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Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. LEAHY).

PRAYER

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

Let us pray.

Almighty God, Your glory endures through the seasons and Your divine majesty sustains us. Lead our lawmakers to a faithfulness that fulfills Your purposes. Lord, keep them steadfast in the faith that You are at work in our world, guiding their steps and preparing them for victory. Use our Senators to create laws that will extend Your kingdom in the hearts of the people of this land we love. Guide the deliberations, debates, and decisions of this day.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore 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.

RESERVATION OF LEADER TIME

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

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDENT pro tempore. Under the previous order, the Senate will pro-

ceed to executive session and resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Robert Luis Santos, of Texas, to be Director of the Census for a term expiring December 31, 2026. (Reappointment)

Ms. ROSEN. Mr. President, I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. ROSEN). Without objection, it is so ordered.

GOVERNMENT FUNDING

Mr. LEAHY. Madam President, we are now 4 weeks into the fiscal year. The Federal Government—the most powerful nation on Earth—is running on autopilot, and we only have 4 weeks until the government shuts down unless Congress takes action.

And it is not a theoretical exercise. The actions we take, or don't take, in this Chamber with respect to the fiscal year 2022 appropriations bills affect people's lives and also the direction of this Nation.

These bills provide for our national defense, help educate our Nation's children, provide medical care for our veterans, ensure that we have clean air and water, invest in science, and provide a social safety net for our Nation's most vulnerable populations.

Now, we can, and we should, do our job and finish these bills in the coming weeks, and we should be ready to go. I mean, 2 weeks ago, I made public nine Senate appropriations bills. When you combine this with the three bills the Senate Appropriations Committee marked up way back in August, all 12 bills have been released. The House has marked up all of their bills, and all but three of them have already passed the House.

But in order to finish our work, we need to have an agreed-upon top line that has been worked out in a bipartisan and bicameral basis—something that has been done so many times in the past. We can't finalize bills until we know how much we are able to spend. And I have been calling for these negotiations for months. But we need all the party to come to the table. It takes both Republicans and Democrats to strike a deal.

Now, Democrats have already made a fair offer. My Republican colleagues made clear to us that they believed the President's proposal for a 1.7-percent increase for defense programs was inadequate. I thought it struck the right balance, as did many of my colleagues.

But this institution is built on compromise. So in the Senate posted bill, I included a 5-percent increase for defense instead of the 1.7 percent the administration had proposed. The 5-percent increase is based on the funding level included in the National Defense Authorization Act, NDAA.

Now, the Senate Armed Services Committee voted on that. Do you know what the vote was?—25 to 1, in favor of that 5-percent increase. Every single Senate Republican on the Committee supported this level of funding. The House bill contains the same 5-percent increase, and it passed the House Chamber, 316 to 113.

In order to increase the defense number and stay within the top line established in the FY 2022 budget resolution, I reduced the amount for nondefense programs from President Biden's proposed 16-percent increase, which I would have preferred—but I reduced it to a 13-percent increase. That is how negotiations work. Each side has to give something.

Now, having offered the Republican-endorsed spending level for defense, have they taken yes for an answer?

No.

Have they taken time for a counteroffer?

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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(D) The number of individuals described in subparagraph (A) who availed themselves of a review of discharge characterization through the process established pursuant to section 527 of the National Defense Authorization Act for Fiscal Year 2020.

(E) The number of individuals described in subparagraph (D) whose review of discharge characterization resulted in a change of characterization to honorable discharge.

(F) The total number of individuals described in subparagraph (A), including individuals also covered by subparagraph (E), whose review of discharge characterization since September 20, 2011 (the date of repeal of Don't Ask, Don't Tell), resulted in a change of characterization to honorable discharge.

(6) TERMINATION.—On the date that is 60 days after the date on which the final report required by paragraph (5) is submitted, the Secretary shall terminate the Tiger Team.

(d) ADDITIONAL REPORTS.—

(1) REVIEW.—The Secretary of Defense shall conduct a review of the consistency and uniformity of the reviews conducted pursuant to section 527 of the National Defense Authorization Act for Fiscal Year 2020.

(2) REPORTS.—Not later than 270 days after the date of the enactment of this Act, and each year thereafter for a four-year period, the Secretary shall submit to Congress a report on the reviews under paragraph (1). Such reports shall include any comments or recommendations for continued actions.

