

So the next time the President or some of his staff or Secretary of Energy or Secretary of Interior try to spin the American people and tell them they are trying to help, I hope my friends in the media go, well, what about this memo? Come on, that is like basic Federal Government 101. If you are telling everybody, stop, halt, and everything in the country has to be approved by her, that is not the way it works normally. But because of their anti-energy agenda, she is making the calls—but make sure that you give her a heads-up, if it is related to some of the far-left agenda that she literally lays out in the memo.

I hope my friends in the media ask some questions. I hope they ask the question: Is it related to this memo that New Mexico is getting all the drilling permits? It would be a good question to ask, I think. Don't you think? I think so. Alaska's not getting a lot, but New Mexico is. I wonder why. Maybe that is related to making sure she gets, "early notification of items that are of high local, State or regional interest."

This is not a laughing matter. There is so much that we have to focus on in the world today, in America today, and one of the things this administration needs to do is they need a major course correction on their energy policy.

You can't let energy be dictated by the far left of the Democratic Party. You can't let national security of America be dictated by the "woke" elements of the Democratic Party. And if you really are serious, Mr. President of the United States, you need to call Deb Haaland and say: Rescind that memo. Let the officials, the professional staff of the Federal Agencies, which the President has charged to do their job that they have done with every other administration—rescind this memo and start helping our country produce American energy again.

I yield the floor.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for 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.

JOINT EXPLANATORY STATEMENT FOR THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2022

Mr. WARNER. Madam President, this explanation reflects the status of negotiations and disposition of issues reached between the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence for the Intelligence Authorization Act for Fiscal Year 2022.

The explanation shall have the same effect with respect to the implementation of this act as if it were a joint explanatory statement of a conference committee.

I ask unanimous consent that the Joint Explanatory Statement for the Intelligence Authorization Act for Fiscal Year 2022 be printed into the RECORD.

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

JOINT EXPLANATORY STATEMENT—INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2022

The following is the Joint Explanatory Statement (the "Explanatory Statement") to the Intelligence Authorization Act for Fiscal Year 2022 ("the Act"), which has been included as Division X of the Consolidated Appropriations Act, 2022. The Explanatory Statement reflects the result of negotiations and disposition of issues reached between the Senate Select Committee on Intelligence ("SSCI") and the House Permanent Select Committee on Intelligence ("HPSCI") (together, the "Committees"). The Explanatory Statement shall have the same effect with respect to the implementation of the Act as if it were a joint explanatory statement of a conference committee.

The Explanatory Statement comprises three parts: an overview of the application of the annex to accompany this statement; a statement on anomalous health incidents; and unclassified congressional direction.

PART I: APPLICATION OF THE CLASSIFIED ANNEX AND SCHEDULE OF AUTHORIZATIONS

The classified nature of U.S. intelligence activities prevents the Committees from publicly disclosing many details concerning their final decisions regarding funding levels and policy direction. Therefore, in addition to the Schedule of Authorizations, a classified annex to the Act—referred to here and within the annex itself as the "Agreement"—has been prepared to describe in detail the scope and intent of the Committees' actions.

The Agreement supersedes the classified annexes that accompanied H.R. 5412 and S. 2610; and reconciles differences between the Committees, with respect to the National Intelligence Program (NIP). The Agreement also makes recommendations for the Military Intelligence Program (MIP) and the Information Systems Security Program (ISSP). The Agreement authorizes the Intelligence Community (IC) to obligate and expend funds not altered or modified by the classified Schedule of Authorizations as requested in the President's budget, subject to modification under applicable reprogramming procedures.

The classified Schedule of Authorizations is incorporated into the bill pursuant to Section 102. It has the status of law. The Agreement supplements and adds detail to clarify the authorization levels found in the bill and the classified Schedule of Authorizations.

The Committees view direction and recommendations, whether contained in the Explanatory Statement or in the Agreement, as requiring compliance by the Executive Branch.

PART II: STATEMENT REGARDING ANOMALOUS HEALTH INCIDENT

From the time the Committees received the first "Havana Syndrome" reports, the Committees have focused intently on the anomalous health incidents ("AHIs") that have afflicted United States Government personnel, including many in the Intelligence Community (IC) and other United

States Government personnel. Provisions of the Act reflect that continuing, bicameral and bipartisan effort.

The Biden Administration also has pursued its own initiatives. As directed by Congress, it earlier this year appointed a senior official, within the National Security Council, to oversee the government's response to AHIs. Additionally, in recent months, a widely-discussed assessment concluded that a majority of reported AHIs can be explained by medical conditions or environmental or technical factors, and that it is unlikely that a foreign actor—including Russia—is engaged in a sustained, global campaign involving hundreds of incidents without detection. But the assessment left other cases unexplained, including a small subset that the IC continues to scrutinize most closely.

