critical Infrastructure Partnership Advisory Council established under section 871;

''(B) Information Sharing and Analysis Organizations;

''(C) trade associations;

''(D) information sharing and analysis centers;

''(E) sector coordinating councils; and

''(F) any other entity as determined appropriate by the Director.

''(f) EXEMPTION.—Sections 3506(c), 3507, 3508, and 3509 of title 44, United States Code, shall not apply to any action to carry out this section.

''(g) RULE OF CONSTRUCTION.—Nothing in this section shall affect the authorities of the Federal Government to implement the requirements of Executive Order 14028 (86 Fed. Reg. 26633; relating to improving the nation's cybersecurity), including changes to the Federal Acquisition Regulations and remedies to include suspension and debarment.

''(h) SAVINGS PROVISION.—Nothing in this section shall be construed to supersede or to abrogate, modify, or otherwise limit the authority that is vested in any officer or any agency of the United States Government to regulate or take action with respect to the cybersecurity of an entity.

''SEC. 2243. VOLUNTARY REPORTING OF OTHER CYBER INCIDENTS.

''(a) IN GENERAL.—Entities may voluntarily report cyber incidents or ransom payments to the Agency that are not required under paragraph (1), (2), or (3) of section 2242(a), but may enhance the situational awareness of cyber threats.

''(b) VOLUNTARY PROVISION OF ADDITIONAL INFORMATION IN REQUIRED REPORTS.—Covered entities may voluntarily include in reports required under paragraph (1), (2), or (3) of section 2242(a) information that is not required to be included, but may enhance the situational awareness of cyber threats.

''(c) APPLICATION OF PROTECTIONS.—The protections under section 2245 applicable to reports made under section 2242 shall apply in the same manner and to the same extent to reports and information submitted under subsections (a) and (b).

''SEC. 2244. NONCOMPLIANCE WITH REQUIRED REPORTING.

''(a) PURPOSE.—In the event that a covered entity that is required to submit a report under section 2242(a) fails to comply with the requirement to report, the Director may obtain information about the cyber incident or ransom payment by engaging the covered entity directly to request information about the cyber incident or ransom payment, and if the Director is unable to obtain information through such engagement, by issuing a subpoena to the covered entity, pursuant to subsection (c), to gather information sufficient to determine whether a covered cyber incident or ransom payment has occurred.

''(b) INITIAL REQUEST FOR INFORMATION.—

''(1) IN GENERAL.—If the Director has reason to believe, whether through public reporting or other information in the possession of the Federal Government, including through analysis performed pursuant to paragraph (1) or (2) of section 2241(a), that a covered entity has experienced a covered cyber incident or made a ransom payment but failed to report such cyber incident or payment to the Agency in accordance with section 2242(a), the Director may request additional information from the covered entity to confirm whether or not a covered cyber incident or ransom payment has occurred.

''(2) TREATMENT.—Information provided to the Agency in response to a request under paragraph (1) shall be treated as if it was submitted through the reporting procedures established in section 2242.

''(c) ENFORCEMENT.—

''(1) IN GENERAL.—If, after the date that is 72 hours from the date on which the Director made the request for information in subsection (b), the Director has received no response from the covered entity from which such information was requested, or received an inadequate response, the Director may issue to such covered entity a subpoena to compel disclosure of information the Director deems necessary to determine whether a covered cyber incident or ransom payment has occurred and obtain the information required to be reported pursuant to section 2242 and any implementing regulations, and assess potential impacts to national security, economic security, or public health and safety.

''(2) CIVIL ACTION.—

''(A) IN GENERAL.—If a covered entity fails to comply with a subpoena, the Director may refer the matter to the Attorney General to bring a civil action in a district court of the United States to enforce such subpoena.

''(B) VENUE.—An action under this paragraph may be brought in the judicial district in which the covered entity against which the action is brought resides, is found, or does business.

''(C) CONTEMPT OF COURT.—A court may punish a failure to comply with a subpoena issued under this subsection as contempt of court.

''(3) NON-DELEGATION.—The authority of the Director to issue a subpoena under this subsection may not be delegated.

''(4) AUTHENTICATION.—

''(A) IN GENERAL.—Any subpoena issued electronically pursuant to this subsection shall be authenticated with a cryptographic digital signature of an authorized representative of the Agency, or other comparable successor technology, that allows the Agency to demonstrate that such subpoena was issued by the Agency and has not been altered or modified since such issuance.

''(B) INVALID IF NOT AUTHENTICATED.—Any subpoena issued electronically pursuant to this subsection that is not authenticated in accordance with subparagraph (A) shall not be considered to be valid by the recipient of such subpoena.

''(d) PROVISION OF CERTAIN INFORMATION TO ATTORNEY GENERAL.—

''(1) IN GENERAL.—Notwithstanding section 2245(a)(5) and paragraph (b)(2) of this section,

if the Director determines, based on the information provided in response to a subpoena issued pursuant to subsection (c), that the facts relating to the cyber incident or ransom payment at issue may constitute grounds for a regulatory enforcement action or criminal prosecution, the Director may provide such information to the Attorney General or the head of the appropriate Federal regulatory agency, who may use such information for a regulatory enforcement action or criminal prosecution.

''(2) CONSULTATION.—The Director may consult with the Attorney General or the head of the appropriate Federal regulatory agency when making the determination under paragraph (1).

''(e) CONSIDERATIONS.—When determining whether to exercise the authorities provided under this section, the Director shall take into consideration—

''(1) the complexity in determining if a covered cyber incident has occurred; and

''(2) prior interaction with the Agency or awareness of the covered entity of the policies and procedures of the Agency for reporting covered cyber incidents and ransom payments.

''(f) EXCLUSIONS.—This section shall not apply to a State, local, Tribal, or territorial government entity.

''(g) REPORT TO CONGRESS.—The Director shall submit to Congress an annual report on the number of times the Director—

''(1) issued an initial request for information pursuant to subsection (b);

''(2) issued a subpoena pursuant to subsection (c); or

''(3) referred a matter to the Attorney General for a civil action pursuant to subsection (c)(2).

''(h) PUBLICATION OF THE ANNUAL REPORT.—The Director shall publish a version of the annual report required under subsection (g) on the website of the Agency, which shall include, at a minimum, the number of times the Director—

''(1) issued an initial request for information pursuant to subsection (b); or

''(2) issued a subpoena pursuant to subsection (c).