(e) RELIEF FOR IMPACTED FORMER MEMBERS.—

(1) REVIEW OF DISCHARGE.—

(A) IN GENERAL.—The Secretary of Defense shall review and update existing guidance to ensure that the appropriate discharge board for the military departments concerned shall review a discharge characterization of the covered member as required under section 527 of the National Defense Authorization Act for Fiscal Year 2020 at the request of a covered member, or their representative, notwithstanding any requirements to provide documentation necessary to initiate a review of a discharge characterization.

(B) EXCEPTION.—The appropriate discharge board for the military departments concerned shall not be required to initiate a request for a review of a discharge as described in subparagraph (A) if there is evidence available to the discharge board that is unrelated to the material request of the covered member or their representative but that would have reasonably substantiated the military department's discharge decision.

(2) VETERANS BENEFITS.—

(A) EFFECTIVE DATE OF CHANGE OF CHARACTERIZATION FOR VETERANS BENEFITS.—For purposes of the provision of benefits to which veterans are entitled under the laws administered by the Secretary of Veterans Affairs to a covered member whose discharge characterization is changed pursuant to section 527 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 10 U.S.C. 1552 note), the date of discharge of the member from the Armed Forces shall be deemed to be the effective date of the change of discharge characterization under that section.

(B) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to authorize any benefit to a covered member in connection with the change of discharge characterization of the member under section 527 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 10 U.S.C. 1552 note) for any period before the effective date of the change of discharge characterization.

(f) HISTORICAL REVIEWS.—

(1) IN GENERAL.—The Secretary of each military department shall ensure that oral historians of the department, in coordina-

tion with the chief of the personnel division for the military department concerned—

(A) review the facts and circumstances surrounding the estimated 100,000 members of the Armed Forces discharged from the Armed Forces between World War II and September 2011 because of the sexual orientation of the member, including any use of ambiguous or misleading separation codes and characterizations intended to disguise the discriminatory basis of such members' discharge; and

(B) receive oral testimony of individuals who personally experienced discrimination and discharge because of the actual or perceived sexual orientation of the individual so that such testimony may serve as an official record of these discriminatory policies and their impact on American lives.

(2) DEADLINE FOR COMPLETION.—Each Secretary of a military department shall ensure that the oral historians concerned complete the actions required by paragraph (1) by not later than two years after the date of the enactment of this Act.

(3) USES OF INFORMATION.—Information obtained through actions under paragraph (1) shall be available to members described in that paragraph for pursuit by such members of a remedy under section 527 of the National Defense Authorization Act for Fiscal Year 2020 in accordance with regulations prescribed for such purpose by the Secretary of the military department concerned.

(g) DON'T ASK, DON'T TELL DEFINED.—In this section, the term "Don't Ask, Don't Tell" means section 654 of title 10, United States Code, as in effect before such section was repealed pursuant to the Don't Ask, Don't Tell Repeal Act of 2010 (Public Law 111-321).

SA 4281. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title XV, insert the following:

SEC. ____ . ESTABLISHMENT OF STRUCTURE AND AUTHORITIES TO ADDRESS UNIDENTIFIED AERIAL PHENOMENA.

(a) ESTABLISHMENT OF ANOMALY SURVEILLANCE AND RESOLUTION OFFICE.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Director of National Intelligence, establish an office within an appropriate component of the Department of Defense, or within a joint organization of the Department of Defense and the Office of the Director of National Intelligence, to assume—

(A) the duties of the Unidentified Aerial Phenomenon Task Force, as in effect on the day before the date of the enactment of this Act; and

(B) such other duties as are required by this section.

(2) DESIGNATION.—The office established under paragraph (1) shall be known as the "Anomaly Surveillance and Resolution Office" (in this section referred to as the "Office").

(3) TERMINATION OR SUBORDINATION OF PRIOR TASK FORCE.—Upon the establishment

of the Anomaly Surveillance and Resolution Office, the Secretary shall terminate the Unidentified Aerial Phenomenon Task Force or subordinate it to the Office.