Around the same time, an IC panel of experts determined that certain AHIs cannot be explained by environmental or medical conditions, but could be due to external stimuli. While acknowledging important information gaps, the panel further determined that pulsed electromagnetic energy—and, in some cases, ultrasound—plausibly might explain AHIs' core characteristics; and that psychosocial factors alone could not account for those characteristics, though they might cause some other incidents or contribute to long-term symptoms.

These findings advance the United States' understanding of AHIs. But these findings are also heavily qualified, tentative, and based on a developing and incomplete body of evidence and scientific and medical knowledge. Most important, as the Committees wish to stress, these recent developments do not justify shifting the Executive Branch's AHI-related activities into a lower gear, or discrediting the reports of AHI victims.

The core work on AHIs—to include examination of a potential role by one or more foreign actors—must continue apace. As with prior inquiries into complex and murky intelligence problems, unraveling the AHI mystery fully may take time. It might be years before the United States reaches definitive conclusions about exactly who, or what, is behind AHIs.

The Administration has acknowledged that a great deal remains to be done. Indeed, much more evidence will have to be gathered. Plausible theories regarding responsibility for AHIs will have to be weighed against a record that will grow and change over time, and potentially may have to be revisited if circumstances warrant. And no plausible theory should be ruled out or downplayed prematurely.

Success will depend on many factors. Among other things, it will be important to have a well-resourced cadre of "cross-cleared" individuals, at all relevant IC elements and other Executive Branch organizations, who can readily review and analyze all relevant intelligence and information, and without hindrances. The Committees long have emphasized this, with respect to AHI and many other priority intelligence matters. However, the Executive Branch has yet to take all necessary steps, to do away with excessive compartmentation and unnecessary bureaucracy; and to ensure that, for AHI and for other vital missions, the right people consistently and easily can access necessary information. That will have to change.

Treatment also must remain a matter of highest priority. All AHI victims must be encouraged to file prompt reports of their experiences, and without fear of being disbelieved or dismissed. They and their families must receive the highest quality medical and

other care and must receive that care immediately. Thus far, some bureaucratic roadblocks to the provision of care have been removed—but there is no excuse for any to remain. They must be dismantled. And new ones must not be erected.

Above all, there can be no slowing down, in the investigation into AHIs and in the treatment of AHI victims and their families. To do so would risk signaling—to those individuals, to the broader IC workforce, and to the wider world—that, though it prioritized the issue most highly for a discrete time, the United States is “moving on” from AHIs.

That cannot be allowed to happen. And the Committees will continue to conduct vigorous oversight, to prevent it from happening.

PART III: UNCLASSIFIED CONGRESSIONAL DIRECTION

This Joint Explanatory Statement incorporates by reference, and the Executive Branch shall comply with, all direction contained in the Senate Select Committee on Intelligence Report to accompany the Intelligence Authorization Act for Fiscal Year 2022 (S. Rept. 117-37) and in the House Permanent Select Committee on Intelligence Report to accompany the Intelligence Authorization Act for Fiscal Year 2022 (H. Rept. 117-156).

The Executive Branch is further directed as follows:

Assessment of Intelligence Community Counternarcotics Capabilities

The Committees direct the Director of National Intelligence, in consultation with such other Federal Government entities as the Director determines appropriate, to submit an assessment to the congressional intelligence committees within 120 days of enactment of this Act, on the status of the Intelligence Community’s (1) counternarcotics capabilities and resourcing with regard to intelligence collection and analysis; (2) operational support to foreign liaison partners; and (3) operational capacity to support the counteractions mission of the Federal Government. The assessment shall be submitted in unclassified form, but may include a classified annex.

Assessment of Intelligence Community’s Intelligence-Sharing Relationships with Latin American Partners in Counternarcotics.

The Committees direct the Director of National Intelligence, in consultation with such other Federal Government entities as the Director determines appropriate, to submit an assessment to the congressional intelligence committees within 120 days of enactment of this Act, on the intelligence-sharing relationships of the Intelligence Community with foreign partners in Latin America on counternarcotics matters. The assessment shall be submitted in unclassified form, but may include a classified annex.

Report on Intelligence Community Support to Visas Mantis Program

The Committees direct the Director of National Intelligence, in consultation with such other Federal Government entities as the Director determines appropriate, to submit a report to the congressional intelligence committees within 120 days of enactment of this Act, on intelligence matters relating to the Visas Mantis program, including efforts by (1) the Intelligence Community to provide and plan for effective intelligence support to such program; and (2) hostile intelligence services to exploit such program or any other program by which visas for admission to the United States are issued. The report shall be submitted in unclassified form but may include a classified annex, as necessary.