''(i) ANONYMIZATION OF REPORTS.—The Director shall ensure any victim information contained in a report required to be published under subsection (h) be anonymized before the report is published.

''SEC. 2245. INFORMATION SHARED WITH OR PROVIDED TO THE FEDERAL GOVERNMENT.

''(a) DISCLOSURE, RETENTION, AND USE.—

''(1) AUTHORIZED ACTIVITIES.—Information provided to the Agency pursuant to section 2242 or 2243 may be disclosed to, retained by, and used by, consistent with otherwise applicable provisions of Federal law, any Federal agency or department, component, officer, employee, or agent of the Federal Government solely for—

''(A) a cybersecurity purpose;

''(B) the purpose of identifying—

''(i) a cyber threat, including the source of the cyber threat; or

''(ii) a security vulnerability;

''(C) the purpose of responding to, or otherwise preventing or mitigating, a specific threat of death, a specific threat of serious bodily harm, or a specific threat of serious economic harm, including a terrorist act or use of a weapon of mass destruction;

''(D) the purpose of responding to, investigating, prosecuting, or otherwise preventing or mitigating, a serious threat to a minor, including sexual exploitation and threats to physical safety; or

''(E) the purpose of preventing, investigating, disrupting, or prosecuting an offense arising out of a cyber incident reported pursuant to section 2242 or 2243 or any of the offenses listed in section 105(d)(5)(A)(v) of the Cybersecurity Act of 2015 (6 U.S.C. 1504(d)(5)(A)(v)).

''(2) AGENCY ACTIONS AFTER RECEIPT.—

''(A) RAPID, CONFIDENTIAL SHARING OF CYBER THREAT INDICATORS.—Upon receiving a covered cyber incident or ransom payment report submitted pursuant to this section, the Agency shall immediately review the report to determine whether the cyber incident that is the subject of the report is connected to an ongoing cyber threat or security vulnerability and where applicable, use such report to identify, develop, and rapidly disseminate to appropriate stakeholders actionable, anonymized cyber threat indicators and defensive measures.

''(B) PRINCIPLES FOR SHARING SECURITY VULNERABILITIES.—With respect to information in a covered cyber incident or ransom payment report regarding a security vulnerability referred to in paragraph (1)(B)(ii), the Director shall develop principles that govern the timing and manner in which information relating to security vulnerabilities may be shared, consistent with common industry best practices and United States and international standards.

''(3) PRIVACY AND CIVIL LIBERTIES.—Information contained in covered cyber incident and ransom payment reports submitted to the Agency pursuant to section 2242 shall be retained, used, and disseminated, where permissible and appropriate, by the Federal Government in accordance with processes to be developed for the protection of personal information consistent with processes adopted pursuant to section 105 of the Cybersecurity Act of 2015 (6 U.S.C. 1504) and in a manner that protects from unauthorized use or disclosure any information that may contain—

''(A) personal information of a specific individual that is not directly related to a cybersecurity threat; or

''(B) information that identifies a specific individual that is not directly related to a cybersecurity threat.

''(4) DIGITAL SECURITY.—The Agency shall ensure that reports submitted to the Agency pursuant to section 2242, and any information contained in those reports, are collected, stored, and protected at a minimum in accordance with the requirements for moderate impact Federal information systems, as described in Federal Information Processing Standards Publication 199, or any successor document.

''(5) PROHIBITION ON USE OF INFORMATION IN REGULATORY ACTIONS.—

''(A) IN GENERAL.—A Federal, State, local, or Tribal government shall not use information about a covered cyber incident or ransom payment obtained solely through reporting directly to the Agency in accordance with this subtitle to regulate, including through an enforcement action, the activities of the covered entity or entity that made a ransom payment, unless the government entity expressly allows entities to submit reports to the Agency to meet regulatory reporting obligations of the entity.

''(B) CLARIFICATION.—A report submitted to the Agency pursuant to section 2242 or 2243 may, consistent with Federal or State regulatory authority specifically relating to the prevention and mitigation of cybersecurity threats to information systems, inform the development or implementation of regulations relating to such systems.

''(b) PROTECTIONS FOR REPORTING ENTITIES AND INFORMATION.—Reports describing covered cyber incidents or ransom payments submitted to the Agency by entities in accordance with section 2242, as well as voluntarily-submitted cyber incident reports submitted to the Agency pursuant to section 2243, shall—

''(1) be considered the commercial, financial, and proprietary information of the covered entity when so designated by the covered entity;

''(2) be exempt from disclosure under section 552(b)(3) of title 5, United States Code (commonly known as the 'Freedom of Information Act'), as well as any provision of State, Tribal, or local freedom of information law, open government law, open meetings law, open records law, sunshine law, or similar law requiring disclosure of information or records;

''(3) be considered not to constitute a waiver of any applicable privilege or protection provided by law, including trade secret protection; and

''(4) not be subject to a rule of any Federal agency or department or any judicial doctrine regarding ex parte communications with a decision-making official.

''(c) LIABILITY PROTECTIONS.—

''(1) IN GENERAL.—No cause of action shall lie or be maintained in any court by any person or entity and any such action shall be promptly dismissed for the submission of a report pursuant to section 2242(a) that is submitted in conformance with this subtitle and the rule promulgated under section 2242(b), except that this subsection shall not apply with regard to an action by the Federal Government pursuant to section 2244(c)(2).

''(2) SCOPE.—The liability protections provided in this subsection shall only apply to or affect litigation that is solely based on the submission of a covered cyber incident report or ransom payment report to the Agency.

''(3) RESTRICTIONS.—Notwithstanding paragraph (2), no report submitted to the Agency pursuant to this subtitle or any communication, document, material, or other record, created for the sole purpose of preparing, drafting, or submitting such report, may be received in evidence, subject to discovery, or otherwise used in any trial, hearing, or other proceeding in or before any court, regulatory body, or other authority of the United States, a State, or a political subdivision thereof, provided that nothing in this subtitle shall create a defense to discovery or otherwise affect the discovery of any communication, document, material, or other record not created for the sole purpose of preparing, drafting, or submitting such report.

''(d) SHARING WITH NON-FEDERAL ENTITIES.—The Agency shall anonymize the victim who reported the information when making information provided in reports received under section 2242 available to critical infrastructure owners and operators and the general public.

''(e) STORED COMMUNICATIONS ACT.—Nothing in this subtitle shall be construed to permit or require disclosure by a provider of a remote computing service or a provider of an electronic communication service to the public of information not otherwise permitted or required to be disclosed under chapter 121 of title 18, United States Code (commonly known as the 'Stored Communications Act').