(b) FACILITATION OF REPORTING AND DATA SHARING.—The Director and the Secretary shall each, in coordination with each other, require that—

(1) each element of the intelligence community and the Department, with any data that may be relevant to the investigation of unidentified aerial phenomena, make such data available immediately to the Office; and

(2) military and civilian personnel employed by or under contract to the Department or an element of the intelligence community shall have access to procedures by which they shall report incidents or information, including adverse physiological effects, involving or associated with unidentified aerial phenomena directly to the Office.

(c) DUTIES.—The duties of the Office established under subsection (a) shall include the following:

(1) Developing procedures to synchronize and standardize the collection, reporting, and analysis of incidents, including adverse physiological effects, regarding unidentified aerial phenomena across the Department and intelligence community.

(2) Developing processes and procedures to ensure that such incidents from each component of the Department and each element of the intelligence community are reported and incorporated in a centralized repository.

(3) Establishing procedures to require the timely and consistent reporting of such incidents.

(4) Evaluating links between unidentified aerial phenomena and adversarial foreign governments, other foreign governments, or nonstate actors.

(5) Evaluating the threat that such incidents present to the United States.

(6) Coordinating with other departments and agencies of the Federal Government, as appropriate, including the Federal Aviation Administration, the National Aeronautics and Space Administration, the Department of Homeland Security, the National Oceanic and Atmospheric Administration, and the Department of Energy.

(7) Coordinating with allies and partners of the United States, as appropriate, to better assess the nature and extent of unidentified aerial phenomena.

(8) Preparing reports for Congress, in both classified and unclassified form, as required by subsections (h) and (i).

(d) EMPLOYMENT OF LINE ORGANIZATIONS FOR FIELD INVESTIGATIONS OF UNIDENTIFIED AERIAL PHENOMENA.—

(1) IN GENERAL.—The Director and the Secretary shall each, in coordination with each other, designate line organizations within the Department of Defense and the intelligence community that possess appropriate expertise, authorities, accesses, data, systems, platforms, and capabilities to rapidly respond to, and conduct field investigations of, incidents involving unidentified aerial phenomena under the direction of the Office.

(2) PERSONNEL, EQUIPMENT, AND RESOURCES.—The Director and the Secretary shall take such actions as may be necessary to ensure that the designated organization or organizations have available adequate personnel with requisite expertise, equipment, transportation, and other resources necessary to respond rapidly to incidents or patterns of observations of unidentified aerial phenomena of which the Office becomes aware.

(e) UTILIZATION OF LINE ORGANIZATIONS FOR SCIENTIFIC, TECHNOLOGICAL, AND OPERATIONAL ANALYSES OF DATA ON UNIDENTIFIED AERIAL PHENOMENA.—

(1) IN GENERAL.—The Director and the Secretary shall each, in coordination with each other, designate one or more line organizations that will be primarily responsible for scientific, technical, and operational analysis of data gathered by field investigations conducted under subsection (d), or data from other sources, including testing of materials, medical studies, and development of theoretical models to better understand and explain unidentified aerial phenomena.

(2) AUTHORITY.—The Director and the Secretary shall promulgate such directives as necessary to ensure that the designated line organizations have authority to draw on special expertise of persons outside the Federal Government with appropriate security clearances.

(f) INTELLIGENCE COLLECTION AND ANALYSIS PLAN.—

(1) IN GENERAL.—The head of the Office shall supervise the development and execution of an intelligence collection and analysis plan on behalf of the Secretary and the Director to gain as much knowledge as possible regarding the technical and operational characteristics, origins, and intentions of unidentified aerial phenomena, including the development, acquisition, deployment, and operation of technical collection capabilities necessary to detect, identify, and scientifically characterize unidentified aerial phenomena.

(2) USE OF RESOURCES AND CAPABILITIES.—In developing the plan required by paragraph (1), the head of the Office shall consider and propose, as appropriate, the use of any resource, capability, asset, or process of the Department and the intelligence community.

(g) SCIENCE PLAN.—The head of the Office shall supervise the development and execution of a science plan on behalf of the Secretary and the Director to develop and test, as practicable, scientific theories to account for characteristics and performance of unidentified aerial phenomena that exceed the known state of the art in science or technology, including in the areas of propulsion, aerodynamic control, signatures, structures, materials, sensors, countermeasures, weapons, electronics, and power generation, and to provide the foundation for potential future investments to replicate any such advanced characteristics and performance.

