

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

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

SEC. 857. COMPLAINT PROCEDURES FOR PROHIBITION ON CRIMINAL HISTORY INQUIRIES BY CONTRACTORS PRIOR TO CONDITIONAL OFFER.

(a) CIVILIAN AGENCY CONTRACTS.—Section 4714(b) of title 41 United States Code, is amended—

(1) in subsection (b)—

(A) in the section heading, by striking “COMPLAINT” and inserting “INVESTIGATIVE”;

(B) by striking “Administrator of General Services” and inserting “Secretary of Labor”;

(C) by striking “submit to the Administrator” and inserting “submit to the Secretary of Labor”;

(D) by adding at the end the following: “The Secretary of Labor may also investigate compliance with subsection (a)(1)(B) during the course of compliance evaluations conducted pursuant to parts 60–1.20, 60–300.60, and 60–741.60 of title 41, Code of Federal Regulations. The Secretary of Labor may publish such procedures by regulation, guidance, or such other means which the Secretary deems appropriate.”; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking “head of an executive agency determines” and inserting “Secretary of Labor, based upon the results of a complaint investigation or compliance evaluation conducted by the Secretary, determines”;

(ii) by striking “such head” and inserting “the Secretary”;

(iii) in subparagraph (C), by striking “warning” and inserting “notice”;

(B) in paragraph (2)—

(i) by striking “head of an executive agency determines” and inserting “Secretary of Labor, based upon the results of a complaint investigation or compliance evaluation conducted by the Secretary determines”;

(ii) by striking “such head” and inserting “the Secretary”;

(iii) by inserting “, as necessary” after “in consultation with the relevant Federal agencies”;

(iv) by amending subparagraph (C) to read as follows:

“(C) taking any of the actions authorized by section 202(7) of Executive Order 11246 (42 U.S.C. 2000e note; relating to equal employment opportunity) and section 60–1.27 of title 41, Code of Federal Regulations.”

(b) DEFENSE CONTRACTS.—Section 2339 of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) in the section heading, by striking “COMPLAINT” and inserting “INVESTIGATIVE”;

(B) by striking “Secretary of Defense” and inserting “Secretary of Labor”;

(C) by adding at the end before the period the following: “to the Secretary of Labor. The Secretary of Labor may also investigate compliance with subsection (a)(1)(B) during the course of compliance evaluations conducted pursuant to parts 60–1.20, 60–300.60, and 60–741.60 of title 41, Code of Federal Regulations. The Secretary of Labor may publish such procedures by regulation, guidance, or such other means which the Secretary deems appropriate.”; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking “Secretary of Defense determines” and inserting “Secretary of Labor, based upon the results of a complaint investigation or compliance evaluation conducted by the Secretary, determines”;

(ii) in subparagraph (C), by striking “warning” and inserting “notice”;

(B) in paragraph (2)—

(i) by striking “Secretary of Defense determines” and inserting “Secretary of Labor, based upon the results of a complaint investigation or compliance evaluation conducted by the Secretary, determines”;

(ii) by inserting “, as necessary” after “in consultation with the relevant Federal agencies”;

(iii) by amending subparagraph (C) to read as follows:

“(C) taking any of the actions authorized by section 202(7) of Executive Order 11246 (42 U.S.C. 2000e note; relating to equal employment opportunity) and section 60–1.27 of title 41, Code of Federal Regulations.”

(c) EFFECTIVE DATES.—Section 1123 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 41 U.S.C. 4714 note, 10 U.S.C. 2339 note), is amended—

(1) in subsection (a)(3), by inserting “on or after the date that is two years” after “solicitations issued”;

(2) in subsection (b)(2), by inserting “on or after the date that is two years” after “solicitations issued”.

SA 4473. Mr. BOOKER (for himself and Mr. PORTMAN) 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 X, insert the following:

Subtitle —Equal Act

SEC. 01. SHORT TITLE.

This subtitle may be cited as the “Eliminating a Quantifiably Unjust Application of the Law Act” or the “EQUAL Act”.

SEC. 02. ELIMINATION OF INCREASED PENALTIES FOR COCAINE OFFENSES WHERE THE COCAINE INVOLVED IS COCAINE BASE.

(a) CONTROLLED SUBSTANCES ACT.—The following provisions of the Controlled Substances Act (21 U.S.C. 801 et seq.) are repealed:

(1) Clause (iii) of section 401(b)(1)(A) (21 U.S.C. 841(b)(1)(A)).

(2) Clause (iii) of section 401(b)(1)(B) (21 U.S.C. 841(b)(1)(B)).

(b) CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.—The following provisions of the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.) are repealed:

(1) Subparagraph (C) of section 1010(b)(1) (21 U.S.C. 960(b)(1)).

(2) Subparagraph (C) of section 1010(b)(2) (21 U.S.C. 960(b)(2)).

(c) APPLICABILITY TO PENDING AND PAST CASES.—

(1) PENDING CASES.—This section, and the amendments made by this section, shall apply to any sentence imposed after the date of enactment of this Act, regardless of when the offense was committed.

(2) PAST CASES.—In the case of a defendant who, before the date of enactment of this

Act, was convicted or sentenced for a Federal offense involving cocaine base, the sentencing court may, on motion of the defendant, the Bureau of Prisons, the attorney for the Government, or on its own motion, impose a reduced sentence after considering the factors set forth in section 3553(a) of title 18, United States Code.

SA 4474. Mr. COONS (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle H—Accelerating Access to Critical Therapies for ALS

SEC. 1071. GRANTS FOR RESEARCH ON THERAPIES FOR ALS.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall award grants to participating entities for purposes of scientific research utilizing data from expanded access to investigational drugs for individuals who are not otherwise eligible for clinical trials for the prevention, diagnosis, mitigation, treatment, or cure of amyotrophic lateral sclerosis. In the case of a participating entity seeking such a grant, an expanded access request must be submitted, and allowed to proceed by the Secretary, under section 561 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb) and part 312 of title 21, Code of Federal Regulations (or any successor regulations), before the application for such grant is submitted.

(b) APPLICATION.—

(1) IN GENERAL.—A participating entity seeking a grant under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary shall specify.

(2) USE OF DATA.—An application submitted under paragraph (1) shall include a description of how data generated through an expanded access request under section 561 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb) with respect to the investigational drug involved will be used to support research or development related to the prevention, diagnosis, mitigation, treatment, or cure of amyotrophic lateral sclerosis.

(3) NONINTERFERENCE WITH CLINICAL TRIALS.—An application submitted under paragraph (1) shall include a description of how the proposed expanded access program will be designed so as not to interfere with patient enrollment in ongoing clinical trials for investigational therapies for the prevention, diagnosis, mitigation, treatment, or cure of amyotrophic lateral sclerosis.

(c) SELECTION.—Consistent with sections 406 and 492 of the Public Health Service Act (42 U.S.C. 284a, 289a), the Secretary shall, in determining whether to award a grant under this section, confirm that—

(1) such grant will be used to support a scientific research objective relating to the prevention, diagnosis, mitigation, treatment, or cure of amyotrophic lateral sclerosis (as described in subsection (a));

(2) such grant shall not have the effect of diminishing eligibility for, or impeding enrollment of, ongoing clinical trials for the