''SEC. 2246. CYBER INCIDENT REPORTING COUNCIL.

''(a) RESPONSIBILITY OF THE SECRETARY.—The Secretary shall lead an intergovernmental Cyber Incident Reporting Council, in consultation with the Director of the Office of Management and Budget, the Attorney General, the National Director Cyber Director, Sector Risk Management Agencies, and other appropriate Federal agencies, to coordinate, deconflict, and harmonize Federal incident reporting requirements, including those issued through regulations.

''(b) RULE OF CONSTRUCTION.—Nothing in subsection (a) shall be construed to provide

any additional regulatory authority to any Federal entity.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the items relating to subtitle C of title XXII the following:

''Subtitle D—Cyber Incident Reporting

''Sec. 2240. Definitions.
''Sec. 2241. Cyber Incident Review.
''Sec. 2242. Required reporting of certain cyber incidents.
''Sec. 2243. Voluntary reporting of other cyber incidents.
''Sec. 2244. Noncompliance with required reporting.
''Sec. 2245. Information shared with or provided to the Federal Government.
''Sec. 2246. Cyber Incident Reporting Council.''.

SEC. 204. FEDERAL SHARING OF INCIDENT REPORTS.

(a) CYBER INCIDENT REPORTING SHARING.—

(1) IN GENERAL.—Notwithstanding any other provision of law or regulation, any Federal agency, including any independent establishment (as defined in section 104 of title 5, United States Code), that receives a report from an entity of a cyber incident, including a ransomware attack, shall provide the report to the Agency as soon as possible, but not later than 24 hours after receiving the report, unless a shorter period is required by an agreement made between the Department of Homeland Security (including the Cybersecurity and Infrastructure Security Agency) and the recipient Federal agency. The Director shall share and coordinate each report pursuant to section 2241(b) of the Homeland Security Act of 2002, as added by section 203 of this title.

(2) RULE OF CONSTRUCTION.—The requirements described in paragraph (1) and section 2245(d) of the Homeland Security Act of 2002, as added by section 203 of this title, may not be construed to be a violation of any provision of law or policy that would otherwise prohibit disclosure or provision of information within the executive branch.

(3) PROTECTION OF INFORMATION.—The Director shall comply with any obligations of the recipient Federal agency described in paragraph (1) to protect information, including with respect to privacy, confidentiality, or information security, if those obligations would impose greater protection requirements than this Act or the amendments made by this Act.

(4) EFFECTIVE DATE.—This subsection shall take effect on the effective date of the final rule issued pursuant to section 2242(b) of the Homeland Security Act of 2002, as added by section 203 of this title.

(5) AGENCY AGREEMENTS.—

(A) IN GENERAL.—The Agency and any Federal agency, including any independent establishment (as defined in section 104 of title 5, United States Code) that receives incident reports from entities, including due to ransomware attacks, shall, as appropriate, enter into a documented agreement to establish policies, processes, procedures, and mechanisms to ensure reports are shared with the Agency pursuant to paragraph (1).

(B) AVAILABILITY.—To the maximum extent practicable, each documented agreement required under subparagraph (A) shall be made publicly available.

(C) REQUIREMENT.—The documented agreements required by subparagraph (A) shall require reports be shared from Federal agencies with the Agency in such time as to meet the overall timeline for covered entity reporting of covered cyber incidents and ransom payments established in section 2242 of the Homeland Security Act of 2002, as added by section 203 of this title.

(b) HARMONIZING REPORTING REQUIREMENTS.—The Secretary of Homeland Security, acting through the Director, shall, in consultation with the Cyber Incident Reporting Council described in section 2246 of the Homeland Security Act of 2002, as added by section 203 of this title, to the maximum extent practicable—

(1) periodically review existing regulatory requirements, including the information required in such reports, to report incidents and ensure that any such reporting requirements and procedures avoid conflicting, duplicative, or burdensome requirements; and

(2) coordinate with appropriate Federal partners and regulatory authorities that receive reports relating to incidents to identify opportunities to streamline reporting processes, and where feasible, facilitate interagency agreements between such authorities to permit the sharing of such reports, consistent with applicable law and policy, without impacting the ability of the Agency to gain timely situational awareness of a covered cyber incident or ransom payment.

SEC. 205. RANSOMWARE VULNERABILITY WARNING PILOT PROGRAM.

(a) PROGRAM.—Not later than 1 year after the date of enactment of this Act, the Director shall establish a ransomware vulnerability warning pilot program to leverage existing authorities and technology to specifically develop processes and procedures for, and to dedicate resources to, identifying information systems that contain security vulnerabilities associated with common ransomware attacks, and to notify the owners of those vulnerable systems of their security vulnerability.

(b) IDENTIFICATION OF VULNERABLE SYSTEMS.—The pilot program established under subsection (a) shall—

(1) identify the most common security vulnerabilities utilized in ransomware attacks and mitigation techniques; and

(2) utilize existing authorities to identify information systems that contain the security vulnerabilities identified in paragraph (1).

(c) ENTITY NOTIFICATION.—

(1) IDENTIFICATION.—If the Director is able to identify the entity at risk that owns or operates a vulnerable information system identified in subsection (b), the Director may notify the owner of the information system.

(2) NO IDENTIFICATION.—If the Director is not able to identify the entity at risk that owns or operates a vulnerable information system identified in subsection (b), the Director may utilize the subpoena authority pursuant to section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659) to identify and notify the entity at risk pursuant to the procedures under that section.

(3) REQUIRED INFORMATION.—A notification made under paragraph (1) shall include information on the identified security vulnerability and mitigation techniques.

(d) PRIORITIZATION OF NOTIFICATIONS.—To the extent practicable, the Director shall prioritize covered entities for identification and notification activities under the pilot program established under this section.

(e) LIMITATION ON PROCEDURES.—No procedure, notification, or other authorities utilized in the execution of the pilot program established under subsection (a) shall require an owner or operator of a vulnerable information system to take any action as a result of a notice of a security vulnerability made pursuant to subsection (c).

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to provide additional authorities to the Director to identify vulnerabilities or vulnerable systems.

(g) TERMINATION.—The pilot program established under subsection (a) shall terminate on the date that is 4 years after the date of enactment of this Act.

SEC. 206. RANSOMWARE THREAT MITIGATION ACTIVITIES.