(h) ASSIGNMENT OF PRIORITY.—The Director, in consultation with the Secretary, shall assign an appropriate level of priority within the National Intelligence Priorities Framework to the requirement to understand, characterize, and respond to unidentified aerial phenomena.

(i) USE OF AUTHORIZED AND APPROPRIATED FUNDS.—The obtaining and analysis of data relating to unidentified aerial phenomena is a legitimate use of funds authorized and appropriated to Department and elements of the intelligence community for—

(1) general intelligence gathering and intelligence analysis;

(2) strategic defense, space defense, defense of controlled air space, defense of ground, air, or naval assets, and related purposes; and

(3) any additional existing funding sources as may be so designated by the Secretary or the Director.

(j) ANNUAL REPORT.—

(1) REQUIREMENT.—Not later than October 31, 2022, and annually thereafter until October 31, 2026, the Director, in consultation with the Secretary, shall submit to the appropriate committees of Congress a report on unidentified aerial phenomena.

(2) ELEMENTS.—Each report under paragraph (1) shall include, with respect to the year covered by the report, the following information:

(A) An analysis of data and intelligence received through reports of unidentified aerial phenomena.

(B) An analysis of data relating to unidentified aerial phenomena collected through—

- (i) geospatial intelligence
- (ii) signals intelligence;
- (iii) human intelligence; and
- (iv) measurement and signals intelligence.

(C) The number of reported incidents of unidentified aerial phenomena over restricted air space of the United States.

(D) An analysis of such incidents identified under subparagraph (C).

(E) Identification of potential aerospace or other threats posed by unidentified aerial phenomena to the national security of the United States.

(F) An assessment of any activity regarding unidentified aerial phenomena that can be attributed to one or more adversarial foreign governments.

(G) Identification of any incidents or patterns regarding unidentified aerial phenomena that indicate a potential adversarial foreign government may have achieved a breakthrough aerospace capability.

(H) An update on the coordination by the United States with allies and partners on efforts to track, understand, and address unidentified aerial phenomena.

(I) An update on any efforts to capture or exploit discovered unidentified aerial phenomena.

(J) An assessment of any health-related effects for individuals who have encountered unidentified aerial phenomena.

(K) The number of reported incidents, and descriptions thereof, of unidentified aerial phenomena associated with military nuclear assets, including strategic nuclear weapons and nuclear-powered ships and submarines.

(L) In consultation with the Administrator of the National Nuclear Security Administration, the number of reported incidents, and descriptions thereof, of unidentified aerial phenomena associated with facilities or assets associated with the production, transportation, or storage of nuclear weapons or components thereof.

(M) In consultation with the Chairman of the Nuclear Regulatory Commission, the number of reported incidents, and descriptions thereof, of unidentified aerial phenomena or drones of unknown origin associated with nuclear power generating stations, nuclear fuel storage sites, or other sites or facilities regulated by the Nuclear Regulatory Commission.

(N) The names of the line organizations that have been designated to perform the specific functions imposed by subsections (d) and (e) of this section, and the specific functions for which each such line organization has been assigned primary responsibility.

(3) FORM.— Each report submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(k) SEMI-ANNUAL BRIEFINGS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act and not less frequently than semiannually thereafter until December 31, 2026, the head of the Office shall provide the classified briefings on unidentified aerial phenomena to—

(A) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) FIRST BRIEFING.—The first briefing provided under paragraph (1) shall include all incidents involving unidentified aerial phenomena that were reported to the Unidentified Aerial Phenomena Task Force or to the

Office after June 24, 2021, regardless of the date of occurrence of the incident.

(3) SUBSEQUENT BRIEFINGS.—Each briefing provided subsequent to the first briefing described in paragraph (2) shall include, at a minimum, all events relating to unidentified aerial phenomena that occurred during the previous 180 days, and events relating to unidentified aerial phenomena that were not included in an earlier briefing due to delay in an incident reaching the reporting system or other such factors.

(4) INSTANCES IN WHICH DATA WAS NOT SHARED.—For each briefing period, the Chairman and Vice Chairman or Ranking Member of the Committee on Armed Services and the Select Committee on Intelligence of the Senate and the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives shall receive an enumeration of any instances in which data related to unidentified aerial phenomena was denied to the Office because of classification restrictions on that data or for any other reason.