Assessment and Report on Interagency Communication Relating to Efforts to Address Anomalous Health Incidents

The Committees direct the Director of National Intelligence to (1) conduct an assessment of how the various elements of the Intelligence Community are coordinating or collaborating with each other and with elements of the Federal Government that are not part of the Intelligence Community in their efforts to address anomalous health incidents, and (2) submit a report to the congressional intelligence committees within 180 days of enactment of this Act on the findings of the Director with respect to the assessment. The report submitted pursuant to subsection shall be submitted in unclassified form, but may include a classified annex.

Reporting on Occurrence of Anomalous Health Incidents

The Committees direct that, whenever the head of an element of the Intelligence Community becomes aware of a report of an anomalous health incident occurring among the employees or contractors of the element, no later than 90 days after each incident, the head of the element shall submit to the congressional intelligence committees a brief report on the reported incident. The Committees further direct that this reporting requirement shall cease upon joint notice from the congressional intelligence committees to the Director of National Intelligence.

Report on Cooperation by Intelligence Agencies of Key Democratic Countries Regarding Technological Competition with China

The Committees direct the Director of National Intelligence to submit a report to the congressional intelligence committees within 180 days of enactment of this Act, on the status of current cooperation among the intelligence agencies of key democratic countries and key partners and allies of the United States in order to track and analyze the following:

1. Technology capabilities and gaps among allied and partner countries of the United States;
2. Current capabilities of China in critical technologies and components;
3. The efforts of China to buy startups, conduct joint ventures, and invest in specific technologies globally;
4. The technology development of China in key technology sectors;
5. The efforts of China relating to standard-setting forums; and
6. Supply chain vulnerabilities for key technology sectors;

The Committees further direct that the report shall include a plan to address any deficiencies identified in the report with respect to the cooperation described in such subsection and suggested areas for increased cooperation.

STEM Technology Fellowship

The Committees direct the Office of the Director of National Intelligence, in coordination with the Central Intelligence Agency, the National Security Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, and any other relevant Intelligence Community elements, to conduct and present to the congressional intelligence committees, within 180 days after enactment of this Act, a feasibility study examining the benefits of creating a Science, Technology, Engineering, Math (STEM) fellowship for the Intelligence Community, and whether such a fellowship would help alleviate the Intelligence Community’s workforce shortages and retention challenges in STEM fields. The study shall include:

1. A comprehensive assessment of the IC’s current and future workforce needs in high

demand STEM fields, such as data science, cybersecurity, computer network exploitation, software development, and artificial intelligence/machine learning, including:

- a. An assessment of whether the Intelligence Community’s current positions and career categories are sufficient to track and retain high demand STEM employees, and
 - b. An assessment of workforce needs by grade, category, and position descriptions.
2. An overview of Intelligence Community programs aimed at developing and recruiting new and mid-career hires in STEM fields;
 3. Proposed timelines for converting fellows and interns to permanent employees;
 4. Mechanisms by which the Intelligence Community could use such a fellowship or internship to address shortfalls in diversity among the workforce; and
 5. An assessment of the authorities and resources required to establish an Intelligence Community-wide STEM technology fellowship.

CYBER INCIDENT REPORTING FOR CRITICAL INFRASTRUCTURE

Mr. WARNER, Madam President, I rise today in support of the Cyber Incident Reporting for Critical Infrastructure Act of 2022, which is included as division Y in the Senate amendment to H.R. 2471, the Consolidated Appropriations Act of 2022. Cyber attacks and ransomware attacks are a serious national security threat that have affected everything from our energy sector to the Federal Government and Americans’ own sensitive information. The SolarWinds breach demonstrated how broad the ripple effects of these attacks can be, affecting hundreds or even thousands of entities connected to the initial target. As cyber and ransomware attacks continue to increase, the Federal Government must be able to quickly coordinate a response and hold bad actors accountable.

Especially now, as the threat of Russian cyber attacks looms in light of Putin’s horrific invasion of Ukraine, we shouldn’t be relying on voluntary reporting to protect our crucial infrastructure. The Federal Government needs to know when vital sectors of our economy are affected by a breach so that the full resources of the Federal Government can be mobilized to respond and mitigate their impacts.

This bipartisan bill will take significant steps to strengthen cybersecurity protections, ensure that CISA is at the forefront of our Nation’s response to serious breaches, and most importantly, require timely reporting of these attacks to the Federal Government so that we can better prevent future incidents and hold attackers accountable.

The plain text of the statute makes Congress’ intent clear: although the reports themselves—and any “communication[s], document[s], material[s], or other record[s] created for the sole purpose of preparing, drafting or submitting” those reports—may not be received in evidence, the FBI and other law enforcement entities nevertheless may, as appropriate,