(a) JOINT RANSOMWARE TASK FORCE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director, in consultation with the National Cyber Director, the Attorney General, and the Director of the Federal Bureau of Investigation, shall establish and chair the Joint Ransomware Task Force to coordinate an ongoing nationwide campaign against ransomware attacks, and identify and pursue opportunities for international cooperation.

(2) COMPOSITION.—The Joint Ransomware Task Force shall consist of participants from Federal agencies, as determined appropriate by the National Cyber Director in consultation with the Secretary of Homeland Security.

(3) RESPONSIBILITIES.—The Joint Ransomware Task Force, utilizing only existing authorities of each participating Federal agency, shall coordinate across the Federal Government the following activities:

(A) Prioritization of intelligence-driven operations to disrupt specific ransomware actors.

(B) Consult with relevant private sector, State, local, Tribal, and territorial governments and international stakeholders to identify needs and establish mechanisms for providing input into the Joint Ransomware Task Force.

(C) Identifying, in consultation with relevant entities, a list of highest threat ransomware entities updated on an ongoing basis, in order to facilitate—

(i) prioritization for Federal action by appropriate Federal agencies; and

(ii) identify metrics for success of said actions.

(D) Disrupting ransomware criminal actors, associated infrastructure, and their finances.

(E) Facilitating coordination and collaboration between Federal entities and relevant entities, including the private sector, to improve Federal actions against ransomware threats.

(F) Collection, sharing, and analysis of ransomware trends to inform Federal actions.

(G) Creation of after-action reports and other lessons learned from Federal actions that identify successes and failures to improve subsequent actions.

(H) Any other activities determined appropriate by the Joint Ransomware Task Force to mitigate the threat of ransomware attacks.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to provide any additional authority to any Federal agency.

SEC. 207. CONGRESSIONAL REPORTING.

(a) REPORT ON STAKEHOLDER ENGAGEMENT.—Not later than 30 days after the date on which the Director issues the final rule under section 2242(b) of the Homeland Security Act of 2002, as added by section 203(b) of this title, the Director shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that describes how the Director engaged stakeholders in the development of the final rule.

(b) REPORT ON OPPORTUNITIES TO STRENGTHEN SECURITY RESEARCH.—Not later than 1 year after the date of enactment of this Act, the Director shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the

Committee on Homeland Security of the House of Representatives a report describing how the National Cybersecurity and Communications Integration Center established under section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659) has carried out activities under section 2241(a)(9) of the Homeland Security Act of 2002, as added by section 203(a) of this title, by proactively identifying opportunities to use cyber incident data to inform and enable cybersecurity research within the academic and private sector.

(c) REPORT ON RANSOMWARE VULNERABILITY WARNING PILOT PROGRAM.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for the duration of the pilot program established under section 205, the Director shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report, which may include a classified annex, on the effectiveness of the pilot program, which shall include a discussion of the following:

(1) The effectiveness of the notifications under section 205(c) in mitigating security vulnerabilities and the threat of ransomware.

(2) Identification of the most common vulnerabilities utilized in ransomware.

(3) The number of notifications issued during the preceding year.

(4) To the extent practicable, the number of vulnerable devices or systems mitigated under the pilot program by the Agency during the preceding year.

(d) REPORT ON HARMONIZATION OF REPORTING REGULATIONS.—

(1) IN GENERAL.—Not later than 180 days after the date on which the Secretary of Homeland Security convenes the Cyber Incident Reporting Council described in section 2246 of the Homeland Security Act of 2002, as added by section 203 of this title, the Secretary of Homeland Security shall submit to the appropriate congressional committees a report that includes—

(A) a list of duplicative Federal cyber incident reporting requirements on covered entities;

(B) a description of any challenges in harmonizing the duplicative reporting requirements;

(C) any actions the Director intends to take to facilitate harmonizing the duplicative reporting requirements; and

(D) any proposed legislative changes necessary to address the duplicative reporting.

(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to provide any additional regulatory authority to any Federal agency.

(e) GAO REPORTS.—

(1) IMPLEMENTATION OF THIS ACT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the implementation of this Act and the amendments made by this Act.

(2) EXEMPTIONS TO REPORTING.—Not later than 1 year after the date on which the Director issues the final rule required under section 2242(b) of the Homeland Security Act of 2002, as added by section 203 of this title, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the exemptions to reporting under paragraphs (2) and (5) of section 2242(a) of the Homeland Security Act of 2002, as added by section 203 of this title, which shall include—

(A) to the extent practicable, an evaluation of the quantity of cyber incidents not reported to the Federal Government;

(B) an evaluation of the impact on impacted entities, homeland security, and the national economy due to cyber incidents, ransomware attacks, and ransom payments, including a discussion on the scope of impact of cyber incidents that were not reported to the Federal Government;

(C) an evaluation of the burden, financial and otherwise, on entities required to report cyber incidents under this Act, including an analysis of entities that meet the definition of a small business concern under section 3 of the Small Business Act (15 U.S.C. 632); and

(D) a description of the consequences and effects of limiting covered cyber incident and ransom payment reporting to only covered entities.

(f) REPORT ON EFFECTIVENESS OF ENFORCEMENT MECHANISMS.—Not later than 1 year after the date on which the Director issues the final rule required under section 2242(b) of the Homeland Security Act of 2002, as added by section 203 of this title, the Director shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the effectiveness of the enforcement mechanisms within section 2244 of the Homeland Security Act of 2002, as added by section 203 of this title.

TITLE III—FEDERAL SECURE CLOUD IMPROVEMENT AND JOBS ACT OF 2022

SEC. 301. SHORT TITLE.

This title may be cited as the ''Federal Secure Cloud Improvement and Jobs Act of 2022''.

SEC. 302. FINDINGS.

Congress finds the following:

(1) Ensuring that the Federal Government can securely leverage cloud computing products and services is key to expediting the modernization of legacy information technology systems, increasing cybersecurity within and across departments and agencies, and supporting the continued leadership of the United States in technology innovation and job creation.

(2) According to independent analysis, as of calendar year 2019, the size of the cloud computing market had tripled since 2004, enabling more than 2,000,000 jobs and adding more than $200,000,000,000 to the gross domestic product of the United States.

(3) The Federal Government, across multiple presidential administrations and Congresses, has continued to support the ability of agencies to move to the cloud, including through—

(A) President Barack Obama's ''Cloud First Strategy'';

(B) President Donald Trump's ''Cloud Smart Strategy'';

(C) the prioritization of cloud security in Executive Order 14028 (86 Fed. Reg. 26633; relating to improving the nation's cybersecurity), which was issued by President Joe Biden; and

(D) more than a decade of appropriations and authorization legislation that provides agencies with relevant authorities and appropriations to modernize on-premises information technology systems and more readily adopt cloud computing products and services.