(1) AERIAL AND TRANSMEDIUM PHENOMENA ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—(A) Not later than October 1, 2022, the Secretary and the Director shall establish an advisory committee for the purpose of—

(i) advising the Office in the execution of the duties of the Office as provided by this subsection; and

(ii) advising the Director regarding the gathering and analysis of data, and scientific research and development pertaining to unidentified aerial phenomena.

(B) The advisory committee established under subparagraph (A) shall be known as the “Aerial and Transmedium Phenomena Advisory Committee” (in this subparagraph the “Committee”).

(2) MEMBERSHIP.—(A) Subject to subparagraph (B), the Committee shall be composed of the following:

(i) 20 members as follows:

(I) Three persons appointed by the Administrator of the National Aeronautics and Space Administration.

(II) Two persons appointed by the Administrator of the Federal Aviation Administration.

(III) Two persons appointed by the President of the National Academies of Sciences.

(IV) Two persons appointed by the President of the National Academy of Engineering.

(V) One person appointed by the President of the National Academy of Medicine.

(VI) Three persons appointed by the Director of the Galileo Project at Harvard University.

(VII) Two persons appointed by the Board of Directors of the Scientific Coalition for Unidentified Aerospace Phenomena Studies.

(VIII) Two persons appointed by the President of the American Institute of Astronautics and Aeronautics.

(IX) Two persons appointed by the Director of the Optical Technology Center at Montana State University.

(X) One person appointed by the president of the American Society for Photogrammetry and Remote Sensing.

(ii) Up to five additional members, as the Secretary and the Director jointly consider appropriate, selected from among individuals with requisite expertise, at least 3 of whom shall not be employees of any Federal Government agency or Federal Government contractor.

(B) No individual may be appointed to the Committee under subparagraph (A) unless the Secretary and the Director jointly determine that the individual—

(i) qualifies for a security clearance at the secret level or higher;

(ii) possesses scientific, medical, or technical expertise pertinent to some aspect of the investigation and analysis of unidentified aerial phenomena; and

(iii) has previously conducted research or writing that demonstrates scientific, technological, or operational knowledge regarding aspects of the subject matter, including propulsion, aerodynamic control, signatures, structures, materials, sensors, countermeasures, weapons, electronics, power generation, field investigations, forensic examination of particular cases, analysis of open source and classified information regarding domestic and foreign research and commentary, and historical information pertaining to unidentified aerial phenomena.

(C) The Secretary and Director may terminate the membership of any individual on the Committee upon a finding by the Secretary and the Director jointly that the member no longer meets the criteria specified in this subsection.

(3) CHAIRPERSON.—The Secretary and Director shall jointly designate a temporary Chairperson of the Committee, but at the earliest practicable date the Committee shall elect a Chairperson from among its members, who will serve a term of 2 years, and is eligible for re-election.

(4) EXPERT ASSISTANCE, ADVICE, AND RECOMMENDATIONS.—(A) The Committee may, upon invitation of the head of the Office, provide expert assistance or advice to any line organization designated to carry out field investigations or data analysis as authorized by subsections (d) and (e).

(B) The Committee, on its own initiative, or at the request of the Director, the Secretary, or the head of the Office, may provide advice and recommendations regarding best practices with respect to the gathering and analysis of data on unidentified aerial phenomena in general, or commentary regarding specific incidents, cases, or classes of unidentified aerial phenomena.

(5) REPORT.—Not later than December 31, 2022, and not later than December 31 of each year thereafter, the Committee shall submit a report summarizing its activities and recommendations to the following:

(A) The Director.

(B) The Secretary.

(C) The head of the Office.

(D) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(E) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(6) RELATION TO FACA.—For purposes of the Federal Advisory Committee Act (5 U.S.C. App.), the Committee shall be considered an advisory committee (as defined in section 3 of such Act, except as otherwise provided in the section or as jointly deemed warranted by the Secretary and the Director under section 4(b)(3) of such Act.

(7) TERMINATION OF COMMITTEE.—The Committee shall terminate on the date that is six years after the date of the establishment of the Committee.