(4) Since it was created in 2011, the Federal Risk and Authorization Management Program (referred to in this section as ''FedRAMP'') at the General Services Administration has made steady and sustained improvements in supporting the secure authorization and reuse of cloud computing products and services within the Federal Government, including by reducing the costs and burdens on both agencies and cloud companies to quickly and securely enter the Federal market.

(5) According to data from the General Services Administration, as of the end of fiscal year 2021, there were 239 cloud providers with FedRAMP authorizations, and those authorizations had been reused more than 2,700 times across various agencies.

(6) Providing a legislative framework for FedRAMP and new authorities to the General Services Administration, the Office of Management and Budget, and Federal agencies will—

(A) improve the speed at which new cloud computing products and services can be securely authorized;

(B) enhance the ability of agencies to effectively evaluate FedRAMP authorized providers for reuse;

(C) reduce the costs and burdens to cloud providers seeking a FedRAMP authorization; and

(D) provide for more robust transparency and dialogue between industry and the Federal Government to drive stronger adoption of secure cloud capabilities, create jobs, and reduce wasteful legacy information technology.

SEC. 303. TITLE 44 AMENDMENTS.

(a) AMENDMENT.—Chapter 36 of title 44, United States Code, is amended by adding at the end the following:

''§ 3607. Definitions

''(a) IN GENERAL.—Except as provided under subsection (b), the definitions under sections 3502 and 3552 apply to this section through section 3616.

''(b) ADDITIONAL DEFINITIONS.—In this section through section 3616:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of General Services.

''(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives.

''(3) AUTHORIZATION TO OPERATE; FEDERAL INFORMATION.—The terms 'authorization to operate' and 'Federal information' have the meaning given those term in Circular A–130 of the Office of Management and Budget entitled 'Managing Information as a Strategic Resource', or any successor document.

''(4) CLOUD COMPUTING.—The term 'cloud computing' has the meaning given the term in Special Publication 800–145 of the National Institute of Standards and Technology, or any successor document.

''(5) CLOUD SERVICE PROVIDER.—The term 'cloud service provider' means an entity offering cloud computing products or services to agencies.

''(6) FEDRAMP.—The term 'FedRAMP' means the Federal Risk and Authorization Management Program established under section 3608.

''(7) FEDRAMP AUTHORIZATION.—The term 'FedRAMP authorization' means a certification that a cloud computing product or service has—

''(A) completed a FedRAMP authorization process, as determined by the Administrator; or

''(B) received a FedRAMP provisional authorization to operate, as determined by the FedRAMP Board.

''(8) FEDRAMP AUTHORIZATION PACKAGE.—The term 'FedRAMP authorization package' means the essential information that can be used by an agency to determine whether to authorize the operation of an information system or the use of a designated set of common controls for all cloud computing products and services authorized by FedRAMP.

''(9) FEDRAMP BOARD.—The term 'FedRAMP Board' means the board established under section 3610.

''(10) INDEPENDENT ASSESSMENT SERVICE.—The term 'independent assessment service' means a third-party organization accredited by the Administrator to undertake conformity assessments of cloud service providers and the products or services of cloud service providers.

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

''§ 3608. Federal Risk and Authorization Management Program

''There is established within the General Services Administration the Federal Risk and Authorization Management Program. The Administrator, subject to section 3614, shall establish a Government-wide program that provides a standardized, reusable approach to security assessment and authorization for cloud computing products and services that process unclassified information used by agencies.

''§ 3609. Roles and responsibilities of the General Services Administration

''(a) ROLES AND RESPONSIBILITIES.—The Administrator shall—

''(1) in consultation with the Secretary, develop, coordinate, and implement a process to support agency review, reuse, and standardization, where appropriate, of security assessments of cloud computing products and services, including, as appropriate, oversight of continuous monitoring of cloud computing products and services, pursuant to guidance issued by the Director pursuant to section 3614;

''(2) establish processes and identify criteria consistent with guidance issued by the Director under section 3614 to make a cloud computing product or service eligible for a FedRAMP authorization and validate whether a cloud computing product or service has a FedRAMP authorization;

''(3) develop and publish templates, best practices, technical assistance, and other materials to support the authorization of cloud computing products and services and increase the speed, effectiveness, and transparency of the authorization process, consistent with standards and guidelines established by the Director of the National Institute of Standards and Technology and relevant statutes;

''(4) establish and update guidance on the boundaries of FedRAMP authorization packages to enhance the security and protection of Federal information and promote transparency for agencies and users as to which services are included in the scope of a FedRAMP authorization;

''(5) grant FedRAMP authorizations to cloud computing products and services consistent with the guidance and direction of the FedRAMP Board;

''(6) establish and maintain a public comment process for proposed guidance and other FedRAMP directives that may have a direct impact on cloud service providers and agencies before the issuance of such guidance or other FedRAMP directives;

''(7) coordinate with the FedRAMP Board, the Director of the Cybersecurity and Infrastructure Security Agency, and other entities identified by the Administrator, with the concurrence of the Director and the Secretary, to establish and regularly update a framework for continuous monitoring under section 3553;

''(8) provide a secure mechanism for storing and sharing necessary data, including FedRAMP authorization packages, to enable better reuse of such packages across agencies, including making available any information and data necessary for agencies to fulfill the requirements of section 3613;

''(9) provide regular updates to applicant cloud service providers on the status of any cloud computing product or service during an assessment process;

''(10) regularly review, in consultation with the FedRAMP Board—

''(A) the costs associated with the independent assessment services described in section 3611; and

''(B) the information relating to foreign interests submitted pursuant to section 3612;

''(11) in coordination with the Director of the National Institute of Standards and Technology, the Director, the Secretary, and other stakeholders, as appropriate, determine the sufficiency of underlying standards and requirements to identify and assess the provenance of the software in cloud services and products;

''(12) support the Federal Secure Cloud Advisory Committee established pursuant to section 3616; and

''(13) take such other actions as the Administrator may determine necessary to carry out FedRAMP.

''(b) WEBSITE.—

''(1) IN GENERAL.—The Administrator shall maintain a public website to serve as the authoritative repository for FedRAMP, including the timely publication and updates for all relevant information, guidance, determinations, and other materials required under subsection (a).

''(2) CRITERIA AND PROCESS FOR FEDRAMP AUTHORIZATION PRIORITIES.—The Administrator shall develop and make publicly available on the website described in paragraph (1) the criteria and process for prioritizing and selecting cloud computing products and services that will receive a FedRAMP authorization, in consultation with the FedRAMP Board and the Chief Information Officers Council.

''(c) EVALUATION OF AUTOMATION PROCEDURES.—

''(1) IN GENERAL.—The Administrator, in coordination with the Secretary, shall assess and evaluate available automation capabilities and procedures to improve the efficiency and effectiveness of the issuance of FedRAMP authorizations, including continuous monitoring of cloud computing products and services.

''(2) MEANS FOR AUTOMATION.—Not later than 1 year after the date of enactment of this section, and updated regularly thereafter, the Administrator shall establish a means for the automation of security assessments and reviews.

''(d) METRICS FOR AUTHORIZATION.—The Administrator shall establish annual metrics regarding the time and quality of the assessments necessary for completion of a FedRAMP authorization process in a manner that can be consistently tracked over time in conjunction with the periodic testing and evaluation process pursuant to section 3554 in a manner that minimizes the agency reporting burden.

''§ 3610. FedRAMP Board

''(a) ESTABLISHMENT.—There is established a FedRAMP Board to provide input and recommendations to the Administrator regarding the requirements and guidelines for, and the prioritization of, security assessments of cloud computing products and services.

''(b) MEMBERSHIP.—The FedRAMP Board shall consist of not more than 7 senior officials or experts from agencies appointed by the Director, in consultation with the Administrator, from each of the following:

''(1) The Department of Defense.

''(2) The Department of Homeland Security.

''(3) The General Services Administration.

''(4) Such other agencies as determined by the Director, in consultation with the Administrator.

''(c) QUALIFICATIONS.—Members of the FedRAMP Board appointed under subsection (b) shall have technical expertise in domains relevant to FedRAMP, such as—

''(1) cloud computing;

''(2) cybersecurity;

''(3) privacy;

''(4) risk management; and

''(5) other competencies identified by the Director to support the secure authorization of cloud services and products.

''(d) DUTIES.—The FedRAMP Board shall—

''(1) in consultation with the Administrator, serve as a resource for best practices to accelerate the process for obtaining a FedRAMP authorization;

''(2) establish and regularly update requirements and guidelines for security authorizations of cloud computing products and services, consistent with standards and guidelines established by the Director of the National Institute of Standards and Technology, to be used in the determination of FedRAMP authorizations;

''(3) monitor and oversee, to the greatest extent practicable, the processes and procedures by which agencies determine and validate requirements for a FedRAMP authorization, including periodic review of the agency determinations described in section 3613(b);

''(4) ensure consistency and transparency between agencies and cloud service providers in a manner that minimizes confusion and engenders trust; and

''(5) perform such other roles and responsibilities as the Director may assign, with concurrence from the Administrator.

''(e) DETERMINATIONS OF DEMAND FOR CLOUD COMPUTING PRODUCTS AND SERVICES.—The FedRAMP Board may consult with the Chief Information Officers Council to establish a process, which may be made available on the website maintained under section 3609(b), for prioritizing and accepting the cloud computing products and services to be granted a FedRAMP authorization.

''§ 3611. Independent assessment

''The Administrator may determine whether FedRAMP may use an independent assessment service to analyze, validate, and attest to the quality and compliance of security assessment materials provided by cloud service providers during the course of a determination of whether to use a cloud computing product or service.

''§ 3612. Declaration of foreign interests

''(a) IN GENERAL.—An independent assessment service that performs services described in section 3611 shall annually submit to the Administrator information relating to any foreign interest, foreign influence, or foreign control of the independent assessment service.

''(b) UPDATES.—Not later than 48 hours after there is a change in foreign ownership or control of an independent assessment service that performs services described in section 3611, the independent assessment service shall submit to the Administrator an update to the information submitted under subsection (a).

''(c) CERTIFICATION.—The Administrator may require a representative of an independent assessment service to certify the accuracy and completeness of any information submitted under this section.

''§ 3613. Roles and responsibilities of agencies

''(a) IN GENERAL.—In implementing the requirements of FedRAMP, the head of each agency shall, consistent with guidance issued by the Director pursuant to section 3614—

''(1) promote the use of cloud computing products and services that meet FedRAMP security requirements and other risk-based performance requirements as determined by

the Director, in consultation with the Secretary;

''(2) confirm whether there is a FedRAMP authorization in the secure mechanism provided under section 3609(a)(8) before beginning the process of granting a FedRAMP authorization for a cloud computing product or service;

''(3) to the extent practicable, for any cloud computing product or service the agency seeks to authorize that has received a FedRAMP authorization, use the existing assessments of security controls and materials within any FedRAMP authorization package for that cloud computing product or service; and

''(4) provide to the Director data and information required by the Director pursuant to section 3614 to determine how agencies are meeting metrics established by the Administrator.

''(b) ATTESTATION.—Upon completing an assessment or authorization activity with respect to a particular cloud computing product or service, if an agency determines that the information and data the agency has reviewed under paragraph (2) or (3) of subsection (a) is wholly or substantially deficient for the purposes of performing an authorization of the cloud computing product or service, the head of the agency shall document as part of the resulting FedRAMP authorization package the reasons for this determination.

''(c) SUBMISSION OF AUTHORIZATIONS TO OPERATE REQUIRED.—Upon issuance of an agency authorization to operate based on a FedRAMP authorization, the head of the agency shall provide a copy of its authorization to operate letter and any supplementary information required pursuant to section 3609(a) to the Administrator.

''(d) SUBMISSION OF POLICIES REQUIRED.—Not later than 180 days after the date on which the Director issues guidance in accordance with section 3614(1), the head of each agency, acting through the chief information officer of the agency, shall submit to the Director all agency policies relating to the authorization of cloud computing products and services.

''(e) PRESUMPTION OF ADEQUACY.—

''(1) IN GENERAL.—The assessment of security controls and materials within the authorization package for a FedRAMP authorization shall be presumed adequate for use in an agency authorization to operate cloud computing products and services.

''(2) INFORMATION SECURITY REQUIREMENTS.—The presumption under paragraph (1) does not modify or alter—

''(A) the responsibility of any agency to ensure compliance with subchapter II of chapter 35 for any cloud computing product or service used by the agency; or

''(B) the authority of the head of any agency to make a determination that there is a demonstrable need for additional security requirements beyond the security requirements included in a FedRAMP authorization for a particular control implementation.