(m) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Foreign Relations of the Senate; and

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

(2) The term “intelligence community” has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(3) The term “transmedium objects or devices” means objects or devices that are observed to transition between space and the atmosphere, or between the atmosphere and bodies of water, that are not immediately identifiable.

(4) The term “unidentified aerial phenomena” means—

(A) airborne objects that are not immediately identifiable;

(B) transmedium objects or devices; and

(C) submerged objects or devices that are not immediately identifiable and that display behavior or performance characteristics suggesting that they may be related to the subjects described in subparagraph (A) or (B).

SA 4282. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1054. COMBATING TRAFFICKING OF CUBAN DOCTORS.

(a) SHORT TITLE.—This section may be cited as the “Combating Trafficking of Cuban Doctors Act of 2021”.

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

(1) The Department of State’s 2020 Trafficking in Persons report ranked Cuba in Tier 3 and included evidence regarding Cuba’s foreign medical missions and the Government of Cuba’s longstanding failure to criminalize most forms of forced labor, specifically noting allegations that Cuban authorities coerced participants to remain in foreign medical missions by—

(A) “withholding their passports and medical credentials”;

(B) “using ‘minders’ to conduct surveillance of participants outside of work”;

(C) “restricting their movement”;

(D) “retaliat[ing] against their family members in Cuba if participants leave the program”; or

(E) “impos[ing] criminal penalties, exile, and family separation if participants do not return to Cuba as directed by government supervisors”.

(2) Since the outbreak of the COVID-19 pandemic in early 2020, the Government of Cuba has deployed approximately 1,500 medical personnel to at least 20 countries.

(3) The United Nations Special Rapporteur on contemporary forms of slavery and the United Nations Special Rapporteur on trafficking in persons, especially women and children, in their letter to the Government of Cuba on November 6, 2019—

(A) noted reports of coercive labor practices through the Government of Cuba’s foreign medical missions;

(B) highlighted reports by Cuban medical professionals that they received regular threats from Cuban officials while working overseas, including sexual harassment of women; and

(C) expressed concern that the practices referred to in subparagraphs (A) and (B) constitute slavery and trafficking in persons.

(4) In 2019, the Government of Cuba maintained an estimated 34,000 to 50,000 medical personnel in more than 60 countries under conditions that represent forced labor, according to the Department of State.

(5) The Government of Cuba realized profits in excess of \$6,300,000,000 during 2018 from exporting the services of Cuban professionals, of which foreign medical missions represent the majority of the services and income.

(6) The term “severe forms of trafficking in persons” is defined under section 103(11)(B) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(11)(B)) as “the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery”.

(c) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Government of Cuba subjects Cuban doctors and other medical professionals to state-sponsored human trafficking; and

(2) the Government of Cuba should immediately and transparently respond to requests for information from the United Nations Special Rapporteur on contemporary forms of slavery and the United Nations Special Rapporteur on trafficking in persons, especially women and children.

(d) ANNUAL REPORT.—Not later than 180 days after the date of the enactment of this Act and annually thereafter until the date specified in subsection (f), the Secretary of State shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that—

(1) identifies the countries that are hosting Cuban medical personnel who are participating in foreign medical missions for the Government of Cuba;

(2) to the extent feasible, includes an estimate of—

(A) the number of Cuban medical personnel in each country; and

(B) the value of the financial arrangement between the Government of Cuba and the host country government;

(3) describes the conditions in each country under which Cuban medical personnel live and work; and

(4) describes the role of any international organization in each country hosting Cuban medical personnel.

(e) DETERMINATION ON HUMAN TRAFFICKING.—In each report submitted pursuant to subsection (d), the Secretary of State shall determine whether—

(1) the Cuban medical personnel in each country identified in the report are subjected to conditions that qualify as severe forms of trafficking in persons (as defined in section 103(11) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(11))); and

(2) Cuba’s foreign medical missions program constitutes proof of failure to make significant efforts to bring the Government of Cuba into compliance with the minimum standards for the elimination of trafficking in persons (as determined under section 108 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7106)).

(f) SUNSET.—The Secretary of State is not required to submit the report otherwise required under subsection (d) after the date on which the Secretary submits a second consecutive annual report under such paragraph that includes a determination under subsection (e) that Cuban medical personnel are no longer subjected to trafficking in persons.

SA 4283. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department