''§ 3614. Roles and responsibilities of the Office of Management and Budget

''The Director shall—

''(1) in consultation with the Administrator and the Secretary, issue guidance that—

''(A) specifies the categories or characteristics of cloud computing products and services that are within the scope of FedRAMP;

''(B) includes requirements for agencies to obtain a FedRAMP authorization when operating a cloud computing product or service described in subparagraph (A) as a Federal information system; and

''(C) encompasses, to the greatest extent practicable, all necessary and appropriate cloud computing products and services;

''(2) issue guidance describing additional responsibilities of FedRAMP and the FedRAMP Board to accelerate the adoption of secure cloud computing products and services by the Federal Government;

''(3) in consultation with the Administrator, establish a process to periodically review FedRAMP authorization packages to support the secure authorization and reuse of secure cloud products and services;

''(4) oversee the effectiveness of FedRAMP and the FedRAMP Board, including the compliance by the FedRAMP Board with the duties described in section 3610(d); and

''(5) to the greatest extent practicable, encourage and promote consistency of the assessment, authorization, adoption, and use of secure cloud computing products and services within and across agencies.

''§ 3615. Reports to Congress; GAO report

''(a) REPORTS TO CONGRESS.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Director shall submit to the appropriate congressional committees a report that includes the following:

''(1) During the preceding year, the status, efficiency, and effectiveness of the General Services Administration under section 3609 and agencies under section 3613 and in supporting the speed, effectiveness, sharing, reuse, and security of authorizations to operate for secure cloud computing products and services.

''(2) Progress towards meeting the metrics required under section 3609(d).

''(3) Data on FedRAMP authorizations.

''(4) The average length of time to issue FedRAMP authorizations.

''(5) The number of FedRAMP authorizations submitted, issued, and denied for the preceding year.

''(6) A review of progress made during the preceding year in advancing automation techniques to securely automate FedRAMP processes and to accelerate reporting under this section.

''(7) The number and characteristics of authorized cloud computing products and services in use at each agency consistent with guidance provided by the Director under section 3614.

''(8) A review of FedRAMP measures to ensure the security of data stored or processed by cloud service providers, which may include—

''(A) geolocation restrictions for provided products or services;

''(B) disclosures of foreign elements of supply chains of acquired products or services;

''(C) continued disclosures of ownership of cloud service providers by foreign entities; and

''(D) encryption for data processed, stored, or transmitted by cloud service providers.

''(b) GAO REPORT.—Not later than 180 days after the date of enactment of this section, the Comptroller General of the United States shall report to the appropriate congressional committees an assessment of the following:

''(1) The costs incurred by agencies and cloud service providers relating to the issuance of FedRAMP authorizations.

''(2) The extent to which agencies have processes in place to continuously monitor the implementation of cloud computing products and services operating as Federal information systems.

''(3) How often and for which categories of products and services agencies use FedRAMP authorizations.

''(4) The unique costs and potential burdens incurred by cloud computing companies that are small business concerns (as defined in section 3(a) of the Small Business Act (15 U.S.C. 632(a)) as a part of the FedRAMP authorization process.

''§ 3616. Federal Secure Cloud Advisory Committee

''(a) ESTABLISHMENT, PURPOSES, AND DUTIES.—

''(1) ESTABLISHMENT.—There is established a Federal Secure Cloud Advisory Committee (referred to in this section as the 'Committee') to ensure effective and ongoing coordination of agency adoption, use, authorization, monitoring, acquisition, and security of cloud computing products and services to enable agency mission and administrative priorities.

''(2) PURPOSES.—The purposes of the Committee are the following:

''(A) To examine the operations of FedRAMP and determine ways that authorization processes can continuously be improved, including the following:

''(i) Measures to increase agency reuse of FedRAMP authorizations.

''(ii) Proposed actions that can be adopted to reduce the burden, confusion, and cost associated with FedRAMP authorizations for cloud service providers.

''(iii) Measures to increase the number of FedRAMP authorizations for cloud computing products and services offered by small businesses concerns (as defined by section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

''(iv) Proposed actions that can be adopted to reduce the burden and cost of FedRAMP authorizations for agencies.

''(B) Collect information and feedback on agency compliance with and implementation of FedRAMP requirements.

''(C) Serve as a forum that facilitates communication and collaboration among the FedRAMP stakeholder community.

''(3) DUTIES.—The duties of the Committee include providing advice and recommendations to the Administrator, the FedRAMP Board, and agencies on technical, financial, programmatic, and operational matters regarding secure adoption of cloud computing products and services.

''(b) MEMBERS.—

''(1) COMPOSITION.—The Committee shall be comprised of not more than 15 members who are qualified representatives from the public and private sectors, appointed by the Administrator, in consultation with the Director, as follows:

''(A) The Administrator or the Administrator's designee, who shall be the Chair of the Committee.

''(B) At least 1 representative each from the Cybersecurity and Infrastructure Security Agency and the National Institute of Standards and Technology.

''(C) At least 2 officials who serve as the Chief Information Security Officer within an agency, who shall be required to maintain such a position throughout the duration of their service on the Committee.

''(D) At least 1 official serving as Chief Procurement Officer (or equivalent) in an agency, who shall be required to maintain such a position throughout the duration of their service on the Committee.

''(E) At least 1 individual representing an independent assessment service.

''(F) At least 5 representatives from unique businesses that primarily provide cloud computing services or products, including at least 2 representatives from a small business concern (as defined by section 3(a) of the Small Business Act (15 U.S.C. 632(a))).

''(G) At least 2 other representatives of the Federal Government as the Administrator determines necessary to provide sufficient balance, insights, or expertise to the Committee.

''(2) DEADLINE FOR APPOINTMENT.—Each member of the Committee shall be appointed not later than 90 days after the date of enactment of this section.

''(3) PERIOD OF APPOINTMENT; VACANCIES.—

''(A) IN GENERAL.—Each non-Federal member of the Committee shall be appointed for a term of 3 years, except that the initial terms for members may be staggered 1-, 2-, or 3-year terms to establish a rotation in which one-third of the members are selected each year. Any such member may be appointed for not more than 2 consecutive terms.

''(B) VACANCIES.—Any vacancy in the Committee shall not affect its powers, but shall be filled in the same manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office.

''(c) MEETINGS AND RULES OF PROCEDURES.—

''(1) MEETINGS.—The Committee shall hold not fewer than 3 meetings in a calendar year, at such time and place as determined by the Chair.

''(2) INITIAL MEETING.—Not later than 120 days after the date of enactment of this section, the Committee shall meet and begin the operations of the Committee.

''(3) RULES OF PROCEDURE.—The Committee may establish rules for the conduct of the business of the Committee if such rules are not inconsistent with this section or other applicable law.

''(d) EMPLOYEE STATUS.—

''(1) IN GENERAL.—A member of the Committee (other than a member who is appointed to the Committee in connection with another Federal appointment) shall not be considered an employee of the Federal Government by reason of any service as such a member, except for the purposes of section 5703 of title 5, relating to travel expenses.

''(2) PAY NOT PERMITTED.—A member of the Committee covered by paragraph (1) may not receive pay by reason of service on the Committee.

''(e) APPLICABILITY TO THE FEDERAL ADVISORY COMMITTEE ACT.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

''(f) DETAIL OF EMPLOYEES.—Any Federal Government employee may be detailed to the Committee without reimbursement from the Committee, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

''(g) POSTAL SERVICES.—The Committee may use the United States mails in the same manner and under the same conditions as agencies.

''(h) REPORTS.—

''(1) INTERIM REPORTS.—The Committee may submit to the Administrator and Congress interim reports containing such findings, conclusions, and recommendations as have been agreed to by the Committee.

''(2) ANNUAL REPORTS.—Not later than 540 days after the date of enactment of this section, and annually thereafter, the Committee shall submit to the Administrator and Congress a report containing such findings, conclusions, and recommendations as have been agreed to by the Committee.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 36 of title 44, United States Code, is amended by adding at the end the following new items:

''3607. Definitions.
''3608. Federal Risk and Authorization Management Program.
''3609. Roles and responsibilities of the General Services Administration.
''3610. FedRAMP Board.
''3611. Independent assessment.
''3612. Declaration of foreign interests.
''3613. Roles and responsibilities of agencies.
''3614. Roles and responsibilities of the Office of Management and Budget.
''3615. Reports to Congress; GAO report.
''3616. Federal Secure Cloud Advisory Committee.''.

(c) SUNSET.—

(1) IN GENERAL.—Effective on the date that is 5 years after the date of enactment of this Act, chapter 36 of title 44, United States Code, is amended by striking sections 3607 through 3616.

(2) CONFORMING AMENDMENT.—Effective on the date that is 5 years after the date of enactment of this Act, the table of sections for chapter 36 of title 44, United States Code, is amended by striking the items relating to sections 3607 through 3616.

(d) RULE OF CONSTRUCTION.—Nothing in this section or any amendment made by this section shall be construed as altering or impairing the authorities of the Director of the Office of Management and Budget or the Secretary of Homeland Security under subchapter II of chapter 35 of title 44, United States Code.

Mr. PETERS. Mr. President, S. 3600 is commonsense, bipartisan legislation that will help protect critical infrastructure from the absolute relentless cyber attacks that we see that threaten both our economy as well as our national security.

I appreciate Senator PORTMAN working with me to get this legislation across the finish line. And I think this is especially important right now as we face increased risk of cyber attacks from Russia and the cyber criminals that they harbor in retaliation for our support for Ukraine.

I appreciate the Senate for coming together here tonight to get this important landmark bill done.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. SCHUMER. Mr. President, just one more point.

As we have always said, we in the Democratic majority want to work with our Republican colleagues on bipartisan legislation whenever we can, and this is an example of that.

Obviously, there are times when we can't, and we will move forward. But the more we can get done and accomplished in a bipartisan way on important legislation like this, the better.

So, once again, let me salute the bipartisan coalition led by GARY PETERS and ROB PORTMAN and so many others on both sides of the aisle who contributed to this very important legislation.

ORDERS FOR WEDNESDAY, MARCH 2, 2022

Mr. SCHUMER. Now, Mr. President, I ask unanimous consent that the Senate recess until 8:30 p.m. today and proceed as a body to the Hall of the House of Representatives for the joint session of Congress provided under the provisions of H. Con. Res. 69; and that upon dissolution of the joint session, the Senate adjourn until 11 a.m. on Wednesday, March 2, 2022; that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that upon conclusion of morning business, the Senate resume consideration of Calendar No. 273, H.R. 3076, the Postal Service Reform Act.

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

RECESS

Mr. SCHUMER. Mr. President, we will gather in the Senate Chamber at 8:20 this evening to proceed as a body to the House for the State of the Union.

If there is no further business to come before the Senate, I ask that it recess under the previous order.

Thereupon, the Senate, at 6:23 p.m., recessed until 8:30 p.m. and reassembled when called to order by the President pro tempore.

JOINT SESSION OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The PRESIDENT pro tempore. Under the previous order, the Senate will proceed as a body to the Hall of the House of Representatives to receive a message from the President of the United States.

Thereupon, the Senate, preceded by the Deputy Sergeant at Arms, Kelly Fado; the Secretary of the Senate, Sonceria A. Berry; and the Vice President of the United States, Kamala Harris, proceeded to the Hall of the House of Representatives to hear the address by the President of the United States, Joseph R. Biden, Jr.

(The address delivered by the President of the United States to the joint session of the two Houses of Congress is printed in the proceedings of the House of Representatives in today's Record.)

ADJOURNMENT UNTIL WEDNESDAY, MARCH 2, 2022, AT 11 A.M.

At the conclusion of the joint session of the two Houses, and in accordance with the order previously entered, at 10:27 p.m., the Senate adjourned until Wednesday, March 2, 2022, at 11 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 1, 2022:

MERIT SYSTEMS PROTECTION BOARD

RAYMOND A. LIMON, OF NEVADA, TO BE A MEMBER OF THE MERIT SYSTEMS PROTECTION BOARD FOR THE TERM OF SEVEN YEARS EXPIRING MARCH 1, 2025.

TRISTAN LYNN LEAVITT, OF IDAHO, TO BE A MEMBER OF THE MERIT SYSTEMS PROTECTION BOARD FOR THE TERM OF SEVEN YEARS EXPIRING MARCH 1, 2023.

DEPARTMENT OF STATE

DONALD ARMIN BLOME, OF ILLINOIS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF PAKISTAN.

DEPARTMENT OF DEFENSE

JOHN F. PLUMB, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

MELISSA GRIFFIN DALTON, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.